SCOMM
#49:8

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

MEMORANDUM October 3, 1985

SUBJECT: Annual Salaries for Legislators

TO: Senator Mitch Abood
Chairman, Legislative Salary Committee

FROM: Teresa B. Cramer TBC
Legislative Counsel

You have asked for information concerning the development of the statutes concerning legislative salaries, allowances, per diem, and travel expenses. I have provided Linda Firestone of your staff with copies of the chapters that adopted or amended the appropriate statutes. The following table sets out the development of each of the relevant statutes.

AS 24.15.010. Legislative per diem.

Ch. 1 SLA 1959

Section 1. Legislative Per Diem. The rate of per diem in lieu of subsistence and other expenses for each member of the Legislature while in session shall be $40.00 per day.
Effective: Feburary 11, 1959.

Ch. 26 SLA 1961

Section 1. Legislative Per Diem. The rate of per diem in lieu of subsistence for each member of the legislature whose permanent residence is in Election District 5 is $25.00 for each day in session. The rate for all other members of the legislature is $35.00 for each day in session. This per diem shall also be payable for those days of necessary travel to and from sessions.
Effective: March 18, 1961.

Ch. 100 SLA 1963

Sec. 3 AS 24.15.010 is repealed and re-enacted to read:

Sec. 24.15.010. Legislative Per Diem. The rate of per diem instead of subsistence for each member of the legislature is $35 for each day in session. The per diem is also payable for those days of necessary travel to and from sessions.
Effective: May 2, 1963.

Ch. 193 SLA 1970

* Sec. 8. AS 24.15.010 is amended to read:

Sec. 24.15.010. Legislative Per Diem. The rate of per diem instead of subsistence for each member of the legislature is $35 for the first 90 days of a legislative session. The per diem is also payable for those days of necessary travel to and from sessions.
Effective: July 16, 1970.

Ch. 87 SLA 1971

* Sec. 5. AS 25.15.010 is amended to read:

Sec. 24.15.010. Legislative Per Diem. The rate of per diem instead of subsistence for each member of the legislature is $35 for each day of a legislative session. The per diem is also payable for those days of necessary travel to and from sessions.

Effective: Retroactive to April 10, 1971.

Ch. 205 SLA 1975

* Sec. 6. AS 24.15.010 is repealed and re-enacted to read:

Sec. 24.15.010. LEGISLATIVE PER DIEM. (a) For each day of the legislative session and for each day on official legislative business between sessions, legislators (1) on travel status and

away from home overnight shall be allowed, instead of their actual expenses for subsistence a per diem allowance of $48 for each day; (2) not away from home overnight shall receive an allowance of $35 for each day. The per diem allowance is also payable for each day of necessary travel.
Effective: July 1, 1975

Ch. 263 SLA 1976

* Sec. 6. AS 24.15.010 is repealed and re-enacted to read:

Sec. 24.15.010. LEGISLATIVE PER DIEM. The rate of per diem instead of subsistence for each member of the legislature shall be prescribed in accordance with AS 39.23.
Effective On the effective date of the first recommendations submitted to the legislature by the Alaska Salary Commission.

Ch. 3 SLA 1980

* Sec. 13. AS 24.15.010 is repealed and re-enacted to read:

Sec. 24.15.010. LEGISLATIVE PER DIEM. (a) Each member of the legislature is entitled to receive per diem at the same rate allowed for a state employee under AS 39.20.110 and 39.20.160, including regional variations in the rate where applicable.

(b) A legislator is entitled to receive per diem at the short-term rate

(1) during a legislative session if he does not live in his place of permanent residence during the session; and

(2) while he is on committee business for an interim committee of the legislature in a place which is not his place of permanent residence.

(c) A legislator is entitled to receive per diem at the long-term rate

(1) during a legislative session if he lives in his place of permanent residence during the session; and

(2) while he is engaged in committee business for an interim committee of the legislature at his place of permanent residence.

(d) In this section

(1) "long-term rate" means the long-term per diem rate established in regulations adopted by the commissioner of administration under AS 39.20.160;

(2) "short-term rate" means the short-term per diem rate established in regulations adopted by the commissioner of administration under AS 39.20.160.

Effective: Retroactive to January 1, 1979

Ch. 83 SLA 1983

* Sec. 7. AS 24.15.010 is repealed.
Effective: July 21, 1983

AS 24.15.020. Legislative Salaries.

Ch. 1 SLA 1959

Section 2. Annual Salaries. The annual salary for each member of the Legislature shall be $3,000.00, to be paid at the rate of $250.00 per month.
Effective: February 11, 1959

Ch. 26 SLA 1961

Sec. 2. Annual Salaries. The annual salary for each member of the legislature is $2,500.00 to be paid in approximately equal monthly payments. The president of the senate and speaker of the house of representatives shall each be paid an additional $500.00 per year during tenure of office.
Effective: March 18, 1961

Ch. 149 SLA 1966

* Section 1. AS 24.15.020 is amended to read:

Sec. 24.15.020. ANNUAL LEGISLATIVE SALARIES. The annual salary for each member of the legislature is $6,000 to be paid in approximately equal monthly payments. The president of the senate and speaker of the house of representatives are each entitled to an additional $500 a year during tenure of office.

Effective: January 23, 1967.

Ch. 193 SLA 1970

* Sec. 9. AS 24.15.020 is amended to read:

Sec. 24.15.020. ANNUAL LEGISLATIVE SALARIES. The annual salary for each member of the legislature is $9,000 to be paid in approximately equal monthly payments. The president of the senate and speaker of the house of representatives are each entitled to an additional $500 a year during tenure of office.
Effective: July 16, 1970

Ch. 205 SLA 1975

* Sec. 4. AS 24.15.020 is amended to read:

Sec. 24.15.020. ANNUAL LEGISLATIVE SALARIES. The annual salary for each member of the legislature is 33-1/3 per cent of Step E, Range 28 of the salary schedule established in AS 39.27.010 for Anchorage, Alaska, to be paid in approximately equal monthly payments. The president of the sentate and speaker of the house of representatives are each entitled to an additional $500 a year during tenure of office.
Effective: July 1, 1975

Ch. 148 SLA 1976

* Sec. 6. AS 24.15.020 is repealed and re-enacted to read:

Sec. 24.15.020. ANNUAL LEGISLATIVE SALARIES. The annual salary for each member of the legislature is 33-1/3 per cent of Step E, Range 28 of the salary schedule established in AS 39.27.010 for Anchorage, Alaska. The president of the senate and speaker of the house of representatives are each entitled to an additional $500 a year during tenure of office.
Effective: July 16, 1976

Ch. 263 SLA 1976

* Sec. 7. AS 24.15.020 is repealed and re-enacted to read:

Sec. 24.15.020. ANNUAL LEGISLATIVE SALARIES. Each member of the legislature is entitled to receive annual compensation prescribed in accordance with AS 39.23 to be paid in approximately equal monthly installments. The president of the senate and speaker of the house of representatives are each entitled to an additional annual sum prescribed in accordance with AS 39.23.
Effective: On the effective date of the first recommendations submitted to the legislature by the Alaska Salary Commission.

Ch. 3 SLA 1980

* Sec. 14. AS 24.15.020 is repealed and re-enacted to read:

Sec. 24.15.020. ANNUAL LEGISLATIVE COMPENSATION. (a) The annual salary for each member of the legislature is $15,500, payable monthly in 12 equal installments. The president of the senate and speaker of the house of representatives are each entitled to an additional $500 a year during tenure of office.

(b) Except as provided by a general law applicable to all officials of the state, the compensation of a member of the legislature may not be reduced during his term of office.
Effective: Retroactive to January 1, 1979

Ch. 3 SLA 1980

* Sec. 28. AS 24.15.020 is repealed and re-enacted to read:

Sec. 24.15.020. The monthly salary for each member of the legislature is equal to Step A, Range 10 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska. The president of the senate and the speaker of the house of representatives are each entitled to an additional $500 a year during tenure of office.
Effective: Retroactive to January 1, 1980

Ch. 83 SLA 1983

* Sec. 2. AS 24.15.020 is amended to read:

Sec. 24.15.020. SALARY OF LEGISLATORS. The monthly salary for each member of the legislature is equal to Step A, Range 22 (10) of the salary schedule in AS 39.27.011(a) for Juneau, Alaska. The president of the senate and the speaker of the house of representatives are each entitled to an additional $500 a year during tenure of office.
Effective: July 21, 1983

Ch. 87 SLA 1985

* Section 1. AS 24.15.020 is amended to read:

Sec. 24.15.020. SALARY OF LEGISLATORS. The annual (MONTHLY) salary for each member of the legislature is $46,800 (EQUAL TO STEP A, RANGE 22 OF THE SALARY SCHEDULE IN AS 39.27.011(a) FOR JUNEAU, ALASKA). The president of the senate and the speaker of the house of representatives are each entitled to an additional $500 a year during tenure of office.
Effective: July 16, 1985

AS 24.15.030. Additional Allowances

Ch. 1 SLA 1959

Section. 3. Additional Allowances. In recognition of their extra duties the President of

the Senate and the Speaker of the House shall each be paid an additional allowance of $600.00 per year during tenure of office. These sums shall be paid at the rate of $50.00 per month.
Effective: February 11, 1959

Ch. 26 SLA 1961

Sec. 3. Additional Allowances. In addition, each member of the legislature shall receive an annual allowance of $300.00 for postage, stationery, stenographic services and other expenses.

Sec. 7. Special Provisions: First Session-Second Legislature. Members of the first session-second legislature shall receive the salary, per diem and allowances set out in Ch. 1, SLA 1959 until the effective date of this Act. On the effective date of this Act the salary, per diem and allowances set out in this Act shall apply, except that the additional allowance set out in Sec. 3 shall be reduced one-half for the first session of the second legislature. Payment of this special allowance may be made from the line item appropriation made for the per diem of legislators for the fiscal year ending June 30, 1961.
Effective: March 18, 1961

Ch. 8 SLA 1970

* Section 1. AS 24.15.030 is amended to read:

Sec. 24.15.030. ADDITIONAL ALLOWANCES. In addition, each member of the legislature is entitled to an annual allowance of $1,000 for postage, stationery, stenographic services and other expenses.
Effective: February 18, 1970

Ch. 193 SLA 1970

* Sec. 10. AS 24.15.030 is amended to read:

Sec. 24.15.030. ADDITIONAL ALLOWANCES. In addition, each member of the legislature is entitled to an annual allowance of $4,000 for

postage, stationery, stenographic services and other expenses.
Effective: July 16, 1970

Ch. 263 SLA 1976

* Sec. 8. AS 24.15.030 is amended to read:

Sec. 24.15.030. ADDITIONAL ALLOWANCES. In addition, each member of the legislature is entitled to an annual allowance prescribed in accordance with AS 39.23 for postage, stationery, stenographic services and other expenses.
Effective: On the effective date of the first recommendations submitted to the legislature by the Alaska Salary Commission.

AS 24.15.050. Travel Allowance

Ch. 36 SLA 1959

Section 1. Each member of the Alaska State Legislature shall be entitled to receive one round trip first class airline fare, or its equivalent, from his place of residence in the election district from which elected or appointed to Juneau for purposes of attending regular, reconvened regular or special sessions of the State Legislature. When needed, an allowance up to fifty pounds for excess baggage each way is hereby authorized.

Sec. 2. This Act shall be effective upon its passage and approval or upon its becoming law without such approval.
Effective: March 13, 1959

Ch. 100 SLA 1963

Sec. 4. AS 24.15.050 is repealed and re-enacted to read:

Sec. 24.15.050. Transportation Allowance. Each member of the legislature is entitled to receive one round-trip transportation fare not to exceed the cost of first-class airline fare from his place of residence in the election district from

which elected or appointed to the capital for purposes of attending regular, reconvened regular, or special sessions of the legislature. Each member receiving transportation fare is entitled to a baggage allowance not to exceed the cost of 100 pounds excess baggage by air each way upon submission of proper documentation to substantiate the baggage shipment.
Effective May 2, 1963

Ch. 106 SLA 1975

* Section 1. AS 24.15.050 is amended to read:

Section 24.15.050. TRANSPORTATION ALLOWANCE. Each member of the legislature is entitled to receive one round-trip transportation fare not to exceed the cost of first-class airline fare from his place of residence in the election district from which elected or appointed to the capital for purposes of attending regular, reconvened regular, or special sessions of the legislature. Each member receiving transportation fare is entitled to an allowance not to exceed the cost of 200 pounds air freight each way upon submission of proper documentation to substantiate the baggage shipment.
Effective June 4, 1975

Ch. 3 SLA 1980

* Sec. 29. AS 24.15.050 is repealed and re-enacted to read:

Sec. 24.15.050. LEGISLATIVE TRANSPORTATION. A member of the legislature is entitled to reimbursement for the expense of moving between his place of residence and the capital city for the purpose of attending a regular session of the legislature. Reimbursement shall be as provided by regulations covering state employees adopted by the commissioner of administration under AS 39.20.160.
Effective Retroactive to January 1, 1980

ANNUAL LEGISLATIVE SALARIES ESTABLISHED BY AS 24.15.020

1959-1961	$ 3,000	Speaker & Senate President $500 extra. This amount has not changed since 1959.
1961-1966	$ 2,500	
1967-1970	$ 6,000	
1970-1975	$ 9,000	
1975-?	$14,705	Established at 33.3% of Range 28E of the salary schedule established in AS 39.27.010. Chapter 138 SLA 1975 establishes the monthly rate for Range 28E as $3,680. This salary remained in effect until the Alaska Salary Commission submitted its first recommendations to the legislature.
1979	$15,500	
1980-1982	$17,280	Set at Range 10A of the salary schedule in AS 39.27.011.
1982	$20,076	Chapter 50, SLA 1982 amended the salary schedule in AS 39.27.011.
1983	$46,800	Range 22A of the salary schedule in AS 39.27.011 from 1983 to 1985, then ch. 87 SLA 1985 set this amount by statute.

If I can be of further assistance, please advise.

TC:mkr
M1:026

Attachments

LAWS OF ALASKA

1975

Source

FCCS HCSSB 404

Chapter No.

205

AN ACT

Relating to the compensation and retirement of judicial officers, legislators, and public officers and employees; and legislative per diem; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 22.05.140(a) is amended to read:

(a) The annual salary for the chief justice and each associate justice is 20 per cent above Step E, Range 28 of the salary schedule established in AS 39.27.010 for Anchorage, Alaska. The compensation is payable monthly in 12 equal installments. Compensation of the chief justice or of an associate justice shall not be diminished during his term of office, unless by general law applying to all salaried officers of the state.

* Sec. 2. AS 22.10.190(a) is amended to read:

(a) The annual salary for each superior court judge is 10 per cent above Step E, Range 28 of the salary schedule established in AS 39.27.010 for Anchorage, Alaska, payable monthly in 12 equal installments. The compensation of a judge shall not be diminished during his term of office, unless by general law applying to all salaried officers of the state.

* Sec. 3. AS 22.15.220(a) is amended to read:

(a) The annual salary for each district judge is 93 per cent of Step E, Range 28 of the salary schedule established in AS 39.27.010 for Anchorage, Alaska, payable monthly in 12 equal installments.

* Sec. 4. AS 24.15.020 is amended to read:

Sec. 24.15.020. ANNUAL LEGISLATIVE SALARIES. The annual salary for each member of the legislature is

33-1/3 per cent of Step E, Range 28 of the salary schedule established in AS 39.27.010 for Anchorage, Alaska, to be paid in approximately equal monthly payments. The president of the senate and speaker of the house of representatives are each entitled to an additional $500 a year during tenure of office.

* Sec. 5. AS 39.20.080(a) is amended to read:

(a) The annual salary of the head of each principal executive department of the state upon appointment and confirmation is 10 per cent above Step E, Range 28 of the salary schedule established in AS 39.27.010 for Anchorage, Alaska. This salary shall be paid in equal monthly installments.

* Sec. 6. AS 24.15.010 is repealed and re-enacted to read:

Sec. 24.15.010. LEGISLATIVE PER DIEM. (a) For each day of the legislative session and for each day on official legislative business between sessions, legislators (1) on travel status and away from home overnight shall be allowed, instead of their actual expenses for subsistence a per diem allowance of $48 for each day; (2) not away from home overnight shall receive an allowance of $35 for each day. The per diem allowance is also payable for each day of necessary travel.

* Sec. 7. AS 22 is amended by adding a new chapter to read:

CHAPTER 28. CONTRIBUTORY JUDICIAL RETIREMENT SYSTEM.

Sec. 22.28.010. APPLICATION. Each justice or judge appointed before January 1, 1976 shall accrue benefits under the provisions of ch. 25 of this title. Each justice or judge appointed after that date and who has not accrued benefits under ch. 25 of this title shall accrue benefits under the system provided in this chapter.

Sec. 22.28.020. ADMINISTRATION. The commissioner of administration is responsible for the administration of the system.

Sec. 22.28.030. REGULATIONS. The commissioner may promulgate regulations to implement the provisions of this chapter. Regulations adopted by the commissioner under this chapter relate to the internal management of state agencies and their adoption is not subject to the Administrative Procedure Act (AS 44.62).

Sec. 22.28.040. CONTRIBUTIONS. While participating in the system each justice and judge shall contribute seven per cent of his compensation to the retirement system.

Sec. 22.28.050. RETIREMENT OF JUSTICES AND JUDGES. (a) A justice or judge shall be retired on the date that he reaches the age of 70. He is eligible for retirement pay if he has had five or more years of service at the time of retirement as a justice or judge.

(b) A justice or judge may be retired for incapacity as provided by law. He is eligible for retirement pay if

he has had two or more years of service at the time of retirement for incapacity. The effective date of retirement under this subsection is the first day of the month coinciding with or after the date upon which the governor with respect to a justice, or the supreme court with respect to a judge files with the commissioner of administration a written declaration to the effect that a designated justice or judge was retired for incapacity. A duplicate copy of the declaration shall be filed with the judicial council.

(c) A justice or judge who served for a period of five years, and who believes that he has become so incapacitated as to prevent him from efficiently performing his judicial duties may file with the governor a written application for retirement which contains a sworn statement of his service and of his incapacity. When an application is filed, the governor shall appoint a board of three persons to inquire into the circumstances, and may, upon the board's recommendation, retire the justice or judge. The effective date of the retirement shall be as provided in (b) of this section.

(d) A justice or judge may voluntarily retire at any time and shall have a vested right to his accrued retirement pay if he has served five or more years. Retirement pay shall not commence until he has reached age 60, except that an actuarially equivalent retirement pay may be commenced after he has reached age 55 or upon his serving 20 years as a justice or judge. The provisions of (b) of this section are an exception to this rule. A justice or judge desiring to retire under this subsection shall file with the commissioner of administration a notice of his desire. If a justice or judge is eligible to receive retirement pay at the time of his retirement, his retirement pay shall commence on the first day of the month coinciding with or after the date the notice is filed with the commissioner of administration. If a justice or judge is not eligible to receive retirement pay at the time of his retirement, his retirement pay shall commence on the first day of the month he reaches age 60 or the month he becomes eligible for an actuarial equivalent if he has applied for this option.

(e) In the computation of service for retirement under this chapter, the time served by a justice or judge of any court of the state is added to the time served by him, if any, on any other court of the state.

(f) The word "justice" means a supreme court justice, and the word "judge", unless the context clearly indicates otherwise, means a superior court or district court judge.

Sec. 22.28.060. RETIREMENT PAY. A retired justice or judge eligible for retirement pay shall receive from the date of his eligibility until his death monthly compensation equal to five per cent per year of service, to a maximum of 75 per cent, of the monthly salary authorized for justices and judges, respectively, at the time each retirement payment is made.

Sec. 22.28.070. SURVIVORS' BENEFITS. (a) Upon the death of a justice or judge who has served for at least two years, the surviving spouse is entitled to receive monthly compensation equal to one-half of the monthly retirement pay

the justice or judge would thereafter have been entitled to receive if retired at the time of death. If at death the justice or judge was not yet entitled to retirement pay, or was or would have been entitled to less than 60 per cent of the monthly salary authorized for his office, the surviving spouse is entitled to monthly compensation equal to 30 per cent of the salary authorized for justices or judges, respectively, at the time each monthly payment is made.

(b) To be eligible for the survivors' benefits, the surviving spouse must have been married to the justice or judge for at least two years immediately preceding the death of the justice or judge. The benefits continue until the remarriage or death of the surviving spouse.

(c) If there is no surviving spouse, or if the surviving spouse does not meet the requirements of (b) of this section, or upon the remarriage or death of the surviving spouse, the surviving dependent child or children of the justice or judge are entitled to receive in equal shares 50 per cent of the amount of the survivors' benefits specified under (a) of this section.

(d) The surviving child or children are entitled to the survivors' benefits under (c) of this section during the period of their dependency. Dependency exists with respect to any child of a justice or judge who is either (1) a minor under the laws of Alaska, (2) under the age of 23 and is a student attending on a full-time basis an accredited educational or technical institution recognized by the Department of Education, or (3) so mentally or physically incapacitated as to be unable to provide for self-care.

(e) If there are both an eligible surviving spouse and surviving dependent children, but who reside in separate households, the surviving spouse and dependent children will share equally in the benefits payable under (a) of this section.

Sec. 22.28.080. TAX EXEMPTION. Benefits paid under this chapter are exempt from state and municipal taxes.

Sec. 22.28.090. APPROPRIATIONS. An estimated amount sufficient to pay all benefits, including interest credited to individual accounts, anticipated to be paid under this chapter in each fiscal year shall be included in the annual appropriation to the Department of Administration. If the actual authorized benefits necessary to be paid in any fiscal year exceed the sum appropriated, the benefits due shall nevertheless be paid from general funds of the state not otherwise appropriated.

Sec. 22.28.100. ACCOUNTING. (a) The contributory judicial retirement account shall be established to which all appropriations under this chapter shall be credited.

(b) An individual account shall be maintained for each justice or judge to which the amount of his mandatory contributions collected under this chapter shall be credited as of the date of deduction or payment, as the case may be. As of the last day of each calendar year and each fiscal year beginning with June 30, 1976, this account shall be credited

with interest by applying one-half of the prescribed rate of interest to the balance in the account as of that date.

(c) Upon commencement of retirement pay to a justice or judge, the balance in his individual account shall be transferred to the contributory judicial retirement account.

Sec. 22.28.110. REFUNDS. Upon termination of judicial service, application may be made for a refund of the balance in the individual's account. Upon withdrawal of the balance, all rights to benefits terminate.

Sec. 22.28.120. PRIOR SERVICE CREDIT. In the event a justice or judge who has withdrawn the balance of his individual account returns to permanent active service, he shall receive credit for his prior period or periods of service only if he repays within one year of the date of return all refunded contributions with interest at the prevailing prescribed rate.

* Sec. 8. AS 39 is amended by adding a new chapter to read:

CHAPTER 37. ELECTED PUBLIC OFFICERS RETIREMENT SYSTEM.

Sec. 39.37.010. APPLICATION. This chapter applies to persons who are elected public officers on the effective date of this chapter and to persons who become elected public officers after the effective date of the chapter.

Sec. 39.37.020. RETIREMENT OF ELECTED PUBLIC OFFICERS. An elected public officer is eligible for retirement pay if he has had five or more years of service at the time of retirement as an elected public officer.

Sec. 39.37.030. RETIREMENT FOR INCAPACITY. An elected public officer who has served for a period of five years, and who believes that he has become so incapacitated as to prevent him from efficiently performing his duties, may file a written application for retirement which contains a sworn statement of his service and of his incapacity. When an application is filed, a board of three persons to inquire into the circumstances shall be appointed by the chief justice of the state supreme court, and the commissioner of administration upon the board's recommendation shall retire the elected public officer. The effective date of the retirement shall be the first day of the month following the recommendation of the board.

Sec. 39.37.040. VOLUNTARY RETIREMENT. (a) An elected public officer may voluntarily retire at any time and shall have a vested right to his accrued retirement pay if he has served five years or more. Retirement pay shall not begin until he has reached age 60, except that an actuarially equivalent retirement pay may be begun after he has reached age 55 or upon attaining 20 years of creditable service. The provisions of sec. 30 of this chapter are an exception to this rule.

(b) An elected public officer desiring to retire under this section shall file with the commissioner of administration an application for retirement.

(c) If an elected public officer is eligible to receive retirement pay at the time of his retirement, his retirement pay shall begin on the first day of the month following termination of office. If an elected public officer is not eligible to receive retirement pay at the time of his retirement, his retirement pay shall begin on the first day of the month he reaches age 60 or at age 55 with an actuarially reduced benefit.

Sec. 39.37.050. BENEFIT FORMULA. (a) A person retired under the provisions of this chapter shall receive from the effective date of his retirement until his death monthly compensation equal to a per cent of either (1) the monthly salary and additional allowances established under AS 24.15.030 authorized for the office from which he retired at the time each retirement payment is made; or (2) his average monthly compensation as defined in AS 39.35.680. At the time the official applies for retirement, he shall elect to have his benefits computed under either (1) or (2) of this subsection. The election is irrevocable.

(b) The per cent shall be five per cent per year of membership service and the per cent per year of other creditable service equal to the benefit formula used for years of creditable service under ch. 35 of this title prevailing at the time of retirement.

(c) The total percentage under (b) of this section shall not exceed 75 per cent.

Sec. 39.37.060. SURVIVORS' BENEFITS. (a) Upon the death of an elected public officer who has served at least two years, the surviving spouse is entitled to receive monthly compensation equal to one-half of the monthly retirement pay the elected public officer would thereafter have been entitled to receive if retired at the time of death. If at death the elected public officer was not yet entitled to retirement pay, or was or would have been entitled to less than 60 per cent of the monthly salary authorized for his office, the surviving spouse is entitled to monthly compensation equal to 30 per cent of the monthly salary authorized for the office at the time each retirement payment is made or 30 per cent of his average monthly compensation as defined in AS 39.35.680.

(b) To be eligible for the survivors' benefits, the surviving spouse must have been married to the elected public officer for at least two years immediately preceding the death of the elected public officer. The benefits continue until the remarriage or death of the surviving spouse.

(c) If there is no surviving spouse, or if the surviving spouse does not meet the requirements of (b) of this section, or upon the remarriage or death of the surviving spouse, the surviving dependent child or children of the elected public officer are entitled to receive in equal shares 50 per cent of the amount of the survivors' benefits specified under (a) of this section.

(d) The surviving child or children are entitled to the survivors' benefits under (c) of this section during

the period of their dependency. Dependency exists with respect to any child of an elected public officer who is either (1) a minor under the laws of Alaska; (2) under the age of 23 and is a student attending on a full-time basis an accredited educational or technical institution recognized by the Department of Education; or (3) so mentally or physically incapacitated as to be unable to provide for self-care.

(e) If there are both an eligible surviving spouse and surviving dependent children, but who reside in separate households, the surviving spouse will receive one-half of the benefits payable under (a) of this section and the dependent children will share equally in the remainder of the benefits.

