

**HOUSE BILL NO. 349**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVE WEYHRAUCH**

**Introduced: 1/9/06**

**Referred: State Affairs, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to legislator salary and benefits; establishing the Citizens' Commission**  
2 **on Legislative Salary and Benefits and defining its powers and duties and abolishing the**  
3 **State Officers Compensation Commission; and providing for an effective date by**  
4 **repealing secs. 9 and 12, ch. 124, SLA 1986."**

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

6 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
7 to read:

8 SHORT TITLE. This Act may be known as the Citizens' Commission on Legislative  
9 Salary and Benefits Act.

10 \* **Sec. 2.** AS 24.10.100 is amended to read:

11 **Sec. 24.10.100. Salary of legislators. Legislators shall receive annual**  
12 **salaries** [THE MONTHLY SALARY FOR EACH MEMBER OF THE  
13 LEGISLATURE IS \$2,001]. The president of the senate and the speaker of the house  
14 of representatives are each entitled to an additional \$500 a **month** [YEAR] during

1 tenure of office.

2 \* **Sec. 3.** AS 24.10.101, added by sec. 6, ch. 124, SLA 1986, is repealed and reenacted to  
3 read:

4 **Sec. 24.10.101. Legislative compensation and allowances.** The Citizens'  
5 Commission on Legislative Salary and Benefits shall recommend legislative salary  
6 and benefits under AS 39.23.

7 \* **Sec. 4.** AS 24.10.130(c) is amended to read:

8 (c) The Alaska Legislative Council shall adopt a **per diem policy and a**  
9 **policy applicable to all legislators** regarding **allowances and the** reimbursement **of**  
10 [FOR] moving expenses [APPLICABLE TO ALL LEGISLATORS AND AN  
11 APPLICABLE PER DIEM ALLOWANCE POLICY]. The **policies** [POLICY] must  
12 set conditions for **per diem and for allowances and** the reimbursement **of** [FOR]  
13 moving expenses. **The policies must** [AND PAYMENT OF PER DIEM AND]  
14 prescribe the amounts of reimbursement adapted to the special needs of the legislative  
15 branch as determined by the council.

16 \* **Sec. 5.** AS 24.10.130 is amended by adding a new subsection to read:

17 (d) The Alaska Legislative Council shall adopt a policy regarding salary and  
18 benefits for legislators. The policy must be sufficient in scope and detail to give notice  
19 as to how much legislators are paid in salary and the quality and quantity of benefits to  
20 which legislators are entitled.

21 \* **Sec. 6.** AS 39.23.200(a) is amended to read:

22 **Sec. 39.23.200. Citizens' Commission on Legislative Salary and Benefits**  
23 **[COMPENSATION COMMISSION] established.** (a) The **Citizens' Commission**  
24 **on Legislative Salary and Benefits** [STATE OFFICERS COMPENSATION  
25 COMMISSION] is established **in the legislative branch of state government.** The  
26 commission is composed of **six** [SEVEN] members, **three of whom are appointed by**  
27 **the president of the senate and three of whom are appointed by the speaker of the**  
28 **house of representatives** [APPOINTED BY THE GOVERNOR SUBJECT TO  
29 CONFIRMATION BY A MAJORITY OF THE LEGISLATURE IN JOINT  
30 SESSION]. Members serve for staggered terms of four years. **A** [COMMISSION  
31 MEMBERSHIP SHALL INCLUDE AT LEAST ONE BUSINESS EXECUTIVE,

1 ONE REPRESENTATIVE OF A NONPARTISAN VOTERS' ORGANIZATION,  
 2 ONE PERSON WITH EXPERIENCE IN PUBLIC ADMINISTRATION, AND ONE  
 3 REPRESENTATIVE OF A LABOR ORGANIZATION. EXCEPT AS PROVIDED  
 4 IN AS 39.05.080(4), A] vacancy shall be filled for the balance of the unexpired term.  
 5 A commission member may serve **not** [NO] more than two complete consecutive  
 6 terms. **A partial term served by a member appointed to fill the balance of an**  
 7 **unexpired term, if served immediately before the member is reappointed to serve**  
 8 **a full term, is considered to be merged with the full term so the two periods of**  
 9 **service constitute only one term.**

10 \* **Sec. 7.** AS 39.23.210 is amended to read:

11 **Sec. 39.23.210. Qualifications for appointment [PROHIBITIONS**  
 12 **AGAINST STATE OR MUNICIPAL SERVICE].** A member of the commission  
 13 **shall meet the qualifications of AS 39.05.100 and** may not be employed by the state,  
 14 including the University of Alaska, serve as a member of another state board,  
 15 commission, or authority, or hold elective state or municipal office during membership  
 16 on the commission.

17 \* **Sec. 8.** AS 39.23.230(a) is amended to read:

18 (a) **The Alaska Legislative Council** [IF REQUESTED BY THE  
 19 COMMISSION, THE LEGISLATIVE AFFAIRS AGENCY] shall provide staff for  
 20 the commission.

