

CS HB 454 (Jud)

Introduced: 1/13/86
Referred: State Affairs,
Judiciary and Finance

BY LARSON BY REQUEST OF
THE JOINT SPECIAL COMMITTEE
ON LEGISLATIVE SALARIES

1 IN THE HOUSE

2 HOUSE BILL NO. 454

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to compensation of state officers;
7 establishing a commission on compensation of state
8 officers; and providing for an effective date."

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

10 * Section 1. AS 39.23 is amended by adding new sections to read:

11 ARTICLE 1. STATE OFFICERS COMPENSATION COMMISSION.

12 Sec. 39.23.200. COMPENSATION COMMISSION ESTABLISHED. (a) The
13 State Officers Compensation Commission is established. The commission
14 is composed of seven members appointed by the governor subject to
15 confirmation by a majority of the legislature in joint session.
16 Members serve for staggered terms of four years. Commission member-
17 ship shall include at least one business executive, one representative
18 of a nonpartisan voters' organization, one person with experience in
19 public administration and one representative of a labor organization.
20 A vacancy shall be filled for the balance of the unexpired term.

21 (b) The commission shall annually elect a member to chair its
22 meetings. A majority of the commission members constitutes a quorum
23 to transact business. The affirmative vote of four members is re-
24 quired to approve the commission's recommendations on compensation.

25 (c) The commission shall meet at the call of the chair. Notice
26 of a meeting shall be mailed to each member at least 15 days before
27 the date scheduled for the meeting.

28 (d) The commission shall hold a public hearing to discuss its
29 findings and recommendations before submitting its final report to the

1 legislature.

2 Sec. 39.23.210. PROHIBITIONS AGAINST STATE OR MUNICIPAL SERVICE.
3 A member of the commission may not be employed by the state or hold
4 elective state or municipal office during membership on the commis-
5 sion.

6 Sec. 39.23.220. COMPENSATION. Members of the commission serve
7 without compensation but are entitled to per diem and travel expenses
8 authorized for members of boards and commissions under AS 39.20.180.

9 Sec. 39.23.230. STAFF. (a) The commission may contract for
10 professional services and may employ staff as it considers necessary.

11 (b) If requested by the commission, the director of personnel in
12 the Department of Administration shall serve as secretary to the
13 commission.

14 Sec. 39.23.240. DUTIES OF THE COMMISSION. (a) The commission
15 shall review the salaries, benefits, and allowances of members of the
16 legislature, the governor, lieutenant governor, members of the judi-
17 ciary, and the head of each principal department and submit a report
18 on its findings at least once every two years, but not more frequently
19 than every year.

20 (b) The commission shall submit its preliminary findings and
21 recommendations by November 15. The commission shall give reasonable
22 public notice of its preliminary findings and recommendations, solicit
23 public comments, and give due regard to the public comments, before
24 submitting a final report under (c) of this section.

25 (c) The commission shall make a final report of its findings and
26 recommendations as to the rate and form of compensation, benefits, and
27 allowances for state officers no later than the 10th day of a legisla-
28 tive session. A recommendation has the force of law and becomes
29 effective on the first day of the next regular legislative session

1 unless rejected by a concurrent resolution adopted by two-thirds of
2 the members in each house of the legislature.

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

5 (e) A commission member who does not concur in the proposed or
6 final recommendations may attach written objections to the commis-
7 sion's report of its findings and recommendations.

8 Sec. 39.23.250. RECOMMENDATIONS RELATING TO THE JUDICIARY,
9 GOVERNOR, AND LIEUTENANT GOVERNOR. (a) A recommendation of the
10 commission may not have the effect of reducing the compensation or
11 benefits of a member of the judiciary who is a member of the judiciary
12 on the effective date of the commission's recommendation; or reduce,
13 unless consistent with general law applicable to all other salaried
14 officers of the state, except incumbent members of the judiciary, the
15 compensation and benefits of the governor or lieutenant governor who
16 are in office on the effective date of the commission's recommen-
17 dation.

18 (b) The commission may recommend reduction in compensation or
19 benefits for individuals who become members of the judiciary or gover-
20 nor or lieutenant governor after the effective date of the commis-
21 sion's recommendation.

22 Sec. 39.23.260. FILING WITH LIEUTENANT GOVERNOR AND CERTIFICA-
23 TION. The commission shall, upon transmitting its final recommenda-
24 tions to the legislature, file the recommendations in the office of
25 the lieutenant governor, and upon the recommendations becoming effec-
26 tive the commission shall certify the copy of the recommendations on
27 file in the office of the lieutenant governor.

