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Cramer
4/2/86

Original sponsor: Larson/Legislative Salaries

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 454 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to compensation of state officers;
7 establishing a commission on compensation of state
8 officers; and providing for an effective date."

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

10 * Section 1. AS 24.10.100 is amended to read:

11 Sec. 24.10.100. [ANNUAL] SALARY OF LEGISLATORS. The monthly
12 [ANNUAL] salary for each member of the legislature is equal to Step A,
13 Range 10 of the salary schedule in AS 39.27.011(a) for Juneau
14 [\$46,800]. The president of the senate and the speaker of the house
15 of representatives are each entitled to an additional \$500 a year
16 during tenure of office.

17 * Sec. 2. AS 24.10 is amended by adding a new section to read:

18 Sec. 24.10.105. LEGISLATIVE PER DIEM. (a) A member of the
19 legislature is entitled to receive per diem at the same rate allowed
20 for a state employee under AS 39.20.110 and 39.20.160, including
21 regional variations in the rate where applicable.

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

24 (1) during a legislative session if the legislator is not
25 living in the legislator's place of permanent residence during the
26 session; and

27 (2) while on ~~committee business for an interim committee of~~
28 ~~the legislature~~ ^{leg session} in a place that is not the legislator's place of
29 permanent residence. ^{on legislative bus}

3. added leg
-1- *[Signature]*

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

3 (1) during a legislative session if the legislator is
4 living in the legislator's place of permanent residence during the
5 session; and

6 (2) while engaged in committee business for an interim
7 committee of the legislature at the legislator's place of permanent
8 residence. *3. same wording*

9 (d) In this section

10 (1) "long-term rate" means the long-term per diem rate for
11 a state employee established in regulations adopted by the commission-
12 er of administration under AS 39.20.160;

13 (2) "short-term rate" means the short-term per diem rate
14 for a state employee established in regulations adopted by the commis-
15 sioner of administration under AS 39.20.160.

16 * Sec. 3. AS 39 is amended by adding a new chapter to read:

17 CHAPTER 23. STATE OFFICERS COMPENSATION COMMISSION.

18 Sec. 39.23.200. COMPENSATION COMMISSION ESTABLISHED. (a) The
19 State Officers Compensation Commission is established. The commission
20 is composed of seven members appointed by the governor subject to
21 confirmation by a majority of the legislature in joint session.
22 Members serve for staggered terms of four years. Commission member-
23 ship shall include at least one business executive, one representative
24 of a nonpartisan voters' organization, one person with experience in
25 public administration and one representative of a labor organization.
26 A vacancy shall be filled for the balance of the unexpired term. A
27 commission member may serve no more than two complete consecutive
28 terms.

29 (b) The commission shall elect a member to chair its meetings.

1 A majority of the commission members constitutes a quorum to transact
2 business. The affirmative vote of four members is required to approve
3 the commission's recommendations on compensation.

4 (c) The commission shall meet ^{at least} every other year at the call of
5 the chair. Notice of a meeting shall be mailed to each member at
6 least 15 days before the date scheduled for the meeting.

7 (d) The commission shall hold a public hearing to discuss its
8 findings and recommendations before submitting its final report to the
9 legislature.

10 (e) The commission shall be established in the Office of the
11 Governor.

12 Sec. 39.23.210. PROHIBITIONS AGAINST STATE OR MUNICIPAL SERVICE.
13 A member of the commission may not be employed by the state, including
14 the University of Alaska, serve as a member of another state board,
15 commission, or authority, or hold elective state or municipal office
16 during membership on the commission.

17 Sec. 39.23.220. COMPENSATION. Members of the commission serve
18 without compensation but are entitled to per diem and travel expenses
19 authorized for members of boards and commissions under AS 39.20.180.

20 Sec. 39.23.230. STAFF. (a) ^{Proceedings} The commission may contract for
21 professional services and may employ staff as it considers necessary.

