

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

BY THE HOUSE JUDICIARY COMMITTEE

**Offered: 3/20/91
Referred: 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7 * **Section 1.** AS 22.05.140(a) is repealed and reenacted to read: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10 * **Sec. 2.** AS 22.07.090(a) is repealed and reenacted to read: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 AS 22.10.190(a) is repealed and reenacted to read: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 AS 22.15.220(a) is repealed and reenacted to read: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 AS 24.10.100 is repealed and reenacted to read: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, per diem if authorized by the
20 Public Officers Compensation Commission, 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 odd-numbered year no later than the 10th 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 officer. 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 changing the compensation of a public officer does not take effect if a bill
14 disapproving the order in its entirety is enacted into law within 60 days after the order is
15 submitted to the legislature. Unless disapproved, an order increasing the compensation of a
16 public officer is subject to funding through legislative appropriation and takes effect on the later
17 of January 1 of the next calendar year and the effective date of the first appropriation to fund the
18 increase. Unless disapproved and except as provided in (d) of this section, an order decreasing
19 the compensation of a public officer takes effect January 1 of the next calendar year.

20 (d) An order decreasing the compensation of persons currently holding office as the
21 governor, lieutenant governor, justices of the supreme court, or judges of the court of appeals,
22 superior court, or district court may not take effect until the later of January 1 of the next
23 calendar year and the effective date of a general law applying to all salaried officers of the state
24 that diminishes compensation with which the order is consistent.

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

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

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

2 Sec. 39.23.260. POLICY OF THE LEGISLATURE. It is the policy of the legislature
3 that the commission determine an equitable rate and form of compensation [, BENEFITS, AND
4 ALLOWANCES] for the governor, lieutenant governor, members of the legislature, heads
5 of the principal departments of the executive branch of state government, supreme court
6 justices, judges of the court of appeals, judges of the superior court, and district court
7 judges. In determining the compensation for each office, the commission shall consider the
8 following factors:

9 (1) the skill required;

10 (2) the time required;

11 (3) the opportunity for other earned income;

12 (4) the value of public services as performed in other states and in the federal
13 government;

14 (5) the value of similar services when performed in the private sector of this
15 state and in other states based on the responsibility and discretion required in the office;

16 (6) the reasonable expenses incurred in performing the public service;

17 (7) the percentage change in the Consumer Price Index for Anchorage,
18 Alaska, as determined by the United States Department of Labor, Bureau of Labor
19 Statistics since the last compensation adjustment;

20 (8) the compensation presently received by the public officers and all other
21 benefits received;

22 (9) the interests and welfare of the public and the financial ability of the state
23 to meet the costs;

24 (10) the geographic cost-of-living based on a public officer's primary place
25 of assignment;

26 (11) the cost-of-living differential between Anchorage, Alaska, and other
27 locations in the United States; and

28 (12) other factors that are normally or traditionally considered in the
29 determination of compensation [LEGISLATORS].

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

31 Sec. 39.23.401. DEFINITIONS. In this chapter,

- 1 (1) "commission" means the Public Officers Compensation Commission;
- 2 (2) "compensation" means the salary and per diem paid a public officer.
- 3 * Sec. 18. AS 22.05.140(c); AS 22.10.190(c); and AS 22.15.220(d) are repealed.
- 4 * Sec. 19. AS 39.23.200, 39.23.240, and 39.23.400 are repealed.
- 5 * Sec. 20. AS 24.10.101 and 24.10.105 are repealed.
- 6 * Sec. 21. Notwithstanding AS 39.05.055(5) and the provisions of AS 39.23.201, enacted by sec. 12
7 of this Act, one of the initial members appointed to the Public Officers Compensation Commission shall
8 serve a one-year term, two members shall serve two-year terms, two members shall serve three-year
9 terms, and two members shall serve four-year terms.
- 10 * Sec. 22. Notwithstanding the requirement in AS 39.23.201(c), enacted by sec. 12 of this Act, that
11 the commission meet every other year, and the requirement in AS 39.23.241(a), enacted by sec. 14 of
12 this Act, that the Public Officers Compensation Commission submit reports in odd-numbered years, the
13 commission shall submit its first report concerning the compensation of public officers no later than the
14 10th day of the regular session of the legislature immediately following the enactment of this Act.
15 Thereafter, the commission shall meet in even-numbered years under AS 39.23.201(c) and submit reports
16 in odd-numbered years under AS 39.23.241(a).
- 17 * Sec. 23. When the Public Officers Compensation Commission files its first order changing the
18 compensation of justices of the supreme court or judges of the court of appeals, superior court, or district
19 court, it shall address the compensation of all of those public offices in the order. The commission shall
20 include both the governor and the lieutenant governor in the first order it issues addressing the
21 compensation of either of those public offices
- 22 * Sec. 24. Sections 1 - 5 and 18 of this Act take effect on the date that the first order changing the
23 compensation of justices and judges issued by the Public Officers Compensation Commission takes
24 effect.
- 25 * Sec. 25. Sections 6, 7, and 20 of this Act take effect on the date that the first order changing the
26 compensation of members of the legislature issued by the Public Officers Compensation Commission
27 takes effect.
- 28 * Sec. 26. Sections 8 - 10 of this Act take effect on the date that the first order changing the
29 compensation of the governor and the lieutenant governor issued by the Public Officers Compensation
30 Commission takes effect.
- 31 * Sec. 27. Section 11 of this Act takes effect on the date that the first order changing the

1 compensation of the heads of the principal departments of the executive branch of state government
2 issued by the Public Officers Compensation Commission takes effect.
3 * Sec. 28. Sections 12 - 17, 19, and 21 - 23 of this Act take effect immediately under
4 AS 01.10.070(c).