28 Sec. 39.23.270. POLICY OF THE LEGISLATURE. It is the policy of
29 the legislature that the commission determine the salary schedule and

1 retirement benefits for state officers based upon equitable relation-
2 ships being maintained among state positions.

3 Sec. 39.23.280. ADMINISTRATIVE PROCEDURE ACT. The Administra-
4 tive Procedure Act (AS 44.62) does not apply to proceedings of the
5 commission.

6 Sec. 39.23.400. DEFINITIONS. In AS 39.23.200 - 39.23.400

7 (1) "commission" means the State Officers Compensation
8 Commission;

9 (2) "judiciary" means justices of the supreme court and
10 judges of the court of appeals and the superior and district courts;

11 (3) "state officer" means members of the legislature, the
12 governor, lieutenant governor, members of the judiciary, and the head
13 of each principal department in the executive branch.

14 * Sec. 2. AS 22.05.140(a) is repealed and reenacted to read:

15 (a) The State Officers Compensation Commission shall set the
16 compensation and geographic cost-of-living adjustment, if any, of each
17 justice under AS 39.23.200 - 39.23.400.

18 * Sec. 3. AS 22.07.090(a) is repealed and reenacted to read:

19 (a) The State Officers Compensation Commission shall set the
20 compensation of each judge of the court of appeals under AS 39.23.-
21 200 - 39.23.400.

22 * Sec. 4. AS 22.10.190(a) is repealed and reenacted to read:

23 (a) The State Officers Compensation Commission shall set the
24 compensation and geographic cost-of-living adjustment, if any, of each
25 judge of the superior court under AS 39.23.200 - 39.23.400.

26 * Sec. 5. AS 22.15.220(a) is repealed and reenacted to read:

27 (a) The State Officers Compensation Commission shall set the
28 compensation and geographic cost-of-living adjustment, if any, of each
29 judge of the district court under AS 39.23.200 - 39.23.400.

1 * Sec. 6. AS 24.15.020 is repealed and reenacted to read:
2 Sec. 24.15.020. COMPENSATION OF LEGISLATORS. The State Officers
3 Compensation Commission shall set the compensation of legislators
4 under AS 39.23.200 - 39.23.400.

5 * Sec. 7. AS 39.20.010 is repealed and reenacted to read:
6 Sec. 39.20.010. COMPENSATION OF THE GOVERNOR. The State Offi-
7 cers Compensation Commission shall set the compensation of the gover-
8 nor under AS 39.23.200 - 39.23.400.

9 * Sec. 8. AS 39.20.030 is repealed and reenacted to read:
10 Sec. 39.20.030. COMPENSATION OF LIEUTENANT GOVERNOR. The State
11 Officers Compensation Commission shall set the compensation of the
12 lieutenant governor under AS 39.23.200 - 39.23.400.

13 * Sec. 9. AS 39.20.050 is amended to read:
14 Sec. 39.20.050. EXCLUSIVE COMPENSATION. The compensation fixed
15 by the State Officers Compensation Commission [LAW] for the governor
16 and lieutenant governor is full compensation [IN FULL] for all servi-
17 ces rendered by each of them in any official capacity or employment
18 whatsoever during their respective terms of office, and shall be paid
19 throughout their respective terms of office unless the office becomes
20 vacant.

21 * Sec. 10. AS 39.20.080(a) is repealed and reenacted to read:
22 (a) The State Officers Compensation Commission shall set the
23 compensation of the head of each principal executive department under
24 AS 39.23.200 - 39.23.400.

25 * Sec. 11. Notwithstanding AS 39.05.055(5) and AS 39.23.200, one of the
26 initial members appointed to the commission shall serve a one-year term,
27 two members shall serve two-year terms, two members shall serve three-year
28 terms, and two members shall serve four-year terms.

29 * Sec. 12. Notwithstanding secs. 2 - 10 and 13 of this Act, the salary

1 for justices of the supreme court established in AS 22.05.140, judges of
2 the court of appeals established in AS 22.07.090, judges of the superior
3 court established in AS 22.10.190, judges of the district court established
4 in AS 22.15.220, legislators established in AS 24.15.020, the governor
5 established in AS 39.20.010, the lieutenant governor established in AS 39.-
6 20.030, and heads of each principal executive department established in
7 AS 39.20.080, as those sections existed immediately before the effective
8 date of this Act shall remain in effect until the commission has recom-
9 mended a change in the salary of that office in accordance with AS 39.23.-
10 200 - 39.23.400.

11 * Sec. 13. AS 22.05.140(c); AS 22.10.190(c); AS 22.15.220(d); and
12 AS 39.20.080(c) are repealed.

13 * Sec. 14. This Act takes effect on the effective date of an amendment
14 to the Constitution of the State of Alaska creating a State Officers Com-
15 pensation Commission.