22 (b) If requested by the commission, the director of personnel in
23 the Department of Administration shall serve as secretary to the
24 commission.

25 Sec. 39.23.240. DUTIES OF THE COMMISSION. (a) The commission
26 shall review the salaries, benefits, and allowances of members of the
27 legislature and submit a report on its findings at least once every
28 two years, but not more frequently than every year.

29 (b) The commission shall submit its preliminary findings and

to each new legislature

1 recommendations [by November 15.] The commission shall give reasonable
2 public notice of its preliminary findings and recommendations, solicit
3 public comments, and give due regard to the public comments, before
4 submitting a final report under (c) of this section.

5 (c) The commission shall make a final report of its findings and
6 recommendations as to the rate and form of compensation, benefits, and
7 allowances for legislators.

8 (d) The commission may submit to the legislature amendments to
9 the report submitted under (c) of this section.

10 (e) A commission member who does not concur in the proposed or
11 final recommendations may attach written objections to the commis-
12 sion's report of its findings and recommendations.

13 (f) If requested by the legislature, the commission shall review
14 the compensation, benefits, and allowances of other state officers and
15 report its recommendations to the legislature.

16 Sec. 39.23.250. FILING WITH LIEUTENANT GOVERNOR AND CERTIFICA-
17 TION. The commission shall, upon transmitting its final recommenda-
18 tions to the legislature, file the recommendations in the office of
19 the lieutenant governor, and upon the recommendations becoming effec-
20 tive the commission shall certify the copy of the recommendations on
21 file in the office of the lieutenant governor.

22 Sec. 39.23.260. POLICY OF THE LEGISLATURE. It is the policy of
23 the legislature that the commission determine an equitable rate and
24 form of compensation, benefits, and allowances for legislators.

25 Sec. 39.23.270. ADMINISTRATIVE PROCEDURE ACT. The regulation-
26 making provisions of the Administrative Procedure Act (AS 44.62) do
27 not apply to proceedings of the commission.

28 Sec. 39.23.400. DEFINITION. In this chapter "commission" means
29 the State Officers Compensation Commission.

1 * Sec. 4. AS 39.23.240(c) is amended to read:

2 (c) The commission shall make a final report of its findings and
3 recommendations as to the rate and form of compensation, benefits, and
4 allowances for state officers. A recommendation has the force of law
5 and becomes effective 30 days after the report is submitted to the
6 legislature.

7 * Sec. 5. AS 24.10 is amended by adding a new section to read:

8 Sec. 24.10.101. COMPENSATION OF LEGISLATORS. The State Officers
9 Compensation Commission shall set the compensation of legislators
10 under AS 39.23.

11 * Sec. 6. Notwithstanding AS 39.05.055(5) and AS 39.23.200, one of the
12 initial members appointed to the commission shall serve a one-year term,
13 two members shall serve two-year terms, two members shall serve three-year
14 terms, and two members shall serve four-year terms.

15 * Sec. 7. Notwithstanding the time limit imposed by AS 39.23.240,
16 enacted by sec. 3 and amended by sec. 4 of this Act, the commission shall
17 submit its first final report to the legislature by January 10, 1987.

18 * Sec. 8. AS 39.23.250, as enacted by sec. 3 of this Act, and sec. 4 of
19 this Act take effect on the effective date of an amendment to the
20 Constitution of the State of Alaska creating a State Officers Compensation
21 Commission.

22 * Sec. 9. AS 39.23.200 - 39.23.240 and 39.23.260 - 39.23.400, as enact-
23 ed by sec. 3 of this Act, and secs. 6 and 7 of this Act take effect immedi-
24 ately in accordance with AS 01.10.070(c).

25 * Sec. 10. Sections 1 and 2 of this Act take effect January 19, 1987.

26 * Sec. 11. AS 24.10.100 and 24.10.105 are repealed and sec. 5 of this
27 Act takes effect on the effective date of recommendations of the State
28 Officer's Compensation Commission under AS 39.23.240(c) as amended by sec.
29 4 of this Act, setting the compensation of legislators.

