

Original sponsor: Rules Committee by
request of the Governor

Offered: 5/11/76
Referred: Finance

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 499

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to compensation and benefits of
7 public officers and creating the Alaska Salary Com-
8 mission; and providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 39 is amended by adding a new chapter to read:

11 CHAPTER 23. ALASKA SALARY COMMISSION.

12 Sec. 39.23.010. CREATION OF COMMISSION; COMPOSITION. There is
13 created the Alaska Salary Commission consisting of five members as
14 follows: the commissioner of administration, ex officio but without a
15 vote, and four persons appointed by the governor. No member of the
16 commission, except the commissioner of administration, may be a public
17 officer or employee. Appointees to the commission are subject to
18 legislative confirmation.

19 Sec. 39.23.020. TERM OF OFFICE; VACANCIES. (a) Commission
20 members serve at the pleasure of the governor for four-year staggered
21 terms. However, the first members appointed to the commission, other
22 than the commissioner of administration, shall serve respectively, for a
23 term of one year, two years, three years and four years, the term to be
24 determined by lot at the first meeting of the commission.

25 (b) A vacancy shall be filled in the same manner as an original
26 appointment for the balance of the unexpired term.

27 Sec. 39.23.030. OFFICERS; STAFF. The commission shall select a
28 chairman from among its members annually. The director of the division
29 of personnel and labor relations serves as ex officio secretary to the

1 commission and provides research, technical and administrative services.

2 Sec. 39.23.040. MEETINGS; QUORUM. (a) A majority of the com-
3 mission members constitutes a quorum to transact the business of the
4 commission. A majority of the commission members must approve the
5 commission's recommendations to the legislature.

6 (b) The commission shall meet at the call of the chairman. Notice
7 of meeting dates shall be mailed to each commission member at least 20
8 days before the date scheduled for a meeting.

9 (c) The commission shall meet to discuss its findings and recom-
10 mendations at least twice before submitting its final report to the
11 legislature under sec. 80 of this chapter.

12 Sec. 39.23.050. COMPENSATION. Members of the commission other
13 than the commissioner of administration who is entitled to his regular
14 salary serve without compensation but are entitled to per diem and
15 travel expenses authorized by law for boards and commissions.

16 Sec. 39.23.060. REVIEW OF COMPENSATION AND BENEFITS; OFFICERS
17 COVERED. The commission shall conduct an on-going review of compen-
18 sation and retirement benefits for members of the legislature; the
19 governor; the lieutenant governor; commissioners, deputy commissioners,
20 and division directors of each executive department; members of the
21 Alaska Public Utilities Commission; members of the Alaska Pipeline Com-
22 mission; members of the Alaska Transportation Commission; members of the
23 Alaska Commercial Fisheries Entry Commissions; and the judiciary, to
24 determine the appropriateness of compensation and benefits. The com-
25 mission shall report its findings and recommendations to the governor,
26 the legislature and the judiciary.

27 Sec. 39.23.070. STUDIES; REPORTS. The commission may request
28 reports or studies from any state agency concerning compensation and
29 retirement benefits for officers listed in sec. 60 of this chapter. A

1 state agency from which a report or study is requested shall furnish it
2 within a period of time prescribed by the commission.

3 Sec. 39.23.080. RECOMMENDATIONS. (a) Before November 15, 1976,
4 and every two years thereafter, the commission shall submit its pre-
5 liminary findings and recommendations to the governor, the presiding
6 officers of each house of the legislature and the chief justice of the
7 supreme court.

8 (b) The commission shall give reasonable public notice of its
9 preliminary findings and recommendations, solicit public comments, and
10 give due regard to the public comments, before submitting a final report
11 under (c) of this section.

12 (c) The commission shall make a final report of its findings and
13 recommendations as to the rate and form of compensation and retirement
14 benefits for the officers listed in sec. 60 of this chapter within 10
15 days after the first regular session of a legislature convenes. The
16 recommendations become effective 45 days after presentation to the
17 legislature or at the end of the session, whichever is earlier, unless
18 disapproved by a resolution concurred in by a majority of the members of
19 each house.

20 (d) The commission may submit to the legislature amendments to the
21 report submitted under (c) of this section, which will become effective
22 as in (c) above, but in no event does the legislature have less than 20
23 days from the date of the submission of the amendment to disapprove the
24 amended recommendations.

