

Offered: 2/7/86  
Referred: Finance

Original sponsor: Larson/Legislative  
Salaries

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 454 (Judiciary)

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 (e) The commission shall be established in the Office of the  
3 Governor.

4 Sec. 39.23.210. PROHIBITIONS AGAINST STATE OR MUNICIPAL SERVICE.  
5 A member of the commission may not be employed by the state, including  
6 the University of Alaska, serve as a member of a state board, commis-  
7 sion, or authority, or hold elective state or municipal office during  
8 membership on the commission.

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

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

14 (b) If requested by the commission, the director of personnel in  
15 the Department of Administration shall serve as secretary to the  
16 commission.

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

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

28 (c) The commission shall make a final report of its findings and  
29 recommendations as to the rate and form of compensation, benefits, and

1 allowances for state officers no later than the 10th day of a legisla-  
2 tive session.

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 an equitable rate and

1 form of compensation, benefits, and allowances for state officers.

2 Sec. 39.23.280. ADMINISTRATIVE PROCEDURE ACT. The regulation-  
3 making provisions of the Administrative Procedure Act (AS 44.62) do  
4 not apply to proceedings of the commission.

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

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

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

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

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

14 (c) The commission shall make a final report of its findings and  
15 recommendations as to the rate and form of compensation, benefits, and  
16 allowances for state officers no later than the 10th day of a legisla-  
17 tive session. A recommendation has the force of law and becomes  
18 effective on the first day of the next regular legislative session  
19 unless rejected by a concurrent resolution adopted by two-thirds of  
20 the members in each house of the legislature.

21 \* Sec. 3. AS 22.05.140(a) is repealed and reenacted to read:

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

25 \* Sec. 4. AS 22.07.090(a) is repealed and reenacted to read:

26 (a) The State Officers Compensation Commission shall set the  
27 compensation of each judge of the court of appeals under AS 39.23.-  
28 200 - 39.23.400.

29 \* Sec. 5. AS 22.10.190(a) is repealed and reenacted to read:

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

4           \* Sec. 6. AS 22.15.220(a) is repealed and reenacted to read:

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

8           \* Sec. 7. AS 24.10.100 is repealed and reenacted to read:

9           Sec. 24.10.100. COMPENSATION OF LEGISLATORS. The State Officers  
10          Compensation Commission shall set the compensation of legislators  
11          under AS 39.23.200 - 39.23.400.

12          \* Sec. 8. AS 39.20.010 is repealed and reenacted to read:

13          Sec. 39.20.010. COMPENSATION OF THE GOVERNOR. The State Offi-  
14          cers Compensation Commission shall set the compensation of the gover-  
15          nor under AS 39.23.200 - 39.23.400.

16          \* Sec. 9. AS 39.20.030 is repealed and reenacted to read:

17          Sec. 39.20.030. COMPENSATION OF LIEUTENANT GOVERNOR. The State  
18          Officers Compensation Commission shall set the compensation of the  
19          lieutenant governor under AS 39.23.200 - 39.23.400.

20          \* Sec. 10. AS 39.20.050 is amended to read:

21          Sec. 39.20.050. EXCLUSIVE COMPENSATION. The compensation fixed  
22          by the State Officers Compensation Commission [LAW] for the governor  
23          and lieutenant governor is full compensation [IN FULL] for all servi-  
24          ces rendered by each of them in any official capacity or employment  
25          whatsoever during their respective terms of office, and shall be paid  
26          throughout their respective terms of office unless the office becomes  
27          vacant.

28          \* Sec. 11. AS 39.20.080(a) is repealed and reenacted to read:

29          (a) The State Officers Compensation Commission shall set the

1 compensation of the head of each principal executive department under  
2 AS 39.23.200 - 39.23.400.

3 \* Sec. 12. Notwithstanding AS 39.05.055(5) and AS 39.23.200, one of the  
4 initial members appointed to the commission shall serve a one-year term,  
5 two members shall serve two-year terms, two members shall serve three-year  
6 terms, and two members shall serve four-year terms.

7 \* Sec. 13. Notwithstanding secs. 3 - 11 and 15 of this Act, the salary  
8 established for justices of the supreme court in AS 22.05.140, judges of  
9 the court of appeals in AS 22.07.090, judges of the superior court in  
10 AS 22.10.190, judges of the district court in AS 22.15.220, legislators in  
11 AS 24.10.100, the governor in AS 39.20.010, the lieutenant governor in  
12 AS 39.20.030, and heads of each principal executive department in AS 39.-  
13 20.080, as those sections existed immediately before the effective date of  
14 this section shall remain in effect until the commission has recommended a  
15 change in the salary of that office in accordance with AS 39.23.200 -  
16 39.23.400.

17 \* Sec. 14. Notwithstanding the time limit imposed by AS 39.23.240,  
18 enacted by sec. 1 of this Act, the commission shall submit its first final  
19 report to the legislature by January 10, 1987.

20 \* Sec. 15. AS 22.05.140(c); AS 22.10.190(c); AS 22.15.220(d); AS 39.-  
21 20.080(c); and AS 39.23.200(e) are repealed.

22 \* Sec. 16. AS 39.23.260, as enacted by sec. 1 of this Act, and secs.  
23 2 - 11, 13, and 15 of this Act take effect on the effective date of an  
24 amendment to the Constitution of the State of Alaska creating a State  
25 Officers Compensation Commission.

26 \* Sec. 17. AS 39.23.200 - 39.23.250 and 39.23.270 - 39.23.400 as enact-  
27 ed by sec. 1 of this Act, and secs. 12 and 14 of this Act take effect  
28 immediately in accordance with AS 01.10.070(c).