

LEGAL SERVICES

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MEMORANDUM

February 5, 2025

SUBJECT: ASOCC Recommendations, Authority
(SB 87; Work Order No. 34-LS0526\A)

TO: Senator Bill Wielechowski
Attn: Mercedes Colbert

FROM: Emily Nauman 
Director

You asked two questions related to the Alaska State Officers Compensation Commission (ASOCC). First, you asked whether SB 87, rejects both recommendations adopted by ASOCC in their January meeting. The short answer to that question is yes. Second, you asked if ASOCC had the authority, by recommendation, to make the changes proposed in CSHB 140(STA) from the 33rd Legislature (HB 140). The short answer to that question is no. A more detailed explanation follows.

ASOCC Recommendations

On January 29, 2025, ASOCC adopted its Final Findings and Recommendations. The recommendations were as follows:

- Automatic salary adjustments, based on Anchorage CPI, for Governor, Lieutenant Governor, department heads and Legislators commencing in calendar year 2027.
- Adoption of revisions to the operations of the Alaska State Officers Salary Commission, and legislative treatment of ASOCC recommendations, reflective of those found in Committee Substitute for House Bill 140 of the 33rd Legislature¹.

1. Does SB 87 reject both recommendations adopted by ASOCC?

Yes. SB 87 states: "All recommendations contained in the 2025 final report of the State Officers Compensation Commission are disapproved." This is sufficient to reject both recommendations.

¹ ASOCC Final Findings and Recommendations, at 4 (Jan. 29, 2025), available at <https://doa.alaska.gov/dop/fileadmin/socc/pdf/Final-Findings-and-Recommendations-2024.pdf>.

Senator Bill Wielechowski

February 5, 2025

Page 2

2. Does ASOCC have the authority, by recommendation, to make the changes proposed in CSHB 140(STA), considered last year by the legislature last year?

No. HB 140 from the 33rd Legislature proposed several statutory changes that can only be made through enactment of legislation. However, HB 140 also proposed several changes that ASOCC could adopt as a matter of practice, without amending the statutes. For instance, sec. 3 of HB 140 requires ASOCC to post notice of meetings on the Alaska Online Public Notice System at least five days prior to a scheduled meeting. ASOCC could chose to do this voluntarily, without the statutory change proposed by HB 140. Similarly, nothing prohibits ASOCC from considering the policy set out in sec. 6 of HB 140, without a statutory change. Finally, existing AS 39.23.540(a) is likely drafted broadly enough to contemplate the delivery of two reports, as proposed in secs. 7, 8, and 9 of HB 140. Importantly, because the changes have not been enacted into law, but only adopted as part of the ASOCC recommendations adopted on January 29, nothing binds ASOCC to the changes described in this paragraph.

There are several changes in HB 140 that do require a statutory change to have effect. Section 1 of HB 140, amending AS 24.10.110 to require Legislative Council to adopt a policy regarding office allowances, rather than ASOCC, requires a statutory change (enacted legislation) to have effect. Likewise, the changes in deadlines in sec. 9 of the bill require a statutory change to have effect, as do the changes made to the amendment process in sec. 10 of the bill.

If you have questions about whether a specific change made by HB 140 can be given effect by ASOCC without a statutory change, or you have any other questions related to ASOCC, please let me know.

ELN:mis

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