Sec. 39.37.070. CONTRIBUTIONS. (a) Each elected public officer shall contribute seven per cent of his compensation to the retirement system.

(b) An elected public officer participating in the retirement system established under this chapter is entitled to service credit for creditable service to the state, territory, or political subdivision before the effective date of this chapter for each year of such service for which he has accrued service credit under ch. 35 of this title.

(c) An elected public officer participating in the retirement system established under this chapter may become entitled to service credit for creditable service to the state, territory or political subdivision before the effective date of this chapter for which he has not accrued service credit under ch. 35 of this title by complying with the following:

(1) if the prior creditable service was covered under ch. 35 of this title at the time it was rendered, he shall pay contributions for each year of seven per cent of the compensation received at the time service was rendered; or

(2) if the prior creditable service was not covered under ch. 35 of this title at the time service was rendered, he shall pay contributions of seven per cent of his compensation at the time he makes application under (d) of this section; or

(3) if the service was as an elected public officer, he shall pay contributions at the rate of seven per cent of the amount of salary actually paid during the period.

(d) To receive service credit under (c) of this section, an elected public officer must make application within 60 days of becoming a participant in the retirement system established under this chapter.

(e) Each public officer who has accrued five years or more of membership service shall contribute to this retirement system seven per cent of compensation received thereafter for all creditable service and is entitled to benefits as provided in this chapter.

(f) The compensation applicable to a member of the legislature making a contribution under (a) of this section is the sum of the legislative salary and additional allowances established under AS 24.15.020 and 24.15.030.

(g) The contribution is made in the form of a payroll deduction and is made notwithstanding that the compensation paid in cash to the elected public officer is reduced below the minimum prescribed by law. Each elected public officer is considered to consent to the deduction made from his compensation. Payment of compensation less the deduction prescribed in (a) of this section and other payroll deductions constitutes a full and complete discharge and satisfaction of all claims and demands for the services rendered by him during the period covered by the payment, except as to the benefits provided for under this chapter.

Sec. 39.37.080. ADMINISTRATION. The commissioner of administration is responsible for the administration of the system.

Sec. 39.37.090. REGULATIONS. The commissioner may promulgate regulations to implement the provisions of this chapter. Regulations adopted by the commissioner under this chapter relate to the internal management of state agencies and their adoption is not subject to the Administrative Procedure Act (AS 44.62).

Sec. 39.37.100. TAX EXEMPTION. Benefits paid under this chapter are exempt from state and municipal taxes.

Sec. 39.37.110. APPROPRIATIONS. An estimated amount sufficient to pay all benefits, including interest credited to individual accounts, anticipated to be paid under this chapter in each fiscal year shall be included in the annual appropriation to the Department of Administration. If the actual authorized benefits necessary to be paid in any fiscal year exceed the sum appropriated, the benefits due shall nevertheless be paid from general funds of the state not otherwise appropriated.

Sec. 39.37.120. ACCOUNTING. (a) The elected public officers retirement account shall be established to which all appropriations under this chapter shall be credited.

(b) An individual account shall be maintained for each elected public officer to which the amount of his mandatory contributions collected under this chapter shall be credited as of the date of deduction or payment, as the case may be. As of the last day of each calendar year and each fiscal year beginning with June 30, 1976, this account shall be credited with interest by applying one-half of the prescribed rate of interest to the balance in the account as of that date.

(c) Upon commencement of retirement pay to an elected public officer, the balance in his individual account shall be transferred to the elected public officers retirement account.

(d) Upon commencement of participation in this retirement system, any balance in an elected public officer's

individual account under ch. 35 of this title is transferred to his individual account under this section.

Sec. 39.37.130. REFUNDS. Upon termination of creditable service, application may be made for a refund of the balance in the individual's account. Upon withdrawal of the balance, all rights to benefits terminate.

Sec. 39.37.140. PRIOR SERVICE CREDIT. In the event an elected public officer who has withdrawn the balance of his individual account returns to elected public office, he shall receive credit for his prior period or periods of service only if he repays within one year of the date of return all refunded contributions with interest at the prevailing prescribed rate.

Sec. 39.37.150. DEFINITIONS. In this chapter

(1) "elected public officer" means the governor, lieutenant governor, or a member of the legislature;

(2) "creditable service" means service as an elected public officer and other service to the state, territory, or political subdivision under which benefits presently accrue under ch. 35 of this title;

(3) "membership service" means service as an elected public officer.

* Sec. 9. AS 39.35.680(5)(B) is amended to read:

(B) means an elected official of a political subdivision currently serving who elects to pay contributions required of an employee and to be included in the system under sec. 125 of this chapter;

* Sec. 10. AS 39.35.680(5)(C)(v) is amended to read:

(v) justices and judges of the supreme, superior and district courts of Alaska; or the governor and lieutenant governor of Alaska; or the members of the Alaska State Legislature;

* Sec. 11. AS 39.35.380(a) is amended to read:

(a) An employee is eligible for an early retirement pension on or after his 50th birthday and after he completes five or more years of credited service.

* Sec. 12. AS 39.35.380 is amended by adding a new subsection to read:

(d) An employee who previously retired under (a) of this section shall be paid benefits computed under sec. 370(c) of this chapter from the effective date of this Act.

* Sec. 13. AS 39.35.410(d) is amended to read:

(d) The monthly amount of an occupational disability pension for a peace officer or a fireman shall be two-thirds of his gross monthly compensation at the time of his disability. For any other employee it shall be determined in

accordance with sec. 370(c) of this chapter, considering (1) the employee's compensation before his termination of employment, and (2) either the credited service that would have been accumulated if the employee's employment had continued until his 55th birthday after his disability or his actual credited service before his disability, whichever is greater; except that the amount so determined shall be reduced by assuming that a joint and survivor option of 75 per cent became immediately effective upon retirement, with the employee's spouse as contingent beneficiary. If no spouse exists at the time of actual retirement, the pension shall not be reduced.

* Sec. 14. AS 39.35.485 is amended to read:

Sec. 39.35.485. MINIMUM BENEFIT. (a) An employee whose terminaation occurred before July 1, 1975 and who is eligible for a benefit calculated in accordance with sec. 370(c) of this chapter is entitled to a benefit of at least $13.25 a month for each year of credited service, not including adjustments made under secs. 380, 410, 450, 475 and 480 of this chapter.

(b) An employee who retired under this section before July 1, 1975 shall be paid a benefit amount computed under sec. 370(c) of this chapter or under this section, whichever is greater.

* Sec. 15. AS 39.35.680(11) is amended to read:

(11) "normal retirement date" for a peace officer or a fireman means the first day of the month following either his 55th birthday and five years of credited service or his 20th year of credited service, whichever is earlier. For any other employee it means the first day of the month following either his 55th birthday and five years of credited service or his 30th year of credited service, whichever is earlier;

* Sec. 16. Sections 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14 and 15 of this Act take effect July 1, 1975.

* Sec. 17. Sections 7 and 8 of this Act take effect January 1, 1976.

Permitted to become law without signature
Actual effective date: Secs. 1 - 6, 9 - 15: July 1, 1975
Secs. 7 and 8: January 1, 1976

LAWS OF ALASKA

1975

Source: FCCSSB 131

Chapter No.: 206

AN ACT

Relating to the boards of fisheries and game; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 16.05.070 is amended to read:

Sec. 16.05.070. REGULATIONS AS EVIDENCE. Regulations of the boards of fisheries and game and of the commissioner, including emergency openings and closures, are admissible as evidence in the courts of the state in accordance with the Administrative Procedure Act (AS 44.62).

* Sec. 2. AS 16.05.080 is amended to read:

Sec. 16.05.080. LIMITATION OF POWER. Nothing in this chapter authorizes the department or the boards of fisheries and game to change the amount of fees or licenses.

* Sec. 3. AS 16.05 is amended by adding new sections to read:

ARTICLE 2. BOARDS OF FISHERIES AND GAME.

Sec. 16.05.221. BOARDS OF FISHERIES AND GAME. (a) For purposes of the conservation and development of the fishery resources of the state, there is created the Board of Fisheries composed of seven members appointed by the governor. The appointed members shall be residents of the state and shall be appointed without regard to political affiliation or geographical location of residence. The commissioner is not a member of the Board of Fisheries, but shall be ex officio secretary.

(b) For purposes of the conservation and development of the game resources of the state, there is created a Board of Game composed of seven members appointed by the governor.

AN ACT

Relating to the compensation of state officers and employees not covered by collective bargaining; establishing the annual compensation of elected state officials at the current salary levels; and providing for an effective date.

---

* Section 1. AS 24.15.020 is amended to read:

24.15.020 Sec. 24.15.020. SALARY OF LEGISLATORS. The annual [MONTHLY] salary for each member of the legislature is $46,800 [EQUAL TO STEP A, RANGE 22 OF THE SALARY SCHEDULE IN AS 39.27.011(a) FOR JUNEAU, ALASKA]. The president of the senate and the speaker of the house of representatives are each entitled to an additional $500 a year during tenure of office.

* Sec. 2. AS 39.20.010 is amended to read:

39.20.010 Sec. 39.20.010. ANNUAL [MONTHLY] SALARY OF GOVERNOR. The annual [MONTHLY] salary of the governor is $81,648 [EQUAL TO STEP F, RANGE 30, OF THE SALARY SCHEDULE IN AS 39.27.011(a) FOR JUNEAU, ALASKA].

* Sec. 3. AS 39.20.030 is amended to read:

39.20.030 Sec. 39.20.030. ANNUAL [MONTHLY] SALARY OF LIEUTENANT GOVERNOR. The annual [MONTHLY] salary of the lieutenant governor is $76,188 [EQUAL TO STEP F, RANGE 28 OF THE SALARY SCHEDULE IN AS 39.27.011(a) FOR JUNEAU, ALASKA].

* Sec. 4. AS 39.27.011(a) is repealed and reenacted to read:

39.27.011(a) (a) The following monthly basic salary schedule is approved as

the pay plan for classified and partially exempt employees in the executive branch of the state government who are not members of a collective bargaining unit established under the authority of the Public Employment Relations Act:

Range No.	Step A	Step B	Step C	Step D	Step E	Step F
05	1,387	1,425	1,467	1,507	1,552	1,593
06	1,467	1,507	1,552	1,593	1,639	1,687
07	1,552	1,593	1,639	1,687	1,740	1,793
08	1,639	1,687	1,740	1,793	1,845	1,903
09	1,740	1,793	1,845	1,903	1,965	2,020
10	1,845	1,903	1,965	2,020	2,082	2,145
11	1,965	2,020,	2,082	2,145	2,217	2,286
12	2,082	2,145	2,217	2,286	2,365	2,445
13	2,217	2,286	2,365	2,445	2,531	2,623
14	2,365	2,445	2,531	2,623	2,715	2,818
15	2,531	2,623	2,715	2,818	2,910	3,020
16	2,715	2,818	2,910	3,020	3,129	3,242
17	2,910	3,020	3,129	3,242	3,353	3,468
18	3,129	3,242	3,353	3,468	3,582	3,717
19	3,353	3,468	3,582	3,717	3,831	3,974
20	3,582	3,717	3,831	3,974	4,095	4,246
21	3,831	3,974	4,095	4,246	4,379	4,537
22	4,095	4,246	4,379	4,537	4,687	4,859
23	4,379	4,537	4,687	4,859	5,021	5,209
24	4,687	4,859	5,021	5,209	5,385	5,568
25	5,021	5,209	5,385	5,568	5,773	5,990
26	5,209	5,385	5,568	5,773	5,990	6,206
27	5,385	5,568	5,773	5,990	6,206	6,442

28	5,568	5,773	5,990	6,206	6,442	6,666
29	5,773	5,990	6,206	6,442	6,666	6,901
30	5,990	6,206	6,442	6,666	6,901	7,144

* Sec. 5. COMPENSATORY PAYMENT. A compensatory payment, equal to three and one-half percent of an officer's or employee's basic pay for the period between December 16, 1984 and June 15, 1985, shall be paid to each officer or employee covered by AS 16.43.060, AS 22.05.140(a), AS 22.07.090(a), AS 22.10.190(a), AS 22.15.220(a), AS 22.15.220(b), AS 39.20.080(a), AS 39.20.080(b), AS 39.27.011(a), or AS 42.05.091, for any base pay earned during that period.

* Sec. 6. EMPLOYEES OF THE JUDICIAL AND LEGISLATIVE BRANCHES. (a) The following employees are entitled to receive salary adjustments comparable to those received by the classified and partially exempt employees of the executive branch under AS 39.27.011(a) as that subsection is reenacted in sec. 4 of this Act:

(1) permanent and temporary employees of the judicial branch;

(2) permanent employees of the legislative branch, the chief clerk of the house of representatives and employees of the office of the chief clerk, and the senate secretary and employees of the office of the senate secretary;

(3) permanent and temporary employees of the executive branch who are in the exempt service under AS 39.25, who are not members of a collective bargaining unit established under the Public Employment Relations Act (AS 23.40), and who are not otherwise statutorily covered by AS 39.27.011(a).

(b) The employees described in (a) of this section are entitled to receive compensatory payments comparable to those received under sec. 5 of this Act.

* Sec. 7. EMPLOYEES OF THE UNIVERSITY OF ALASKA. The employees of the

University of Alaska who are not members of a collective bargaining unit are entitled to receive salary increases in accordance with the compensation policy of the board of regents of the University of Alaska.

* Sec. 8. Sections 1 - 4, 6, and 7 of this Act take effect July 16, 1985.

* Sec. 9. Section 5 of this Act takes effect August 1, 1985.

§§ 1-4, 6 and 7 eff. 7/16/85; § 5 eff. 8/1/85

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM August 26, 1985

SUBJECT: Initiative petition regarding legislative salaries (Work Order No. 14-1355)

TO: Senator Mitch Abood
Chairman, Legislative Salary Commission

FROM: Teresa B. Cramer TBC
Legislative Counsel

You have asked several questions regarding the initiative petition relating to the compensation for state legislators.

1. Is the initiative an appropriation and therefore an improper subject for an initiative?

Article XI, Section 7, of the constitution of the State of Alaska prohibits the use of initiatives to make or repeal appropriations. The Alaska Supreme Court has recognized that generally appropriations may be defined as

> The setting aside from the public revenue of a certain sum of money for a specified object, in such manner that the executive officers of the government are authorized to use that money, and no more, for that object, and no other. Thomas v. Rosen, 569 P2d 793 (1977) at 796. (Citations omitted.)

If the legislative compensation initiative withdrew a sum of money from the general fund then it would be an appropriation and prohibited by the constitution. However, the initiative merely sets the level of a legislator's salary if an appropriation bill is enacted. The initiative does not authorize expenditures and therefore is not an appropriation.

2. If the initiative petition is adopted, when does it take effect and when can the legislature amend it?

The state constitution provides that following an election, the lieutenant governor shall certify the results of the election. An initiated law becomes effective ninety days after the lieutenant governor's certification. The legislature may not repeal an initiated law for a period of two years after its effective date. There are no time restrictions on the power of the legislature to amend an initiated law. Article XI, Section 6.

This raises a question concerning the distinction between amending or repealing an initiated law. In Warren v. Thomas, 568 P.2d 400 (1977), the court considered whether legislative amendments to AS 39.50, the conflict of interest law which was enacted by initiative, were so substantial as to constitute a repeal of the initiative. The court held that although there were considerable language changes made by the amendments, they did not rise to the level of a legislative repeal. The court, citing Warren v. Boucher, 543 P.2d 731 (1975), stated:

> The central issue in the case at bar is whether the legislature has exceeded that broad power (to amend an initiative) by passing an amendment which so vitiates the initiative as to "constitute its repeal." Id at 737. Warren argues that the changes are so drastic that they make a mockery of the law, that the trial court erred in concluding the legislation was merely "housekeeping," and that the amendments to AS 39.50 amount to a repeal of the law. We disagree. "(A)n amendment of an act operates as a repeal of its provisions to the extent that they are materially changed by, and rendered repugnant to, the amendatory act." Meyers v. Board of Sup'rs of Los Angeles County, 110 Cal.App.2d 623, 243 P.2d 38, 42 (1952) . . .; The implied repeal of an act is disfavored and will be limited to that which is necessary to carry out the intent of the legislature. (Citations omitted). In the case at bar, one section and two subsections were expressly repealed in 1975 when the legislature amended the initiated law. Sec. 26, ch. 25, SLA 1975.
>
> Other sections were impliedly repealed by virtue of inconsistent amendatory provisions. However, this does not necessarily mean that the act as a whole was repealed. When AS 39.50 was amended certain of its provisions or portions thereof were repealed and reenacted

> in a modified form. Where it is reasonable to do so, these provisions are considered to be a continuation of the original law which is to be construed with amendments. (Citations omitted.)
>
> Of course there remains the question whether the amendments so emasculate the law that it is effectively repealed. We conclude that they do not. There are considerable language changes, but these clarify and render the law more precise. The fines for violations of the law have been reduced but the penalties are still significant. See AS 39.50.060(a) and AS 39.50.070. Finally, the amended law still imposes substantial disclosure requirements on public officials and effectuates the intent of the electorate that those in a position of public trust be held to a high standard of financial disclosure. Id at 403.

If the legislative compensation initiative is adopted, the legislature may amend it at any time but must wait two years before substantially changing it. The question of whether a change acts as an amendment or as a repeal of the initiated law would turn on how drastic the change was when considered in the context of the initiative as a whole. Since the initiative in question is itself a fairly short, straightforward document, it leaves less room for amendment than did the more complicated campaign financing initiative which was the basis of the Thomas and Boucher cases.

3. If the legislature enacts legislation establishing a commission to set legislative compensation before the initiative election, what effect will that have on the initiative petition?

Article XI, section 4 of the Alaska Constitution states that

> If, before the election (on an initiative), substantially the same measure has been enacted, the petition is void.

The question, then, is whether legislation implementing a compensation commission is substantially the same as the initiative. The initiative is straightforward. It reinstates the provisions for legislative salaries and per diem

that the legislature changed in 1983. Section 1 reenacts provisions for payment of per diem; section 2 reduces legislative salaries from range 22 to range 10; and section 3 requires the reporting of payments to legislators for salaries, per diem and additional allowances.

Creation of a legislative compensation commission would not have an effect "substantially the same as" the enactment of the initiative petition. The commission would presumably be given authority to determine the appropriate level of legislative salaries and allowances.

In Warren v. Boucher, 543 P.2d 731, (1975), the Alaska Supreme Court found that an initiative regarding campaign financing was substantially the same as an act that the legislature passed in the session following the filing of the petition. The court said

> If in the main the legislative act achieves the same general purpose as the initiative, if the legislative act accomplishes that purpose by means or systems which are fairly comparable, then substantial similarity exists. It is not necessary that the two measures correspond in minor particulars, or even as to all major features, if the subject matter is necessarily complex or if it requires comprehensive treatment. The broader the reach of the subject matter, the more latitude must be allowed the legislature to vary from the particular features of the initiative. (Emphasis added) Id at 736.

Boucher was decided by a 3 - 2 majority, with a strong dissent finding that the measures were not substantially similar.

In contrast, the intent of the initiative here is to reduce legislator's salaries to the 1983 level. An act establishing a compensation commission would not intend the same result necessarily. The two measures are dissimilar and therefore the initiative would still be placed before the voters for their consideration.

4. What provisions in the initiative could be changed in legislation adopted next session without removing the legislation from being "substantially similar" to the initiative?

Since the initiative is uncomplicated, very few changes could be made to its provisions to retain "substantial similarity." The legislature could certainly make changes to the language to conform the style to the drafting manual and also could make minor changes (such as adding to subsection (d) of section 1 that in no case could a legislator receive more than the appropriate per diem rate for expenses) or to section 3's system of reporting (changing dates, for example, or the organization of the report) as long as the basic information sought by the initiative continued to be included.

A change of the salary range set in section 2 of the initiative would be riskier. The section could not be less complicated. While the court will consider the entire package of the initiative, clearly section 2 is the centerpiece and evaluation of the complexity and of the intended substance must begin with it. Even a change of one salary range might be found unjustified.

5. If the legislature enacts legislation "substantially similar" to the initiative, thereby removing the initiative from the ballot, what restrictions are there on subsequent legislation concerning legislative compensation.

If the initiative does not pass, either because the legislature enacts measures found by the lieutenant governor to be substantially similar to the subject of the initiative or because the voters decide against the merits of the initiative, then the legislature may act in this subject area without regard to the proposed initiative. There would be no restrictions on subsequent legislation.

If I can be of further assistance please advise.

TC:lmb
L5/010

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM September 24, 1985

SUBJECT: Legislator's salaries (Work Orders No. 14-1373, 14-1374, and 14-1375)

TO: Senator Mitch Abood, Chairman
Joint Special Committee on Legislative Salaries

FROM: Teresa B. Cramer TBC
Legislative Counsel

Enclosed are drafts of three work orders addressing legislator's salaries and a copy of chapter 263, SLA 1976, creating the Alaska Salary Commission. I have some comments about each draft.

14-1373, 14-1374, and 14-1375. None of these drafts changes the current constitutional provisions permitting the legislature to establish a per diem allowance for session expenses, payment of travel expenses to and from sessions, and payment of additional compensation for presiding officers.

14-1373. The amount at which legislator's salaries are fixed is left blank.

14-1374. The amount at which legislator's salaries is set is left blank. The draft provides for a maximum percentage increase for salaries, regardless of the increase in the CPI. The amount of the maximum is left blank in the draft. (Line 16). The committee may wish to delete this provision. Any increase in salaries takes effect not more than 30 days after the release of the CPI. The draft sets June 30, 1986 as the reference base index. The committee may wish to set different dates.

14-1375. The committee may wish to remove retirement benefits from the scope of the responsibilities of the Commission on Compensation of Elected Officers. A resolution

which treats retirement in this fashion (SJR 15) is enclosed for your information.

If I may be of further assistance, please advise.

TC:lmb
M1/019

Enclosures

14-1373
Cramer
9/23/85

IN THE SENATE

SENATE JOINT RESOLUTION NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

Proposing an amendment to the Constitution of the State of Alaska relating to salaries for legislators.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. Article II, Sec. 7, Constitution of the State of Alaska, is amended to read:

SECTION 7. SALARY AND EXPENSES. Legislators shall receive annual salaries of $_____. They may receive a per diem allowance for expenses while in session and are entitled to travel expenses going to and from sessions. Presiding officers may receive additional compensation.

* Sec. 2. The amendment proposed by this resolution shall be placed before the voters of the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the State of Alaska, and the election laws of the state.

14-1374
Cramer
9/23/85

IN THE SENATE

SENATE JOINT RESOLUTION NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

Proposing an amendment to the Constitution of the State of Alaska relating to salaries for legislators.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. Article II, Sec. 7, Constitution of the State of Alaska, is amended to read:

SECTION 7. SALARY AND EXPENSES. Legislators shall receive annual salaries <u>of $. For fiscal years beginning after June 30, 1987, the annual salary shall be increased one percent for each percent increase in the consumer price index of Anchorage, Alaska, as determined by the United States Department of Labor, Bureau of Labor Statistics, not to exceed an annual increase of percent. The increase, if any, takes effect not more than 30 days after the release of the consumer price index. The consumer price index that is published immediately after July 1, 1986, is the reference base index</u>. They may receive a per diem allowance for expenses while in session and are entitled to travel expenses going to and from sessions. Presiding officers may receive additional compensation.

* Sec. 2. The amendment proposed by this resolution shall be placed before the voters of the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the State of Alaska, and the election laws of the state.

14-1375
Cramer
9/20/85

IN THE SENATE

SENATE JOINT RESOLUTION NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

Proposing an amendment to the Constitution of Alaska relating to establishment of compensation of elected officials.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. Article II, Sec. 7, Constitution of the State of Alaska is amended to read:

SECTION 7. SALARY AND EXPENSES. Legislators shall receive annual salaries. They may receive a per diem allowance for expenses while in session and are entitled to travel expenses going to and from sessions. Presiding officers may receive additional compensation. The compensation of legislators shall be prescribed by the Commission on Compensation of Elected Officers under Section 14 of Article XII of the Constitution and may not be diminished during their term of office.

* Sec. 2. Article III, Sec. 15, Constitution of the State of Alaska is amended to read:

SECTION 15. COMPENSATION. The compensation of the governor and the lieutenant governor shall be prescribed by the Commission on Compensation of Elected Officers under Section 14 of Article XII of this constitution [BY LAW] and shall not be diminished during their term of office [, UNLESS BY GENERAL LAW APPLYING TO ALL SALARIED OFFICERS OF THE STATE].

* Sec. 3. Article XII, Constitution of the State of Alaska is amended by adding a new section to read:

SECTION 14. COMMISSION ON COMPENSATION OF ELECTED OFFICERS. (a)

There is established a Commission on Compensation of Elected Officers. The commission is composed of five members appointed for staggered terms of four years. The commission shall be composed of at least one business executive, one representative of a nonpartisan voters' organization, one person with experience in public administration, and one representative of a labor organization. The governor shall appoint the members subject to confirmation by a majority of the members of the legislature in joint session.

(b) A member of the commission may not be employed by the State during the term for which appointed or hold elective state office during the member's term or within one year thereafter.

(c) The commission shall establish the compensation, including salaries, benefits, and allowances, if any, of elected officials. A decision of the commission takes effect at the beginning of the next fiscal year.

(d) The commission shall afford an opportunity for the public to be heard before rendering a decision that changes the compensation of an elected official. Every two years, the commission shall review the compensation of elected officials. The commission shall render its decision with respect to salaries not later than ninety days before the date of the general election.

* Sec. 2. The amendments proposed by this resolution shall be placed before the voters of the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the State of Alaska, and the election laws of the state.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

MEMORANDUM August 15, 1985

RECEIVED
AUG 15 1985

SUBJECT: Alternate public member

TO: Senator Mitch Abood, Chair
Joint Special Committee on Legislative Salaries

FROM: Tamara Brandt Cook TBC
Legislative Counsel
Division of Legal Services

You have informed me that Ms. Jo Finity has been selected as an alternate public member on the Joint Special Committee on Legislative Salaries. From September 1, 1983 until January 31, 1984 she was employed by an organization called First Associates and was involved in an effort to repeal the recent legislative pay increase through the initiative and referendum process. First Associates was not successful and the move to repeal the pay increase was eventually taken over by another organization. Ms. Finity may not personally be committed to the repeal of the pay increase, but she was paid $2,500 monthly, together with reimbursement of expenses, for her efforts on the initiative. You have asked whether the appointment of Ms. Finity to the Joint Special Committee on Legislative Salaries creates a conflict of interest.

Ms. Finity's involvement in an effort to repeal the legislative pay increase does not in itself create a conflict of interest problem, although she may be perceived to represent a particular point of view rather than the interests of the general public. However, a difficulty is presented by the fact that Ms. Finity received money for this involvement and, thus, may have or have had a personal financial interest in the question of salaries for legislators. Her situation would not create a conflict of interest under AS 24.60.030, generally defining conflicts of interest for the legislative branch. Under AS 24.60.020(b) the provisions of the chapter dealing with legislative ethics supersede the common law relating to conflict of

interest that apply to a member of the legislature or an employee of the legislature or a legislator. However, Ms. Finity is not a legislator or employee covered by this provision, so the common law relating to conflict of interest would apply to her.

