

**SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 4**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SEVENTH LEGISLATURE - FIRST SESSION**

**BY REPRESENTATIVE LYNN**

**Introduced: 1/31/11**

**Referred: State Affairs, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the members of the state personnel board."**

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

3 **\* Section 1.** AS 39.25.060(a) is amended to read:

4           (a) The personnel board is composed of **five** [THREE] members appointed by  
5 the governor and confirmed by the legislature meeting in joint session. **The board**  
6 **shall be made up of two members of each of the two political parties whose**  
7 **candidate for governor received the highest number of votes and the second**  
8 **highest number of votes in the most recent preceding general election at which a**  
9 **governor was elected. The two appointees from each of these two parties shall be**  
10 **chosen from a list of four names to be submitted by the central committee of each**  
11 **party. The four members selected by the governor from a list submitted by a**  
12 **political party shall, by a majority vote, nominate to the governor an individual**  
13 **to serve as the fifth member of the commission. The governor shall either appoint**  
14 **the nominee to the commission, or shall reject the nominee and request those four**  
15 **members to nominate another individual to serve as the fifth member of the**

1 **commission.** The term of office of a member is six years; **however, notwithstanding**  
 2 **AS 39.05.080(4), the member remains in office after expiration of the term until a**  
 3 **successor is confirmed.** [A VACANCY IN AN UNEXPIRED TERM SHALL BE  
 4 FILLED BY APPOINTMENT BY THE GOVERNOR FOR THE REMAINDER OF  
 5 THE TERM. THE APPOINTMENT IS SUBJECT TO CONFIRMATION IN THE  
 6 SAME MANNER AS A FULL-TERM APPOINTMENT.]

7 \* **Sec. 2.** AS 39.25.060(b) is amended to read:

8 (b) Members of the board **may not serve more than one term and** may not  
 9 be employees of the state. Not more than **three** [TWO] members of the board may be  
 10 members of the same political party.

11 \* **Sec. 3.** AS 39.25.060 is amended by adding a new subsection to read:

12 (e) A vacancy because of the expiration of a term on the board shall be filled  
 13 within 30 days after the occurrence of the vacancy by the same appointing method  
 14 used for the member whose term is expiring. A vacancy in an unexpired term shall be  
 15 filled by appointment by the governor for the remainder of the term. The appointment  
 16 is subject to confirmation in the same manner as a full-term appointment.

17 \* **Sec. 4.** AS 39.25 is amended by adding a new section to read:

18 **Sec. 39.25.064. Prohibited conduct by board members.** (a) A member of the  
 19 personnel board may not, during the person's term of office,

- 20 (1) hold or campaign for elective office;  
 21 (2) be an officer of a political party or political group;  
 22 (3) lobby;  
 23 (4) employ a lobbyist; or  
 24 (5) assist in lobbying.

25 (b) In this section,

- 26 (1) "political group" has the meaning given to "group" in  
 27 AS 15.13.400;  
 28 (2) "political party" has the meaning given in AS 15.13.400.

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

30 **Sec. 39.25.070. Powers and duties of personnel board.** In addition to the  
 31 other duties imposed by this chapter, the personnel board shall

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

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

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

7 (4) establish its own rules of procedure; three [TWO] members  
8 constitute a quorum for the transaction of business and three [TWO] affirmative votes  
9 are required for final action on matters acted upon by the board;

10 (5) elect a chair from its membership;

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

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

15 (8) carry out its powers and duties under AS 39.52.

16 \* **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to  
17 read:

18 TRANSITION. Notwithstanding AS 39.25.060(a), as amended by sec. 1 of this Act, a  
19 member of the personnel board serving on the effective date of this Act remains in office for  
20 the duration of the term to which appointed and confirmed. Within 60 days after the effective  
21 date of this Act, the governor shall appoint one member from each of the two political parties  
22 whose candidate for governor received the highest number of votes and the second highest  
23 number of votes in the most recent preceding general election at which a governor was  
24 elected. The appointee from each of the two parties shall be chosen from a list of four names  
25 to be submitted by the central committee of the party. The governor shall appoint one member  
26 to a five-year term and one member to a six-year term. The governor shall specify the term of  
27 each member appointed under this section. When a vacancy occurs after these initial  
28 appointments, the governor shall appoint a member from one of the two political parties  
29 whose candidate for governor received the highest number of votes or the second highest  
30 number of votes in the most recent preceding general election at which a governor was elected  
31 until the membership of the board contains two appointed members from each of the political

1 parties.