21 \* **Sec. 9.** AS 39.23.240(a) is amended to read:

22 (a) The commission shall review the salaries **and** [,] benefits [, AND  
 23 ALLOWANCES] of **legislators only. The commission shall** [MEMBERS OF THE  
 24 LEGISLATURE AND] prepare a report on its findings at least once every two years,  
 25 but not more frequently than every year. The commission shall **provide the report**  
 26 **and any amendments to it by the commission to the Alaska Legislative Council**  
 27 [NOTIFY THE LEGISLATURE THAT THE REPORT IS AVAILABLE].

28 \* **Sec. 10.** AS 39.23.240(c) is amended to read:

29 (c) The commission shall prepare its preliminary findings and  
 30 recommendations **and provide them to the Alaska Legislative Council** [FOR THE  
 31 COMPENSATION OF STATE OFFICERS] by November 15. The commission shall

1 give reasonable public notice of its preliminary findings and recommendations, solicit  
 2 public comments, and give due regard to the public comments, before submitting a  
 3 final report under (d) of this section.

4 \* **Sec. 11.** AS 39.23.240(d) is amended to read:

5 (d) The commission shall make available a final report of its findings and  
 6 recommendations as to the equitable rate and form of compensation, benefits, and  
 7 allowances for legislators during the first 10 days of a regular legislative session.

8 \* **Sec. 12.** AS 39.23.240(e) is amended to read:

9 (e) The commission may amend [PREPARE AMENDMENTS TO] the report  
 10 submitted under (d) of this section if requested by the Alaska Legislative Council  
 11 [AND NOTIFY THE LEGISLATURE THAT THE AMENDMENTS ARE  
 12 AVAILABLE].

13 \* **Sec. 13.** AS 39.23.250, added by sec. 4, ch. 124, SLA 1986, is repealed and reenacted to  
 14 read:

15 **Sec. 39.23.250. Legislative council action.** (a) The Alaska Legislative Council  
 16 may publish the final report made available under AS 39.23.240(d) and amendments  
 17 submitted under AS 39.23.240(e) at any time and may consider adoption of some,  
 18 none, or all of the commission's recommendations. Any part of the commission's  
 19 report and amendments not rejected or amended by the Alaska Legislative Council in  
 20 the policy adopted under AS 24.10.130 becomes final 90 days after the Alaska  
 21 Legislative Council receives it.

22 (b) The legislature's lawful authority, including the authority to determine the  
 23 rate and form of salary and benefits for legislators, is neither delegated nor altered by  
 24 this chapter.

25 \* **Sec. 14.** AS 39.23.260 is amended to read:

26 **Sec. 39.23.260. Policy of the legislature.** It is the policy of the legislature that  
 27 the commission recommend [DETERMINE] an equitable rate and form of salary  
 28 and [COMPENSATION,] benefits [, AND ALLOWANCES] for legislators.

29 \* **Sec. 15.** AS 39.23.270 is amended to read:

30 **Sec. 39.23.270. Administrative Procedure Act.** [THE REGULATION-  
 31 MAKING PROVISIONS OF] AS 44.62 (Administrative Procedure Act) does [DO]

1 not apply to [PROCEEDINGS OF] the commission.

2 \* **Sec. 16.** AS 39.23 is amended by adding a new section to read:

3 **Sec. 39.23.280. Benefits that are excluded from commission's**  
 4 **consideration.** In this chapter, the term "benefit" does not include additional  
 5 compensation paid under AS 24.10.100 to presiding officers, salary, per diem,  
 6 allowances, or reimbursement of moving expenses.

7 \* **Sec. 17.** AS 39.23 is amended by adding a new section to read:

8 **Sec. 39.23.295. Definitions.** In this chapter,

9 (1) "commission" means the Citizens' Commission on Legislative  
 10 Salary and Benefits;

11 (2) "salary" means the annual salary of legislators and does not include  
 12 additional compensation paid under AS 24.10.100 to presiding officers, benefits, per  
 13 diem, allowances, or reimbursement of moving expenses.

14 \* **Sec. 18.** AS 39.23.200(e), 39.23.230(b), 39.23.240(b), 39.23.240(f), and 39.23.400 are  
 15 repealed.

16 \* **Sec. 19.** Section 5, ch. 124, SLA 1986, is repealed.

17 \* **Sec. 20.** The uncodified law of the State of Alaska is amended by adding a new section to  
 18 read:

19 INITIAL TERMS. Notwithstanding AS 39.23.200(a), as amended by sec. 6 of this  
 20 Act, the terms of the members of the Citizens' Commission on Legislative Salary and Benefits  
 21 who are first appointed under this Act are as follows:

- 22 (1) one member shall serve a one-year term;  
 23 (2) two members shall serve two-year terms;  
 24 (3) two members shall serve three-year terms;  
 25 (4) one member shall serve a four-year term.

26 \* **Sec. 21.** The uncodified law of the State of Alaska is amended by adding a new section to  
 27 read:

28 CONTINUATION OF CURRENT LEGISLATORS' SALARIES. The monthly salary  
 29 for each member of the legislature is \$2,001 until the State of Alaska payroll administration  
 30 implements a different monthly payment of annual salary in its place based on adoption of a  
 31 policy by the Alaska Legislative Council under AS 24.10.130(d), added by sec. 5 of this Act,

- 1 setting out a different salary.
- 2 \* **Sec. 22.** Sections 9 and 12, ch. 124, SLA 1986, giving delayed contingent effect to certain
- 3 provisions of AS 24.10 and AS 39.23, are repealed.