The common law controls judicial decisions unless legislation is enacted to modify it. (Surina v. Buckalew, 629 P.2d 969 (Alaska 1981)) Under the common law not only must a public official avoid impropriety, but even the appearance of impropriety is to be avoided. (Warwick v. State ex rel Chance, 548 P.2d 384 (Alaska 1976)) This notion has been incorporated into the statutes in AS 39.50.010(b)(1) which states "public office is a public trust which should be free from the danger of conflict of interest".

It cannot be determined whether the situation involved here would be held to constitute a conflict of interest by the court, because in making a determination under the common law the courts consider the particular facts of each case. (See Attorney General Opinion 366-255-83, 366-286-83, A66-393-81, J66-457-81, December 3, 1982) It is possible that the court, in view of the fact that Ms. Finity's financial connection with First Associates has ended, would find no conflict of interest. On the other hand, it is possible that a court faced with the facts outlined earlier in this memorandum would find the appearance of impropriety, and therefore, a conflict of interest. At best, this is a situation which could raise questions.

You have also asked what the role of an alternate public member on the Joint Special Committee on Legislative Salaries would be. The committee was established last session in CSSCR 19(Fin) am H. That resolution provides that the committee consists of three members of the House of Representatives, three members of the Senate, and three public members. There is no provision for alternate members. Only the nine members appointed to the committee in accordance with the resolution can exercise the powers of committee members, particularly the right to vote on committee business. While an alternate member may attend all meetings of the committee, just as any member of the public may, and could be granted the right to participate in discussions of the committee, the alternate could not vote or exercise any other power of a committee member.

TBC:mkr
031:J16

MEMORANDUM

State of Alaska

RECEIVED
STATE OF ALASKA
SEP 1 '83
LIEUTENANT GOVERNOR

RECEIVED
AUG 31 1983
DIRECTOR OF ELECTIONS

TO: Honorable Steve McAlpine
Lieutenant Governor

DATE: August 31, 1983

FILE NO: 366-108-84

TELEPHONE NO: 465-3600

FROM: Norman C. Gorsuch
Attorney General

By: Diane T. Colvin
Assistant Attorney General

SUBJECT: Review of Application for Initiative Petition Regarding Compensation of Legislators

You have asked us to review the application for an initiative petition for a bill concerning salary and per diem payments for legislators. We find that the application and proposed bill meet the formal requirements of state law. We point out that there are questions regarding the effect of the proposed bill if adopted. [redacted]

The application meets the requirements of AS 15.45.030 in that it includes a proposed bill, a statement that the sponsors are qualified voters who signed the application with the proposed bill attached, and a designation of a three-member initiative committee. The remaining requirement of that section is that the application contain the signatures and addresses of not less than 100 qualified voters. Your office must determine that this requirement has been met before you issue a petition.

The proposed bill meets the requirements of AS 15.45.040, in that it is confined to one subject, the subject is expressed in the title, and the enacting clause is in proper form. We also conclude that the bill contains no subjects restricted by AS 15.45.010. That section restates the restrictions provided in article XI, section 7 of the state constitution, as follows:

> The law-making powers assigned to the legislature may be exercised by the people through the initiative. However, no initiative may be proposed to dedicate revenues, to make or repeal appropriations, to create courts, to define the jurisdiction of courts or prescribe their rules, or to enact local or special legislation.

AS 15.45.010.

[redacted]

[redacted] question whether the initiative may be made effective to prohibit expenditure of funds appropriated by the legislature because of this constitutional restriction on the use of the initiative to repeal an appropriation. [redacted] If the initiative may be used to prohibit expenditure of funds already appropriated, [redacted] It remains to be decided whether the initiative would be effective to bar expenditure of funds already appropriated at its effective date. In the meantime, we rely on the general rule that the right to enact legislation by initiative is to be interpreted liberally. Thomas v. Bailey, 595 P.2d 1 (Alaska 1979).

There is [redacted] The proposed bill would, if enacted, have the effect of repealing the salary currently set by law for legislators, and, in sec. 4, states:

> Any provisions of the Alaska Statutes inconsistent with this Act are hereby repealed.

Doubts regarding the ability to repeal by initiative are based on the plain language of Article XI, § 1:

> The people may propose and enact laws by the initiative, and [redacted]

An Opinion of this office dated April 14, 1975 finds that an initiative may be used to repeal a law. There is authority to the contrary, however, and the [redacted] See, e.g., Forman v. Eagle Thrifty Drugs and Markets, Inc., 516 P.2d 1234 (Nev. 1974).

These and other questions regarding the implementation or constitutionality of the proposed bill should not affect your review of the form of the application. Boucher v. Engstrom, 528 P.2d 456 (Alaska 1974). See also our memorandum dated April 15, 1977, [redacted]

A proposed ballot title and impartial summary is attached. If you have further questions, please contact us.

DTC:eja

"PRESCRIBING COMPENSATION FOR STATE LEGISLATORS"

If enacted, this proposed bill would amend state law providing for compensation to state legislators. It would establish the monthly salary for legislators at Step A, Range 10 of the salary schedule in AS 39.27.011(a), currently set at $1,757. The bill would also authorize per diem payments for legislators while the legislature is in session. When not in session, legislators on interim committee business would receive reimbursement of actual expenses only. In addition, the proposed bill would require the legislative fiscal officer to report annually to the Office of Management and Budget on all vouchers approving payments to legislators during the year.

OPINION NO. 24

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K – STATE CAPITOL
JUNEAU 99811

August 4, 1978

The Honorable Lowell Thomas, Jr.
Lieutenant Governor
Pouch AA
Juneau Alaska, 99811

RE: Beirne Initiative, substantially the same. Our File J-66-035-79

Dear Lieutenant Governor Thomas:

You requested our advice regarding possible similarity between the proposed "Alaska Homestead Act" (referred to hereafter as "the proposed Act"), an initiative measure scheduled to go on the November 7, 1978 General Election Ballot, and Chapter 181, SLA 1978 (FCCS SCS CSHB 720), "An Act Relating to the disposal of State land; and providing for an effective date," enacted during the Second Session of the Tenth Alaska State Legislature and recently signed into law by Governor Hammond.

We assume that your specific concern is whether the proposed Act and Chapter 181, SLA 1978 are "substantially the same" within the meaning of Article XI, § 4 of the Alaska Constitution and AS 15.45.210.

Article XI, § 4 of the Alaska Constitution provides:

> An initiative petition may be filed at any time. The lieutenant governor shall prepare a ballot title and proposition summarizing the proposed law, and shall place them on the ballot for the first statewide election held more than 120 days after adjournment of

> the legislative session following the filing. If, before the election, substantially the same measure has been enacted, the petition is void.

The legislature implemented this constitutional provision by enacting AS 15.45.210, which provides:

> If the lieutenant governor, with the formal concurrence of the attorney general, determines that an Act of the legislature that is substantially the same as the proposed law was enacted after the petition had been filed, and before the date of the election, the petition is void and the lieutenant governor shall so notify the committee.

Under these provisions, if the proposed Act and Chapter 181, SLA 1978 are "substantially the same," the initiative measure may not appear on the General Election Ballot as now contemplated.

The analytic approach to be followed in making a determination whether a measure enacted by the legislature is "substantially the same" as a proposed law to be enacted by the initiative such that the initiative petition is void was the subject of the Alaska Supreme Court's decision in Warren v. Boucher, 543 P.2d 731 (Alaska 1975). In a 3-2 decision, the majority of the court in that case adopted a rather flexible test for substantial similarity, focusing on the general purposes of the legislative measure and the proposed law to be initiated:

> It is clear that the legislative Act need not conform to the initiative in all respects, and that the framers [of the Alaska Constitution] intended that the legislature should have some discretion in deciding how far the legislative Act should differ from the provisions of the initiative. The

> question, of course, is how great is the permitted variance before the legislative Act becomes no longer substantially the same.
>
> Upon reflection we have concluded that the legislature's discretion in this matter is reasonably broad. If in the main the legislative Act achieves the same general purpose as the initiative, if the legislative Act accomplishes that purpose by means or systems which are fairly comparable, then substantial similarity exists. It is not necessary that the two measures correspond in minor particulars, or even as to all major features, if the subject matter is necessarily complex or if it requires comprehensive treatment. The broader the reach of the subject matter, the more latitude must be allowed the legislature to vary from the particular features of the initiative.
>
> * * *
>
> . . . In short, we must interpret Art. XI, Sec. 4, broadly and not narrowly as to the scope of legislative power.

543 P.2d 736-737 (emphasis added).

The majority in Warren v. Boucher, supra, then proceeded to compare Chapter 76, SLA 1974 with an initiative for "An Act relating to campaign contributions, expenditures, and their limitiations." It concluded that both measures covered the same general subject matter--controlling election campaign financing--and therefore the initiative petition was void and the proposed measure should not be placed on the ballot. The court stated:

> In short, the statute is not a hollow gesture toward the regulation of election campaigns. It sets up workable machinery to ensure compliance. . . .
>
> * * *

> Viewing the two measures as a whole we find that they accomplish the same general goals. They adopt similar, although not identical, functional techniques to accomplish those goals. The variances in detail between the measures are no more than the legislature might have accomplished through reasonable amendment had the initiative become law. Nothing is present here to suggest that the Act was a subterfuge to frustrate the ability of the public to obtain consideration and enactment of a comprehensive system to regulate election campaign contributions and expenditures.

543 P.2d at 739.

The dissenters in Warren v. Boucher, supra, argued that a more indepth comparison of the enacted law and the initiative measure is necessary to determine whether they are "substantially the same." Following an exhaustive comparison of the Act's provisions with those of the initiative measure, the dissenters concluded that they were not "substantially the same" and that the initiative petition should not have been voided. Under this analysis, we believe there would be no question that Chapter 181, SLA 1978 and the proposed Act are not "substantially the same" within the meaning of Article XI, Sec. 4 of the Alaska Constitution and AS 15.45.210. See the enclosed comparison of the measures.

Under the majority's "test," on the other hand, it is difficult to predict with certainty the result a court would reach when comparing Chapter 181, SLA 1978 and the proposed "Alaska Homestead Act" since the "analysis" seems to be more of a question of general impression than a substantive comparison of two measures. However, for the reasons which follow, we believe (although we cannot be

certain) that a court would hold that the proposed "Alaska Homestead Act" and Chapter 181, SLA 1978 are not "substantially the same" within the meaning of Art. XI, Sec. 4 of the Alaska Constitution and AS 15.45.210.

At the onset, the general purpose of the proposed Act must be determined. Sec. 1 of the proposed "Alaska Homestead Act" states in part: "The people declare their purpose to make available to its citizens at least 30% or 30 million acres of state land for settlement and development, and further declares that a policy of private land ownership is in the best interests of the people of the state." Its purpose is twofold: (1) To make a minimum of 30% or 30 million acres of state land available for transfer to private ownership, and (2) to declare unequivocally a public policy favoring private land ownership. Other provisions in the proposed Act indicate that the drafters intend to give the transfer of state land to private ownership a priority over public use of the land, and to minimize state control over that land once it has been transferred to private ownership. For example, proposed AS 38.05.410(a) provides that all vacant, unappropriated, and unreserved general grant land is classified and available as homestead entry land except trust land and 500,000 acres which may be reclassified for public purposes. It remains available until 30% or 30 million acres, which ever comes first, has passed into private ownership. Under proposed AS 38.05.450, no improvements may be required or restrictions imposed on grants

under the proposed Act except as required by general law or home rule municipality (although certain restrictions are imposed for the first year after a grant of patent).

There is no clear-cut statement of purpose in Chapter 181, SLA 1978. However, review of its provisions indicates that it has several purposes: (1) To mandate that 30,000 acres of state land be designated by November 1, 1978 for disposal under the homesite entry program established in AS 38.08 and the open-to-entry program established in AS 38.05.077, and to require that not less than 25% of mental health land located in municipalities entitled to select land under AS 29.18 be designated for disposal in FY 79 (this would total approximately 225,000 acres); (2) to require the director of the Division of Land and Water Management in the Department of Natural Resources to assess the supply and demand for land under the homesite entry and open-to-entry programs; (3) to redesignate mental health land as general grant land, creating a mental health trust fund in its place to ensure that the state complies with the conditions under which the state received the affected land; (4) to declare that it is state policy "to plan and manage state-owned land to establish a balanced combination of land available for both public and private purposes," AS 38.04. 005(a) (in part), through inventory, planning, and classification processes set out in the Act, and to require that three land disposal options (less than 50,000 acres, 50,000 acres, and more than 50,000 acres) be presented annually to

the legislature; and (5) to make minor amendments to the existing statutes governing the homesite entry and open-to-entry programs. Of these, the first, second and fourth appear to bear some relationship to the purposes of the proposed "Alaska Homestead Act." However, they do not appear "substantially the same" and one (the fourth) actually appears incompatible with the proposed Act.

Making 30,000 acres of state land available for disposal by November 1, 1978 and 225,000 acres of state land available for disposal in FY 79 has the same general purpose as making 30% or 30 million acres of state land, whichever comes first, available for transfer to private ownership: Getting state land into private ownership. However, the tremendous disparity between the amounts of acreage involved lead us to believe that the means or systems to accomplish that purpose are not "fairly comparable," Warren v. Boucher, supra at 736, and therefore the measures are not "substantially the same" in this regard.

Regarding the second purpose of Chapter 181, SLA 1978, the framers of the initiative apparently have already concluded that the demand for land under programs permitting the transfer of state land to private ownership far exceeds the available supply, and that no assessment of that disparity is needed. Here again, the two measures (while not diametrically opposed) do not appear "substantially the same." (It also should be noted that proposed AS 38.05.410(a) requires that the land remain available until 30% or 30 million acres, whichever comes first, has passed into

private ownership "through the homestead program established [by this Act]." It apparently is intended to make land available for private ownership wholly apart from existing programs for that purpose, including the homesite entry and open-to-entry programs referred to in Chapter 181, SLA 1978. The only logical conclusion is that the drafters of the proposed Act do not believe existing land disposal programs are adequate, and this Act is intended to supplement them.)

The fourth purpose of Chapter 181, SLA 1978--to plan and manage state-owned land to establish a balanced combination of land available for both public and private purposes--appears to be in irreconcilable conflict with the second purpose of the proposed "Alaska Homestead Act," which would establish the availability of state-owned land for transfer to private ownership as the highest priority of state land use, subordinating general public use of state land to that overriding goal. The proposed Act permits the reservation of 500,000 acres for public purposes, and then makes <u>all</u> remaining state land available for homestead grants. Chapter 181, SLA 1978 mandates a continuous balancing of the need for private land with the need for continued public ownership. See generally AS 38.04.005-38.04.015 and 38.04.025. The proposed "Alaska Homestead Act" and Chapter 181, SLA 1978 thus appear to manifest two competing, incompatible philosophical approaches to the issue of state land management and disposition: The former favors transfer to private ownership over other uses, the

latter encourages a continuous reassessment and balancing of these competing interests. We do not believe they can be considered "substantially the same."

Summarizing, we do not believe that Chapter 181, SLA 1978 achieves the same general purpose as the proposed "Alaska Homestead Act." In addition, it is our opinion that the means or systems for accomplishing the purposes of Chapter 181, SLA 1978 and the proposed "Alaska Homestead Act" are not "fairly comparable" (see enclosed comparison). Thus, under the majority analysis of Warren v. Boucher, supra, we do not believe it can be concluded that Chapter 181, SLA 1978 and the proposed "Alaska Homestead Act" are "substantially the same" within the meaning of Art. XI, Sec. 4 of the Alaska Constitution and AS 15.45.210.

We feel obliged to point out, however, that a court will have considerable latitude in characterizing the general purposes of Chapter 181, SLA 1978 and the proposed Act under the majority test of Warren v. Boucher, supra. It is for this reason that we cannot state our conclusion with more certainty. It is possible that a court would find the two measures "substantially the same" within the meaning of the relevant constitutional and statutory provisions, and enjoin you from placing the initiative proposition on the ballot. However, for the reasons stated above, we do not recommend that you determine that they are "substantially the same." This is particularly true where "the requirements of the constitutional and statutory provisions relating to

the use of initiatives should be liberally construed so that 'the people [are] permitted to vote and express their will on the proposed legislation . . .'" Boucher v. Engstrom, 528 P.2d 456, 462 (Alaska 1974) (footnote omitted).

Sincerely,

AVRUM M. GROSS
ATTORNEY GENERAL

By; G. Thomas Koester
G. Thomas Koester
Assistant Attorney General

GTK;ap

Enclosures

A COMPARISON OF THE PROPOSED "ALASKA HOMESTEAD ACT" AND CH. 181, SLA 1978

Item	Proposed Alaska Homestead Act	Ch. 181, SLA 1978 (FCCS SCS CSHB 720)
Title	"The Alaska Homestead Act"	"An Act Relating to the disposal of state land; and providing for an effective date."
Purpose	"The people declare their purpose to make available to its citizens at least 30 per cent or 30,000,000 acres of state land for settlement and development, and further declares [sic] that a policy of private land ownership is in the best interests of the people of the state." Section 1 (in part) of the proposed Act. This statement of purpose follows extensive legislative findings that only approximately one million acres of the 363 million total land acreage in Alaska is in private hands, that individual land ownership is integral to the material well-being of the people and encourages more citizen awareness and involvement in the affairs of the state that "the people are cognizant that all land was privately owned at the time of the nation's founding and believes that private land ownership is integral to the American system," that Art. VIII, § 1 of the Alaska Constitution establishes a state policy of encouraging settlement of state land and development of its resources by making them available for maximum use consistent with the public interest and that Art. VIII, § 9 of the Constitution permits the people to implement this policy by providing for grants of state land, that less than 75,000 acres of the approximately 104 million acres to which the state is entitled under the Statehood Act have been made available to citizens for settlement and development, and that the failure to make more land available is a failure to implement Art. VIII, §1 of the Constitution. (One of the plaintiffs' allegations in Bailey v. Thomas, 3 AN 78-1592 Civil, the lawsuit challenging the propriety of placing the initiative on the ballot, is that the above figures are so erroneous that they worked a constructive fraud on those signing the initiative petition.)	This Act contains no express statement of purpose. However, it (1) mandates that 30,000 acres of state land be designated by November 1, 1978 for disposal under the homesite entry and open-to-entry programs, AS 38.05.077 and 38.08 respectively, and 25% of former mental health land in municipalities be designated in FY 79 for disposal (approximately 225,000 acres); (2) mandates an assessment of the supply and demand for land under those programs; (3) redesignates mental health land as general grant land, creating a trust fund to take its place as a source of funds for mental health purposes; (4) establishes a state policy to plan and manage state-owned land to establish a balanced combination of land available for both public and private purposes; and (5) makes minor amendments to the existing homesite entry and open-to-entry statutes.

Item	Proposed Alaska Homestead Act	Ch. 181, SLA 1978 (FCCS SCS CSHB 720)
Land Classified	All vacant, unappropriated, and unreserved general grant land is to be classified and available as homestead entry land (except trust land) until 30 percent or 30,000,000 acres has passed into private ownership through the homestead program established by the Act. (Note that this is in addition to land disposed of through any other disposal programs.) The director of the division of land and water management in the Department of Natural Resources may reclassify 500,000 acres of homestead entry land for public purposes. Proposed AS 38.05.410.	This Act mandates that 30,000 acres be designated by November 1, 1978 for disposal under homesite entry and open-to-entry programs. It also manates that 25% of mental health lands located within municipalities (approximately 225,000 acres) be designated for disposal in FY 79 under those programs and/or other programs authorized by the Act. It also mandates a continuing disposal program beginning with a minimum of 50,000 acres in FY 79 and three options presented to the legislature each year thereafter. It also reclassifies all mental health land as general grant land.
Eligibility	Three year residents who are 18 years of age or older and registered to vote are eligible for a homestead grant upon application; five year residents are eligible for two grants; ten year residents are eligible for four grants. Proposed AS 38.05.420 and 38.05.530.	No specific eligibility criteria are set out in this Act. However, eligibility for the homesite entry program requires three years residency and that the applicant have reached age 18. AS 38.08.030(a). Eligibility for the open-to-entry program requires one year of residency. AS 38.05.077. These are the two programs expressly referred to in this Act.
Application	An applicant must record a written application in prescribed form in the recording district in which the land is located, and file a copy of the application, proof of residency and a $100 filing fee (unless accompanied by a title search, which reduces the filing fee to $75) with the director of the division of land and water management in the Department of Natural Resources. Proposed AS 38.05.420(a).	No specific application procedure set out in this Act. However, an applicant under the open-to-entry program must file an application, a $10 filing fee, proof of residence, and a notarized statement that he has acquired no other land under this program. "AAC 54.720(b) An applicant under the homesite entry program must file an application, a $10 filing fee, and an affidavit stating the applicant's age, length of Alaska residency and intent to comply with the laws and regulations governing the program." 11 AAC 54.630.

Item	Proposed Alaska Homestead Act	Ch. 181, SLA 1978 (FCCS SCS CSHB 720)
Cost	Other than the filing fee and the cost of having the land surveyed, there is no cost.	This Act expresses a policy of favoring disposal of state land at fair market value. AS 38.04.035(1). The open-to-entry program initially grants a lease to the entrant at $100 per year. 11 AAC 54.720(c). At the termination of the lease, the entrant may receive a patent to the land by payment of the fair market value of the land at the time of entry. AS 38.05.077(a)(8). Under the homesite entry program, there is no cost other than the filing fee and reimbursement to the state for the costs of surveying and platting. AS 38.08.060(a)(3).
Amount of Land	A homestead grant is equal to 40 acres of land except in Southeast Alaska where a homestead grant equals 20 acres.	No amount of acreage is specified in this Act. "State land to be conveyed in fee simple or less than fee simple estate shall be subdivided so that lots and tracts are of a size which fits the requirements of individual users and reflects the physical characteristics of the land, except that in locations where there is an inadequate margin between the demand for and the supply of vacant land, the state may make land available for public acquisition in parcels that are larger than required for individual use." AS 38.04.045. AS 38.05.077(3) provides that parcels conveyed under the open-to-entry program may not exceed five acres if not previously surveyed. AS 38.08.010(b) provides that homesite entry land is to be divided into parcels not exceeding five acres.

Item	Proposed Alaska Homestead Act	Ch. 181, SLA 1978 (FCCS SCS CSHB 72
Priority	If two or more persons apply and qualify for the same parcel, priority is determined by the earliest date of recording; if more than one application is filed at the same time, priority is determined by lot.	No system for determining priority is set out in this Act. However, priority under the open-to-entry program is to be determined by lot. lot. 11 AAC 52.720(a). Priority under the homesite entry program is to be given to the applicant showing proof of the longest residency in the state. AS 38.08.040(b).
Notice	Each applicant must give notice of his application by either publishing it three times or posting the land.	There are no notice requirements in this Act. Under the open-to-entry program, public hearings must be held before land may be classified as open-to-entry. AS 38.05.077(1). Under the homesite entry program, the director of the division of lands must publish notice of the availability of land for at least three weeks in the electronic media and at least three newspapers. AS 38.08.020. (Under neither program must an applicant give notice.)
Survey	Applicants are required to have the land surveyed within five years.	Under the open-to-entry program, the entrant must have the land surveyed before he may purchase it. AS 38.05.077(4). Under the homesite entry program, the entrant must reinburse the state for the required survey and plat. AS 38.08.060(a)(3).
Improvements and Restrictions	No improvements may be required, nor may restrictions be imposed on grants made under this proposal, except by general law or a home rule municipality; however, no grantee of homestead entry land may extract timber or materials on a commercial basis, sell, subdivide or otherwise dispose of the land for one year after a grant of patent.	No improvements are required, nor are restrictions imposed, on grants made under the open-to-entry program, AS 38.05.077. A habitable dwelling must be erected on a parcel conveyed under the homestead entry program within five years of the issuance of a homesite entry permit. AS 38.08.060(a)(2) (amended by this Act, but only in a minor respect). These grants are subject to all restrictions imposed by general law or a home rule municipality.

Item	Proposed Alaska Homestead Act	Ch. 181, SLA 1978 (FCCS SCS CSHB 72[illegible],
Taxes	Land acquiried under the homestead grant program is exempt from municipal property tax for a period of one year.	No new exemptions are created by this Act. (There are no exemptions from taxation under the open-to-entry program, AS 38.05.077, or the homesite entry program, AS 38.08.)
Borough and City Selections	Land subject to city and borough selection under AS 29.18.190 is also available for homestead entry.	Under this Act a municipality has standing to contest decisions by the commission of natural resources regarding disposal of land outside its boundaries to protect its interests. AS 38.04.900(b). State land subject to city and borough selection under AS 29.18.190 apparently would be available under the open-to-entry program if it was so classified by the director of the division of lands. AS 38.05.077. No state land within the boundaries of a municipality may be classified for homesite entry. AS 38.08.070. Land outside municipal boundaries may be reclassified for homesite entry; thereafter it is unavailable for municipal selection. Id.
Access to Public and Navigable Water	A tract 100 feet wide between each section of land acquired from the state under this program is dedicated for public access to public and navigable water. In addition, the access reservation in AS 38.05.127 is applicable to grants under this program.	This Act requires the commissioner of natural resources to adopt regulations relating to easements and access routes, AS 38.08.110, and requires that such easements and access routes be integrated with the overall area land use plan. AS 38.04.064(8)(f). The provisions of AS 38.05.127 are applicable in general.
State Services	The state is not obligated to provide any services for 15 years.	Neither this Act nor the statute governing the open-to-entry program, AS 38.05.077, address this issue. Under the homesite entry program, the state is not obligated to provide any services. AS 38.08.090.

Item	Proposed Alaska Homestead Act	Ch. 181, SLA 1978 (FCCS SCS CSHB 720)
Execution for Satisfaction of Debt	Grants are exempt from execution on a judgment to enforce a judicial lien, process or proceeding to collect an unsecured debt.	Neither this Act nor the statutes governing the the open-to-entry and homesite entry programs address this issue.
False Information	Intentionally filing false information for the purposes of obtaining a homestead grant is a felony punishable under AS 11.05.145 (one year imprisonment) and loss of all right, title and interest in land obtained under the program.	This Act provides that filing false information under the land discount program (a 5% discount on the purchase price for each year of Alaskan residence) which it establishes is a felony punishable by imprisonment for not more than five years or by a fine of not more than $50,000 or by both. Beyond this, neither this Act nor the open-to-entry and homesite entry programs address the issue.

MEMORANDUM

State of Alaska

TO: Hon. Jay S. Hammond
Governor

DATE: April 10, 1981

FILE NO: J-66-645-81

TELEPHONE NO: 465-3600

FROM: WILSON L. CONDON
ATTORNEY GENERAL

SUBJECT: Anti-subsistence initiative

By:
Rodger W. Pegues
Assistant Attorney General

You have asked whether a law which simply repeals existing laws on subsistence would void the anti-subsistence initiative.

