

**HOUSE BILL NO. 129**

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST

Introduced: 2/11/91

Referred: State Affairs, Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act establishing the Public Officers Compensation Commission; relating to the  
2 compensation of the governor, lieutenant governor, members of the legislature, heads of the  
3 principal departments of the executive branch of government, supreme court justices, judges  
4 of the court of appeals, judges of the superior court, and district court judges; and  
5 providing for an effective date."

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

7 \* Section 1. AS 22.05.140(a) is repealed and reenacted to read:

8 (a) The compensation of a supreme court justice shall be established by order of the  
9 Public Officers Compensation Commission.

10 \* Sec. 2. AS 22.07.090(a) is repealed and reenacted to read:

11 (a) The compensation of a judge of the court of appeals shall be established by order of  
12 the Public Officers Compensation Commission. The compensation of a judge may not be  
13 diminished during the term of office, unless by general law applying to all salaried officers of

1 the state.

2 \* Sec. 3. AS 22.10.190(a) is repealed and reenacted to read:

3 (a) The compensation of a superior court judge shall be established by order of the Public  
4 Officers Compensation Commission.

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 AS 22.15.220(a) is repealed and reenacted to read:

6 (a) The compensation of a district court judge shall be established by order of the Public  
7 Officers Compensation Commission.

8 \* Sec. 5. AS 22.15.230 is amended to read:

9 Sec. 22.15.230. ADDITIONAL COMPENSATION. Subject to rule of the supreme court,  
10 a [DISTRICT JUDGE OR] magistrate shall receive a per diem allowance and a transportation  
11 allowance commensurate with that authorized for other state employees.

12 \* Sec. 6. AS 24.10.100 is repealed and reenacted to read:

13 Sec. 24.10.100 SALARY OF LEGISLATORS. The salary for each member of the  
14 legislature shall be established by order of the Public Officers Compensation Commission. The  
15 commission may authorize additional compensation for the president of the senate and the  
16 speaker of the house of representatives.

17 \* Sec. 7. AS 24.10.110 is repealed and reenacted to read:

18 Sec. 24.10.110. ADDITIONAL ALLOWANCES. The Public Officers Compensation  
19 Commission may authorize an annual allowance for postage, stationary, stenographic services,  
20 and other expenses for each member of the legislature.

21 \* Sec. 8. AS 24.10.120 is amended to read:

22 Sec. 24.10.120. METHOD OF PAYMENT. Salaries, **and, if authorized by the Public**  
23 **Officers Compensation Commission,** per diem [,] and additional allowances for members of the  
24 legislature shall be paid by warrants drawn on vouchers approved by the legislative fiscal officer.  
25 The legislative fiscal officer shall, by January 31 of each year, file with the legislature's fiscal  
26 office a report of all vouchers approved for payment under this section during the preceding  
27 calendar year. The report **must include** [SHALL PROVIDE], by legislator, the date of each  
28 voucher, the amount paid, and the basis for approval for payment. The report is a public record.

29 \* Sec. 9. AS 39.20.010 is repealed and reenacted to read:

30 Sec. 39.20.010. COMPENSATION OF GOVERNOR. The compensation of the governor  
31 shall be established by order of the Public Officers Compensation Commission.

1 \* **Sec. 10.** AS 39.20.030 is repealed and reenacted to read:

2           **Sec. 39.20.030. COMPENSATION OF LIEUTENANT GOVERNOR.** The compensation  
3 of the lieutenant governor shall be established by order of the Public Officers Compensation  
4 Commission.

5 \* **Sec. 11.** AS 39.20.050 is amended to read:

6           **Sec. 39.20.050. EXCLUSIVE COMPENSATION.** The compensation established by  
7 order of the Public Officers Compensation Commission and other benefits established  
8 [FIXED] by law for the governor and lieutenant governor are compensation [IS] in full for all  
9 services rendered by each of them in any official capacity or employment whatsoever during their  
10 respective terms of office, and shall be paid throughout their respective terms of office unless the  
11 office becomes vacant.

12 \* **Sec. 12.** AS 39.20.080(a) is repealed and reenacted to read:

13           (a) The compensation of the head of each principal executive department shall be  
14 established by order of the Public Officers Compensation Commission.

15 \* **Sec. 13.** AS 39.23 is amended by adding a new section to read:

16           **Sec. 39.23.201. COMPENSATION COMMISSION ESTABLISHED.** (a) The Public  
17 Officers Compensation Commission is established in the Office of the Governor. The  
18 commission is composed of seven members appointed by the governor. Members serve staggered  
19 terms of four years. Commission membership shall include at least one business executive, one  
20 person with experience in public administration, one person with experience in personnel  
21 management, one economist, and one lawyer. A vacancy shall be filled for the balance of the  
22 unexpired term. A commission member may serve no more than two complete consecutive  
23 terms.

24           (b) The commission shall elect a member to chair its meetings. A majority of the  
25 commission members constitutes a quorum to transact business. The affirmative vote of four  
26 members is required to approve the commission's report or an order on compensation.

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

30           (d) The commission shall hold a public hearing to discuss its findings before submitting  
31 its report or an order to the legislature.

1 \* Sec. 14. AS 39.23.230(a) is amended to read:

2 (a) If requested by the commission, the Department of Administration [LEGISLATIVE  
3 AFFAIRS AGENCY] shall provide staff for the commission.