25 (e) A commission member who does not concur in the proposed or
26 final recommendations may attach written objections to the commission's
27 report of its findings and recommendations.

28 Sec. 39.23.090. RECOMMENDATIONS RELATING TO THE JUDICIARY,
29 GOVERNOR AND LIEUTENANT GOVERNOR. (a) No recommendations of the

1 commission may have the effect of reducing the compensation or retire-
2 ment benefits of any member of the judiciary, who is a member of the
3 judiciary on the effective date of the commission's recommendation; or
4 reduce, unless by general law applied to all salaried officers of the
5 state, the compensation and retirement benefits of the governor or
6 lieutenant governor who are in office on the effective date of the
7 commission's recommendation.

8 (b) The commission may recommend reduction in compensation or
9 retirement benefits for individuals who become members of the judiciary
10 or governor or lieutenant governor after the effective date of the
11 commission's recommendation.

12 Sec. 39.23.100. FILING WITH LIEUTENANT GOVERNOR AND CERTIFICATION.
13 The commission shall upon transmitting its final recommendations to the
14 legislature, file the recommendations in the office of the lieutenant
15 governor and upon the recommendations becoming effective the commission
16 shall so certify on the copy of the recommendations on file in the office
17 of the lieutenant governor.

18 Sec. 39.23.110. POLICY OF THE LEGISLATURE. It is the policy of
19 the legislature that the commission determine the salary schedule and
20 retirement benefits for public officers based upon equitable relation-
21 ships being maintained among state positions.

22 Sec. 39.23.120. ADMINISTRATIVE PROCEDURE ACT. The Administrative
23 Procedure Act (AS 44.62) does not apply to proceedings conducted under
24 this chapter.

25 Sec. 39.23.130. DEFINITIONS. In this chapter

26 (1) "commission" means salary commission;

27 (2) "judiciary" means justices of the supreme court and judges
28 of the superior and district courts.

29 * Sec. 2. AS 16.43.060 is amended to read:

1 Sec. 16.43.060. COMPENSATION OF MEMBERS OF THE ALASKA COMMERCIAL
2 FISHERIES ENTRY COMMISSION. Members of the commission are in the
3 exempt service and shall receive an annual salary as established under
4 AS 39.23 [EQUAL TO THAT OF A DISTRICT COURT JUDGE, PAYABLE IN EQUAL
5 MONTHLY INSTALLMENTS].

6 * Sec. 3. AS 22.05.140(a) is repealed and re-enacted to read:

7 (a) The chief justice and each associate justice are entitled to
8 receive annual compensation prescribed in accordance with AS 39.23.
9 Compensation of the chief justice or of an associate justice may not be
10 diminished during his term of office, unless by general law applying
11 to all salaried officers of the state.

12 * Sec. 4. AS 22.10.190(a) is repealed and re-enacted to read:

13 (a) Each superior court judge is entitled to receive annual
14 compensation prescribed in accordance with AS 39.23. The compensation
15 of a judge may not be diminished during his term of office, unless by
16 general law applying to all salaried officers of the state.

17 * Sec. 5. AS 22.15.220(a) is repealed and re-enacted to read:

18 (a) Each district judge is entitled to receive annual compensa-
19 tion prescribed in accordance with AS 39.23. The compensation of a
20 judge may not be diminished during his term of office, unless by general
21 law applying to all salaried officers of the state.

22 * Sec. 6. AS 24.15.010 is repealed and re-enacted to read:

23 Sec. 24.15.010. LEGISLATIVE PER DIEM. The rate of per diem
24 instead of subsistence for each member of the legislature shall be
25 prescribed in accordance with AS 39.23.

26 * Sec. 7. AS 24.15.020 is repealed and re-enacted to read:

27 Sec. 24.15.020. ANNUAL LEGISLATIVE SALARIES. Each member of
28 the legislature is entitled to receive annual compensation prescribed
29 in accordance with AS 39.23 to be paid in approximately equal monthly

1 installments. The president of the senate and speaker of the house of
2 representatives are each entitled to an additional annual sum prescribed
3 in accordance with AS 39.23.

4 * Sec. 8. AS 24.15.030 is amended to read:

5 Sec. 24.15.030. ADDITIONAL ALLOWANCES. In addition, each member
6 of the legislature is entitled to an annual allowance prescribed
7 in accordance with AS 39.23 [OF \$4,000] for postage, stationery, steno-
8 graphic services and other expenses.