Simple repeal probably would not suffice, and it appears likely that more would be required.

The constitution provides for voiding an initiative petition, if while it is pending, the legislature enacts substantially the same law. Alaska Const., art. XI, § 4. The purpose of this provision is to allow the legislature to act on the matter in a way which avoids any defects or ill-advised provisions in an initiative which might adversely affect the public or the workings of government. Warren v. Boucher, 543 P.2d 731, 737 (Alaska 1975). To achieve that end, the constitution has given the legislature broad discretion to substitute its judgment for that of framers of the initiative. Id. It is not necessary that the two measures be alike in all respects. Id. It suffices if they accomplish the same general goals through "similar, although not identical, functional techniques." Id., at 739.

Here, the goal of the proponents of the initiative can be inferred readily from its provisions. They wish to see fish and game be made available equally, without discrimination, to persons who hunt, fish, or trap for personal consumption. That is the general goal, and to void the initiative petition, the legislature must pass a law having the same general goal.

The functional technique used by the initiative's framers to achieve their goal are severalfold. First, they bar discrimination based on race or sex. That provision is superfluous in that discrimination on that basis is already barred by article I, sections 1 and 2, of the Alaska Constitution, as well as federal and state laws. Second, they reserve fish and wildlife to all the people of the state for

common use. That provision is also superfluous. Article VIII, section 3, of the Alaska Constitution reserves fish and wildlife to all the people for common use. Third, they single out "personal consumptive users */ of all fish or game" for equal treatment. This appears to be a key, if not the key, ingredient in the framers' functional techniques.

The provisions of the initiative are somewhat internally inconsistent here. At first they refer to "all the people," but this is then narrowed down to persons who personally consume fish or game, in the initiative's words, "consumptive users." "Consumptive" means "tending to consume . . . . of or having to do with the consumption of economic goods." WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY OF THE ENGLISH LANGUAGE (Unabridged 1976). With respect to fish and game, that would include people who use fish or game for food, clothing, tools, or the like and, apparently, would exclude those who use them purely for fun, trophies, or commerce. We are somewhat uncertain whether the framers intended that result. Nevertheless, that is what the words indicate, and laws, particularly initiatives, should generally be interpreted to mean what they say to the persons who read them.

Reading the initiative as not requiring equal access to fish and game for persons who hunt and fish purely for fun or profit rather than for personal consumption is also consistent with the use of the word "all" in the initiative to modify the words "fish and game" in the phrase "consumptive users of all fish and game."

The fourth mechanism the framers use in pursuit of their goal is to prohibit distinctions among consumers of fish and game based on (1) economic status, (2) land ownership, (3) local residency, (4) past use or past dependence on the resource, or (5) lack of alternative resources. At first blush, this prohibition appears to make any reasonable classification for subsistence hunting or fishing impossible. However, it is not all inclusive, and at any event, under the rule from Warren, the legislature need not conform its legislation in all particulars with the initiative. Total prohibition of classifications to provide for subsistence use is not necessary to

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*/ We assume that "consumptive users" means consumers and not tubercular hunters and fishermen.

achieve the goal of equality for persons who hunt, fish, or trap for personal consumption.

The final mechanism */ used by the framers in pursuit of their general goal is the repeal of existing laws on subsistence hunting and fishing.

Viewed as a whole, the functional techniques used by the initiatives' framers to achieve equal availability to fish and game for persons who hunt, fish, or trap for personal consumption are twofold: On the one hand they prohibit classifications which would distinguish between those persons. On the other, they repeal the existing law which provides for subsistence hunting, fishing, and trapping and which allows classifications which distinguish between persons who hunt, fish, or trap for personal consumption. It appears that each part is necessary to achieve the goal, and therefore, enactment of a law which only repealed the existing subsistence laws would probably not void the initiative.

However, enactment of a law which contained the same twofold approach to the problem -- even with significant differences in particulars -- would probably void the initiative, if it will accomplish the same general goals through "similar, although not identical, functional techniques." Warren v. Boucher 543 P.2d 731, 739 (Alaska 1975).

RWP/pjg

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*/ The initiative also provides for the boards of fisheries and of game to regulate to distinguish between commercial fishing, sport fishing, hunting and trapping. We do not perceive this provision as intended to further the framers' goal but rather as insurance against any overbreadth and as reassurance to the voters.

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

JAY S. HAMMOND, GOVERNOR

POUCH K–STATE CAPITOL
JUNEAU, ALASKA 99811

(907) 465-3600

June 24, 1980

The Honorable Terry Miller
Lieutenant Governor
State of Alaska
Pouch AA
Juneau, Alaska 99811

Re: Placement of Income Tax Initiative on the general election ballot. Our File J-66-676-80

Dear Lieutenant Governor Miller:

You have asked our department for an opinion regarding the necessity of placement on the November 4, 1980, general election ballot of Initiative No. 79-03, relating to the net income tax.

With the enactment of chapter 22, SLA 1980, "An Act relating to tax credits, exemptions and refunds for individuals under the Alaska Net Income Tax Act," the question has arisen whether this legislation is substantially similar to the act proposed by the initiative.

Under article XI, section 4, of the Alaska Constitution, an initiative petition is void if, before the election, "substantially the same measure has been enacted" by the legislature. The only case in Alaska interpreting this constitutional provision is Warren v. Boucher, 543 P.2d 731 (Alaska 1975). Under the Warren decision, the legislative act will be "substantially similar" to the initiative:

> [i]f in the main the legislative Act achieves the same general purpose as the initiative, if the legislative act accomplishes that purpose by means or systems which are fairly comparable, then substantial similarity

> exists. It is not necessary that the two measures correspond in minor particulars, or even as to all major features, if the subject matter is necessarily complex or if it requires comprehensive treatment. The broader the reach of the subject matter, the more latitude must be allowed the legislature to vary from the particular features of the initiative.

543 P.2d at 736.

With these general principles in mind, it is necessary to compare the purposes of the provisions of AS 43.20.017, enacted in chapter 21, SLA 1980, and the purposes of the proposed initiative. In addition, it is necessary to compare the means or systems chosen by the legislature to achieve those purposes with the means chosen in the initiative.

AS 43.20.017 provides for a system of graduated exemptions from payment of the Alaska individual net income tax. Individuals earning income in the state and filing a state income tax return for the first time are not entitled to an exemption under AS 43.20.017 and must pay the full amount of their net tax liability. Those who filed a tax return for the second time are entitled to an exemption from payment of one-third of their net income tax liability. Those who file a return for the third time receive an exemption from payment of two-thirds of net tax liability. Once a person has filed returns for three years, he or she is entitled to a full exemption from payment of individual income taxes and need not thereafter file a tax return under AS 43.20. These graduated exemptions apply equally to nonresident, resident, and part-year resident taxpayers. The tax exemption provisions of AS 43.20.017 were made retroactive to January 1, 1979, and an individual may claim a refund of Alaska net income taxes paid for tax year 1979 in accordance with the applicable graduated exemptions provided in the statute.

The initiative would amend AS 43.20.011, which currently provides for the progressive income tax rates on individual incomes varying from 3 percent to 14-1/2 percent as taxable income rises. The existing provisions of AS 43.20.011(a)-(d) would be repealed by the initiative.

The legislature did not adopt specific findings

when it enacted AS 43.20.017. It is, however, abundantly clear from a review of those provisions that the primary purpose was to provide substantial tax reduction for individuals under the Alaska Net Income Tax Act, and the elimination of state income taxes for large numbers of taxpayers. We believe the stated purposes of Initiative No. 79.03 are remarkably similar. The summary of the proposed initiative states in part:

> This proposal reduces income tax rates of all individuals and fiduciaries paying Alaska income taxes. Existing law increases tax rates from 3 percent to 14-1/2 percent as taxable income rises.
>
> This proposal would substitute a uniform rate of 1 percent of taxable income, thereby eliminating state income tax for most Alaskan taxpayers.

Thus, we believe it is fairly clear that the first element of the "substantially similar" test outlined in the Warren case has been met.

The next question is whether the means chosen by legislative enactment are "fairly comparable" to the means chosen to accomplish the purpose in the initiative. The primary difference between the methods chosen by the legislature on the one hand and by the proponents of the initiative on the other, is that the legislative enactment limits taxes by limiting the number of years during which a person earning income will be subject to the income tax. The initiative, on the other hand, limits taxation by reducing the rate at which incomes will be taxed. Further, the overall reduction in income taxes under each proposal would appear to be similar.

The primary difference in the practical effects of the enactment and of the initiative is the placement of ongoing tax liability. Under the initiative, the taxpaying burden would tend to fall upon persons with relatively high incomes and few deductions and credits. Under the legislative enactment, the tax burden will fall on persons who have never before paid the tax, regardless of the amount of their taxable incomes.

Because there is no precise means by which to determine whether the enactment and the proposed initiative are substantially similar, certainty cannot be had here.

"The words 'substantial' or 'substantially' are relative, inexact terms. Their meaning is quite elusive." Warren v. Boucher, 543 P.2d 731, 736 (Alaska 1975). However, on balance, we believe that the similarities between the enactment and the proposed initiative are extremely strong, and are sufficient to outweigh the dissimilarity in effect noted above. In our opinion, the two measures are "substantially similar."

As you know, the income tax exemptions provided in AS 43.20.017 have been challenged, and a decision by the superior court is pending as of this writing. The judge has indicated that he will rule very soon on the case. It is an absolute certainty that whatever the outcome at the superior court level, the case will be appealed to the Alaska Supreme Court. The court has been requested, and we believe it will grant, expedited hearing and decision when the case reaches that level.

In the event that the tax provisions of AS 43.20.017 are found to be invalid by the Alaska Supreme Court, then we would advise that the initiative measure should be placed on the November ballot. We anticipate that a final appellate decision will be forthcoming in time to place the initiative on the ballot, should the court invalidate the income tax exemption statute.

Very truly yours,

Wilson L. Condon
Attorney General

WLC:SB:dlm

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K–STATE CAPITOL
JUNEAU, ALASKA 99811

465-3674

September 24, 1980

The Honorable Terry Miller
Lieutenant Governor
State of Alaska
Pouch AA
Juneau, Alaska 99811

Re: Placement of Income Tax Initiative on the general election ballot.
Our File: J-66-232-81

Dear Lieutenant Governor Miller:

You have asked our department for an opinion regarding the necessity of placement on the November 4, 1980, general election ballot of Initiative No. 79-03, relating to the net income tax. We previously advised you that if the graduated tax exemption provisions of AS 43.20.017 (Sec. 1, ch. 20, SLA 1980) were found to be invalid by the Alaska Supreme Court, then the initiative should be placed on the ballot. AS 43.20.017 has been held invalid. However, it is our opinion that the action taken during the recent special session of the legislature repealing the net income tax for individuals and fiduciaries dictates the removal of the initiative from the ballot under article XI, section 4, of the Alaska Constitution.

Under that provision of the Constitution, an initiative petition is void if, before the election the legislature enacts "substantially the same measure." The initiative would amend AS 43.20.011, which before its recent repeal by the legislature provided for progressive income tax rates on individual and fiduciary incomes varying from 3 percent to 14-1/2 percent as taxable income rises. In the words of the initiative summary, the initiative proposal would "substitute a uniform rate of 1 percent of taxable income, thereby eliminating state income tax for most Alaskan taxpayers."

03-C8LH

The only case in Alaska interpreting this constitutional provision is Warren v. Boucher, 543 P.2d 731 (Alaska 1975). Under the Warren decision, the legislative act will be "substantially similar" to the initiative:

> [i]f in the main the legislative Act achieves the same general purpose as the initiative, if the legislative act accomplishes that purpose by means or systems which are fairly comparable, then substantial similarity exists. It is not necessary that the two measures correspond in minor particulars, or even as to all major features, if the subject matter is necessarily complex or if it requires comprehensive treatment. The broader the reach of the subject matter, the more latitude must be allowed the legislature to vary from the particular features of the initiative.

543 P.2d at 7436.

The obvious purpose of the repeal of the income tax for individuals and fiduciaries in CSHB 1040 (Rules) am, was to eliminate the income tax for those taxpayers. Clearly this purpose is "substantially similar" to the initiative's purpose. The means chosen by the legislature (complete elimination of the tax burden) are somewhat different from the means chosen in the proposed initiative (imposition of a flat 1 percent tax on taxable incomes). Despite this slight difference, we believe the proposed initiative is substantially similar to the repeal enacted by the legislature. Accordingly, we would advise that the initiative should not be placed on the November 4, 1980, general election ballot.

Sincerely,

Wilson L. Condon
Attorney General

WLC/SAB/ab

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465-3800

MEMORANDUM June 13, 1985

SUBJECT: Joint Special Committee on Legislative Salaries (CSSCR 19(Fin) am H)

TO: Senator Mitch Abood, Chair, Joint Special Committee on Legislative Salaries

FROM: Tamara Brandt Cook TBC
Deputy Director
Division of Legal Services

The legislature established a Joint Special Committee on Legislative Salaries last session in CSSCR 19(Fin) am H. You have asked several questions regarding that committee.

1. The resolution provides that three public members are to be selected by the Joint Special Committee on Legislative Salaries and you have asked how these public members should be chosen. Rule 21 of the Uniform Rules under which the joint special committee was established does not address the possibility of people serving on a legislative committee who are not legislators. The selection process, therefore, is a matter for the appointed legislator members of the committee to decide and the process should be approved by a majority vote of a quorum of the committee. Since the resolution requires that the public members are to be selected by the joint special committee, individuals finally chosen should be approved by majority vote of the committee, rather than simply appointed by the chairman, for instance.

2. What is a public ex officio member? Black's Law Dictionary defines ex officio as follows:

> From office; by virtue of the office; without any other warrant or appointment than that resulting from the holding of a particular office.

The term "ex officio" clearly contradicts the notion of public membership which is not based upon the holding of a

particular office, but, instead, is based upon a need to represent the public at large. Since there is no indication in the resolution from which office an ex officio member would come, it seems clear that the intent is to include three public members rather than three ex officio members.

A public member of a body is generally considered to be an individual who is not a member of the group regulated and does not have a direct financial interest in the activity being regulated or considered by the body. (See AS 08.01.025). A public member of the joint special committee under this reasoning cannot be a member of the legislature, an employee of the legislature, or a person with a direct financial interest involving the legislature, for example, a person under contract to perform services for the legislature. However, a person from another branch of state government, such as a judge, would probably have so few direct ties to the legislature that the person could qualify as a public member of this committee.

3. Can the public members vote? Since the Uniform Rules do not address the question of public members on legislative committees no guidance is provided by the Rules on this. The resolution itself provides for public members and does not indicate that these are to be members with fewer rights than the other members, although the resolution could have done so. Therefore, the best interpretation appears to be that the public members have all the rights of other members, including the right to vote.

4. What is the quorum for the Joint Special Committee on Legislative Salaries? There are nine members on the committee: three senators, three representatives, and three public members. Mason's Legislative Manual, Sec. 500(2) provides

> The majority of the membership of a body constituted of a definite number of members, constitutes a quorum for the purpose of transacting business.

Sec. 502(3) provides further

> Where the number required by statute or other rule to constitute a quorum is fixed at a definite number the diminution of the members of the body will not change the number necessary for a quorum.

Therefore, a quorum for the committee is 5 members, even if public members have not yet been selected or if a vacancy should occur for another reason. A particular number of senator members and representative members is not required to constitute a quorum. Sec. 665 provides in part

> A quorum of a joint committee is a majority of its combined membership and when a quorum is present a majority of that quorum is capable of transacting business.

TBC:ojb
J15/034

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM August 12, 1985

SUBJECT: Relation of initiative petition and statute

TO: Frank Bickford
Legislative Salary Commission

FROM: Billy G. Berrier
Director
Division of Legal Services

You have asked whether a vote on an initiative may be precluded by enactment of legislation and if so what is required in the statute.

If before the election substantially the same measure has been enacted the initiative petition is void.

Section 4 of Art. XI of the Constitution of the State of Alaska provides:

> SECTION 4. INITIATIVE ELECTION. An initiative petition may be filed at any time. The lieutenant governor shall prepare a ballot title and proposition summarizing the proposed law, and shall place them on the ballot for the first statewide election held more than one hundred twenty days after adjournment of the legislative session following the filing. If, before the election, substantially the same measure has been enacted, the petition is void.

The determination of whether the enactment voids the petition is made by the lieutenant governor with formal concurrence of the attorney general under AS 15.45.210 which provides:

> Sec. 15.45.210. DETERMINATION OF VOID PETITION.
>
> If the lieutenant governor, with the formal concurrence of the attorney general, determines that an act of the

> legislature that is substantially the same as the proposed law was enacted after the petition had been filed, and before the date of the election, the petition is void and the lieutenant governor shall so notify the committee.

The question of what constitutes "substantially the same measure" has been before our Supreme Court in Warren v. Boucher, 543 P.2d 731 (Alaska 1975). In that case an initiative regarding campaign financing had been filed and an act was passed in the session following the filing on the same subject. The court held that the act, despite some differences, voided the petition saying:

> The words "substantial" or "substantially" are relative, inexact terms. Their meaning is quite elusive.
>
> Application of Scroggins, 103 Cal. App.2d 281, 229 P.2d 489 (1951). The meaning of such terms can be derived only be reference to all the circumstances surrounding the context in which they are used. Atcheson, T. & S.F. Ry. v. Kings county Water District, 47 Cal.2d 140, 302 P.2d 1, 3 (1956). So here, we believe that the term "substantially the same measure" must be viewed against the total structure contemplated in Art. XI of our constitution in the matter of direct legislation.
>
> . . .
>
> It is clear that the legislative act need not conform to the initiative in all respects, and that the framers intended that the legislature should have some discretion in deciding how far the legislative act should differ from the provisions of the initiative. The question, of course, is how great is the permitted variance before the legislative act becomes no longer substantially the same.
>
> Upon reflection we have concluded that the legislature's discretion in this matter is reasonably broad. If in the main the legislative act achieves the same general purpose as the initiative, if the legislative act accomplishes that purpose by means or systems which are fairly comparable, then substantial similarity exists. It is not necessary that the two measures correspond in minor particulars, or even as to all major features, if the subject matter is necessarily complex or if it requires comprehensive treatment. The

> broader the reach of the subject matter, the more latitude must be allowed the legislature to vary from the particular features of the initiative.

The court in that case also held constitutional the delegation of the power to determine whether the petition was void to the lieutenant governor and the attorney general.

The case was decided on a 3 to 2 vote with the dissent taking the position that the act was not substantially the same measure.

A copy of the case is enclosed.

It is clear that an act need not be identical in order to void a petition. However, the degree of deviation allowed is a factual matter that must be determined by comparing the petition and the statute enacted.

BGB:ojb
J16/029

Enclosure

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y · STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

MEMORANDUM May 10, 1985

SUBJECT: Committee members in SCR 19

TO: Representative Mike Szymanski

FROM: Billy G. Berrier
Director
Division of Legal Services

You have asked whether the Joint Special Committee on Legislative Salaries established in CSSCR 19(Fin) and CSSCR 19(Fin) am H may include public members.

It is clear that a committee which may act as a committee of reference may include only members of one house under a bi-cameral legislative system. A committee which does not have that power may be constituted as the legislature directs in the absence of prohibition by law or rule.

The committee created under this resolution has the power to compare salaries and approaches of other states, develop recommendations and report its recommendations and findings to the legislature.

The resolution establishes the committee under Rule 21 of the Uniform Rules of the Alaska State Legislature. That rule provides:

> RULE 21. SPECIAL AND JOINT COMMITTEES. (a) A special committee is a committee of one house. A special committee may be established only by the adoption of a simple resolution. The presiding officer of each house appoints the members of a special committee and designates a member to chair the special committee unless otherwise ordered by the house. The persons who chair like committees of each house may arrange for the committees to meet jointly to receive testimony and deal with other matters which may be expedited by joint committee action.

(b) A joint committee is a committee of both houses. A joint committee may be established only by the adoption of a concurrent resolution. The presiding officer of each house appoints one-half of the members of a joint committee. The persons who co-chair a joint committee shall be chosen in the manner provided by the presiding officers.

(c) A resolution establishing a special or joint committee shall specify the date or conditions of termination of the committee. A standing committee may meet between sessions. A special or joint committee may meet during the session or between sessions, or both, as authorized by the resolution which establishes the committee. A standing, special, or joint committee which acts between legislative sessions may consider any legislative matter which is consistent with the jurisdiction of the committee. A standing, special, or joint committee which acts between legislative sessions constitutes a subcommittee of the Legislative Council for administrative purposes. A special or joint committee may expend money only in accordance with an appropriation made for the work of the committee.

(d) A committee may not be established unless authorized by law or by the Uniform Rules.

These are no provision by law for establishing a committee composed of legislators and public members. The only authorization in the Uniform Rules for establishing committees other than standing committees and conference committees is contained in Rule 21.

No direct statement is contained in the rule concerning membership. In context it could be argued that the rule only allows establishment of committees composed only of legislators and only creation of a special or joint committee. In that case a committee consisting of both legislators and non-legislators can only be created by law.

However, the legislature has frequently created groups with mixed membership. They are usually called commissions. It does not appear logical that by using a different name for a group performing the same functions the group would be taken out of operation of Rule 21 and, if there were

non-legislative members, could be created in any way desired which is what the rule was designed to prevent.

Therefore, while the question is close, in my opinion, the legislature is not prohibited from establishing a committee by concurrent resolution with legislative and non-legislative members.

BGB:ojb
J15/001

AN ACT

Relating to the compensation of state officers and employees not covered by collective bargaining; establishing the annual compensation of elected state officials at the current salary levels; and providing for an effective date.

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* Section 1. AS 24.15.020 is amended to read:

24.15.020 Sec. 24.15.020. SALARY OF LEGISLATORS. The annual [MONTHLY] salary for each member of the legislature is $46,800 [EQUAL TO STEP A, RANGE 22 OF THE SALARY SCHEDULE IN AS 39.27.011(a) FOR JUNEAU, ALASKA]. The president of the senate and the speaker of the house of representatives are each entitled to an additional $500 a year during tenure of office.

* Sec. 2. AS 39.20.010 is amended to read:

39.20.010 Sec. 39.20.010. ANNUAL [MONTHLY] SALARY OF GOVERNOR. The annual [MONTHLY] salary of the governor is $81,648 [EQUAL TO STEP F, RANGE 30, OF THE SALARY SCHEDULE IN AS 39.27.011(a) FOR JUNEAU, ALASKA].

* Sec. 3. AS 39.20.030 is amended to read:

39.20.030 Sec. 39.20.030. ANNUAL [MONTHLY] SALARY OF LIEUTENANT GOVERNOR. The annual [MONTHLY] salary of the lieutenant governor is $76,188 [EQUAL TO STEP F, RANGE 28 OF THE SALARY SCHEDULE IN AS 39.27.011(a) FOR JUNEAU, ALASKA].

* Sec. 4. AS 39.27.011(a) is repealed and reenacted to read:

39.27.011(a) (a) The following monthly basic salary schedule is approved as

the pay plan for classified and partially exempt employees in the executive branch of the state government who are not members of a collective bargaining unit established under the authority of the Public Employment Relations Act:

Range No.	Step A	Step B	Step C	Step D	Step E	Step F
05	1,387	1,425	1,467	1,507	1,552	1,593
06	1,467	1,507	1,552	1,593	1,639	1,687
07	1,552	1,593	1,639	1,687	1,740	1,793
08	1,639	1,687	1,740	1,793	1,845	1,903
09	1,740	1,793	1,845	1,903	1,965	2,020
10	1,845	1,903	1,965	2,020	2,082	2,145
11	1,965	2,020,	2,082	2,145	2,217	2,286
12	2,082	2,145	2,217	2,286	2,365	2,445
13	2,217	2,286	2,365	2,445	2,531	2,623
14	2,365	2,445	2,531	2,623	2,715	2,818
15	2,531	2,623	2,715	2,818	2,910	3,020
16	2,715	2,818	2,910	3,020	3,129	3,242
17	2,910	3,020	3,129	3,242	3,353	3,468
18	3,129	3,242	3,353	3,468	3,582	3,717
19	3,353	3,468	3,582	3,717	3,831	3,974
20	3,582	3,717	3,831	3,974	4,095	4,246
21	3,831	3,974	4,095	4,246	4,379	4,537
22	4,095	4,246	4,379	4,537	4,687	4,859
23	4,379	4,537	4,687	4,859	5,021	5,209
24	4,687	4,859	5,021	5,209	5,385	5,568
25	5,021	5,209	5,385	5,568	5,773	5,990
26	5,209	5,385	5,568	5,773	5,990	6,206
27	5,385	5,568	5,773	5,990	6,206	6,442

28	5,568	5,773	5,990	6,206	6,442	6,666
29	5,773	5,990	6,206	6,442	6,666	6,901
30	5,990	6,206	6,442	6,666	6,901	7,144

* Sec. 5. COMPENSATORY PAYMENT. A compensatory payment, equal to three and one-half percent of an officer's or employee's basic pay for the period between December 16, 1984 and June 15, 1985, shall be paid to each officer or employee covered by AS 16.43.060, AS 22.05.140(a), AS 22.07.090(a), AS 22.10.190(a), AS 22.15.220(a), AS 22.15.220(b), AS 39.20.080(a), AS 39.20.080(b), AS 39.27.011(a), or AS 42.05.091, for any base pay earned during that period.

* Sec. 6. EMPLOYEES OF THE JUDICIAL AND LEGISLATIVE BRANCHES. (a) The following employees are entitled to receive salary adjustments comparable to those received by the classified and partially exempt employees of the executive branch under AS 39.27.011(a) as that subsection is reenacted in sec. 4 of this Act:

(1) permanent and temporary employees of the judicial branch;

(2) permanent employees of the legislative branch, the chief clerk of the house of representatives and employees of the office of the chief clerk, and the senate secretary and employees of the office of the senate secretary;

(3) permanent and temporary employees of the executive branch who are in the exempt service under AS 39.25, who are not members of a collective bargaining unit established under the Public Employment Relations Act (AS 23.40), and who are not otherwise statutorily covered by AS 39.27.011(a).

(b) The employees described in (a) of this section are entitled to receive compensatory payments comparable to those received under sec. 5 of this Act.

* Sec. 7. EMPLOYEES OF THE UNIVERSITY OF ALASKA. The employees of the

University of Alaska who are not members of a collective bargaining unit are entitled to receive salary increases in accordance with the compensation policy of the board of regents of the University of Alaska.

* Sec. 8. Sections 1 - 4, 6, and 7 of this Act take effect July 16, 1985.

* Sec. 9. Section 5 of this Act takes effect August 1, 1985.

§§ 1-4, 6 and 7 eff. 7/16/85; § 5 eff. 8/1/85

LAWS OF ALASKA

CHAPTER 1

AN ACT

Setting the rate of per diem, annual salary and other allowances of members of the Legislature; and setting an effective date.

