

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

BY THE HOUSE JUDICIARY COMMITTEE

Amended: 5/6/91
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7 * **Section 1.** AS 22.05.140(a) is repealed and reenacted to read: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10 * **Sec. 2.** AS 22.07.090(a) is repealed and reenacted to read: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 AS 22.10.190(a) is repealed and reenacted to read: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 AS 22.15.220(a) is repealed and reenacted to read: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 AS 24.10.100 is repealed and reenacted to read: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 even-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, for public officers other
17 than legislators, takes effect on the later of the first day of the next fiscal year and the effective
18 date of the first appropriation to fund the increase. For legislators, an order increasing
19 compensation takes effect on the later of the first day of the next regular legislative session and
20 the effective date of the first appropriation to fund the increase. Unless disapproved and except
21 as provided in (d) of this section, an order decreasing the compensation of a public officer other
22 than a legislator takes effect on the first day of the next fiscal year and an order decreasing the
23 compensation of a legislator takes effect on the first day of the next regular legislative session.

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

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

30 Sec. 39.23.250. FILING WITH LIEUTENANT GOVERNOR AND CERTIFICATION.
31 The commission shall, upon transmitting an order on [ITS FINAL RECOMMENDATIONS FOR

1 THE] compensation [OF LEGISLATORS] to the legislature, file the order
2 [RECOMMENDATIONS] in the office of the lieutenant governor. When the order becomes
3 [RECOMMENDATIONS BECOME] effective, the commission shall certify the copy of the
4 order [RECOMMENDATIONS] on file in the office of the lieutenant governor.

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

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

13 (1) the skill required;

14 (2) the time required;

15 (3) the opportunity for other earned income;

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

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

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

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

24 (8) the compensation presently received by the public officers and all other
25 benefits received;

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

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

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

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

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

4 Sec. 39.23.401. DEFINITIONS. In this chapter,

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

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

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

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

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

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

14 * Sec. 22. Notwithstanding the requirement in AS 39.23.201(c), enacted by sec. 12 of this Act, that
15 the commission meet every other year, and the requirement in AS 39.23.241(a), enacted by sec. 14 of
16 this Act, that the Public Officers Compensation Commission submit reports in even-numbered years, the
17 commission shall submit its first report concerning the compensation of public officers no later than the
18 10th day of the regular session of the legislature immediately following the enactment of this Act.
19 Thereafter, the commission shall meet in odd-numbered years under AS 39.23.201(c) and submit reports
20 in even-numbered years under AS 39.23.241(a).

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

26 * Sec. 24. Sections 1 - 5 and 18 of this Act take effect on the date that the first order changing the
27 compensation of justices and judges issued by the Public Officers Compensation Commission takes
28 effect.

29 * Sec. 25. Sections 6, 7, and 20 of this Act take effect on the date that the first order changing the
30 compensation of members of the legislature issued by the Public Officers Compensation Commission
31 takes effect.

1 * Sec. 26. Sections 8 - 10 of this Act take effect on the date that the first order changing the
2 compensation of the governor and the lieutenant governor issued by the Public Officers Compensation
3 Commission takes effect.

4 * Sec. 27. Section 11 of this Act takes effect on the date that the first order changing the
5 compensation of the heads of the principal departments of the executive branch of state government
6 issued by the Public Officers Compensation Commission takes effect.

7 * Sec. 28. Sections 12 - 17, 19, and 21 - 23 of this Act take effect immediately under
8 AS 01.10.070(c).