Cramer
4/7/86

Original sponsor: Larson/Legislative
Salaries

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 454 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to compensation of state officers;
7 establishing a commission on compensation of state
8 officers; and providing for an effective date."

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

10 * Section 1. AS 24.10.100 is amended to read:

11 Sec. 24.10.100. [ANNUAL] SALARY OF LEGISLATORS. The monthly
12 [ANNUAL] salary for each member of the legislature is equal to Step A,
13 Range 10 of the salary schedule in AS 39.27.011(a) for Juneau
14 [\$46,800]. The president of the senate and the speaker of the house
15 of representatives are each entitled to an additional \$500 a year
16 during tenure of office.

17 * Sec. 2. AS 24.10 is amended by adding a new section to read:

18 Sec. 24.10.105. LEGISLATIVE PER DIEM. (a) A member of the
19 legislature is entitled to receive per diem at the same rate allowed
20 for a state employee under AS 39.20.110 and 39.20.160, including
21 regional variations in the rate where applicable.

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

24 (1) during a legislative session if the legislator is not
25 living in the legislator's place of permanent residence during the
26 session; and

27 (2) while on committee business or other legislative busi-
28 ness in a place that is not the legislator's place of permanent resi-
29 dence.

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

3 (1) during a legislative session if the legislator is
4 living in the legislator's place of permanent residence during the
5 session; and

6 (2) while engaged in committee business or other legisla-
7 tive business at the legislator's place of permanent residence.

8 (d) In this section

9 (1) "long-term rate" means the long-term per diem rate for
10 a state employee established in regulations adopted by the commis-
11 sioner of administration under AS 39.20.160;

12 (2) "short-term rate" means the short-term per diem rate
13 for a state employee established in regulations adopted by the commis-
14 sioner of administration under AS 39.20.160.

15 * Sec. 3. AS 24.10.120 is amended to read:

16 Sec. 24.10.120. METHOD OF PAYMENT. Salaries, per diem, and
17 additional allowances for members of the legislature shall be paid by
18 warrants drawn on vouchers approved by the legislative fiscal officer.
19 The legislative fiscal officer shall, by January 31 of each year,
20 file with the legislature's fiscal office a report of all vouchers
21 approved for payment under this section during the preceding calendar
22 year. The report shall provide, by legislator, the date of each
23 voucher, the amount paid, and the basis for approval for payment. The
24 report is a public record.

25 * Sec. 4. AS 39 is amended by adding a new chapter to read:

26 CHAPTER 23. STATE OFFICERS COMPENSATION COMMISSION.

27 Sec. 39.23.200. COMPENSATION COMMISSION ESTABLISHED. (a) The
28 State Officers Compensation Commission is established. The commission
29 is composed of seven members appointed by the governor subject to

1 confirmation by a majority of the legislature in joint session.
2 Members serve for staggered terms of four years. Commission member-
3 ship shall include at least one business executive, one representative
4 of a nonpartisan voters' organization, one person with experience in
5 public administration and one representative of a labor organization.
6 A vacancy shall be filled for the balance of the unexpired term. A
7 commission member may serve no more than two complete consecutive
8 terms.

9 (b) The commission shall elect a member to chair its meetings.
10 A majority of the commission members constitutes a quorum to transact
11 business. The affirmative vote of four members is required to approve
12 the commission's recommendations on compensation.

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

16 (d) The commission shall hold a public hearing to discuss its
17 findings and recommendations before submitting its final report to the
18 legislature.

19 (e) The commission shall be established in the Office of the
20 Governor.

21 Sec. 39.23.210. PROHIBITIONS AGAINST STATE OR MUNICIPAL SERVICE.
22 A member of the commission may not be employed by the state, including
23 the University of Alaska, serve as a member of another state board,
24 commission, or authority, or hold elective state or municipal office
25 during membership on the commission.