(H.B. 28)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Legislative Per Diem. The rate of per diem in lieu of subsistence and other expenses for each member of the Legislature while in session shall be $40.00 per day.

Section 2. Annual Salaries. The annual salary for each member of the Legislature shall be $3,000.00, to be paid at the rate of $250.00 per month.

Section 3. Additional Allowances. In recognition of their extra duties the President of the Senate and the Speaker of the House shall each be paid an additional allowance of $600.00 per year during tenure of office. These sums shall be paid at the rate of $50.00 per month.

Section 4. Date of Entitlement. Members of the Legislature shall be entitled to salary, per diem and additional allowances from and including the date they are sworn in as members of the Legislature.

Section 5. **Method of Payment.** Salaries, per diem and additional allowances for members of the Legislature shall be paid by warrants drawn on vouchers approved by the Legislative Fiscal and Procurement Officer.

Section 6. **Effective Date.** This Act shall take effect immediately upon its passage and approval or upon its becoming law without such approval.

Approved February 10, 1959

CHAPTER 2

AN ACT

To appropriate the sum of $222,520.00 for the payment of the salary, per diem and other allowances of members of the Legislature; and setting an effective date.

(H.B. 29)

Be it enacted by the Legislature of the State of Alaska:

Section 1. **Appropriation.** That the sum of $222,520.00, or so much thereof as shall be found necessary, is hereby appropriated out of any monies in the Treasury of the State of Alaska not otherwise appropriated for the payment of the salaries, per diem and additional allowances of the members of the First Legislature — First Session for the period ending June 30, 1959.

Section 2. **Unencumbered Balances.** All unencumbered and unused balances shall revert to the General Fund.

Section 3. **Effective Date.** This Act shall take effect immediately upon its passage and approval or upon its becoming law without such approval.

Approved February 10, 1959

spawn for profit; providing, however, nothing herein shall be construed to prevent or prohibit the taking of herring spawn by residents of this State for (1) personal consumption or (2) barter or exchange for the necessities of life.

Sec. 2. The lease or sale of any state lands or tidelands shall contain a restrictive covenant in keeping with the intent of this Act.

Sec. 3. A violation of this Act shall be a misdemeanor and shall be punishable by imprisonment not to exceed six months or by a fine not to exceed $1,000.00, or by both such fine and imprisonment.

Sec. 4. This Act shall take effect upon its passage and approval or upon its becoming law without such approval.

Approved March 11, 1959

CHAPTER 35

AN ACT

Creating the Governor's Committee on Local Hire and Purchasing; setting qualifications of members; establishing duties of the Committee; calling for a report to the Governor; setting an expiration date; and making provision for an appropriation to finance the activities of the Committee.

(H.B. 16)

Be it enacted by the Legislature of the State of Alaska:

Section 1. A committee to be known as "The Governor's Committee on Local Hire and Purchasing" is hereby created.

The Governor shall serve as an ex-officio member of the committee, and members shall be chosen by the Governor as follows:

(a) Two members from the First State Legislature, one to be chosen from the House of Representatives and one from the Senate;

(b) Two persons representative of Alaskan labor and trade groups;

(c) Two persons representative of industry and management in Alaska;

(d) Two residents of Alaska from the general public who shall be considered public members.

Sec. 2. The Committee created by this Act shall be directly accountable to the Governor and shall have the following duties:

(a) To carefully investigate and evaluate the comparative extent of resident and non-resident hiring in Alaska by companies under contract to the Federal Government and other employers of all types, and to attempt to ascertain if there are problems and conflicts in the matter of resident, non-resident hiring, and the extent of and possible solutions to such conflicts and problems.

(b) To investigate and evaluate carefully the extent of out-of-state purchases of materials and products which are available for purchase within the State, and to further investigate the use of materials and products that have utilized Alaskan labor or materials in their manufacture, production or fabrication.

(c) To report its findings to the Governor at least 30 days before the convening of the 1960 session of the Legislature.

(d) The foregoing enumeration of duties shall not be exclusive; and the committee shall have such additional necessary and related duties, powers, functions and such additional areas of inquiry as may be designated by the Governor.

Sec. 3. The Committee shall be an agent of the Governor and shall have, at his direction, the powers of the Governor as regards obtaining the cooperation of State, public and private enterprises and persons in the course of the investigations authorized by this Act.

Sec. 4. The Governor shall name one of the members Chairman of the committee and the Chairman at the direction of the Governor shall call necessary meetings.

Sec. 5. Monies to cover per diem for members as allowed by law and when actually engaged in the duties set out in this Act, for travel and other necessary expenses of the Committee shall be provided in the bill setting out appropriations for the activities of the Executive Branch of the State government.

Sec. 6. Unless otherwise provided by law, the Committee as created by this Act shall cease to exist ten days after the convening of the Second Session of the First State Legislature.

Approved March 13, 1959

CHAPTER 36

AN ACT

Authorizing the payment of travel and certain baggage expenses for the members of the Alaska State Legislature; and providing for an effective date.

(H.B. 75)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Each member of the Alaska State Legislature shall be entitled to receive one round trip first class airline fare, or its equivalent, from his place of residence in the election district from which elected or appointed to Juneau for purposes of attending regular, reconvened regular or special sessions of the State Legislature. When needed, an allowance up to fifty pounds for excess baggage each way is hereby authorized.

Sec. 2. This Act shall be effective upon its passage and approval or upon its becoming law without such approval.

Approved March 13, 1959

CHAPTER 37

AN ACT

Changing the age of majority from twenty-one years to nineteen years for certain purposes; amending Sec. 20-1-1, Sec. 55-2-15, and Sec. 62-1-4, ACLA 1949; and providing for an effective date.

(H.B. 51)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Sec. 20-1-1. ACLA 1949, is hereby amended to read as follows:

Sec. 20-1-1. **Age of Majority: Rights and Liabilities.** In the State all persons shall be deemed to have arrived at majority at the age of nineteen years, and thereafter shall have control of their own actions and business and have all the rights and be subject to all the liabilities of citizens of full age, except as otherwise provided by statute.

Sec. 2. Sec. 55-2-15, ACLA 1949, is hereby amended to read as follows:

Sec. 55-2-15. **Exceptions as to Persons Under Legal Disability.** If any person entitled to bring an action mentioned in this article, or to recover real property, or for a penalty or forefeiture, or against a marshal or other officer for an escape, be at the time the cause of action accrued, either —

First. Under the age of nineteen years; or

Second. Insane; or

Third. Imprisoned on a criminal charge, or in execution under sentence

as the holder of any security interest in such vehicle, requires its obligor to insure the vehicle, shall, if the required insurance policy is obtained by the dealer or lending agency and the policy does not insure the transferee or obligor against damages resulting from the ownership or operation of the vehicle arising by reason of personal injury to or the death of any person, or from injury to property, notify the transferee or obligor of such fact and of the general scope of the insura. e required by such dealer or lending agency in writing on a document other than the insurance policy, and the transferee or obligor shall acknowledge such notice in writing on a document other than the insurance policy, but the notice or acknowledgment need not be given if the insurance is obtained by the dealer or lending agency because of the failure or refusal of the transferee or obligor to furnish insurance or to renew insurance in accordance with the terms of the contract of sale, encumbrance, or other loan agreement.

Sec. 2. This Act takes effect July 1, 1961.

Approved March 15, 1961

CHAPTER 26

AN ACT

Relating to the salary, per diem and other allowances of members of the legislature; repealing Ch. 1, SLA 1959; and providing for an effective date.

(C.S.H.B. 19)

Be it enacted by the Legislature of the State of Alaska:

Section 1. **Legislative Per Diem.** The rate of per diem in lieu of subsiste nce for each member of the legislature whose permanent residence is in Election District 5 is $25.00 for each day in session. The rate for all other members of the legislature is $35.00 for each day in session. This per diem shall also be payable for those days of necessary travel to and from sessions.

Sec. 2. **Annual Salaries.** The annual salary for each member of the legislature is $2,500.00 to be paid in approximately equal monthly payments. The president of the senate and speaker of the house of representatives shall each be paid an additional $500.00 per year during tenure of office.

Sec. 3. **Additional Allowances.** In addition, each member of the legislature shall receive an annual allowance of $300.00 for postage, stationery, stenographic services and other expenses.

Sec. 4. **Method of Payment.** Salaries, per diem and additional allowances for members of the legislature shall be paid by warrants drawn on vouchers approved by the legislative fiscal officer.

Sec. 5. **Repeal.** Ch. 1, SLA 1959 is repealed.

Sec. 6. **Effective Date.** This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Sec. 7. **Special Provisions: First Session-Second Legislature.** Members of the first session-second legislature shall receive the salary, per diem and allowances set out in Ch. 1, SLA 1959 until the effective date of this Act. On the effective date of this Act the salary, per diem and allowances set out in this Act shall apply, except that the additional allowance set out in Sec. 3 shall be reduced one-half for the first session of the second legislature. Payment of this special allowance may be made from the line item appropriation made for the per diem of legislators for the fiscal year ending June 30, 1961.

Became law without signature March 17, 1961.

CHAPTER 27

AN ACT

Transferring between appropriations made to certain agencies for the fiscal year ending June 30, 1961; and providing for an effective date.

(H.B. 36)

Be it enacted by the Legislature of the State of Alaska:

Section 1. The sum of $50,000 is transferred to the line item appropriation for Juvenile Code made to the Division of Welfare, Department of Health and Welfare from the following line item appropriations for the fiscal year ending June 30, 1961:

(1) From Aid to Dependent Children, $40,000

(2) From Old Age Assistance, $10,000.

Sec. 2. The sum of $20,000 is transferred to the line item appropriation for contractual services, Probation and Parole, made to the Division of Youth and Adult Authority from the line item appropriation for Care of Prisoners, for the fiscal year ending June 30, 1961.

Sec. 3. The sum of $6,943 is transferred to the line item appropriation for Juvenile Conservation Camp made to the Division of Youth and Adult Authority from the line item appropriation for Care of Prisoners, for the fiscal year ending June 30, 1961.

Sec. 4. The sum of $22,500 is transferred to the line item appropriation for contractual services made to the Division of State Police, Department of Public Safety from the following line item appropriations for the fiscal year ending June 30, 1961:

(1) From personal services, Office of Commissioner, $1,500

(2) From commodities, Office of Commissioner, $1,000

(3) From commodities, Division of State Police, $20,000.

Sec. 5. The following transfers are made among the line item apppropriations made to the Division of Buildings, Department of Public Works for the fiscal year ending June 30, 1961:

To personal services, $16,000

To travel, $1,500

From contractual services, $5,500

From commodities, $12,000

Sec. 6. The sum of $10,000 is transferred to the line item appropriation for contractual services made to the Anchorage International Airport, Department of Public Works from the line item appropriation for commodities for the fiscal year ending June 30, 1961.

Sec. 7. The sum of $10,000 is transferred to the line item appropriation for contractual services made to the Fairbanks International Airport, Department of Public Works from the line item appropriation for commodities for the fiscal year ending June 30, 1961.

Sec. 8. The sum of $900 is transferred to the line item appropriation for Administration, contractual services made to the Division of Water and Harbor Facilities, Department of Public Works from the line item appropriation, emergency repair projects for the fiscal year ending June 30, 1961.

Sec. 9. The sum of $16,800 is transferred to the appropriation made to the Supreme Court from the appropriation made to the Magistrate's Courts for the fiscal year ending June 30, 1961.

Sec. 10. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved March 22, 1961

CHAPTER 28

AN ACT

Appropriating from the general fund for the fiscal year ending June 30, 1961; and providing for an effective date.

(C.S.H.B. 37)

CHAPTER 100

AN ACT

Relating to the operation of the legislature; and providing for an effective date.

(C.S.H.B. 12)

Be it enacted by the Legislature of the State of Alaska:

Section 1. AS 24.05.170 is repealed and re-enacted to read:

Sec. 24.05.170. **Organization of Second and Special Sessions.** On the day set for the assembling of the second regular session or a special session of the legislature, the presiding officer elected at the first regular session shall administer the oath of office to new members and proceed with the business of the house in accordance with the rules of the legislature.

Sec. 2. AS 24.10.030 is repealed and reenacted to read:

Sec. 24.10.030. **Chief Clerk and Senate Secretary.** Each house shall select from outside its membership a person of known stenographic and administrative ability to serve as chief administrative clerk: a chief clerk in the house of representatives and a secretary in the senate. When nominated and elected in conformity with the uniform rules, they continue to serve for the duration of the legislature at the pleasure of the house to which assigned. Pending the organization of a new legislature, they may continue to serve at the request and direction of the Legislative Council until their respective houses formally reappoint or replace them. The chief clerk and senate secretary are responsible for the performance of duties provided for by law, the uniform rules, and orders of the house. They may be requested to report to the Legislative Council for duty for a period not to exceed two weeks immediately preceding the convening of the session and shall remain at the capital until the completion of their work is determined by the director of the council.

Sec. 3. AS 24.15.010 is repealed and reenacted to read:

Sec. 24.15.010. **Legislative Per Diem.** The rate of per diem instead of subsistence for each member of the legislature is $35 for each day in session. The per diem is also payable for those days of necessary travel to and from sessions.

Sec. 4. AS 24.15.050 is repealed and reenacted to read:

Sec. 24.15.050. **Transportation Allowance.** Each member of the legislature is entitled to receive one round-trip transportation fare not to exceed the cost of first-class airline fare from his place of residence in the election district from which elected or appointed to the capital for purposes of attending regular, reconvened regular, or special sessions of the legislature. Each member receiving transportation fare is entitled to a baggage allowance not to exceed the cost of 100 pounds excess baggage by air each way upon submission of proper documentation to substantiate the baggage shipment.

Sec. 5. AS 24.20.070 is repealed and reenacted to read:

Sec. 24.20.070. **Revision of Statutes.** (a) The legislature may direct the council to revise the laws of the state in the form of a bulk formal revision. At the direction of the legislature and within the limit of appropriations made, the council may enter into contracts for the printing, annotating, indexing, and distribution of a revision of the laws of the state. The council receives sufficient copies of a revision for exchange with other states and jurisdictions. A revision prepared by the council under authority of this section shall be referred to the legislature for enactment or adoption.

(b) Statute revision is a continuing responsibility of the council. The general and permanent acts of each regular and special session of the legislature shall be integrated with and published as annual supplements to or replacement pamphlets for the Alaska Statutes

Sec. 6. AS 24.05.120 is amended to read:

Sec. 24.05.120. **Rules.** At the beginning of the first regular session of each legislature, both houses shall adopt uniform rules of procedure for enacting bills into law and adopting resolutions. The rules in effect at the last regular session of the immediately preceding legislature serve as the temporary rules of the legislature until the adoption of permanent rules.

Sec. 7. AS 24.05.180(b) is repealed.

Sec. 8. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved May 1, 1963

CHAPTER 101

AN ACT

Relating to hairdressing and beauty culture.

(C.S.H.B. 183)

Be it enacted by the Legislature of the State of Alaska:

Section 1. AS 08.28.030 is repealed and re-enacted to read:

Sec. 08.28.030. **Qualifications of Board Members.** (a) To qualify for membership on the board, a member must be an adult, a citizen of the United States, and a resident of the state.

(b) The governor shall appoint persons so that four members have at least five years' experience as an operator, manager-operator, or owner-operator, and one member has at least three years' experience as the owner, manager, or instructor of a beauty school licensed under this chapter. To remain on the board, a member must remain active in an activity that would qualify him for appointment under this subsection.

(c) Each member shall take the oath provided by law for public officers.

Sec. 2. AS 08.28.140 is repealed and reenacted to read:

Sec. 08.28.140. **Out-of-State Licensees.** (a) A person holding a current valid license from a board of cosmetology in another state is entitled to a license under this chapter without examination if he applies, accompanying his application with

(1) proof of a foreign license; and

(2) proof that he has completed at least 2,000 hours' training in a hairdressing and beauty culture school.

Approved May 1, 1963

CHAPTER 102

AN ACT

Providing retirement and other benefits for justices and judges of the supreme and superior courts of Alaska.

(H.C.S.S.B. 59)

Be it enacted by the Legislature of the State of Alaska:

Section 1. AS 22 is amended by adding a new chapter to read:

Chapter 25.

Retirement and Death Benefits.

Article 1. Justices and Judges.

Sec. 22.25.010. **Retirement of Justices and Judges.** (a) A supreme court justice or superior court judge shall be re-

LAWS OF ALASKA

1966

Source: HB 328

Chapter No.: 149

AN ACT

Relating to legislators' salaries; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 24.15.020 is amended to read:

Sec. 24.15.020. ANNUAL LEGISLATIVE SALARIES. The annual salary for each member of the legislature is $6,000 to be paid in approximately equal monthly payments. The president of the senate and speaker of the house of representatives are each entitled to an additional $500 a year during tenure of office.

* Sec. 2. This Act takes effect January 23, 1967.

Permitted to become law without Governor's signature
Actual effective date: January 23, 1967

LAWS OF ALASKA

1970

Source: HB 292

Chapter No.: 8

AN ACT

Relating to additional allowances for legislators; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 24.15.030 is amended to read:

Sec. 24.15.030. ADDITIONAL ALLOWANCES. In addition, each member of the legislature is entitled to an annual allowance of $1,000 for postage, stationery, stenographic services and other expenses.

* Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.

Approved by governor: February 17, 1970
Actual effective date: February 18, 1970

LAWS OF ALASKA

1975

Source

FCCS HCSSB 404

Chapter No.

205

AN ACT

Relating to the compensation and retirement of judicial officers, legislators, and public officers and employees; and legislative per diem; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 22.05.140(a) is amended to read:

(a) The annual salary for the chief justice and each associate justice is 20 per cent above Step E, Range 28 of the salary schedule established in AS 39.27.010 for Anchorage, Alaska. The compensation is payable monthly in 12 equal installments. Compensation of the chief justice or of an associate justice shall not be diminished during his term of office, unless by general law applying to all salaried officers of the state.

* Sec. 2. AS 22.10.190(a) is amended to read:

(a) The annual salary for each superior court judge is 10 per cent above Step E, Range 28 of the salary schedule established in AS 39.27.010 for Anchorage, Alaska, payable monthly in 12 equal installments. The compensation of a judge shall not be diminished during his term of office, unless by general law applying to all salaried officers of the state.

* Sec. 3. AS 22.15.220(a) is amended to read:

(a) The annual salary for each district judge is 93 per cent of Step E, Range 28 of the salary schedule established in AS 39.27.010 for Anchorage, Alaska, payable monthly in 12 equal installments.

* Sec. 4. AS 24.15.020 is amended to read:

Sec. 24.15.020. ANNUAL LEGISLATIVE SALARIES. The annual salary for each member of the legislature is

33-1/3 per cent of Step E, Range 28 of the salary schedule established in AS 39.27.010 for Anchorage, Alaska, to be paid in approximately equal monthly payments. The president of the senate and speaker of the house of representatives are each entitled to an additional $500 a year during tenure of office.

* Sec. 5. AS 39.20.080(a) is amended to read:

(a) The annual salary of the head of each principal executive department of the state upon appointment and confirmation is 10 per cent above Step E, Range 28 of the salary schedule established in AS 39.27.010 for Anchorage, Alaska. This salary shall be paid in equal monthly installments.

* Sec. 6. AS 24.15.010 is repealed and re-enacted to read:

Sec. 24.15.010. LEGISLATIVE PER DIEM. (a) For each day of the legislative session and for each day on official legislative business between sessions, legislators (1) on travel status and away from home overnight shall be allowed, instead of their actual expenses for subsistence a per diem allowance of $48 for each day; (2) not away from home overnight shall receive an allowance of $35 for each day. The per diem allowance is also payable for each day of necessary travel.

* Sec. 7. AS 22 is amended by adding a new chapter to read:

CHAPTER 28. CONTRIBUTORY JUDICIAL RETIREMENT SYSTEM.

Sec. 22.28.010. APPLICATION. Each justice or judge appointed before January 1, 1976 shall accrue benefits under the provisions of ch. 25 of this title. Each justice or judge appointed after that date and who has not accrued benefits under ch. 25 of this title shall accrue benefits under the system provided in this chapter.

Sec. 22.28.020. ADMINISTRATION. The commissioner of administration is responsible for the administration of the system.

Sec. 22.28.030. REGULATIONS. The commissioner may promulgate regulations to implement the provisions of this chapter. Regulations adopted by the commissioner under this chapter relate to the internal management of state agencies and their adoption is not subject to the Administrative Procedure Act (AS 44.62).

Sec. 22.28.040. CONTRIBUTIONS. While participating in the system each justice and judge shall contribute seven per cent of his compensation to the retirement system.

Sec. 22.28.050. RETIREMENT OF JUSTICES AND JUDGES. (a) A justice or judge shall be retired on the date that he reaches the age of 70. He is eligible for retirement pay if he has had five or more years of service at the time of retirement as a justice or judge.

(b) A justice or judge may be retired for incapacity as provided by law. He is eligible for retirement pay if

he has had two or more years of service at the time of retirement for incapacity. The effective date of retirement under this subsection is the first day of the month coinciding with or after the date upon which the governor with respect to a justice, or the supreme court with respect to a judge files with the commissioner of administration a written declaration to the effect that a designated justice or judge was retired for incapacity. A duplicate copy of the declaration shall be filed with the judicial council.

(c) A justice or judge who served for a period of five years, and who believes that he has become so incapacitated as to prevent him from efficiently performing his judicial duties may file with the governor a written application for retirement which contains a sworn statement of his service and of his incapacity. When an application is filed, the governor shall appoint a board of three persons to inquire into the circumstances, and may, upon the board's recommendation, retire the justice or judge. The effective date of the retirement shall be as provided in (b) of this section.

(d) A justice or judge may voluntarily retire at any time and shall have a vested right to his accrued retirement pay if he has served five or more years. Retirement pay shall not commence until he has reached age 60, except that an actuarially equivalent retirement pay may be commenced after he has reached age 55 or upon his serving 20 years as a justice or judge. The provisions of (b) of this section are an exception to this rule. A justice or judge desiring to retire under this subsection shall file with the commissioner of administration a notice of his desire. If a justice or judge is eligible to receive retirement pay at the time of his retirement, his retirement pay shall commence on the first day of the month coinciding with or after the date the notice is filed with the commissioner of administration. If a justice or judge is not eligible to receive retirement pay at the time of his retirement, his retirement pay shall commence on the first day of the month he reaches age 60 or the month he becomes eligible for an actuarial equivalent if he has applied for this option.

(e) In the computation of service for retirement under this chapter, the time served by a justice or judge of any court of the state is added to the time served by him, if any, on any other court of the state.

(f) The word "justice" means a supreme court justice, and the word "judge", unless the context clearly indicates otherwise, means a superior court or district court judge.

Sec. 22.28.060. RETIREMENT PAY. A retired justice or judge eligible for retirement pay shall receive from the date of his eligibility until his death monthly compensation equal to five per cent per year of service, to a maximum of 75 per cent, of the monthly salary authorized for justices and judges, respectively, at the time each retirement payment is made.

Sec. 22.28.070. SURVIVORS' BENEFITS. (a) Upon the death of a justice or judge who has served for at least two years, the surviving spouse is entitled to receive monthly compensation equal to one-half of the monthly retirement pay

the justice or judge would thereafter have been entitled to receive if retired at the time of death. If at death the justice or judge was not yet entitled to retirement pay, or was or would have been entitled to less than 60 per cent of the monthly salary authorized for his office, the surviving spouse is entitled to monthly compensation equal to 30 per cent of the salary authorized for justices or judges, respectively, at the time each monthly payment is made.

(b) To be eligible for the survivors' benefits, the surviving spouse must have been married to the justice or judge for at least two years immediately preceding the death of the justice or judge. The benefits continue until the remarriage or death of the surviving spouse.

(c) If there is no surviving spouse, or if the surviving spouse does not meet the requirements of (b) of this section, or upon the remarriage or death of the surviving spouse, the surviving dependent child or children of the justice or judge are entitled to receive in equal shares 50 per cent of the amount of the survivors' benefits specified under (a) of this section.

(d) The surviving child or children are entitled to the survivors' benefits under (c) of this section during the period of their dependency. Dependency exists with respect to any child of a justice or judge who is either (1) a minor under the laws of Alaska, (2) under the age of 23 and is a student attending on a full-time basis an accredited educational or technical institution recognized by the Department of Education, or (3) so mentally or physically incapacitated as to be unable to provide for self-care.

(e) If there are both an eligible surviving spouse and surviving dependent children, but who reside in separate households, the surviving spouse and dependent children will share equally in the benefits payable under (a) of this section.

Sec. 22.28.080. TAX EXEMPTION. Benefits paid under this chapter are exempt from state and municipal taxes.

Sec. 22.28.090. APPROPRIATIONS. An estimated amount sufficient to pay all benefits, including interest credited to individual accounts, anticipated to be paid under this chapter in each fiscal year shall be included in the annual appropriation to the Department of Administration. If the actual authorized benefits necessary to be paid in any fiscal year exceed the sum appropriated, the benefits due shall nevertheless be paid from general funds of the state not otherwise appropriated.

Sec. 22.28.100. ACCOUNTING. (a) The contributory judicial retirement account shall be established to which all appropriations under this chapter shall be credited.

(b) An individual account shall be maintained for each justice or judge to which the amount of his mandatory contributions collected under this chapter shall be credited as of the date of deduction or payment, as the case may be. As of the last day of each calendar year and each fiscal year beginning with June 30, 1976, this account shall be credited

with interest by applying one-half of the prescribed rate of interest to the balance in the account as of that date.

(c) Upon commencement of retirement pay to a justice or judge, the balance in his individual account shall be transferred to the contributory judicial retirement account.

Sec. 22.28.110. REFUNDS. Upon termination of judicial service, application may be made for a refund of the balance in the individual's account. Upon withdrawal of the balance, all rights to benefits terminate.

Sec. 22.28.120. PRIOR SERVICE CREDIT. In the event a justice or judge who has withdrawn the balance of his individual account returns to permanent active service, he shall receive credit for his prior period or periods of service only if he repays within one year of the date of return all refunded contributions with interest at the prevailing prescribed rate.

* Sec. 8. AS 39 is amended by adding a new chapter to read:

CHAPTER 37. ELECTED PUBLIC OFFICERS RETIREMENT SYSTEM.

Sec. 39.37.010. APPLICATION. This chapter applies to persons who are elected public officers on the effective date of this chapter and to persons who become elected public officers after the effective date of the chapter.

Sec. 39.37.020. RETIREMENT OF ELECTED PUBLIC OFFICERS. An elected public officer is eligible for retirement pay if he has had five or more years of service at the time of retirement as an elected public officer.

Sec. 39.37.030. RETIREMENT FOR INCAPACITY. An elected public officer who has served for a period of five years, and who believes that he has become so incapacitated as to prevent him from efficiently performing his duties, may file a written application for retirement which contains a sworn statement of his service and of his incapacity. When an application is filed, a board of three persons to inquire into the circumstances shall be appointed by the chief justice of the state supreme court, and the commissioner of administration upon the board's recommendation shall retire the elected public officer. The effective date of the retirement shall be the first day of the month following the recommendation of the board.

