

SENATE BILL NO. 199

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND
AUDIT COMMITTEE

Introduced: 4/15/93
Referred: STA, L&C

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to employees of the division of elections."

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

3 * Section 1. AS 23.40.200(c) is amended to read:

4 (c) The class in (a)(2) of this section is composed of public utility, snow
5 removal, sanitation, and educational institution employees other than employees of a
6 school district, a regional educational attendance area, or the state boarding school and
7 of employees of the division of elections in the office of the lieutenant governor
8 other than the director of elections. Employees in this class may engage in a strike
9 after mediation, subject to the voting requirement of (d) of this section, for a limited
10 time. The limit is determined by the interests of the health, safety, or welfare of the
11 public. The public employer or the labor relations agency may apply to the superior
12 court in the judicial district in which the strike is occurring for an order enjoining the
13 strike. A strike may not be enjoined unless it can be shown that it has begun to
14 threaten the health, safety, or welfare of the public. A court, in deciding whether or not

1 to enjoin the strike, shall consider the total equities in the particular class. "Total
2 equities" includes not only the impact of a strike on the public but also the extent to
3 which employee organizations and public employers have met their statutory
4 obligations. If an impasse or deadlock still exists after the issuance of an injunction,
5 the parties shall submit to arbitration to be carried out under AS 09.43.030.

6 * Sec. 2. AS 39.25.110 is amended to read:

7 Sec. 39.25.110. EXEMPT SERVICE. Unless otherwise provided by law, the
8 following positions in the state service constitute the exempt service and are exempt
9 from the provisions of this chapter and the rules adopted under it:

10 (1) persons elected to public office by popular vote or appointed to fill
11 vacancies in elected offices;

12 (2) justices, judges, magistrates, and employees of the judicial branch
13 including employees of the judicial council;

14 (3) employees of the state legislature and its agencies;

15 (4) the head of each principal department in the executive branch;

16 (5) officers and employees of the University of Alaska;

17 (6) certificated teachers and noncertificated employees employed by a
18 regional educational attendance area established and organized under AS 14.08.031 -
19 14.08.041 to teach in, administer, or operate schools under the control of a regional
20 educational attendance area school board;

21 (7) certificated teachers employed by the Department of Education as
22 correspondence teachers, teachers in skill centers operated by the Department of
23 Education, or in Mt. Edgecumbe School;

24 (8) patients and inmates employed in state institutions;

25 (9) persons employed in a professional capacity to make a temporary
26 or special inquiry, study or examination as authorized by the governor;

27 (10) members of boards, commissions, or authorities;

28 (11) the officers and employees of the following boards, commissions,
29 and authorities:

30 (A) Alaska Gas Pipeline Financing Authority;

31 (B) Alaska Permanent Fund Corporation;

- 1 (C) Alaska Industrial Development and Export Authority;
2 (D) Alaska Commercial Fisheries Entry Commission;
3 (E) Alaska Commission on Postsecondary Education;
4 (F) Alaska Aerospace Development Corporation;
- 5 (12) the executive secretary and legal counsel of the Alaska Municipal
6 Bond Bank Authority;
- 7 (13) physicians licensed to practice in this state and employed by the
8 division of mental health and developmental disabilities in the Department of Health
9 and Social Services or by the Department of Corrections;
- 10 (14) petroleum engineers and petroleum geologists employed in a
11 professional capacity by the Department of Natural Resources and by the Oil and Gas
12 Conservation Commission, except for those employed in the division of geological and
13 geophysical surveys in the Department of Natural Resources;
- 14 (15) officers, agents, and employees of the Alcoholic Beverage Control
15 Board granted limited peace officer powers by the Alcoholic Beverage Control Board
16 under AS 04.06.110;
- 17 (16) persons employed by the division of marine transportation as
18 masters and members of the crews of vessels who operate the state ferry system and
19 who are covered by a collective bargaining agreement provided in AS 23.40.040;
- 20 (17) officers and employees of the state who reside in foreign countries;
- 21 (18) employees of the Alaska Seafood Marketing Institute;
- 22 (19) fire fighters employed by the Department of Natural Resources for
23 a fire emergency;
- 24 (20) employees of the Office of the Governor [AND THE OFFICE OF
25 THE LIEUTENANT GOVERNOR], including the staff of the governor's mansion, and
26 employees of the office of the lieutenant governor including the director of
27 elections but not including other employees of the division of elections:
- 28 (21) employees of the Citizens' Advisory Commission on Federal
29 Areas in Alaska (AS 41.37.010);
- 30 (22) youth employed by the Department of Natural Resources under the
31 Youth Employment and Student Intern programs;

- 1 (23) the executive director of the Medicaid Rate Advisory Commission;
2 (24) students employed by the state institutions in which the students
3 are enrolled;
4 (25) the executive director and staff of the Alaska Science and
5 Technology Foundation (AS 37.17.010);
6 (26) investment officers in the Department of Revenue;
7 (27) the executive director and other staff of the Alaska Tourism
8 Marketing Council;
9 (28) persons engaged in employment or pre-employment training
10 programs operated by the Department of Military and Veterans' Affairs;
11 (29) employees of the Alaska Amateur Sports Authority.

12 * **Sec. 3.** An employee of the division of elections on the day before the effective date of
13 this Act may not be terminated from the position the employee holds on that day solely for
14 failing to meet the minimum qualifications of the position established when the position is
15 placed in the classified service.