

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

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

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

6 * **Section 1.** AS 22.05.140(a) is repealed and reenacted to read:

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

9 * **Sec. 2.** AS 22.07.090(a) is repealed and reenacted to read:

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

14 * **Sec. 3.** AS 22.10.190(a) is repealed and reenacted to read:

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

3 * **Sec. 4.** AS 22.15.220(a) is repealed and reenacted to read:

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

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

7 Sec. 22.15.230. **ADDITIONAL COMPENSATION.** Subject to rule of the
8 supreme court, a [DISTRICT JUDGE OR] magistrate shall receive a per diem
9 allowance and a transportation allowance commensurate with that authorized for other
10 state employees.

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

12 (b) The commission may review the compensation, benefits, and allowances
13 of the governor, lieutenant governor, [JUSTICES AND JUDGES OF THE COURT
14 SYSTEM,] and the heads of the principal departments and shall prepare a report of its
15 recommendations for the legislature. The commission shall notify the legislature that
16 the report is available.

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

18 **ARTICLE 2. JUDICIAL OFFICERS COMPENSATION COMMISSION.**

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

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

1 compensation.

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

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

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

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

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

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

19 Sec. 39.23.540. DUTIES OF THE COMMISSION. (a) The commission shall
20 review the compensation of supreme court justices, judges of the court of appeals,
21 judges of the superior court, and district court judges. The commission shall submit
22 a report to the legislature on its findings every odd-numbered year no later than the
23 10th day of the regular session of the legislature. A commission member who does
24 not concur in the report may file a minority report.

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

30 (c) An order changing the compensation of a justice or judge takes effect
31 unless a bill disapproving the order in its entirety is enacted into law on or before the

1 last day of the legislative session in which the order is submitted to the legislature.
2 Unless disapproved, an order increasing the compensation of a justice or judge is
3 subject to funding through legislative appropriation and takes effect on the effective
4 date of the first separate appropriation to fund the increase.

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

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

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

- 20 (1) the skill required;
- 21 (2) the time required;
- 22 (3) the opportunity for other earned income;
- 23 (4) the value of judicial services as performed in other states and in the
24 federal government;
- 25 (5) the value of similar services when performed in the private sector
26 of this state and in other states based on the responsibility and discretion required in
27 the office;
- 28 (6) the reasonable expenses incurred in performing the judicial service;
- 29 (7) the percentage change in the Consumer Price Index for Anchorage,
30 Alaska, as determined by the United States Department of Labor, Bureau of Labor
31 Statistics since the last compensation adjustment;

1 (8) the compensation presently received by the judicial officers and all
2 other benefits received;

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

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

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

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

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

14 Sec. 39.23.600. DEFINITIONS. In this chapter,

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

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

19 * **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);
20 AS 22.15.220(d), 22.15.220(e); AS 22.35.010; and AS 39.27.011(d) are repealed.

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

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

29 * **Sec. 11.** Sections 1 - 5 and 8 of this Act take effect on the date that the first order
30 changing the compensation of justices and judges issued by the Judicial Officers
31 Compensation Commission takes effect.

1 * **Sec. 12.** Sections 6, 7, 9, and 10 of this Act take effect immediately under
2 AS 01.10.070(c).