Sec. 39.37.040. VOLUNTARY RETIREMENT. (a) An elected public officer may voluntarily retire at any time and shall have a vested right to his accrued retirement pay if he has served five years or more. Retirement pay shall not begin until he has reached age 60, except that an actuarially equivalent retirement pay may be begun after he has reached age 55 or upon attaining 20 years of creditable service. The provisions of sec. 30 of this chapter are an exception to this rule.

(b) An elected public officer desiring to retire under this section shall file with the commissioner of administration an application for retirement.

(c) If an elected public officer is eligible to receive retirement pay at the time of his retirement, his retirement pay shall begin on the first day of the month following termination of office. If an elected public officer is not eligible to receive retirement pay at the time of his retirement, his retirement pay shall begin on the first day of the month he reaches age 60 or at age 55 with an actuarially reduced benefit.

Sec. 39.37.050. BENEFIT FORMULA. (a) A person retired under the provisions of this chapter shall receive from the effective date of his retirement until his death monthly compensation equal to a per cent of either (1) the monthly salary and additional allowances established under AS 24.15.030 authorized for the office from which he retired at the time each retirement payment is made; or (2) his average monthly compensation as defined in AS 39.35.680. At the time the official applies for retirement, he shall elect to have his benefits computed under either (1) or (2) of this subsection. The election is irrevocable.

(b) The per cent shall be five per cent per year of membership service and the per cent per year of other creditable service equal to the benefit formula used for years of creditable service under ch. 35 of this title prevailing at the time of retirement.

(c) The total percentage under (b) of this section shall not exceed 75 per cent.

Sec. 39.37.060. SURVIVORS' BENEFITS. (a) Upon the death of an elected public officer who has served at least two years, the surviving spouse is entitled to receive monthly compensation equal to one-half of the monthly retirement pay the elected public officer would thereafter have been entitled to receive if retired at the time of death. If at death the elected public officer was not yet entitled to retirement pay, or was or would have been entitled to less than 60 per cent of the monthly salary authorized for his office, the surviving spouse is entitled to monthly compensation equal to 30 per cent of the monthly salary authorized for the office at the time each retirement payment is made or 30 per cent of his average monthly compensation as defined in AS 39.35.680.

(b) To be eligible for the survivors' benefits, the surviving spouse must have been married to the elected public officer for at least two years immediately preceding the death of the elected public officer. The benefits continue until the remarriage or death of the surviving spouse.

(c) If there is no surviving spouse, or if the surviving spouse does not meet the requirements of (b) of this section, or upon the remarriage or death of the surviving spouse, the surviving dependent child or children of the elected public officer are entitled to receive in equal shares 50 per cent of the amount of the survivors' benefits specified under (a) of this section.

(d) The surviving child or children are entitled to the survivors' benefits under (c) of this section during

the period of their dependency. Dependency exists with respect to any child of an elected public officer who is either (1) a minor under the laws of Alaska; (2) under the age of 23 and is a student attending on a full-time basis an accredited educational or technical institution recognized by the Department of Education; or (3) so mentally or physically incapacitated as to be unable to provide for self-care.

(e) If there are both an eligible surviving spouse and surviving dependent children, but who reside in separate households, the surviving spouse will receive one-half of the benefits payable under (a) of this section and the dependent children will share equally in the remainder of the benefits.

Sec. 39.37.070. CONTRIBUTIONS. (a) Each elected public officer shall contribute seven per cent of his compensation to the retirement system.

(b) An elected public officer participating in the retirement system established under this chapter is entitled to service credit for creditable service to the state, territory, or political subdivision before the effective date of this chapter for each year of such service for which he has accrued service credit under ch. 35 of this title.

(c) An elected public officer participating in the retirement system established under this chapter may become entitled to service credit for creditable service to the state, territory or political subdivision before the effective date of this chapter for which he has not accrued service credit under ch. 35 of this title by complying with the following:

(1) if the prior creditable service was covered under ch. 35 of this title at the time it was rendered, he shall pay contributions for each year of seven per cent of the compensation received at the time service was rendered; or

(2) if the prior creditable service was not covered under ch. 35 of this title at the time service was rendered, he shall pay contributions of seven per cent of his compensation at the time he makes application under (d) of this section; or

(3) if the service was as an elected public officer, he shall pay contributions at the rate of seven per cent of the amount of salary actually paid during the period.

(d) To receive service credit under (c) of this section, an elected public officer must make application within 60 days of becoming a participant in the retirement system established under this chapter.

(e) Each public officer who has accrued five years or more of membership service shall contribute to this retirement system seven per cent of compensation received thereafter for all creditable service and is entitled to benefits as provided in this chapter.

(f) The compensation applicable to a member of the legislature making a contribution under (a) of this section is the sum of the legislative salary and additional allowances established under AS 24.15.020 and 24.15.030.

(g) The contribution is made in the form of a payroll deduction and is made notwithstanding that the compensation paid in cash to the elected public officer is reduced below the minimum prescribed by law. Each elected public officer is considered to consent to the deduction made from his compensation. Payment of compensation less the deduction prescribed in (a) of this section and other payroll deductions constitutes a full and complete discharge and satisfaction of all claims and demands for the services rendered by him during the period covered by the payment, except as to the benefits provided for under this chapter.

Sec. 39.37.080. ADMINISTRATION. The commissioner of administration is responsible for the administration of the system.

Sec. 39.37.090. REGULATIONS. The commissioner may promulgate regulations to implement the provisions of this chapter. Regulations adopted by the commissioner under this chapter relate to the internal management of state agencies and their adoption is not subject to the Administrative Procedure Act (AS 44.62).

Sec. 39.37.100. TAX EXEMPTION. Benefits paid under this chapter are exempt from state and municipal taxes.

Sec. 39.37.110. APPROPRIATIONS. An estimated amount sufficient to pay all benefits, including interest credited to individual accounts, anticipated to be paid under this chapter in each fiscal year shall be included in the annual appropriation to the Department of Administration. If the actual authorized benefits necessary to be paid in any fiscal year exceed the sum appropriated, the benefits due shall nevertheless be paid from general funds of the state not otherwise appropriated.

Sec. 39.37.120. ACCOUNTING. (a) The elected public officers retirement account shall be established to which all appropriations under this chapter shall be credited.

(b) An individual account shall be maintained for each elected public officer to which the amount of his mandatory contributions collected under this chapter shall be credited as of the date of deduction or payment, as the case may be. As of the last day of each calendar year and each fiscal year beginning with June 30, 1976, this account shall be credited with interest by applying one-half of the prescribed rate of interest to the balance in the account as of that date.

(c) Upon commencement of retirement pay to an elected public officer, the balance in his individual account shall be transferred to the elected public officers retirement account.

(d) Upon commencement of participation in this retirement system, any balance in an elected public officer's

individual account under ch. 35 of this title is transferred to his individual account under this section.

Sec. 39.37.130. REFUNDS. Upon termination of creditable service, application may be made for a refund of the balance in the individual's account. Upon withdrawal of the balance, all rights to benefits terminate.

Sec. 39.37.140. PRIOR SERVICE CREDIT. In the event an elected public officer who has withdrawn the balance of his individual account returns to elected public office, he shall receive credit for his prior period or periods of service only if he repays within one year of the date of return all refunded contributions with interest at the prevailing prescribed rate.

Sec. 39.37.150. DEFINITIONS. In this chapter

(1) "elected public officer" means the governor, lieutenant governor, or a member of the legislature;

(2) "creditable service" means service as an elected public officer and other service to the state, territory, or political subdivision under which benefits presently accrue under ch. 35 of this title;

(3) "membership service" means service as an elected public officer.

* Sec. 9. AS 39.35.680(5)(B) is amended to read:

(B) means an elected official of a political subdivision currently serving who elects to pay contributions required of an employee and to be included in the system under sec. 125 of this chapter;

* Sec. 10. AS 39.35.680(5)(C)(v) is amended to read:

(v) justices and judges of the supreme, superior and district courts of Alaska; or the governor and lieutenant overnor of Alaska; or the members of the Alaska State Legislature;

* Sec. 11. AS 39.35.380(a) is amended to read:

(a) An employee is eligible for an early retirement pension on or after his 50th birthday and after he completes five or more yeers of credited service.

* Sec. 12. AS 39.35.380 is amended by adding a new subsection to read:

(d) An employee who previously retired under (a) of this section shall be paid benefits computed under sec. 370(c) of this chapter from the effective date of this Act.

* Sec. 13. AS 39.35.410(d) is amended to read:

(d) The monthly amount of an occupational disability pension for a peace officer or a fireman shall be two-thirds of his gross monthly compensation at the time of his disability. For any other employee it shall be determined in

accordance with sec. 370(c) of this chapter, considering (1) the employee's compensation before his termination of employment, and (2) either the credited service that would have been accumulated if the employee's employment had continued until his 55th birthday after his disability or his actual credited service before his disability, whichever is greater; except that the amount so determined shall be reduced by assuming that a joint and survivor option of 75 per cent became immediately effective upon retirement, with the employee's spouse as contingent beneficiary. If no spouse exists at the time of actual retirement, the pension shall not be reduced.

* Sec. 14. AS 39.35.485 is amended to read:

Sec. 39.35.485. MINIMUM BENEFIT. (a) An employee whose terminaation occurred before July 1, 1975 and who is eligible for a benefit calculated in accordance with sec. 370(c) of this chapter is entitled to a benefit of at least $13.25 a month for each year of credited service, not including adjustments made under secs. 380, 410, 450, 475 and 480 of this chapter.

(b) An employee who retired under this section before July 1, 1975 shall be paid a benefit amount computed under sec. 370(c) of this chapter or under this section, whichever is greater.

* Sec. 15. AS 39.35.680(11) is amended to read:

(11) "normal retirement date" for a peace officer or a fireman means the first day of the month following either his 55th birthday and five years of credited service or his 20th year of credited service, whichever is earlier. For any other employee it means the first day of the month following either his 55th birthday and five years of credited service or his 30th year of credited service, whichever is earlier;

* Sec. 16. Sections 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14 and 15 of this Act take effect July 1, 1975.

* Sec. 17. Sections 7 and 8 of this Act take effect January 1, 1976.

Permitted to become law without signature
Actual effective date: Secs. 1 - 6, 9 - 15: July 1, 1975
Secs. 7 and 8: January 1, 1976

LAWS OF ALASKA

1975

Source: FCCSSB 131

Chapter No.: 206

AN ACT

Relating to the boards of fisheries and game; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 16.05.070 is amended to read:

Sec. 16.05.070. REGULATIONS AS EVIDENCE. Regulations of the boards of fisheries and game and of the commissioner, including emergency openings and closures, are admissible as evidence in the courts of the state in accordance with the Administrative Procedure Act (AS 44.62).

* Sec. 2. AS 16.05.080 is amended to read:

Sec. 16.05.080. LIMITATION OF POWER. Nothing in this chapter authorizes the department or the boards of fisheries and game to change the amount of fees or licenses.

* Sec. 3. AS 16.05 is amended by adding new sections to read:

ARTICLE 2. BOARDS OF FISHERIES AND GAME.

Sec. 16.05.221. BOARDS OF FISHERIES AND GAME. (a) For purposes of the conservation and development of the fishery resources of the state, there is created the Board of Fisheries composed of seven members appointed by the governor. The appointed members shall be residents of the state and shall be appointed without regard to political affiliation or geographical location of residence. The commissioner is not a member of the Board of Fisheries, but shall be ex officio secretary.

(b) For purposes of the conservation and development of the game resources of the state, there is created a Board of Game composed of seven members appointed by the governor.

* Sec. 3. AS 05.30.080 is amended by adding a new paragraph to read:

(4) an exhaust muffler in good working order except at the operator's option when participating in an event permitted under AS 05.35.

Approved by governor: June 11, 1970
Actual effective date: September 9, 1970

LAWS OF ALASKA

1970

Source: FCCS SCS HB 853

Chapter No. 193

AN ACT

Relating to compensation of judicial, executive, and state employees; per diem and compensation of legislators; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 22.05.140(a) is amended to read:

(a) The chief justice and each associate justice shall receive $36,000 annually as compensation. The compensation is payable monthly in 12 equal installments. Compensation of the chief justice or of an associate justice shall not be diminished during his term of office, unless by general law applying to all salaried officers of the state.

* Sec. 2. AS 22.10.190(a) is amended to read:

(a) Each superior court judge shall receive $33,000 annually, as compensation, payable monthly in 12 equal installments. The compensation of a judge shall not be diminished during his term of office, unless by general law applying to all salaried officers of the state.

* Sec. 3. AS 22.15.220(a) is amended to read:

(a) Each district judge shall receive $25,000 annually as compensation, payable monthly in 12 equal installments.

* Sec. 4. AS 39.20.010 is amended to read:

Sec. 39.20.010. ANNUAL SALARY OF GOVERNOR. The annual salary of the governor is $40,000. The salary shall be paid in equal monthly installments.

* Sec. 5. AS 39.20.030 is amended to read:

Sec. 39.20.030. ANNUAL SALARY OF SECRETARY OF STATE. The annual salary of the secretary of state is $36,000. The salary shall be paid in equal monthly installments.

* Sec. 6. AS 39.20.080 is amended to read:

Sec. 39.20.080. SALARY OF EXECUTIVE DEPARTMENT HEAD AND DEPUTY. (a) The annual salary of the head of each principal executive department of the state upon appointment and confirmation is $33,000. This salary shall be paid in equal monthly installments.

(b) The monthly salary of the deputy head of each principal executive department of the state, upon his appointment is not less than Step A, Range 28, nor shall it exceed Step F, Range 28, of Salary Schedule I, set out in AS 39.27.010(1), during the term of his appointment.

* Sec. 7. AS 39.27.010 is repealed and re-enacted to read:

Sec. 39.27.010. MONTHLY SALARY SCHEDULES. The following monthly salary schedules are approved as the pay plan for employees of the State of Alaska:

(1) SALARY SCHEDULE I, House Districts 1 - 5, 7 - 11:

Range No.	Step A	Step B	Step C	Step D	Step E	Step F
5	463	480	498	517	536	556
6	498	517	536	556	577	599
7	536	556	577	599	621	645
8	577	599	621	645	669	694
9	621	645	669	694	720	747
10	669	694	720	747	775	804
11	720	747	775	804	834	866
12	775	804	834	866	899	933
13	834	866	899	933	968	1,004
14	899	933	968	1,004	1,042	1,081
15	968	1,004	1,042	1,081	1,122	1,164
16	1,042	1,081	1,122	1,164	1,208	1,253
17	1,122	1,164	1,208	1,253	1,300	1,349
18	1,208	1,253	1,300	1,349	1,400	1,452
19	1,300	1,349	1,400	1,452	1,506	1,562
20	1,400	1,452	1,506	1,562	1,621	1,682
21	1,506	1,562	1,621	1,682	1,745	1,810
22	1,621	1,682	1,745	1,810	1,878	1,948
23	1,745	1,810	1,878	1,948	2,021	2,097
24	1,878	1,948	2,021	2,097	2,176	2,258
25	2,021	2,097	2,176	2,258	2,343	2,431
26	2,097	2,176	2,258	2,343	2,431	2,522
27	2,176	2,258	2,343	2,431	2,522	2,617
28	2,258	2,343	2,431	2,522	2,617	2,715

(2) SALARY SCHEDULE II, House Districts 6, 12, 13 - 19:

Range No.	Step A	Step B	Step C	Step D	Step E	Step F
5	498	517	536	556	577	599
6	536	556	577	599	621	645
7	577	599	621	645	669	694
8	621	645	669	694	720	747
9	669	694	720	747	775	804
10	720	747	775	804	834	86
11	775	804	834	866	899	933
12	834	866	899	933	968	1,004
13	899	933	968	1,004	1,042	1,081
14	968	1,004	1,042	1,081	1,122	1,164
15	1,042	1,081	1,122	1,164	1,208	1,253
16	1,122	1,164	1,208	1,253	1,300	1,349
17	1,208	1,253	1,300	1,349	1,400	1,452
18	1,300	1,349	1,400	1,452	1,506	1,562
19	1,400	1,452	1,506	1,562	1,621	1,682
20	1,506	1,562	1,621	1,682	1,745	1,810
21	1,621	1,682	1,745	1,810	1,878	1,948
22	1,745	1,810	1,878	1,948	2,021	2,097
23	1,878	1,948	2,021	2,097	2,176	2,258
24	2,021	2,097	2,176	2,258	2,343	2,431
25	2,176	2,258	2,343	2,431	2,522	2,617
26	2,258	2,343	2,431	2,522	2,617	2,715
27	2,343	2,431	2,522	2,617	2,715	2,817
28	2,431	2,522	2,617	2,715	2,817	2,923

(3) SALARY SCHEDULE III, Employees of the state assigned to positions in the Contiguous United States and Canada:

Range No.	Step A	Step B	Step C	Step D	Step E	Step F
5	371	385	400	414	430	446
6	400	414	430	446	463	480
7	430	446	463	480	498	517
8	463	480	498	517	536	556
9	498	517	536	556	577	599
10	536	556	577	599	621	645
11	577	599	621	645	669	694
12	621	645	669	694	720	747
13	669	694	720	747	775	804
14	720	747	775	804	834	866
15	775	804	834	866	899	933
16	834	866	899	933	968	1,004
17	899	933	968	1,004	1,042	1,081
18	968	1,004	1,042	1,081	1,122	1,164
19	1,042	1,081	1,122	1,164	1,208	1,253
20	1,122	1,164	1,208	1,253	1,300	1,349
21	1,208	1,253	1,300	1,349	1,400	1,452
22	1,300	1,349	1,400	1,452	1,506	1,562
23	1,400	1,452	1,506	1,562	1,621	1,682
24	1,506	1,562	1,621	1,682	1,745	1,810
25	1,621	1,682	1,745	1,810	1,878	1,948
26	1,682	1,745	1,810	1,878	1,948	2,021
27	1,745	1,810	1,878	1,948	2,021	2,097
28	1,810	1,878	1,948	2,021	2,097	2,176

* Sec. 8. AS 24.15.010 is amended to read:

Sec. 24.15.010. LEGISLATIVE PER DIEM. The rate of per diem instead of subsistence for each member of the legislature is $35 for the first 90 days of a legislative session. The per diem is also payable for those days of

necessary travel to and from sessions.

* **Sec. 9.** AS 24.15.020 is amended to read:

Sec. 24.15.020. **ANNUAL LEGISLATIVE SALARIES.** The annual salary for each member of the legislature is $9,000 to be paid in approximately equal monthly payments. The president of the senate and speaker of the house of representatives are each entitled to an additional $500 a year during tenure of office.

* **Sec. 10.** AS 24.15.030 is amended to read:

Sec. 24.15.030. **ADDITIONAL ALLOWANCES.** In addition, each member of the legislature is entitled to an annual allowance of $4,000 for postage, stationery, stenographic services and other expenses.

* Sec. 11. It is the intent of the legislature that all permanent employees of the legislative branch of the government shall receive pay increments as comparable as possible to those provided the classified employees in sec. 7 of this Act.

* **Sec. 12. This Act takes effect on July 16, 1970.**

Approved by governor: June 11, 1970
Actual effective date: July 16, 1970

LAWS OF ALASKA

1970

Source FCCS SCS CSHB 814

Chapter No. 194

AN ACT

Relating to a program of state aid for municipal purposes; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 43.18.010(a) is amended to read:

(a) During each fiscal year the state shall pay to a city or organized borough of any class which has power to provide the following services and exercises that power

(1) $10 per capita to cities and boroughs providing police protection, subject to the conditions of this paragraph and (g) of this section;

(A) municipal police protection shall be available 24 hours a day;

(B) municipal police officers shall be U. S. citizens who are at least 19 years of age and who have not been convicted of a crime involving moral turpitude within the past 10 years;

(2) $5 per capita to cities and boroughs providing fire protection;

(A) fire protection includes, but is not limited to, fire protection provided by a volunteer fire department registered with the state fire marshal which has official recognition and financial support from the city or borough in which it is located;

(B) in addition to the grants authorized under this section, the state shall pay to a volunteer fire department registered with the state fire marshal and serving an area not in an organized borough or a city a sum for protection purposes equal to $5 per

LAWS OF ALASKA

1971

Source

FCCS SCSHB 106

Chapter No.

87

AN ACT

Relating to compensation of state employees; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 39.27.010 is repealed and re-enacted to read:

Sec. 39.27.010. BASIC SALARY SCHEDULE. The following monthly basic salary schedule is approved as the pay plan for classified and partially exempt employees of the State of Alaska:

Range No.	Step A	Step B	Step C	Step D	Step E	Step F
5	--	--	--	--	--	584
6	--	--	--	584	606	629
7	--	584	606	629	652	677
8	606	629	652	677	702	729
9	652	677	702	729	756	784
10	702	729	756	784	814	844
11	756	784	814	844	876	909
12	814	844	876	909	943	978
13	876	909	943	978	1,015	1,053
14	943	978	1,015	1,053	1,092	1,133
15	1,015	1,053	1,092	1,133	1,176	1,220
16	1,092	1,133	1,176	1,220	1,266	1,313
17	1,176	1,220	1,266	1,313	1,362	1,413
18	1,266	1,313	1,362	1,413	1,466	1,521
19	1,362	1,413	1,466	1,521	1,579	1,638
20	1,466	1,521	1,579	1,638	1,699	1,763
21	1,579	1,638	1,699	1,763	1,829	1,898
22	1,699	1,763	1,829	1,898	1,969	2,043
23	1,829	1,898	1,969	2,043	2,119	2,199
24	1,969	2,043	2,119	2,199	2,281	2,367

25	2,119	2,199	2,281	2,367	2,455	2,547
26	2,199	2,281	2,367	2,455	2,547	2,648
27	2,281	2,367	2,455	2,547	2,648	2,742
28	2,367	2,455	2,547	2,648	2,742	--

* Sec. 2. AS 39.27.020 is repealed and re-enacted to read:

Sec. 39.27.020. PAY STEP DIFFERENTIALS BY ELECTION DISTRICT AND OUTSIDE THE STATE. The following pay step differentials are approved under AS 39.25.150(2) as an amendment to the basic pay schedule provided for in sec. 10 of this chapter for employees of the state.

House Election District	Pay Steps Above Basic Salary Schedule
1	0
2	1
3	1
4	0
5	2
6	4
7	1
8	0
9	2
10	2
11	2
12	7
13	7
14	8
15	9
16a (South of Arctic Circle)	3
16b (North of Arctic Circle)	9
17	9
18	7
19	8
Outside the State	minus 6

* Sec. 3. AS 39.27 is amended by adding a new section to read:

Sec. 39.27.025. SWING AND GRAVEYARD SHIFT DIFFERENTIALS. (a) Classified and partially exempt state employees who regularly work a "swing" shift beginning between 12:00 noon and 7:59 p.m. are entitled to a one-step increase over their normal pay established by this chapter.

(b) Classified and partially exempt state employees who regularly work a "graveyard" shift beginning between 8:00 p.m. and 3:59 a.m. are entitled to a two-step increase over their normal pay established by this chapter.

* Sec. 4. It is the intent of the legislature that all permanent employees of the legislative branch of the government shall receive pay increments as comparable as possible to those provided the classified and partially exempt employees in secs. 10 - 20 of this chapter.

* Sec. 5. AS 24.15.010 is amended to read:

Sec. 24.15.010. LEGISLATIVE PER DIEM. The rate of

per diem instead of subsistence for [illegible] legislature is $35 for each day of [illegible]. The per diem is also payable for [illegible] travel to and from sessions.

* Sec. 6. Sec. 5 of this Act is retroactive to April 20, 1971.

* Sec. 7. Secs. 5 and 6 of this Act take effect on the day after their passage and approval or on the day they become law without approval.

* Sec. 8. Sec. 3 of this Act takes effect on January 16, 1972.

* Sec. 9. Secs. 1, 2 and 4 of this Act take effect on July 16, 1971.

Approved by governor: May [illegible], 1971
Actual effective date: Secs. [illegible] July [illegible], 1971; January 16, 1972; Secs. [illegible] July 16, 1971.

LAWS OF ALASKA

1971

Source

FCCS SCSHB 106

Chapter No.

87

AN ACT

Relating to compensation of state employees; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 39.27.010 is repealed and re-enacted to read:

Sec. 39.27.010. BASIC SALARY SCHEDULE. The following monthly basic salary schedule is approved as the pay plan for classified and partially exempt employees of the State of Alaska:

Range No.	Step A	Step B	Step C	Step D	Step E	Step F
5	--	--	--	--	--	584
6	--	--	--	584	606	629
7	--	584	606	629	652	677
8	606	629	652	677	702	729
9	652	677	702	729	756	784
10	702	729	756	784	814	844
11	756	784	814	844	876	909
12	814	844	876	909	943	978
13	876	909	943	978	1,015	1,053
14	943	978	1,015	1,053	1,092	1,133
15	1,015	1,053	1,092	1,133	1,176	1,220
16	1,092	1,133	1,176	1,220	1,266	1,313
17	1,176	1,220	1,266	1,313	1,362	1,413
18	1,266	1,313	1,362	1,413	1,466	1,521
19	1,362	1,413	1,466	1,521	1,579	1,638
20	1,466	1,521	1,579	1,638	1,699	1,763
21	1,579	1,638	1,699	1,763	1,829	1,898
22	1,699	1,763	1,829	1,898	1,969	2,043
23	1,829	1,898	1,969	2,043	2,119	2,199
24	1,969	2,043	2,119	2,199	2,281	2,367

25	2,119	2,199	2,281	2,367	2,455	2,547
26	2,199	2,281	2,367	2,455	2,547	2,648
27	2,281	2,367	2,455	2,547	2,648	2,742
28	2,367	2,455	2,547	2,648	2,742	--

* Sec. 2. AS 39.27.020 is repealed and re-enacted to read:

Sec. 39.27.020. PAY STEP DIFFERENTIALS BY ELECTION DISTRICT AND OUTSIDE THE STATE. The following pay step differentials are approved under AS 39.25.150(2) as an amendment to the basic pay schedule provided for in sec. 10 of this chapter for employees of the state.

House Election District	Pay Steps Above Basic Salary Schedule
1	0
2	1
3	1
4	0
5	2
6	4
7	1
8	0
9	2
10	2
11	2
12	7
13	7
14	8
15	9
16a (South of Arctic Circle)	3
16b (North of Arctic Circle)	9
17	9
18	7
19	8
Outside the State	minus 6

* Sec. 3. AS 39.27 is amended by adding a new section to read:

Sec. 39.27.025. SWING AND GRAVEYARD SHIFT DIFFERENTIALS. (a) Classified and partially exempt state employees who regularly work a "swing" shift beginning between 12:00 noon and 7:59 p.m. are entitled to a one-step increase over their normal pay established by this chapter.

(b) Classified and partially exempt state employees who regularly work a "graveyard" shift beginning between 8:00 p.m. and 3:59 a.m. are entitled to a two-step increase over their normal pay established by this chapter.