26 Sec. 39.23.220. COMPENSATION. Members of the commission serve
27 without compensation but are entitled to per diem and travel expenses
28 authorized for members of boards and commissions under AS 39.20.180.

29 Sec. 39.23.230. STAFF. (a) If requested by the commission, the

1 Legislative Affairs Agency shall provide staff for the commission.

2 (b) If requested by the commission, the director of personnel in
3 the Department of Administration shall serve as secretary to the
4 commission.

5 Sec. 39.23.240. DUTIES OF THE COMMISSION. (a) The commission
6 shall review the salaries, benefits, and allowances of members of the
7 legislature and submit a report on its findings at least once every
8 two years, but not more frequently than every year.

9 (b) The commission shall review the compensation, benefits, and
10 allowances of the governor, lieutenant governor, justices and judges
11 of the court system, and the heads of the principal departments and
12 shall report its recommendations to the legislature.

13 (c) The commission shall submit its preliminary findings and
14 recommendations for the compensation of state officers by November 15.
15 The commission shall give reasonable public notice of its preliminary
16 findings and recommendations, solicit public comments, and give due
17 regard to the public comments, before submitting a final report under
18 (d) of this section.

19 (d) The commission shall make a final report of its findings and
20 recommendations as to the rate and form of compensation, benefits, and
21 allowances for legislators.

22 (e) The commission may submit to the legislature amendments to
23 the report submitted under (d) of this section.

24 (f) A commission member who does not concur in the proposed or
25 final recommendations may attach written objections to the commis-
26 sion's report of its findings and recommendations.

27 Sec. 39.23.250. FILING WITH LIEUTENANT GOVERNOR AND CERTIFICA-
28 TION. The commission shall, upon transmitting its final recommenda-
29 tions for the compensation of legislators to the legislature, file the

1 recommendations in the office of the lieutenant governor. When the
2 recommendations become effective, the commission shall certify the
3 copy of the recommendations on file in the office of the lieutenant
4 governor.

5 Sec. 39.23.260. POLICY OF THE LEGISLATURE. It is the policy of
6 the legislature that the commission determine an equitable rate and
7 form of compensation, benefits, and allowances for legislators.

8 Sec. 39.23.270. ADMINISTRATIVE PROCEDURE ACT. The regulation-
9 making provisions of the Administrative Procedure Act (AS 44.62) do
10 not apply to proceedings of the commission.

11 Sec. 39.23.400. DEFINITION. In this chapter "commission" means
12 the State Officers Compensation Commission.

13 * Sec. 5. AS 39.23.240(d) is amended to read:

14 (d) The commission shall make a final report of its findings and
15 recommendations as to the rate and form of compensation, benefits, and
16 allowances for legislators. A recommendation has the force of law and
17 becomes effective 30 days after the report is submitted to the legis-
18 lature.

19 * Sec. 6. AS 24.10 is amended by adding a new section to read:

20 Sec. 24.10.101. COMPENSATION OF LEGISLATORS. The State Officers
21 Compensation Commission shall set the compensation of legislators
22 under AS 39.23.

23 * Sec. 7. Notwithstanding AS 39.05.055(5) and AS 39.23.200, one of the
24 initial members appointed to the commission shall serve a one-year term,
25 two members shall serve two-year terms, two members shall serve three-year
26 terms, and two members shall serve four-year terms.

27 * Sec. 8. Notwithstanding the time limit imposed by AS 39.23.240,
28 enacted by sec. 4 and amended by sec. 5 of this Act, the commission shall
29 submit its first final report to the legislature by January 10, 1987.

1 * Sec. 9. AS 39.23.250, as enacted by sec. 4 of this Act, and sec. 5 of
2 this Act take effect on the effective date of an amendment to the Constitu-
3 tion of the State of Alaska creating a State Officers Compensation Commis-
4 sion.