9 * Sec. 9. AS 39.20.010 is amended to read:

10 Sec. 39.20.010. ANNUAL SALARY OF GOVERNOR. The annual salary of
11 the governor shall be prescribed in accordance with AS 39.23 [IS
12 \$50,000. THE SALARY SHALL BE PAID IN EQUAL MONTHLY INSTALLMENTS].

13 * Sec. 10. AS 39.20.030 is amended to read:

14 Sec. 39.20.030. ANNUAL SALARY OF LIEUTENANT GOVERNOR. The annual
15 salary of the lieutenant governor shall be prescribed in accordance with
16 AS 39.23 [IS \$44,000. THE SALARY SHALL BE PAID IN EQUAL MONTHLY IN-
17 STALLMENTS].

18 * Sec. 11. AS 39.20.080 is repealed and re-enacted to read:

19 Sec. 39.20.080. SALARY OF EXECUTIVE DEPARTMENT HEAD AND DEPUTY.

20 (a) The annual salary of the head of each principal executive depart-
21 ment of the state shall be prescribed in accordance with AS 39.23.

22 (b) The salary of the deputy head of each principal executive
23 department of the state shall be prescribed in accordance with AS 39.23.

24 * Sec. 12. AS 39.35.680(5)(B) is repealed and re-enacted to read:

25 (B) means an elected official of a political subdivision
26 currently serving who elects to pay contributions required of an
27 employee and to be included in the system under sec. 125 of this
28 chapter;

29 * Sec. 13. AS 39.35.680(5)(C)(v) is repealed and re-enacted to read:

1 (v) justices and judges of the supreme, superior,
2 and district courts of Alaska; or the governor and lieu-
3 tenant governor; or the heads, deputy or assistant heads,
4 and division directors of each principal executive depart-
5 ment of the state; or the members of the Alaska State
6 Legislature.

7 * Sec. 14. AS 39.35.680(5)(C) is amended by adding a new sub-subparagraph
8 to read:

9 (vi) members of the Alaska Public Utilities Com-
10 mission; members of the Alaska Pipeline Commission; mem-
11 bers of the Alaska Transportation Commission; and members
12 of the Alaska Commercial Fisheries Entry Commission.

13 * Sec. 15. AS 42.05.091 is amended to read:

14 Sec. 42.05.091. COMPENSATION OF MEMBERS OF THE ALASKA PUBLIC
15 UTILITIES COMMISSION. Members of the commission are in the exempt ser-
16 vice and shall receive an annual salary as established under AS 39.23
17 [EQUAL TO THAT OF A DISTRICT COURT JUDGE TO BE PAID IN EQUAL MONTHLY
18 INSTALLMENTS].

19 * Sec. 16. AS 42.06.090 is amended to read:

20 Sec. 42.06.090. COMPENSATION OF MEMBERS OF THE ALASKA PIPELINE
21 COMMISSION. Members of the commission are in the exempt service de-
22 scribed in AS 39.25 and receive an annual salary as established under
23 AS 39.23 [EQUAL TO THAT OF A DISTRICT COURT JUDGE TO BE PAID IN EQUAL
24 MONTHLY INSTALLMENTS].

25 * Sec. 17. AS 42.07.071 is amended to read:

26 Sec. 42.07.071. COMPENSATION OF MEMBERS OF THE ALASKA TRANSPORTA-
27 TION COMMISSION. The commissioners are in the exempt service under
28 AS 39.25 and shall receive an annual salary as established under AS 39.23
29 [EQUAL TO THAT OF A DISTRICT COURT JUDGE PAYABLE IN EQUAL MONTHLY

1 INSTALLMENTS].

2 * Sec. 18. The first appointments to the Alaska Salary Commission shall
3 be made within 30 days after the effective date of Sec. 1 of this Act.

4 * Sec. 19. AS 22.25; AS 22.28; and AS 39.37 are repealed.

5 * Sec. 20. Secs. 1, 12, and 18 of this Act take effect immediately in
6 accordance with AS 01.10.070(c). Secs. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14,
7 15, 16, 17 and 19 of this Act take effect on the effective date of the first
8 recommendations submitted to the legislature under AS 39.23.080(c).