

CS FOR HOUSE BILL NO. 349(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 2/10/06

Referred: Finance

Sponsor(s): REPRESENTATIVE WEYHRAUCH

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 **may receive additional compensation** [ARE EACH ENTITLED

1 TO AN ADDITIONAL \$500 A YEAR] during 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2 * **Sec. 3.** AS 24.10.101, added by sec. 6, ch. 124, SLA 1986, is repealed and reenacted to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 salary and benefits.** The Citizens' Commission on
5 Legislative Salary and Benefits shall recommend legislative salary and benefits under
6 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 (a) The **Citizens' Commission on Legislative Salary and Benefits** [STATE
23 OFFICERS COMPENSATION COMMISSION] is established **in the legislative**
24 **branch of state government**. The commission is composed of **six** [SEVEN]
25 members, **three of whom are appointed by the president of the senate and three of**
26 **whom are appointed by the speaker of the house of representatives** [APPOINTED
27 BY THE GOVERNOR SUBJECT TO CONFIRMATION BY A MAJORITY OF
28 THE LEGISLATURE IN JOINT SESSION]. Members serve for staggered terms of
29 four years. **A** [COMMISSION MEMBERSHIP SHALL INCLUDE AT LEAST ONE
30 BUSINESS EXECUTIVE, ONE REPRESENTATIVE OF A NONPARTISAN
31 VOTERS' ORGANIZATION, ONE PERSON WITH EXPERIENCE IN PUBLIC

1 ADMINISTRATION, AND ONE REPRESENTATIVE OF A LABOR
 2 ORGANIZATION. EXCEPT AS PROVIDED IN AS 39.05.080(4), A] vacancy shall
 3 be filled for the balance of the unexpired term. A commission member may serve **not**
 4 [NO] more than two complete consecutive terms. **A partial term served by a**
 5 **member appointed to fill the balance of an unexpired term, if served immediately**
 6 **before the member is reappointed to serve a full term, is considered to be merged**
 7 **with the full term so the two periods of service constitute only one term. A**
 8 **vacancy shall be filled by appointment, as provided in this subsection, within 90**
 9 **days after the vacancy occurs.**

10 * **Sec. 7.** AS 39.23.200(b) is amended to read:

11 (b) The commission shall elect a member to chair its meetings. **Meetings shall**
 12 **be called by the chair of the commission. The chair shall also administer the**
 13 **commission and its budget.** A majority of the commission members constitutes a
 14 quorum to transact business. The affirmative vote of four members is required to
 15 approve the commission's recommendations on compensation.

16 * **Sec. 8.** AS 39.23.210 is amended to read:

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

23 * **Sec. 9.** AS 39.23.230(a) is amended to read:

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

27 * **Sec. 10.** AS 39.23.240(a) is amended to read:

28 (a) The commission shall review the salaries **and** [,] benefits [, AND
 29 ALLOWANCES] of **legislators only. The commission shall** [MEMBERS OF THE
 30 LEGISLATURE AND] prepare a report on its findings at least once every two years,
 31 but not more frequently than every year. [THE COMMISSION SHALL NOTIFY

1 THE LEGISLATURE THAT THE REPORT IS AVAILABLE.]

2 * **Sec. 11.** AS 39.23.240(c) is amended to read:

3 (c) The commission shall prepare its preliminary findings and
4 recommendations **and provide them to the Alaska Legislative Council** [FOR THE
5 COMPENSATION OF STATE OFFICERS] by November 15. The commission shall
6 give reasonable public notice of its preliminary findings and recommendations, solicit
7 public comments, and give due regard to the public comments, before submitting a
8 final report under (d) of this section.

9 * **Sec. 12.** AS 39.23.240(d) is amended to read:

10 (d) The commission shall make available **to the public and the Alaska**
11 **Legislative Council** a final report of its findings and recommendations as to **an**
12 **equitable** [THE] rate and form of **salary and** [COMPENSATION,] benefits [, AND
13 ALLOWANCES] for legislators during the first **30** [10] days of a legislative session.

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

16 **Sec. 39.23.250. Alaska Legislative Council action.** (a) The Alaska
17 Legislative Council shall publish the final report made available under
18 AS 39.23.240(d) and amendments submitted under AS 39.23.240(e) and may consider
19 adoption of some, none, or all of the commission's recommendations. Any part of the
20 commission's report not rejected or amended by the Alaska Legislative Council and
21 any amendment to the report made by the Alaska Legislative Council under
22 AS 24.10.130 take effect on the first day of the first full month following the last day
23 of the legislative session in which the final report is issued or the amendment is
24 passed.

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

28 * **Sec. 14.** AS 39.23.260 is amended to read:

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

1 * **Sec. 15.** AS 39.23.270 is amended to read:

2 **Sec. 39.23.270. Administrative Procedure Act.** [THE REGULATION-
3 MAKING PROVISIONS OF] AS 44.62 (Administrative Procedure Act) **does** [DO]
4 not apply to [PROCEEDINGS OF] the commission.

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

6 **Sec. 39.23.280. Benefits that are excluded from commission's**
7 **consideration.** In this chapter, the term "benefit" does not include salary, per diem,
8 allowances, or reimbursement of moving expenses.

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

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

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

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

16 * **Sec. 18.** AS 39.23.200(e), 39.23.230(b), 39.23.240(b), 39.23.240(f), and 39.23.400 are
17 repealed.

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

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

21 INITIAL APPOINTMENTS AND TERMS; FIRST MEETING. (a) The initial
22 members of the Citizens' Commission on Legislative Salary and Benefits who are first
23 appointed under this Act shall be appointed within 90 days after the effective date of this Act,
24 and, notwithstanding AS 39.23.200(a), as amended by sec. 6 of this Act, the terms of the
25 members of the commission are as follows:

- 26 (1) one member shall serve a one-year term;
27 (2) two members shall serve two-year terms;
28 (3) two members shall serve three-year terms;
29 (4) one member shall serve a four-year term.

30 (b) Notwithstanding AS 39.23.200(b), as amended by sec. 7 of this Act, the first
31 meeting of the commission shall be called by the chair of the Alaska Legislative Council.

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

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

8 * **Sec. 22.** Sections 9 and 12, ch. 124, SLA 1986, giving delayed contingent effect to certain
9 provisions of AS 24.10 and AS 39.23, are repealed.