

SENATE BILL NO. 113

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST

Introduced: 2/11/91
Referred: State Affairs and 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 AS 22.05.140(a) is repealed and reenacted to read: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 AS 22.07.090(a) is repealed and reenacted to read: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2 * **Sec. 3.** AS 22.10.190(a) is repealed and reenacted to read: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5 * **Sec. 4.** AS 22.15.220(a) is repealed and reenacted to read: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12 * **Sec. 6.** AS 24.10.100 is repealed and reenacted to read: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17 * **Sec. 7.** AS 24.10.110 is repealed and reenacted to read: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).