* Sec. 4. It is the intent of the legislature that all permanent employees of the legislative branch of the government shall receive pay increments as comparable as possible to those provided the classified and partially exempt employees in secs. 10 - 20 of this chapter.

* Sec. 5. AS 24.15.010 is amended to read:

Sec. 24.15.010. LEGISLATIVE PER DIEM. The rate of

per diem instead of subsistence for each member of the legislature is $35 for each day of a legislative session. The per diem is also payable for those days of necessary travel to and from sessions.

* Sec. 6. Sec. 5 of this Act is retroactive to April 10, 1971.

* Sec. 7. Secs. 5 and 6 of this Act take effect on the day after their passage and approval or on the day they become law without approval.

* Sec. 8. Sec. 3 of this Act takes effect on January 16, 1972.

* Sec. 9. Secs. 1, 2 and 4 of this Act take effect on July 16, 1971.

Approved by governor: May 20, 1971
Actual effective date: Secs. 1, 2 & 4: July 16, 1971; Sec. 3: January 16, 1972; Secs. 5 & 6: May 21, 1971

LAWS OF ALASKA

1975

Source

CSSB 27 am

Chapter No.

106

AN ACT

Relating to the transportation allowance of legislators; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 24.15.050 is amended to read:

Sec. 24.15.050. TRANSPORTATION ALLOWANCE. Each member of the legislature is entitled to receive one round-trip transportation fare not to exceed the cost of first-class airline fare from his place of residence in the election district from which elected or appointed to the capital for purposes of attending regular, reconvened regular, or special sessions of the legislature. Each member receiving transportation fare is entitled to an allowance not to exceed the cost of 200 pounds air freight each way upon submission of proper documentation to substantiate the baggage shipment.

* Sec. 2. This Act takes effect immediately in accordance with AS 01.10.070(c).

Approved by governor: June 3, 1975
Actual effective date: June 4, 1975

LAWS OF ALASKA

1975

Source

CSSB 27 am

Chapter No.

106

AN ACT

Relating to the transportation allowance of legislators; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 24.15.050 is amended to read:

Sec. 24.15.050. TRANSPORTATION ALLOWANCE. Each member of the legislature is entitled to receive one round-trip transportation fare not to exceed the cost of first-class airline fare from his place of residence in the election district from which elected or appointed to the capital for purposes of attending regular, reconvened regular, or special sessions of the legislature. Each member receiving transportation fare is entitled to an allowance not to exceed the cost of 200 pounds air freight each way upon submission of proper documentation to substantiate the baggage shipment.

* Sec. 2. This Act takes effect immediately in accordance with AS 01.10.070(c).

Approved by governor: June 3, 1975
Actual effective date: June 4, 1975

This section does not prohibit (1) an officer, employee, partner, or principal of an organization from describing himself by the position, title, or office which he holds in the organization, (2) an act of a public official or public employee in the performance of his duties, or (3) any person from maintaining a bookkeeping or tax service.

* Sec. 24. AS 08.04.610 is amended to read:

Sec. 08.04.610. DECEPTIVE USE OF PARTNERSHIP OR CORPORATION TITLE. No person may assume or use the title or designation "certified public accountant" or "public accountant" or an abbreviation of them, in conjunction with a name indicating or implying that there is a partnership or corporation, or in conjunction with the designation "and Company" or "and Co." or any similar designation unless there is a bona fide partnership or corporation registered under that name. However, a sole proprietor or partnership lawfully using the title or designation "certified public accountant" or "public accountant" or an abbreviation of them in conjunction with such names or designation on April 26, 1960, may continue to do so if the person or partnership otherwise complies with this chapter.

* Sec. 25. AS 08.04.620(1) is amended to read:

(1) a person not a certified public accountant or public accountant from serving as an employee of or as an assistant to any person, partnership or corporation holding a live permit so long as the employee or assistant does not use his name in connection with any accounting or financial statement;

* Sec. 26. AS 08.04.690 is amended to read:

Sec. 08.04.690. SHORT TITLE. This chapter may be cited as the Accountancy Act.

* Sec. 27. This Act takes effect immediately in accordance with AS 01.10.070(c).

Approved by governor: June 8, 1976
Actual effective date: June 9, 1976

LAWS OF ALASKA

1976

Source: FCCS CSHB 877

Chapter No. 148

AN ACT

Providing a new salary schedule and cost-of-living increase for certain employees of the state not covered by a collective bargaining agreement; relating to the method of compensating state officers and employees; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 16.43.060 is repealed and re-enacted to read:

Sec. 16.43.060. COMPENSATION OF MEMBERS OF THE ALASKA COMMERCIAL FISHERIES ENTRY COMMISSION. Members of the commission are in the exempt service and shall receive an annual salary equal to that of a district court judge.

* Sec. 2. AS 22.05.140(a) is repealed and re-enacted to read:

(a) The annual salary for the chief justice and each associate justice is 20 per cent above Step E, Range 28 of the salary schedule established in AS 39.27.010 for Anchorage, Alaska. Compensation of the chief justice or of an associate justice shall not be diminished during his term of office, unless by general law applying to all salaried officers of the state.

* Sec. 3. AS 22.10.190(a) is repealed and re-enacted to read:

(a) The annual salary for each superior court judge is 10 per cent above Step E, Range 28 of the salary schedule established in AS 39.27.010 for Anchorage, Alaska. The compensation of a judge shall not be diminished during his term of office, unless by general law applying to all salaried officers of the state.

* Sec. 4. AS 22.15.220(a) is repealed and re-enacted to read:

(a) The annual salary for each district judge is 93 per cent of Step E, Range 28 of the salary schedule established in AS 39.27.010 for Anchorage, Alaska.

* Sec. 5. AS 22.15.220(b) is repealed and re-enacted to read:

(b) Each magistrate shall receive annual compensation to be determined by the supreme court. Salary increases shall be determined on the basis of percentage of pay increase the legislature provides for state employees in the classified service.

* Sec. 6. AS 24.15.020 is repealed and re-enacted to read:

Sec. 24.15.020. ANNUAL LEGISLATIVE SALARIES. The annual salary for each member of the legislature is 33-1/3 per cent of Step E, Range 28 of the salary schedule established in AS 39.27.010 for Anchorage, Alaska. The president of the senate and speaker of the house of representatives are each entitled to an additional $500 a year during tenure of office.

* Sec. 7. AS 39.20.010 is repealed and re-enacted to read:

Sec. 39.20.010. ANNUAL SALARY OF GOVERNOR. The annual salary of the governor is $50,000.

* Sec. 8. AS 39.20.030 is repealed and re-enacted to read:

Sec. 39.20.030. ANNUAL SALARY OF LIEUTENANT GOVERNOR. The annual salary of the lieutenant governor is $44,000.

* Sec. 9. AS 39.20.080 is repealed and re-enacted to read:

Sec. 39.20.080. SALARY OF EXECUTIVE DEPARTMENT HEAD AND DEPUTY. (a) The annual salary of the head of each principal executive department of the state upon appointment and confirmation is 10 per cent above Step E, Range 28 of the salary schedule established in AS 39.27.010 for Anchorage, Alaska.

(b) The monthly salary of the deputy head of each principal executive department of the state, upon his appointment is not less than Step A, Range 28, nor shall it exceed Step E, Range 28, of the salary schedule set out in AS 39.27.011 during the term of his appointment. AS 39.27.-022 may not be applied to the salary of a deputy department head in such a way that his salary would equal or exceed that of a department head.

* Sec. 10. AS 39.20.200 is repealed and re-enacted to read:

Sec. 39.20.200. COMPUTATION OF ANNUAL LEAVE. Officers and employees of the state are entitled to annual leave with pay which is credited at the conclusion of each pay period. Leave shall be credited as an appropriate portion of the following annual accrual rates:

(1) 112.5 hours in the case of officers and employees with less than two years of service;

(2) 157.5 hours in the case of officers and employees with two but less than five years of service;

(3) 180.0 hours in the case of officers and employees with five but less than 10 years of service;

(4) 225.0 hours in the case of officers and employees with 10 years or more of service.

* Sec. 11. AS 39.20.260(a) is repealed and re-enacted to read:

(a) Officers and employees are entitled to medical leave with pay which accrues at the equivalent of 112.5 hours per year. Medical leave which is not used during the 12-month period in which it accrues accumulates and is available for use in succeeding 12-month periods.

* Sec. 12. AS 39.27 is amended by adding a new section to read:

Sec. 39.27.011. SALARY SCHEDULE. (a) Notwithstanding sec. 10 of this chapter, the following annual basic salary schedule is approved as the pay plan for classified and partially exempt employees in the executive branch of the state not covered by a collective bargaining agreement negotiated under the authority of the Public Employment Relations Act:

Range No.	Step A	Step B	Step C	Step D	Step E	Step F
5	9,600	9,888	10,206	10,512	10,836	11,136
6	10,200	10,512	10,836	11,136	11,484	11,844
7	10,836	11,136	11,484	11,844	12,216	12,612
8	11,484	11,844	12,216	12,612	12,996	13,440
9	12,216	12,612	12,996	13,440	13,872	14,280
10	12,996	13,440	13,872	14,280	14,772	15,240
11	13,872	14,280	14,772	15,240	15,744	16,272
12	14,772	15,240	15,744	16,272	16,884	17,508
13	15,744	16,272	16,884	17,508	18,156	18,852
14	16,884	17,508	18,156	18,852	19,560	20,304
15	18,156	18,852	19,560	20,304	21,048	21,852
16	19,560	20,304	21,048	21,852	22,668	23,520
17	21,048	21,852	22,668	23,520	24,408	25,308
18	22,668	23,520	24,408	25,308	26,244	27,252
19	24,408	25,308	26,244	27,252	28,272	29,340
20	26,244	27,252	28,272	29,340	30,408	31,560
21	28,272	29,340	30,408	31,560	32,760	33,972
22	30,408	31,560	32,760	33,972	35,256	36,576
23	32,760	33,972	35,256	36,576	37,932	39,372
24	35,256	36,576	37,932	39,372	40,836	42,372
25	37,932	39,372	40,836	42,372	43,968	45,624
26	39,372	40,836	42,372	43,968	45,624	47,304
27	40,836	42,372	43,968	45,624	47,304	49,092
28	42,372	43,968	45,624	47,304	49,092	50,940
29	43,968	45,624	47,304	49,092	50,940	52,836
30	45,624	47,304	49,092	50,940	52,836	54,828

(b) The salary schedule set out in (a) of this section has no effect upon other provisions of law specifying the salary of the governor, lieutenant governor, legislators, judicial officers as defined in AS 22.20.010, department heads, and members of the Alaska Public Utilities Commission, the Alaska Transportation Commission, the Alaska Pipeline Commission, or the Alaska Commercial Fisheries Entry Commission.

* Sec. 13. AS 39.27.020(a) is repealed and re-enacted to read:

(a) The following pay step differentials are approved as an amendment to the basic salary schedules provided in secs. 10 and 11 of this chapter:

Election District		Pay Steps Above Basic Salary Schedule
1		0
2		1
3		1
4		0
5		2
6a	(excluding Valdez Duty Station)	4
6b	(Valdez Duty Station)	5
7		1
8		0
9		2
10		2
11		2
12		7
13		7
14		8
15a	(excluding Nenana Duty Station)	9
15b	(Nenana Duty Station)	8
16a	(south of Arctic Circle)	4
16b	(north of Arctic Circle)	9
17		9
18		9
19		8
Outside the State	minus	6

* Sec. 14. AS 42.05.091 is repealed and re-enacted to read:

Sec. 42.05.091. COMPENSATION OF MEMBERS OF THE ALASKA PUBLIC UTILITIES COMMISSION. Members of the commission are in the exempt service and shall receive an annual salary equal to that of a district court judge.

* Sec. 15. AS 42.06.090 is repealed and re-enacted to read:

Sec. 42.06.090. COMPENSATION OF MEMBERS OF THE ALASKA PIPELINE COMMISSION. Members of the commission are in the exempt service described in AS 39.25 and receive an annual salary equal to that of a district court judge.

* Sec. 16. AS 42.07.071 is repealed and re-enacted to read:

Sec. 42.07.071. COMPENSATION OF MEMBERS OF THE ALASKA TRANSPORTATION COMMISSION. The commissioners are in the exempt service under AS 39.25 and shall receive an annual salary equal to that of a district court judge.

* Sec. 17. Since the United States Department of Labor's Consumer Price Index for Anchorage rose 11.13 percentage points during calendar year 1975, the salaries under the salary schedule in AS 39.27.010, applicable during calendar year 1975 to classified and partially exempt state employees who are not covered by a collective bargaining agreement, shall be adjusted for those employees based on the increase of two full percentage points for calendar year 1975, retroactive to July 1, 1975 which is the

beginning of the calendar quarter in which the rise exceeded nine per cent.

* Sec. 18. It is the intent of the legislature that the permanent and temporary employees of the judicial branch (other than judicial officers) and the University of Alaska and the permanent employees of the legislative branch receive pay increases and cost-of-living adjustments comparable to those received by the classified and partially exempt employees under this Act.

* Sec. 19. Sections 12, 13, and 18 of this Act, and AS 39.20.080(b) as repealed and re-enacted by sec. 9 of this Act, are retroactive to January 1, 1976.

* Sec. 20. Sections 1 - 11 and 14 - 16 of this Act take effect July 16, 1976.

* Sec. 21. Sections 12, 13, and 17 - 19 of this Act take effect immediately in accordance with AS 01.10.070(c).

Approved by governor: June 8, 1976
Actual effective date: Secs. 12, 13, 17-19: June 8, 1976; Secs. 1-11 (Secs. 12, 13 and 18 retroactive to January 1, 1976); Secs. 1-11 and 14-16: July 16, 1976 (AS 39.20.080(b) of sec. 9 retroactive to January 1, 1976)

LAWS OF ALASKA

1976

Source: FCCS HCS CSSB 499

Chapter No. 263

AN ACT

Relating to compensation, benefits and classifications of public officers and employees; creating the Alaska Salary Commission; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 39 is amended by adding a new chapter to read:

CHAPTER 23. ALASKA SALARY COMMISSION.

Sec. 39.23.010. CREATION OF COMMISSION; COMPOSITION. There is established in the Department of Administration the Alaska Salary Commission consisting of five members appointed by the governor. No member of the commission may be a public officer or employee.

Sec. 39.23.020. TERM OF OFFICE; VACANCIES. (a) Commission members serve at the pleasure of the governor for four-year staggered terms. However, two of the initial members appointed to the commission shall serve one-year terms and the rest shall serve, respectively, for terms of two years, three years and four years, the term to be determined by lot at the first meeting of the commission.

(b) A vacancy shall be filled in the same manner as an original appointment for the balance of the unexpired term.

Sec. 39.23.030. OFFICERS; STAFF. The commission shall select a chairman from among its members annually. The director of the division of personnel and labor relations serves as ex officio secretary to the commission and provides research, technical and administrative services.

Sec. 39.23.040. MEETINGS; QUORUM. (a) A majority of the commission members constitutes a quorum to transact the business of the commission. A majority of the commission

members must approve the commission's recommendations to the legislature.

(b) The commission shall meet at the call of the chairman. Notice of meeting dates shall be mailed to each commission member at least 20 days before the date scheduled for a meeting.

(c) The commission shall meet to discuss its findings and recommendations at least twice before submitting its final report to the legislature under sec. 80 of this chapter.

Sec. 39.23.050. COMPENSATION. Members of the commission are entitled to per diem and travel expenses authorized by law for boards and commissions.

Sec. 39.23.060. REVIEW OF COMPENSATION AND BENEFITS; OFFICERS COVERED. The commission shall conduct an on-going review of compensation and retirement benefits for members of the legislature; the governor, the lieutenant governor; commissioners, deputy commissioners, and division directors of each executive department; members of the Alaska Public Utilities Commission; members of the Alaska Pipeline Commission; members of the Alaska Transportation Commission; members of the Alaska Commercial Fisheries Entry Commission; and the judiciary, to determine the appropriateness of compensation and benefits.

Sec. 39.23.070. STUDIES; REPORTS. (a) The commission may request reports or studies from any state agency concerning compensation and retirement benefits for officers listed in sec. 60 of this chapter. A state agency from which a report or study is requested shall furnish it within a period of time prescribed by the commission.

(b) The commissioner of administration shall make initial recommendations concerning compensation and retirement benefits for the officers listed in sec. 60 of this chapter.

Sec. 39.23.080. RECOMMENDATIONS. (a) Before November 15, 1976, and every two years thereafter, the commission shall submit its preliminary findings and recommendations to the governor, the presiding officers of each house of the legislature and the chief justice of the supreme court.

(b) The commission shall give reasonable public notice of its preliminary findings and recommendations, solicit public comments, and give due regard to the public comments, before submitting a final report under (c) of this section.

(c) The commission shall make a final report of its findings and recommendations as to the rate and form of compensation and retirement benefits for the officers listed in sec. 60 of this chapter within 10 days after the first regular session of a legislature convenes. The recommendations regarding compensation become effective, retroactive to January 1, only if approved by concurrent resolution before the end of a session. The recommendations regarding retirement become effective if enacted into law by the legislature.

(d) The commission may submit to the legislature amendments to the report submitted under (c) of this section.

(e) A commission member who does not concur in the proposed or final recommendations may attach written objections to the commission's report of its findings and recommendations.

Sec. 39.23.090. RECOMMENDATIONS RELATING TO THE JUDICIARY, GOVERNOR AND LIEUTENANT GOVERNOR. (a) No recommendations of the commission may have the effect of reducing the compensation or retirement benefits of any member of the judiciary who is a member of the judiciary on the effective date of the commission's recommendation; or reduce, unless by general law applied to all salaried officers of the state, the compensation and retirement benefits of the governor or lieutenant governor who are in office on the effective date of the commission's recommendation.

(b) The commission may recommend reduction in compensation or retirement benefits for individuals who become members of the judiciary or governor or lieutenant governor after the effective date of the commission's recommendation.

Sec. 39.23.100. FILING WITH LIEUTENANT GOVERNOR AND CERTIFICATION. The commission shall, upon transmitting its final recommendations to the legislature, file the recommendations in the office of the lieutenant governor, and upon the recommendations becoming effective the commission shall so certify on the copy of the recommendations on file in the office of the lieutenant governor.

Sec. 39.23.110. POLICY OF THE LEGISLATURE. It is the policy of the legislature that the commission determine the salary schedule and retirement benefits for public officers based upon equitable relationships being maintained among state positions.

Sec. 39.23.120. ADMINISTRATIVE PROCEDURE ACT. The Administrative Procedure Act (AS 44.62) does not apply to proceedings conducted under this chapter.

Sec. 39.23.130. DEFINITIONS. In this chapter

(1) "commission" means salary commission;

(2) "judiciary" means justices of the supreme court and judges of the superior and district courts.

* Sec. 2. AS 16.43.060 is amended to read:

Sec. 16.43.060. COMPENSATION OF MEMBERS OF THE ALASKA COMMERCIAL FISHERIES ENTRY COMMISSION. Members of the commission are in the exempt service and shall receive an annual salary as established under AS 39.23.

* Sec. 3. AS 22.05.140(a) is repealed and re-enacted to read:

(a) The chief justice and each associate justice are entitled to receive annual compensation prescribed in

accordance with AS 39.23. Compensation of the chief justice or of an associate justice may not be diminished during his term of office, unless by general law applying to all salaried officers of the state.

* Sec. 4. AS 22.10.190(a) is repealed and re-enacted to read:

(a) Each superior court judge is entitled to receive annual compensation prescribed in accordance with AS 39.23. The compensation of a judge may not be diminished during his term of office, unless by general law applying to all salaried officers of the state.

* Sec. 5. AS 22.15.220(a) is repealed and re-enacted to read:

(a) Each district judge is entitled to receive annual compensation prescribed in accordance with AS 39.23. The compensation of a judge may not be diminished during his term of office, unless by general law applying to all salaried officers of the state.

* Sec. 6. AS 24.15.010 is repealed and re-enacted to read:

Sec. 24.15.010. LEGISLATIVE PER DIEM. The rate of per diem instead of subsistence for each member of the legislature shall be prescribed in accordance with AS 39.23.

* Sec. 7. AS 24.15.020 is repealed and re-enacted to read:

Sec. 24.15.020. ANNUAL LEGISLATIVE SALARIES. Each member of the legislature is entitled to receive annual compensation prescribed in accordance with AS 39.23 to be paid in approximately equal monthly installments. The president of the senate and speaker of the house of representatives are each entitled to an additional annual sum prescribed in accordance with AS 39.23.

* Sec. 8. AS 24.15.030 is amended to read:

Sec. 24.15.030. ADDITIONAL ALLOWANCES. In addition, each member of the legislature is entitled to an annual allowance prescribed in accordance with AS 39.23 for postage, stationery, stenographic services and other expenses.

* Sec. 9. AS 39.20.010 is amended to read:

Sec. 39.20.010. ANNUAL SALARY OF GOVERNOR. The annual salary of the governor shall be prescribed in accordance with AS 39.23.

* Sec. 10. AS 39.20.030 is amended to read:

Sec. 39.20.030. ANNUAL SALARY OF LIEUTENANT GOVERNOR. The annual salary of the lieutenant governor shall be prescribed in accordance with AS 39.23.

* Sec. 11. AS 39.20.080 is repealed and re-enacted to read:

Sec. 39.20.080. SALARY OF EXECUTIVE DEPARTMENT HEAD AND DEPUTY. (a) The annual salary of the head of each principal executive department of the state shall be prescribed in accordance with AS 39.23.

(b) The salary of the deputy head of each principal executive department of the state shall be prescribed in accordance with AS 39.23.

* Sec. 12. AS 39.35.680(5)(B) is repealed and re-enacted to read:

(B) means an elected official of a political subdivision currently serving who elects to pay contributions required of an employee and to be included in the system under sec. 125 of this chapter;

* Sec. 13. AS 39.35.680(5)(C)(v) is repealed and re-enacted to read:

(v) justices and judges of the supreme, superior, and district courts of Alaska; or the governor and lieutenant governor; or the heads, deputy or assistant heads, and division directors of each principal executive department of the state; or the members of the Alaska State Legislature.

* Sec. 14. AS 42.05.091 is amended to read:

Sec. 42.05.091. COMPENSATION OF MEMBERS OF THE ALASKA PUBLIC UTILITIES COMMISSION. Members of the commission are in the exempt service and shall receive an annual salary as established under AS 39.23.

* Sec. 15. AS 42.06.090 is amended to read:

Sec. 42.06.090. COMPENSATION OF MEMBERS OF THE ALASKA PIPELINE COMMISSION. Members of the commission are in the exempt service described in AS 39.25 and receive an annual salary as established under AS 39.23.

* Sec. 16. AS 42.07.071 is amended to read:

Sec. 42.07.071. COMPENSATION OF MEMBERS OF THE ALASKA TRANSPORTATION COMMISSION. The commissioners are in the exempt service under AS 39.25 and shall receive an annual salary as established under AS 39.23.

* Sec. 17. The first appointments to the Alaska Salary Commission shall be made within 30 days after the effective date of sec. 1 of this Act.

* Sec. 18. AS 39.50.200(9) is amended by adding a new subparagraph to read:

(LL) Alaska Salary Commission (AS 39.23)

* Sec. 19. AS 39.25.120(8) is repealed and re-enacted to read:

(8) the director and deputy director of the division of tourism in the Department of Commerce and Economic Development.

* Sec. 20. Section 19 of this Act is retroactive to July 1, 1975.

* Sec. 21. Sections 1, 12, 17, 18, 19, and 20 of this Act take effect immediately in accordance with AS 01.10.070(c). Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15 and 16 of this Act take effect on the effective date of the first recommendations submitted to the legislature under AS 39.23.080(c).

Approved by governor: June 24, 1976
Actual effective date: Secs. 1, 12, 17, 18, 19 and 20: June 25, 1976; Sec. 19 retroactive to July 1, 1975; Secs. 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15 and 16 take effect on the effective date of the first recommendation of the Alaska Salary Commission under AS 39.23.080(c)

LAWS OF ALASKA

1976

Source: HB 843

Chapter No.: 264

AN ACT

Relating to schools on military reservations; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. All contracts or other obligations for professional services created by a law amended by ch. 13, SLA 1975, and in effect on March 16, 1975, remain in effect unless revoked or modified under the provisions of that Act. It is the intent of the legislature that AS 14.20.147 apply to the transfer of teachers under a contract for the operation of on-base schools between the Department of Education and a borough school district under AS 14.14.110 and that in any event no teacher receive a salary less than he would have received under a contract in force on March 16, 1975, had he not been transferred.

* Sec. 2. This Act is retroactive to March 16, 1975.

* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.070(c).

Approved by governor: June 26, 1976
Actual effective date: June 27, 1976 (retroactive to March 16, 1975)

Chapter 2

* Sec. 11. Sections 1 - 6, 9 and 10 of this Act take effect immediately in accordance with AS 01.10.070(c).

* Sec. 12. Sections 7 and 8 of this Act take effect on the effective dat of a version of an Act entitled, "An Act relating to the compensation of public officers and employees, to the compensation and allowances of legislators, and repealing the Alaska Salary Commission; and providing for an effective date."

LAWS OF ALASKA

1980

Source

FCCSSB 182

Chapter No.

3

AN ACT

Relating to the compensation of public officers and employees, to the compensation and allowances of legislators, and repealing the Alaska Salary Commission; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1, LINE 11

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: February 14, 1980
Actual Effective Date: Sections 1 - 29 and 31 - 41: February 15, 1980 with sections 1 - 15 and 36 retroactive to January 1, 1979 and sections 16 - 29 and 38 retroactive to January 1, 1980; section 30 effective January 1, 1981.

Chapter 3

AN ACT

Relating to the compensation of public officers and employees, to the compensation and allowances of legislators, and repealing the Alaska Salary Commission; and providing for an effective date.

