

Support Document
Senate Bill 81
Office of Victims' Rights: Compensation

Excerpt from the Minutes
of the Legislative Council meeting
on August 18, 2022

d. Office of Victims' Rights Attorney Compensation

[1:29:50 PM](#)

VICE CHAIR REINBOLD moved that (1) Legislative Council approve a transfer of \$75,000 from Legislative Council Funds to the Office of Victims' Rights for the purpose of placing four attorneys on the new attorney salary schedule in AS 39.27.011(1); (2) that Legislative Council direct the Legislative Affairs Agency to request an FY23 supplemental to cover the transferred funds and an FY24 increment, and (3) that Legislative Council authorize legislation for consideration of the 33rd Legislature to amend AS 24.65.060 and AS 24.65.070 accordingly.

CHAIR HANNAN objected for the purposes of discussion and asked Ms. Geary speak to this item.

MS. GEARY said HB 226 was intended to give State of Alaska attorneys a 15% raise effective October 31, 2022, as a recruitment and retention tool; however, the four attorneys in the Office of Victims' Rights (OVR) were inadvertently excluded in the bill. The motion before Legislative Council would ensure OVR attorneys receive the salary increase through a FY2023 supplemental request, as well as a FY2024 increment request as a placeholder for a statutory amendment, if necessary, to make the increase permanent. Without this action, OVR is at a disadvantage in competing to fill attorney positions and being left out of the original bill was

unfortunate and demoralizing for existing staff. She noted that Katherine Hansen, the Acting Victims' Rights Advocate, is on the phone for questions as well.

REPRESENTATIVE CLAMAN stated that not including the Office of Victims' Rights attorneys was a mistake and asked if there was any precedent that allowed Legislative Council to correct a legislative mistake like this and pay someone more than was authorized by legislative action.

MS. GEARY stated the Legislature can operate within existing authority and Legislative Council can approve a transfer of funds; however, a permanent fix will require action in the next legislature. This motion would be a band-aid to get through the rest of this fiscal year.

REPRESENTATIVE CLAMAN clarified that his question was whether Legislative Council has the authority to authorize a pay raise which, through a mistake, the Legislature did not authorize.

MS. GEARY responded that she worked with Legal Services Director Megan Wallace and Human Resources Manager Skiff Lobaugh on crafting this solution, and asked Ms. Wallace to speak to his question.

MS. WALLACE, Legal Services Director, stated she concurred with Ms. Geary that the proposal before Legislative Council is a temporary fix and not a long-term solution. Specific to his question, Legislative Council does not have the authority to override statutes, or to amend or change the law as was passed by the Legislature, but there is some flexibility with respect to the compensation of the attorneys at the Office of Victims' Rights. She said AS 24.65.070 relates to the compensation of OVR staff and the statutory authority governing pay is very broad and gives a lot of discretion to the Victims' Advocate and the Legislature to determine pay. The permanent solution that the motion contemplates would be to amend that statute to expressly state that OVR attorneys will be compensated at the attorney rate that was passed in HB 226. Ms. Wallace said it is her opinion that the Legislature does have some flexibility to determine compensation in this temporary manner.

REPRESENTATIVE CLAMAN asked Ms. Wallace if section 24.65.070(a) gives enough flexibility that Legislative Council can overlook the Legislature's mistake for the current fiscal year.

MS. WALLACE said that 24.65.070(a) combined with (c), which specifically says that the staff are in the exempt service and are not subject to the employment policy under AS 24.10 or 24.20 allows this action.

REPRESENTATIVE CLAMAN asked if the Legislature does not pass a statute next session, would it result in a pay cut in FY24 for the attorneys at the Office of Victims' Rights.

MS. WALLACE said that was correct. She said that since there was no permanent statutory solution available during the interim, this temporary solution before Council would allow OVR attorneys to receive the same pay raise until a statutory fix is possible in the next legislative session. Without a statutory change, it was her opinion that there was a risk to continuing this temporary solution beyond the current fiscal year.

SENATOR REINBOLD agreed with Representative Claman.

[1:42:35 PM](#)

There were no further questions or comments, and a roll call vote was taken.

CHAIR HANNAN called a brief at ease during the roll call when it appeared that Senator Stedman's call had been dropped. Senator Stedman was reconnected, and the roll call resumed.

YEAS: Representatives Claman, Hannan, Stutes, Tuck; Senators Bishop, Reinbold, Stedman, Stevens.

NAYS: None.

The motion passed 8-0.