4 \* Sec. 15. AS 39.23 is amended by adding a new section to read:

5 Sec. 39.23.241. DUTIES OF THE COMMISSION. (a) The commission shall review  
6 the compensation of the governor, lieutenant governor, members of the legislature, heads of the  
7 principal departments of the executive branch of state government, supreme court justices, judges  
8 of the court of appeals, judges of the superior court, and district court judges. The commission  
9 shall submit a report on its findings every odd-numbered year, during the first 10 days of the  
10 regular session of the legislature. A commission member who does not concur in the report may  
11 file a minority report.

12 (b) The commission may submit an order with the report making changes to the  
13 compensation of a public office. Before submitting a report or order on compensation, the  
14 commission shall give reasonable public notice of its preliminary findings, solicit public  
15 comments, and give due regard to the public comments.

16 (c) An order making changes to the compensation of a public officer shall become  
17 effective 60 days after submission or at the end of the legislative session during which it was  
18 submitted to the legislature, whichever is earlier, unless a bill disapproving the order in its  
19 entirety is enacted into law during that period.

20 \* Sec. 16. AS 39.23.250 is amended to read:

21 Sec. 39.23.250. FILING WITH LIEUTENANT GOVERNOR AND CERTIFICATION.  
22 The commission shall, upon transmitting an order on [ITS FINAL RECOMMENDATIONS FOR  
23 THE] compensation [OF LEGISLATORS] to the legislature, file the order  
24 [RECOMMENDATIONS] in the office of the lieutenant governor. When the order becomes  
25 [RECOMMENDATIONS BECOME] effective, the commission shall certify the copy of the  
26 order [RECOMMENDATIONS] on file in the office of the lieutenant governor.

27 \* Sec. 17. AS 39.23.260 is amended to read:

28 Sec. 39.23.260. POLICY OF THE LEGISLATURE. It is the policy of the legislature  
29 that the commission determine an equitable rate and form of compensation [, BENEFITS, AND  
30 ALLOWANCES] for the governor, lieutenant governor, members of the legislature, heads  
31 of the principal departments of the executive branch, supreme court justices, judges of the

1 court of appeals, judges of the superior court, and district court judges. In determining the  
2 compensation for each office, the commission shall consider the following factors:  
3 (1) the skill required;  
4 (2) the time required;  
5 (3) the opportunity for other earned income;  
6 (4) the value of public services as performed in other states and in the federal  
7 government;  
8 (5) the value of similar services when performed in the private sector of this  
9 state and in other states based on the responsibility and discretion required in the office;  
10 (6) the reasonable expenses incurred in performing the public service;  
11 (7) the percentage change in the Consumer Price Index for Anchorage,  
12 Alaska, as determined by the United States Department of Labor, Bureau of Labor  
13 Statistics since the last compensation adjustment;  
14 (8) the compensation presently received by the public officers and all other  
15 benefits received;  
16 (9) the interests and welfare of the public and the financial ability of the state  
17 to meet the costs;  
18 (10) the geographic cost-of-living based on a public officer's primary place  
19 of assignment;  
20 (11) the cost-of-living differential between Anchorage, Alaska, and other  
21 locations in the United States; and  
22 (12) other factors that are normally or traditionally considered in the  
23 determination of compensation [LEGISLATORS].

24 \* Sec. 18. AS 39.23 is amended by adding a new section to read:  
25 Sec. 39.23.401. DEFINITIONS. In this chapter,  
26 (1) "commission" means the Public Officers Compensation Commission;  
27 (2) "compensation" means the salary, per diem, and allowances paid a public  
28 officer.  
29 \* Sec. 19. AS 22.05.140(c); AS 22.10.190(c); and AS 22.15.220(d) are repealed.  
30 \* Sec. 20. AS 39.23.200, 39.23.240, and 39.23.400 are repealed.  
31 \* Sec. 21. AS 24.10.101 is repealed.

1 \* **Sec. 22.** Notwithstanding AS 39.05.055(5) and the provisions of AS 39.23.201 enacted by sec. 13  
2 of this Act, one of the initial members appointed by the Public Officers Compensation Commission shall  
3 serve a one-year term, two members shall serve two-year terms, two members shall serve three-year  
4 terms, and two members shall serve four-year terms.

5 \* **Sec. 23.** When the Public Officers Compensation Commission files its first order changing the  
6 compensation of justices of the supreme court or judges of the court of appeals, superior court, or district  
7 court, it shall address the compensation of all of those public offices in the order. The commission shall  
8 include both the governor and the lieutenant governor in the first order it issues addressing the  
9 compensation of either of those public offices.

10 \* **Sec. 24.** Sections 1 - 5 and 19 of this Act take effect on the date that the first order changing the  
11 compensation of justices and judges issued by the Public Officers Compensation Commission takes  
12 effect.

13 \* **Sec. 25.** Sections 6 - 8 and 21 of this Act take effect on the date that the first order changing the  
14 compensation of members of the legislature issued by the Public Officers Compensation Commission  
15 takes effect.

16 \* **Sec. 26.** Sections 9 - 11 of this Act take effect on the date that the first order changing the  
17 compensation of the governor and the lieutenant governor issued by the Public Officers Compensation  
18 Commission takes effect.

19 \* **Sec. 27.** Section 12 of this Act takes effect on the date that the first order changing the  
20 compensation of the heads of the principal departments of the executive branch of state government  
21 issued by the Public Officers Compensation Commission takes effect.

22 \* **Sec. 28.** Sections 13 - 18, 20, 22 and 23 of this Act take effect immediately under AS 01.10.070(c).