

CS FOR SENATE BILL NO. 113 (STATE AFFAIRS)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 3/21/91  
Referred: Finance

Sponsor(s): SENATE 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 AS 22.05.140(a) is repealed and reenacted to read: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 AS 22.07.090(a) is repealed and reenacted to read: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2 \* **Sec. 3.** AS 22.10.190(a) is repealed and reenacted to read: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5 \* **Sec. 4.** AS 22.15.220(a) is repealed and reenacted to read: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12 \* **Sec. 6.** AS 24.10.100 is repealed and reenacted to read: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 **COMPENSATION OF LEGISLATORS.** The salary for each member  
14 of the legislature shall be established by order of the Public Officers Compensation Commission.  
15 The 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 24.10.110 is repealed and reenacted to read:

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

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

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

30 \* **Sec. 9.** AS 39.20.010 is repealed and reenacted to read:

31 Sec. 39.20.010. **COMPENSATION OF GOVERNOR.** The compensation of the governor

1 shall be established by order of the Public Officers Compensation Commission.

2 \* **Sec. 10.** AS 39.20.030 is repealed and reenacted to read:

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

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

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

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

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

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

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

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

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

31 (d) The commission shall hold a public hearing to discuss its findings before submitting

1 its report or an order to the legislature.

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

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

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

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

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

17 (c) An order changing the compensation of a public officer does not take effect if a bill  
18 disapproving the order in its entirety is enacted into law before the effective date of the change  
19 to compensation. Unless disapproved, an order increasing the compensation of a public officer  
20 is subject to funding through legislative appropriation and takes effect on the later of July 1 of  
21 the next fiscal year and the effective date of the first appropriation to fund the increase. Unless  
22 disapproved and except as provided in (d) of this section, an order decreasing the compensation  
23 of a public officer takes effect July 1 of the next fiscal year.

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. 16.** 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. 17. 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, supreme court justices, judges of the  
10 court of appeals, judges of the superior court, and district court judges. In determining the  
11 compensation for each office, the commission shall consider the following factors:

12 (1) the skill required;

13 (2) the time required;

14 (3) the opportunity for other earned income;

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

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

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

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

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

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

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

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

31 (12) other factors that are normally or traditionally considered in the

1        **determination of compensation** [LEGISLATORS].

2        \* **Sec. 18.** AS 39.23 is amended by adding a new section to read:

3                Sec. 39.23.401. DEFINITIONS. In this chapter,

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

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

7        \* **Sec. 19.** AS 22.05.140(c); AS 22.10.190(c); and AS 22.15.220(d) are repealed.

8        \* **Sec. 20.** AS 39.23.200, 39.23.240, and 39.23.400 are repealed.

9        \* **Sec. 21.** AS 24.10.101 and 24.10.105 are repealed.

10       \* **Sec. 22.** Notwithstanding AS 39.05.055(5) and the provisions of AS 39.23.201 enacted by sec. 13  
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. 23.** When the Public Officers Compensation Commission files its first order changing the  
15 compensation of justices of the supreme court or judges of the court of appeals, superior court, or district  
16 court, it shall address the compensation of all of those public offices in the order. The commission shall  
17 include both the governor and the lieutenant governor in the first order it issues addressing the  
18 compensation of either of those public offices.

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

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

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

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

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