

CS FOR HOUSE BILL NO. 129 (STATE AFFAIRS)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 3/4/91
Referred: Judiciary, Finance

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST

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 AS 22.05.140(a) is repealed and reenacted to read: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 AS 22.07.090(a) is repealed and reenacted to read: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 AS 22.10.190(a) is repealed and reenacted to read: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 AS 22.15.220(a) is repealed and reenacted to read: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 AS 24.10.100 is repealed and reenacted to read: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 per diem for legislators. The commission may also authorize
16 additional compensation for the president of the senate and the speaker of the house of
17 representatives.

18 * Sec. 7. AS 24.10.120 is amended to read:

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

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 AS 39.20.010 is repealed and reenacted to read:

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

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 AS 39.20.030 is repealed and reenacted to read:

30 Sec. 39.20.030. COMPENSATION OF LIEUTENANT GOVERNOR. The compensation
31 of the lieutenant governor shall be established by order of the Public Officers Compensation

1 Commission.

2 * Sec. 10. AS 39.20.050 is amended to read:

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

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

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

12 * Sec. 12. AS 39.23 is amended by adding a new section to read:

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

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

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

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

29 * Sec. 13. AS 39.23.230(a) is amended to read:

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

1 * Sec. 14. AS 39.23 is amended by adding a new section to read:

2 Sec. 39.23.241. DUTIES OF THE COMMISSION. (a) The commission shall review
3 the compensation of the governor, lieutenant governor, members of the legislature, heads of the
4 principal departments of the executive branch of state government, supreme court justices, judges
5 of the court of appeals, judges of the superior court, and district court judges. The commission
6 shall submit a report on its findings every even-numbered year no later than the 60th day of the
7 regular session of the legislature. A commission member who does not concur in the report may
8 file a minority report.

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

13 (c) An order making changes to the compensation of a public officer shall become
14 effective on the first day of the next regular legislative session, unless a bill disapproving the
15 order in its entirety is enacted into law before that date.

16 * Sec. 15. AS 39.23.250 is amended to read:

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

23 * Sec. 16. AS 39.23.260 is amended to read:

24 Sec. 39.23.260. POLICY OF THE LEGISLATURE. It is the policy of the legislature
25 that the commission determine an equitable rate and form of compensation [, BENEFITS, AND
26 ALLOWANCES] for the governor, lieutenant governor, members of the legislature, heads
27 of the principal departments of the executive branch of state government, supreme court
28 justices, judges of the court of appeals, judges of the superior court, and district court
29 judges. In determining the compensation for each office, the commission shall consider the
30 following factors:

31 (1) the skill required;

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

21 * Sec. 17. AS 39.23 is amended by adding a new section to read:

22 Sec. 39.23.401. DEFINITIONS. In this chapter,

23 (1) "commission" means the Public Officers Compensation Commission;

24 (2) "compensation" means the salary and per diem paid a public officer.

25 * Sec. 18. AS 22.05.140(c); AS 22.10.190(c); and AS 22.15.220(d) are repealed.

26 * Sec. 19. AS 39.23.200, 39.23.240, and 39.23.400 are repealed.

27 * Sec. 20. AS 24.10.101 and 24.10.105 are repealed.

28 * Sec. 21. Notwithstanding AS 39.05.055(5) and the provisions of AS 39.23.201, enacted by sec. 12
29 of this Act, one of the initial members appointed to the Public Officers Compensation Commission shall
30 serve a one-year term, two members shall serve two-year terms, two members shall serve three-year
31 terms, and two members shall serve four-year terms.

1 * **Sec. 22.** When the Public Officers Compensation Commission files its first order changing the
2 compensation of justices of the supreme court or judges of the court of appeals, superior court, or district
3 court, it shall address the compensation of all of those public offices in the order. The commission shall
4 include both the governor and the lieutenant governor in the first order it issues addressing the
5 compensation of either of those public offices.

6 * **Sec. 23.** Sections 1 - 5 and 18 of this Act take effect on the date that the first order changing the
7 compensation of justices and judges issued to the Public Officers Compensation Commission takes effect.

8 * **Sec. 24.** Sections 6, 7, and 20 of this Act take effect on the date that the first order changing the
9 compensation of members of the legislature issued by the Public Officers Compensation Commission
10 takes effect.

11 * **Sec. 25.** Sections 8 - 10 of this Act take effect on the date that the first order changing the
12 compensation of the governor and the lieutenant governor issued by the Public Officers Compensation
13 Commission takes effect.

14 * **Sec. 26.** Section 11 of this Act takes effect on the date that the first order changing the
15 compensation of the heads of the principal departments of the executive branch of state government
16 issued by the Public Officers Compensation Commission takes effect.

17 * **Sec. 27.** Sections 12 - 17, 19, 21, and 22 of this Act take effect immediately under
18 AS 01.10.070(c).