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* Section 1. AS 39.27.011(a) is repealed and re-enacted to read:

(a) The following monthly basic salary schedule is approved as the pay plan for classified and partially exempt employees in the executive branch of the state government who are not members of a collective bargaining unit established under the authority of the Public Employment Relations Act:

Range No.	Step A	Step B	Step C	Step D	Step E	Step F
05	944	972	1,004	1,034	1,065	1,095
06	1,004	1,034	1,065	1,095	1,129	1,164
07	1,065	1,095	1,129	1,164	1,201	1,240
08	1,129	1,164	1,201	1,240	1,278	1,321
09	1,201	1,240	1,278	1,321	1,364	1,405
10	1,278	1,321	1,364	1,405	1,453	1,499
11	1,364	1,405	1,453	1,499	1,548	1,600
12	1,453	1,499	1,548	1,600	1,660	1,722
13	1,548	1,600	1,660	1,722	1,785	1,854
14	1,660	1,722	1,785	1,854	1,924	1,997
15	1,785	1,854	1,924	1,997	2,069	2,149

16	1,924	1,997	2,069	2,149	2,228	2,312
17	2,069	2,149	2,228	2,312	2,400	2,488
18	2,228	2,312	2,400	2,488	2,580	2,679
19	2,400	2,488	2,580	2,679	2,780	2,884
20	2,580	2,679	2,780	2,884	2,990	3,103
21	2,780	2,884	2,990	3,103	3,221	3,341
22	2,990	3,103	3,221	3,341	3,466	3,595
23	3,221	3,341	3,466	3,595	3,729	3,870
24	3,466	3,595	3,729	3,870	4,015	4,166
25	3,729	3,870	4,015	4,166	4,322	4,485
26	3,870	4,015	4,166	4,322	4,485	4,650
27	4,015	4,166	4,322	4,485	4,650	4,827
28	4,166	4,322	4,485	4,650	4,827	5,008
29	4,322	4,485	4,650	4,827	5,008	5,194
30	4,485	4,650	4,827	5,008	5,194	5,390

* Sec. 2. AS 16.43.060 is repealed and re-enacted to read:

Sec. 16.43.060. COMPENSATION. Members of the commission are in the exempt service and are entitled to an annual salary of $49,000, payable monthly in 12 equal installments.

* Sec. 3. AS 22.05.140(a) is repealed and re-enacted to read:

(a) The annual salary of the chief justice and of each associate justice is $65,000, payable monthly in 12 equal installments.

* Sec. 4. AS 22.10.190(a) is repealed and re-enacted to read:

(a) The annual salary for each superior court judge is $57,500, payable monthly in 12 equal installments.

* Sec. 5. AS 22.15.220(a) is repealed and re-enacted to read:

(a) The annual salary for each district judge is $49,000, payable monthly in 12 equal installments.

* Sec. 6. AS 39.20.010 is repealed and re-enacted to read:

Sec. 39.20.010. ANNUAL SALARY OF GOVERNOR. The annual salary of the governor is $65,000, payable monthly in 12 equal installments.

* Sec. 7. AS 39.20.030 is repealed and re-enacted to read:

Sec. 39.20.030. ANNUAL SALARY OF LIEUTENANT GOVERNOR. The annual salary of the lieutenant governor is $58,500, payable monthly in 12 equal installments.

* Sec. 8. AS 39.20.080(a) is repealed and re-enacted to read:

(a) The annual salary of the head of each principal executive department of the state is $57,500, payable monthly in 12 equal installments.

* Sec. 9. AS 39.20.080(b) is repealed and re-enacted to read:

(b) The annual salary of a deputy head of a principal executive department of the state is $52,500, payable monthly in 12 equal installments.

* Sec. 10. AS 42.05.091 is repealed and re-enacted to read:

Sec. 42.05.091. COMPENSATION. Members of the commission are in the exempt service and are entitled to an annual salary of $49,000, payable monthly in 12 equal installments.

* Sec. 11. AS 42.06.090 is repealed and re-enacted to read:

Sec. 42.06.090. COMPENSATION. Members of the commission are in the exempt service and are entitled to an annual salary of $49,000, payable monthly in 12 equal installments.

* Sec. 12. AS 42.07.071 is repealed and re-enacted to read:

Sec. 42.07.071. COMPENSATION. Members of the commission are in the exempt service and are entitled to an annual salary of $49,000, payable monthly in 12 equal installments.

* Sec. 13 AS 24.15.010 is repealed and re-enacted to read:

Sec. 24.15.010. LEGISLATIVE PER DIEM. (a) Each member of the legislature is entitled to receive per diem at the same rate allowed for

a state employee under AS 39.20.110 and 39.20.160, including regional variations in the rate where applicable.

(b) A legislator is entitled to receive per diem at the short-ter rate

(1) during a legislative session if he does not live in his place of permanent residence during the session; and

(2) while he is on committee business for an interim committee of the legislature in a place which is not his place of permane residence.

(c) A legislator is entitled to receive per diem at the long-ter rate

(1) during a legislative session if he lives in his place o permanent residence during the session; and

(2) while he is engaged in committee business for an interi committee of the legislature at his place of permanent residence.

(d) In this section

(1) "long-term rate" means the long-term per diem rate esta lished in regulations adopted by the commissioner of administration under AS 39.20.160;

(2) "short-term rate" means the short-term per diem rate established in regulations adopted by the commissioner of administrat under AS 39.20.160.

* Sec. 14. AS 24.15.020 is repealed and re-enacted to read:

Sec. 24.15.020. ANNUAL LEGISLATIVE COMPENSATION. (a) The annu salary for each member of the legislature is $15,500, payable monthly 12 equal installments. The president of the senate and speaker of th house of representatives are each entitled to an additional $500 a ye during tenure of office.

(b) Except as provided by a general law applicable to all offi

of the state, the compensation of a member of the legislature may not be reduced during his term of office.

* Sec. 15. AS 39.20.080 is amended by adding a new subsection to read:

(c) Except as provided by a general law applicable to all officers of the state, the compensation of the head of each principal executive department of the state may not be reduced during his tenure in office.

* Sec. 16. AS 39.27.011(a) is repealed and re-enacted to read:

(a) The following monthly basic salary schedule is approved as the pay plan for classified and partially exempt employees in the executive branch of the state government who are not members of a collective bargaining unit established under the authority of the Public Employment Relations Act:

Range No.	Step A	Step B	Step C	Step D	Step E	Step F
05	1,075	1,106	1,140	1,173	1,207	1,240
06	1,140	1,173	1,207	1,240	1,277	1,315
07	1,207	1,240	1,277	1,315	1,355	1,399
08	1,277	1,315	1,355	1,399	1,440	1,487
09	1,355	1,399	1,440	1,487	1,533	1,577
10	1,440	1,487	1,533	1,577	1,628	1,678
11	1,533	1,577	1,628	1,678	1,731	1,787
12	1,628	1,678	1,731	1,787	1,850	1,915
13	1,731	1,787	1,850	1,915	1,984	2,058
14	1,850	1,915	1,984	2,058	2,132	2,215
15	1,984	2,058	2,132	2,215	2,289	2,377
16	2,132	2,215	2,289	2,377	2,465	2,556
17	2 289	2,377	2,465	2,556	2,652	2,746
18	2,465	2,556	2,652	2,746	2,845	2,953
19	2,652	2,746	2,845	2,953	3,055	3,171

20	2,845	2,953	3,055	3,171	3,278	3,401
21	3,055	3,171	3,278	3,401	3,518	3,648
22	3,278	3,401	3,518	3,648	3,781	3,922
23	3,518	3,648	3,781	3,922	4,066	4,220
24	3,781	3,922	4,066	4,220	4,377	4,540
25	4,066	4,220	4,377	4,540	4,709	4,888
26	4,220	4,377	4,540	4,709	4,888	5,066
27	4,377	4,540	4,709	4,888	5,066	5,260
28	4,540	4,709	4,888	5,066	5,260	5,446
29	4,709	4,888	5,066	5,260	5,446	5,638
30	4,868	5,066	5,260	5,446	5,638	5,839

* Sec. 17. AS 16.43.060 is repealed and re-enacted to read:

Sec. 16.43.060. COMPENSATION. Members of the commission are in the exempt service and are entitled to a monthly salary equal to Step Range 26 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska.

* Sec. 18. AS 22.05.140(a) is repealed and re-enacted to read:

(a) The monthly salary of the chief justice and of each associa justice is equal to Step F, Range 30 of the salary schedule in AS 39. 27.011(a) for Juneau, Alaska.

* Sec. 19. AS 22.10.190(a) is repealed and re-enacted to read:

(a) The monthly salary for each superior court judge is equal t Step E, Range 28 of the salary schedule in AS 39.27.011(a) for Junea Alaska.

* Sec. 20. AS 22.15.220(a) is repealed and re-enacted to read:

(a) The monthly salary for each district judge is equal to Ste Range 26 of the salary schedule in AS 39.27.011(a) for Juneau, Alask

* Sec. 21. AS 39.20.010 is repealed and re-enacted to read:

Sec. 39.20.010. MONTHLY SALARY OF GOVERNOR. The monthly sala the governor is equal to Step F, Range 30 of the salary schedule in

AS 39.27.011(a) for Juneau, Alaska.

* Sec. 22. AS 39.20.030 is repealed and re-enacted to read:

Sec. 39.20.030. MONTHLY SALARY OF LIEUTENANT GOVERNOR. The monthly salary of the lieutenant governor is equal to Step F, Range 28 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska.

* Sec. 23. AS 39.20.080(a) is repealed and re-enacted to read:

(a) The monthly salary of the head of each principal executive department of the state is equal to Step E, Range 28 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska.

* Sec. 24. AS 39.20.080(b) is repealed and re-enacted to read:

(b) The monthly salary of a deputy head of a principal executive department of the state is not less than Step A nor more than Step F, Range 28 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska.

* Sec. 25. AS 42.05.091 is repealed and re-enacted to read:

Sec. 42.05.091. COMPENSATION. Members of the commission are in the exempt service and are entitled to a monthly salary equal to Step C, Range 26 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska.

* Sec. 26. AS 42.06.090 is repealed and re-enacted to read:

Sec. 42.06.090. COMPENSATION. Members of the commission are in the exempt service and are entitled to a monthly salary equal to Step C, Range 26 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska.

* Sec. 27. AS 42.07.071 is repealed and re-enacted to read:

Sec. 42.07.071. COMPENSATION. Members of the commission are in the exempt service and are entitled to a monthly salary equal to Step C, Range 26 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska.

* Sec. 28. AS 24.15.020 is repealed and re-enacted to read:

Sec. 24.15.020. The monthly salary for each member of the legislature is equal to Step A, Range 10 of the salary schedule in AS 39.27.-011(a) for Juneau, Alaska. The president of the senate and the speaker

of the house of representatives are each entitled to an additional $500 a year during tenure of office.

* **Sec. 29.** AS 24.15.050 is repealed and re-enacted to read:

Sec. 24.15.050. LEGISLATIVE TRANSPORTATION. A member of the legislature is entitled to reimbursement for the expense of moving between his place of residence and the capital city for the purpose of attending a regular session of the legislature. Reimbursement shall be as provided by regulations covering state employees adopted by the commissioner of administration under AS 39.20.160.

* Sec. 30. AS 39.27.011(a) is repealed and re-enacted to read:

(a) The following monthly basic salary schedule is approved as the pay plan for classified and partially exempt employees in the executive branch of the state government who are not members of a collective bargaining unit established under the authority of the Public Employee Relations Act:

Range No.	Step A	Step B	Step C	Step D	Step E	Step F
05	1,181	1,213	1,249	1,284	1,319	1,354
06	1,249	1,284	1,319	1,354	1,393	1,433
07	1,319	1,354	1,393	1,433	1,475	1,521
08	1,393	1,433	1,475	1,521	1,564	1,613
09	1,475	1,521	1,564	1,613	1,662	1,708
10	1,564	1,613	1,662	1,708	1,761	1,814
11	1,662	1,708	1,761	1,814	1,870	1,928
12	1,761	1,814	1,870	1,928	1,995	2,063
13	1,870	1,928	1,995	2,063	2,135	2,213
14	1,995	2,063	2,135	2,213	2,291	2,378
15	2,135	2,213	2,291	2,378	2,455	2,548
16	2,291	2,378	2,455	2,548	2,640	2,736
17	2,455	2,548	2,640	2,736	2,837	2,935
18	2,640	2,736	2,837	2,935	3,039	3,153
19	2,837	2,935	3,039	3,153	3,260	3,382
20	3,039	3,153	3,260	3,382	3,494	3,623
21	3,260	3,382	3,494	3,623	3,746	3,882
22	3,494	3,623	3,746	3,882	4,022	4,170
23	3,746	3,882	4,022	4,170	4,321	4,483
24	4,022	4,170	4,321	4,483	4,648	4,819
25	4,321	4,483	4,648	4,819	4,996	5,184
26	4,483	4,648	4,819	4,996	5,184	5,371
27	4,648	4,819	4,996	5,184	5,371	5,575
28	4,819	4,996	5,184	5,371	5,575	5,770
29	4,996	5,184	5,371	5,575	5,770	5,972
30	5,184	5,371	5,575	5,770	5,972	6,183

* Sec. 31. AS 39.27.011 is amended by adding a new subsection to read:

(c) If a state officer or employee is appointed a deputy department head or a division director and, at the time of appointment, the officer or employee is receiving a salary higher than that set for the position to which he is appointed, he is entitled to continue receiving the higher salary. This subsection does not apply to the salary of a person appointed to a position other than a deputy department head or a division director.

* Sec. 32. AS 39.27.020(a) is amended to read:

Sec. 39.27.020. PAY STEP DIFFERENTIALS BY ELECTION DISTRICT AND IN OTHER STATES [OUTSIDE THE STATE]. (a) The following pay step differentials are approved as an amendment to the basic salary schedules provided in [AS 39.27.010 AND] AS 39.27.011:

Election District	Pay Steps Above Basic Salary Schedule

1	0
2	1
3	1
4	0
5	2
6a (excluding Valdez Duty Station)	4
6b (Valdez Duty Station)	5
7	1
8	0
9	2
10	2
11	2
12	7
13	7
14	8
15a (excluding Nenana Duty Station)	9
15b (Nenana Duty Station)	8
16a (south of Arctic Circle)	4
16b (north of Arctic Circle)	9
17	9
18	9
19	8
In other states [OUTSIDE THE STATE]	minus 6

* Sec. 33. AS 39.27.020 is amended by adding a new subsection to read:

(c) The director shall establish salary differentials for positions in foreign countries. The differentials shall be adjusted annually, effective July 1, to maintain equitable relationships between salaries for positions in foreign countries and salaries for positions in Alaska.

* Sec. 34. EMPLOYEES OF THE JUDICIAL AND LEGISLATIVE BRANCHES. It is the intent of the legislature that the permanent and temporary employees of the judicial branch (other than justices and judges) and the permanent employees of the legislative branch receive salary adjustments comparable to those received by the classified and partially exempt employees of the executive branch under AS 39.27.011(a) as that section is re-enacted in secs. 1, 16 and 19 of this Act.

* Sec. 35. EMPLOYEES OF THE UNIVERSITY OF ALASKA. In determining compensation for employees of the University of Alaska under AS 14.40.170(2), it is the intent of the legislature that the Board of Regents amend the salary schedules for employees of the university who are not covered by collective bargaining agreements

(1) to increase salaries by approximately seven percent, retroactive to January 1, 1979; and

(2) to increase salaries by an average of an additional 10 percent, effective January 1, 1980.

* Sec. 36. This Act may not be applied to reduce the compensation of a person during his tenure in the office or position he holds on the effective date of this Act.

* Sec. 37. AS 39.23 and AS 39.50.200(9)(LL) are repealed.

* Sec. 38. AS 39.27.011(b) is repealed.

* Sec. 39. Sections 1 - 15 and 36 of this Act are retroactive to January 1, 1979. Seccions 16 - 29 and 38 of this Act are retroactive to January 1, 1980.

* Sec. 40. Section 30 of this Act takes effect January 1, 1981.

* Sec. 41. Sections 1 - 29 and 31 - 41 of this Act take effect immediately in accordance with AS 01.10.070(c).

SLA 1983

Chapter 33

AN ACT

Relating to the compensation of state officers and employees not covered by collective bargaining; and providing for an effective date.

---

* Section 1. AS 39.27.011(a) is repealed and reenacted to read:

(a) The following monthly basic salary schedule is approved as the pay plan for classified and partially exempt employees in the executive branch of the state government who are not members of a collective bargaining unit established under the authority of the Public Employment Relations Act:

Range No.	Step A	Step B	Step C	Step D	Step E	Step F
05	1,321	1,357	1,397	1,435	1,478	1,517
06	1,397	1,435	1,478	1,517	1,561	1,607
07	1,478	1,517	1,561	1,607	1,657	1,708
08	1,561	1,607	1,657	1,708	1,757	1,812
09	1,657	1,708	1,757	1,812	1,871	1,924
10	1,757	1,812	1,871	1,924	1,983	2,043
11	1,871	1,924	1,983	2,043	2,111	2,177
12	1,983	2,043	2,111	2,177	2,252	2,329
13	2,111	2,177	2,252	2,329	2,410	2,498
14	2,252	2,329	2,410	2,498	2,586	2,684
15	2,410	2,498	2,586	2,684	2,771	2,876
16	2,586	2,684	2,771	2,876	2,980	3,088

17	2,771	2,876	2,980	3,088	3,193	3,303
18	2,980	3,088	3,193	3,303	3,411	3,540
19	3,193	3,303	3,411	3,540	3,649	3,785
20	3,411	3,540	3,649	3,785	3,900	4,045
21	3,649	3,785	3,900	4,044	4,170	4,321
22	3,900	4,044	4,170	4,321	4,464	4,628
23	4,170	4,321	4,464	4,628	4,782	4,961
24	4,464	4,628	4,782	4,961	5,129	5,303
25	4,782	4,961	5,129	5,303	5,498	5,705
26	4,961	5,129	5,303	5,498	5,705	5,910
27	5,129	5,303	5,498	5,705	5,910	6,135
28	5,303	5,498	5,705	5,910	6,135	6,349
29	5,498	5,705	5,910	6,135	6,349	6,572
30	5,705	5,910	6,135	6,349	6,572	6,804

* Sec. 2. AS 24.15.020 is amended to read:

Sec. 24.15.020. SALARY OF LEGISLATORS. The monthly salary for each member of the legislature is equal to Step A, Range 22 [10] of the salary schedule in AS 39.27.011(a) for Juneau, Alaska. The president of the senate and the speaker of the house of representatives are each entitled to an additional $500 a year during tenure of office.

* Sec. 3. AS 24.15.040 is amended to read:

Sec. 24.15.040. METHOD OF PAYMENT. Salaries [, PER DIEM] and additional allowances for members of the legislature shall be paid by warrants drawn on vouchers approved by the legislative fiscal officer.

* Sec. 4. EMPLOYEES OF THE JUDICIAL AND LEGISLATIVE BRANCHES. The permanent and temporary employees of the judicial branch and the permanent employees of the legislative branch are entitled to receive salary increases comparable to those received by the classified and partially exempt employees of the executive branch under AS 39.27.011(a) as that subsection is

reenacted in sec. 1 of this Act.

* Sec. 5. EMPLOYEES OF THE UNIVERSITY OF ALASKA. The employees of the University of Alaska who are not members of a collective bargaining unit are entitled to receive salary increases in accordance with the compensation policy of the Board of Regents of the University of Alaska.

* Sec. 6. RETROACTIVITY. Sections 1 and 4 of this Act are retroactive to January 1, 1983.

* Sec. 7. AS 24.15.010 is repealed.

* Sec. 8. Sections 1 - 4, 6 and 7 of this Act take effect immediately in accordance with AS 01.10.070(c).

* Sec. 9. Section 5 of this Act takes effect July 1, 1983.

WORK ORDER REQUEST FORM

14 - 1355

KEYWORDS: salaries/allowances
legislature
initiatives

ASSIGNED TO Cramer

REQUEST FOR: BILL ☐ RESOLUTION ☐ RESEARCH ☒ OTHER ☐

SUBJECT Legislative Salaries

REQUESTED FOR Legislative Salary Commission BY Linda Firestone EXT. 274-7648

* DELIVER TO Senator Abood TAKEN BY Cramer

INSTRUCTIONS, EXPLANATIONS Legal opinion for Salary Commission.

1. Is the initiative an appropriation?
2. If petition passes, when does it go into effect; when can the legislature amend it?
3. If the legislature establishes a salary commission before the 86 election, what effect will that have on the initiative?
4. What changes could the legislature make to the initiative and meet "substantial similarity" standards?

OBTAIN

SPECIAL DRAFTING INSTRUCTIONS ATTACHED ☐

AUTHORIZED TO CONFER WITH _____

RETURN _____

_____ TO REQUESTER

APPROVED: BGD Director, Legal Services

REVIEWED _____

IN 2/21/85 DUE _____

TYPED - Draft _____ DATE _____

Final _____ DATE _____

PROOFED _____ DELIVERED _____

SPECIAL INSTRUCTIONS TO TYPIST/PROOFREADER

DRAFT ☐ FINAL ☐

LA-L 10

MINER PUBLISHING CO

WORK ORDER REQUEST FORM

N14-1455

KEYWORDS: salaries/allowances
Boards and commissions
public officers

ASSIGNED TO Cramer

REQUEST FOR: BILL ☒ RESOLUTION ☐ RESEARCH ☐ OTHER ☐

SUBJECT State Officers Compensation Commission

REQUESTED FOR Joint Special Committee on Legislative Salaries BY Linda Firestone EXT. _____

* DELIVER TO Sen. Abood (Anchorage) TAKEN BY Cramer

INSTRUCTIONS, EXPLANATIONS Establish State Officers Compensation Commission
See HB129, WO 14-1391. Commission may employ staff; Division
of Personnel shall cooperate with commission and Director of
Personnel shall serve as secretary to commission if the
commission requests. Commission submits preliminary findings
by November 15 (See AS 39.23) and a report with any recommendations
by 10th Legislative Day.

OBTAIN

SPECIAL DRAFTING INSTRUCTIONS ATTACHED ☐

AUTHORIZED TO CONFER WITH _____

RETURN _____

_____ TO REQUESTER

APPROVED: RGB Director, Legal Services

REVIEWED _____

IN 11/21/85 DUE _____

TYPED - Draft _____ DATE _____

Final _____ DATE _____

PROOFED _____ DELIVERED _____

SPECIAL INSTRUCTIONS TO TYPIST/PROOFREADER

DRAFT ☐ FINAL ☐

LA-L 10

MINER PUBLISHING CO

WORK ORDER REQUEST FORM

N14 - 1373

KEYWORDS: constitutional amendment
salaries/allowances
legislators

ASSIGNED TO Cramer

REQUEST FOR: BILL ☐ RESOLUTION ☒ RESEARCH ☐ OTHER ☐

SUBJECT Salaries for Legislators - Flat Rate

REQUESTED FOR LSC BY Linda Firestone EXT. 274-7643

* DELIVER TO Senator Abood, Attn: Linda TAKEN BY Perrier

INSTRUCTIONS, EXPLANATIONS Constitutional amendment establishing salary for legislators at flat rate.

OBTAIN

SPECIAL DRAFTING INSTRUCTIONS ATTACHED ☐

AUTHORIZED TO CONFER WITH

RETURN

TO REQUESTER

APPROVED: BCB Director, Legal Services

REVIEWED

IN 9/20/85 DUE

TYPED - Draft DATE

Final DATE

PROOFED DELIVERED

SPECIAL INSTRUCTIONS TO TYPIST/PROOFREADER

Sponsor Blank

DRAFT ☒ FINAL ☐

LA-L 10

MINER PUBLISHING CO

WORK ORDER REQUEST FORM

№14 - 1974

KEYWORDS: constitutional amendment
salaries/allowances
legislators

ASSIGNED TO Cramer

REQUEST FOR: BILL ☐ RESOLUTION ☒ RESEARCH ☐ OTHER ☐

SUBJECT Salaries for Legislators - Flat Rate & Inflation

REQUESTED FOR LSC BY Linda Firestone EXT. 274-7043

* DELIVER TO Senator Abood, Attn: Linda TAKEN BY Berrier

INSTRUCTIONS, EXPLANATIONS Constitutional amendment establishing salary for legislators as flat rate plus inflation adjustment based on Anchorage CPI.

OBTAIN

SPECIAL DRAFTING INSTRUCTIONS ATTACHED ☐

AUTHORIZED TO CONFER WITH

RETURN

TO REQUESTER

APPROVED: BGB Director, Legal Services

REVIEWED

IN 9/20/85 DUE

TYPED - Draft DATE

Final DATE

PROOFED DELIVERED

SPECIAL INSTRUCTIONS TO TYPIST/PROOFREADER

SPONSOR BLANK

DRAFT ☒ FINAL ☐

LA-L 10

BAKER PUBLISHING CO

WORK ORDER REQUEST FORM

N14 - 1075

KEYWORDS: constitutional amendment
salaries/allowances
legislators

ASSIGNED TO Cramer

REQUEST FOR: BILL ☐ RESOLUTION ☒ RESEARCH ☐ OTHER ☐

SUBJECT Salary Commission

REQUESTED FOR LSC BY Linda Firestone EXT. 274-7648

* DELIVER TO Senator Abood, ATTN: Linda TAKEN BY Kerrier

INSTRUCTIONS, EXPLANATIONS Constitutional amendment establishing Salary Commission to determine legislators' salaries.

OBTAIN

SPECIAL DRAFTING INSTRUCTIONS ATTACHED ☐

AUTHORIZED TO CONFER WITH

RETURN

TO REQUESTER

APPROVED: BGB Director, Legal Services

REVIEWED

IN 8/20/85 DUE

TYPED - Draft DATE

Final DATE

PROOFED DELIVERED

SPECIAL INSTRUCTIONS TO TYPIST/PROOFREADER

SPONSOR BLANK

DRAFT ☐ FINAL ☐

LA-L 10

MINES PUBLISHING CO

WORK ORDER REQUEST FORM

N14 - 1330

KEYWORDS: salaries/allowances
legislators

ASSIGNED TO Bradley

REQUEST FOR: BILL ☒ RESOLUTION ☐ RESEARCH ☐ OTHER ☐

SUBJECT Legislators' Pay

REQUESTED FOR LSC BY Linda Firestone EXT. 276-7648

* DELIVER TO Sen. Abood, Attn: Linda TAKEN BY Barnes

INSTRUCTIONS, EXPLANATIONS Draft bill relating to legislators' pay, per attached.

OBTAIN

SPECIAL DRAFTING INSTRUCTIONS ATTACHED ☐

AUTHORIZED TO CONFER WITH

RETURN

TO REQUESTER

APPROVED: BGB Director, Legal Services

REVIEWED

IN 10/14/85 DUE

TYPED - Draft DATE

Final DATE

PROOFED DELIVERED

SPECIAL INSTRUCTIONS TO TYPIST/PROOFREADER

DRAFT ☒ FINAL ☐

LA-L 10

MINER PUBLISHING CO

WORK ORDER REQUEST FORM

N14 - 1801

KEYWORDS: constitutional amendments
salaries/allowances
boards and commissions

ASSIGNED TO Bradley

REQUEST FOR: BILL ☐ RESOLUTION ☒ RESEARCH ☐ OTHER ☐

SUBJECT State Officers Compensation Commission

REQUESTED FOR LSC BY Linda Firestone EXT. 276-7648

* DELIVER TO Sen. Abood, Attn: Linda TAKEN BY Barnes

INSTRUCTIONS, EXPLANATIONS Draft constitutional amendment establishing a State Officers Compensation Commission, per attached.

OBTAIN

SPECIAL DRAFTING INSTRUCTIONS ATTACHED ☐

AUTHORIZED TO CONFER WITH _____

RETURN _____

_____ TO REQUESTER

APPROVED: BGE Director, Legal Services

REVIEWED _____

IN 10/14/85 DUE _____

TYPED - Draft _____ DATE _____

Final _____ DATE _____

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