CS FOR HOUSE BILL NO. 437(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 2/26/96
Referred: Rules

Sponsor(s): HOUSE JUDICIARY COMMITTEE BY REQUEST

A BILL

FOR AN ACT ENTITLED

"An Act establishing the Judicial Officers Compensation Commission; relating to the compensation of supreme court justices, judges of the court of appeals, judges of the superior court, and district court judges; and providing for an effective date."

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

* Section 1. AS 22.05.140(a) is repealed and reenacted to read:

(a) The compensation of a supreme court justice shall be established by order of the Judicial Officers Compensation Commission.

* Sec. 2. AS 22.07.090(a) is repealed and reenacted to read:

(a) The compensation of a judge of the court of appeals shall be established by order of the Judicial Officers Compensation Commission. The compensation of a judge may not be diminished during the term of office, unless by general law applying to all salaried officers of the state.

* Sec. 3. AS 22.10.190(a) is repealed and reenacted to read:
(a) The compensation of a superior court judge shall be established by order of the Judicial Officers Compensation Commission.

* Sec. 4. AS 22.15.220(a) is repealed and reenacted to read:

(a) The compensation of a district court judge shall be established by order of the Judicial Officers Compensation Commission.

* Sec. 5. AS 22.15.230 is amended to read:

Sec. 22.15.230. ADDITIONAL COMPENSATION. Subject to rule of the supreme court, a district court judge shall receive a per diem allowance and a transportation allowance commensurate with that authorized for other state employees.

* Sec. 6. AS 39.23.240(b) is amended to read:

(b) The commission may review the compensation, benefits, and allowances of the governor, lieutenant governor, justices and judges of the court system, and the heads of the principal departments and shall prepare a report of its recommendations for the legislature. The commission shall notify the legislature that the report is available.

* Sec. 7. AS 39.23 is amended by adding new sections to read:

ARTICLE 2. JUDICIAL OFFICERS COMPENSATION COMMISSION.

Sec. 39.23.500. JUDICIAL OFFICERS COMPENSATION COMMISSION ESTABLISHED. (a) The Judicial Officers Compensation Commission is established in the Office of the Governor. The commission is composed of five members appointed by the governor. Members serve staggered terms of four years. Commission membership shall include at least one person with experience in business, one person with experience in economics, one person with experience in personnel management, one representative of a nonpartisan voters’ organization, and one attorney licensed to practice law in this state. A vacancy shall be filled for the balance of the unexpired term. A commission member may serve no more than two complete consecutive terms.

(b) The commission shall elect a member to chair its meetings. A majority of the commission members constitutes a quorum to transact business. The affirmative vote of three members is required to approve the commission’s report or an order on
compensation.

(c) The commission shall meet every other year at the call of the chair. Notice of a meeting shall be mailed to each member at least 15 days before the date scheduled for the meeting.

(d) The commission shall hold a public hearing to discuss its findings before submitting its report or an order to the legislature.

Sec. 39.23.510. PROHIBITIONS AGAINST STATE OR MUNICIPAL SERVICE. A member of the commission may not be employed by the state, including the University of Alaska, serve as a member of another state board, commission, or authority, or hold elective state or municipal office during membership on the commission.

Sec. 39.23.520. COMPENSATION. Members of the commission serve without compensation but are entitled to per diem and travel expenses authorized for members of boards and commissions under AS 39.20.180.

Sec. 39.23.530. STAFF. (a) If requested by the commission, the Alaska Court System shall provide staff for the commission.

(b) If requested by the commission, the director of personnel in the Alaska Court System shall serve as secretary to the commission.

Sec. 39.23.540. DUTIES OF THE COMMISSION. (a) The commission shall review the compensation of supreme court justices, judges of the court of appeals, judges of the superior court, and district court judges. The commission shall submit a report to the legislature on its findings every odd-numbered year no later than the 10th day of the regular session of the legislature. A commission member who does not concur in the report may file a minority report.

(b) If the commission finds that compensation over which it has jurisdiction should change, the commission shall submit an order with the report making changes to the compensation. Before submitting a report or order on compensation, the commission shall give reasonable public notice of its preliminary findings, solicit public comments, and give due regard to the public comments.

(c) An order changing the compensation of a justice or judge takes effect unless a bill disapproving the order in its entirety is enacted into law on or before the
last day of the legislative session in which the order is submitted to the legislature. Unless disapproved, an order increasing the compensation of a justice or judge is subject to funding through legislative appropriation and takes effect on the effective date of the first separate appropriation to fund the increase.

(d) Unless disapproved, an order decreasing the compensation of the supreme court justice, judges of the court of appeals, judges of the superior court, or district court judges takes effect on the effective date of a general law applying to all salaried officers of the state that diminishes compensation, but only if the order is consistent with the general law.

Sec. 39.23.550. FILING WITH LIEUTENANT GOVERNOR AND CERTIFICATION. The commission shall, upon transmitting an order on compensation to the legislature, file the order in the office of the lieutenant governor. When the order becomes effective, the commission shall certify the copy of the order on file in the office of the lieutenant governor.

Sec. 39.23.560. POLICY OF THE LEGISLATURE. It is the policy of the legislature that the commission determine an equitable rate and form of compensation for supreme court justices, judges of the court of appeals, judges of the superior court, and district court judges. In determining the compensation for each office, the commission shall consider the following factors:

(1) the skill required;
(2) the time required;
(3) the opportunity for other earned income;
(4) the value of judicial services as performed in other states and in the federal government;
(5) the value of similar services when performed in the private sector of this state and in other states based on the responsibility and discretion required in the office;
(6) the reasonable expenses incurred in performing the judicial service;
(7) the percentage change in the Consumer Price Index for Anchorage, Alaska, as determined by the United States Department of Labor, Bureau of Labor Statistics since the last compensation adjustment;
(8) the compensation presently received by the judicial officers and all other benefits received;

(9) the interests, comments, and welfare of the public and the financial ability of the state to meet the costs;

(10) the geographic cost-of-living based on a judicial officer’s primary place of assignment;

(11) the cost-of-living differential between Anchorage, Alaska, and other locations in the United States; and

(12) other factors that are normally or traditionally considered in the determination of compensation.

Sec. 39.23.570. ADMINISTRATIVE PROCEDURE ACT. The regulation-making provisions of AS 44.62 (Administrative Procedure Act) do not apply to proceedings of the commission.

Sec. 39.23.600. DEFINITIONS. In this chapter,

(1) "commission" means the Judicial Officers Compensation Commission;

(2) "compensation" means the salary and per diem paid a judicial officer.

* Sec. 8. AS 22.05.140(c), 22.05.140(d); AS 22.07.090(c); AS 22.10.190(c), 22.10.190(d); AS 22.15.220(d), 22.15.220(e); AS 22.35.010; and AS 39.27.011(d) are repealed.

* Sec. 9. Notwithstanding AS 39.05.055(5) and the provisions of AS 39.23.500, enacted by sec. 7 of this Act, one of the initial members appointed to the Judicial Officers Compensation Commission shall serve a one-year term, one member shall serve a two-year term, one member shall serve a three-year term, and two members shall serve four-year terms.

* Sec. 10. When the Judicial Officers Compensation Commission files its first order changing the compensation of justices of the supreme court or judges of the court of appeals, superior court, or district court, it shall address the compensation of all of those judicial offices in the order.

* Sec. 11. Sections 1 - 5 and 8 of this Act take effect on the date that the first order changing the compensation of justices and judges issued by the Judicial Officers Compensation Commission takes effect.
* Sec. 12. Sections 6, 7, 9, and 10 of this Act take effect immediately under AS 01.10.070(c).