

Original sponsor: Rules Committee by
request of the Governor

Offered: 5/31/76

1 IN THE SENATE

BY THE FREE CONFERENCE COMMITTEE

2 FREE CONFERENCE CS FOR 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, benefits and classi-
7 fications of public officers and employees; creating
8 the Alaska Salary Commission; and providing for an
9 effective date."

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

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

12 CHAPTER 23. ALASKA SALARY COMMISSION.

13 Sec. 39.23.010. CREATION OF COMMISSION; COMPOSITION. There is
14 established in the Department of Administration the Alaska Salary Com-
15 mission consisting of five members appointed by the governor. No member
16 of the commission may be a public officer or employee.

17 Sec. 39.23.020. TERM OF OFFICE; VACANCIES. (a) Commission
18 members serve at the pleasure of the governor for four-year staggered
19 terms. However, two of the initial members appointed to the commission
20 shall serve one-year terms and the rest shall serve, respectively, for
21 terms of two years, three years and four years, the term to be deter-
22 mined by lot at the first meeting of the commission.

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

25 Sec. 39.23.030. OFFICERS; STAFF. The commission shall select a
26 chairman from among its members annually. The director of the division
27 of personnel and labor relations serves as ex officio secretary to the
28 commission and provides research, technical and administrative services.

29 Sec. 39.23.040. MEETINGS; QUORUM. (a) A majority of the com-

1 mission members constitutes a quorum to transact the business of the
2 commission. A majority of the commission members must approve the
3 commission's recommendations to the legislature.

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

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

10 Sec. 39.23.050. COMPENSATION. Members of the commission are
11 entitled to per diem and travel expenses authorized by law for boards
12 and commissions.

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

22 Sec. 39.23.070. STUDIES; REPORTS. (a) The commission may request
23 reports or studies from any state agency concerning compensation and
24 retirement benefits for officers listed in sec. 60 of this chapter. A
25 state agency from which a report or study is requested shall furnish it
26 within a period of time prescribed by the commission.

27 (b) The commissioner of administration shall make initial recom-
28 mendations concerning compensation and retirement benefits for the
29 officers listed in sec. 60 of this chapter.

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

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

10 (c) The commission shall make a final report of its findings and
11 recommendations as to the rate and form of compensation and retirement
12 benefits for the officers listed in sec. 60 of this chapter within 10
13 days after the first regular session of a legislature convenes. The
14 recommendations regarding compensation become effective, retroactive to
15 January 1, only if approved by concurrent resolution before the end of a
16 session. The recommendations regarding retirement become effective if
17 enacted into law by the legislature.

18 (d) The commission may submit to the legislature amendments to the
19 report submitted under (c) of this section.

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

23 Sec. 39.23.090. RECOMMENDATIONS RELATING TO THE JUDICIARY, GOVER-
24 NOR AND LIEUTENANT GOVERNOR. (a) No recommendations of the commission
25 may have the effect of reducing the compensation or retirement benefits
26 of any member of the judiciary, who is a member of the judiciary on the
27 effective date of the commission's recommendation; or reduce, unless by
28 general law applied to all salaried officers of the state, the compen-
29 sation and retirement benefits of the governor or lieutenant governor

1 who are in office on the effective date of the commission's recommenda-
2 tion.

3 (b) The commission may recommend reduction in compensation or
4 retirement benefits for individuals who become members of the judiciary
5 or governor or lieutenant governor after the effective date of the
6 commission's recommendation.

7 Sec. 39.23.100. FILING WITH LIEUTENANT GOVERNOR AND CERTIFICATION.
8 The commission shall upon transmitting its final recommendations to the
9 legislature, file the recommendations in the office of the lieutenant
10 governor and upon the recommendations becoming effective the commission
11 shall so certify on the copy of the recommendations on file in the
12 office of the lieutenant governor.

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

17 Sec. 39.23.120. ADMINISTRATIVE PROCEDURE ACT. The Administrative
18 Procedure Act (AS 44.62) does not apply to proceedings conducted under
19 this chapter.

20 Sec. 39.23.130. DEFINITIONS. In this chapter

21 (1) "commission" means salary commission;

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

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

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

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

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

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

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

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

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

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

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

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

22 Sec. 24.15.020. ANNUAL LEGISLATIVE SALARIES. Each member of
23 the legislature is entitled to receive annual compensation prescribed
24 in accordance with AS 39.23 to be paid in approximately equal monthly
25 installments. The president of the senate and speaker of the house of
26 representatives are each entitled to an additional annual sum prescribed
27 in accordance with AS 39.23.

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

29 Sec. 24.15.030. ADDITIONAL ALLOWANCES. In addition, each member

1 of the legislature is entitled to an annual allowance prescribed
2 in accordance with AS 39.23 [OF \$4,000] for postage, stationery, steno-
3 graphic services and other expenses.

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

5 Sec. 39.20.010. ANNUAL SALARY OF GOVERNOR. The annual salary of
6 the governor shall be prescribed in accordance with AS 39.23 [IS
7 \$50,000. THE SALARY SHALL BE PAID IN EQUAL MONTHLY INSTALLMENTS].

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

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

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

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

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

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

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

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

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

25 (v) justices and judges of the supreme, superior,
26 and district courts of Alaska; or the governor and lieu-
27 tenant governor; or the heads, deputy or assistant heads,
28 and division directors of each principal executive depart-
29 ment of the state; or the members of the Alaska State

1 Legislature.

2 * Sec. 14. AS 42.05.091 is amended to read:

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

8 * Sec. 15. AS 42.06.090 is amended to read:

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

14 * Sec. 16. AS 42.07.071 is amended to read:

15 Sec. 42.07.071. COMPENSATION OF MEMBERS OF THE ALASKA TRANSPORTA-
16 TION COMMISSION. The commissioners are in the exempt service under
17 AS 39.25 and shall receive an annual salary as established under AS 39.23
18 [EQUAL TO THAT OF A DISTRICT COURT JUDGE PAYABLE IN EQUAL MONTHLY
19 INSTALLMENTS].

20 * Sec. 17. The first appointments to the Alaska Salary Commission shall
21 be made within 30 days after the effective date of sec. 1 of this Act.

22 * Sec. 18. AS 39.50.200(9) is amended by adding a new subparagraph to
23 read:

24 (LL) Alaska Salary Commission (AS 39.23)

25 * Sec. 19. AS 39.25.120(8) is repealed and re-enacted to read:

26 (8) the director and deputy director of the division of
27 tourism in the Department of Commerce and Economic Development.

28 * Sec. 20. Section 19 of this Act is retroactive to July 1, 1975.

29 * Sec. 21. Sections 1, 12, 17, 18, 19, and 20 of this Act take effect

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

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