5 * Sec. 10. AS 39.23.200 - 39.23.240 and 39.23.260 - 39.23.400, as
6 enacted by sec. 4 of this Act, and secs. 7 and 8 of this Act take effect
7 immediately in accordance with AS 01.10.070(c).

8 * Sec. 11. Sections 1 - 3 of this Act take effect January 19, 1987.

9 * Sec. 12. AS 24.10.100 and 24.10.105 are repealed and sec. 6 of this
10 Act takes effect on the effective date of recommendations of the State
11 Officer's Compensation Commission under AS 39.23.240(d) as amended by sec.
12 5 of this Act, setting the compensation of legislators.

Cramer ✓
3/19/86

Original sponsor: Larson/Legislative
Salaries

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BY THE STATE AFFAIRS COMMITTEE

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7 establishing a commission on compensation of state
8 officers; and providing for an effective date."

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12 Sec. 39.23.200. COMPENSATION COMMISSION ESTABLISHED. (a) The
13 State Officers Compensation Commission is established. The commission
14 is composed of seven members appointed by the governor subject to
15 confirmation by a majority of the legislature in joint session.
16 Members serve for staggered terms of four years. Commission member-
17 ship shall include at least one business executive, one representative
18 of a nonpartisan voters' organization, one person with experience in
19 public administration and one representative of a labor organization.
20 A vacancy shall be filled for the balance of the unexpired term.

21 (b) The commission shall annually elect a member to chair its
22 meetings. A majority of the commission members constitutes a quorum
23 to transact business. The affirmative vote of four members is re-
24 quired to approve the commission's recommendations on compensation.

25 (c) The commission shall meet at the call of the chair. Notice
26 of a meeting shall be mailed to each member at least 15 days before
27 the date scheduled for the meeting.

28 (d) The commission shall hold a public hearing to discuss its
29 findings and recommendations before submitting its final report to the

1 legislature.

2 (e) The commission shall be established in the Office of the
3 Governor.

4 Sec. 39.23.210. PROHIBITIONS AGAINST STATE OR MUNICIPAL SERVICE.
5 A member of the commission may not be employed by the state, including
6 the University of Alaska, serve as a member of another state board,
7 commission, or authority, or hold elective state or municipal office
8 during membership on the commission.

9 Sec. 39.23.220. COMPENSATION. Members of the commission serve
10 without compensation but are entitled to per diem and travel expenses
11 authorized for members of boards and commissions under AS 39.20.180.

12 Sec. 39.23.230. STAFF. (a) The commission may contract for
13 professional services and may employ staff as it considers necessary.

14 (b) If requested by the commission, the director of personnel in
15 the Department of Administration shall serve as secretary to the
16 commission.

17 Sec. 39.23.240. DUTIES OF THE COMMISSION. (a) The commission
18 shall review the salaries, benefits, and allowances of members of the
19 legislature and submit a report on its findings at least once every
20 two years, but not more frequently than every year.

21 (b) The commission shall submit its preliminary findings and
22 recommendations by November 15. The commission shall give reasonable
23 public notice of its preliminary findings and recommendations, solicit
24 public comments, and give due regard to the public comments, before
25 submitting a final report under (c) of this section.

26 (c) The commission shall make a final report of its findings and
27 recommendations as to the rate and form of compensation, benefits, and
28 allowances for legislators during the first 10 days of a legislative
29 session.

1 (d) The commission may submit to the legislature amendments to
2 the report submitted under (c) of this section.

3 (e) A commission member who does not concur in the proposed or
4 final recommendations may attach written objections to the commis-
5 sion's report of its findings and recommendations.

6 (f) If requested by the legislature, the commission shall review
7 the compensation, benefits, and allowances of other state officers and
8 report its recommendations to the legislature.

9 Sec. 39.23.250. FILING WITH LIEUTENANT GOVERNOR AND CERTIFICA-
10 TION. The commission shall, upon transmitting its final recommenda-
11 tions to the legislature, file the recommendations in the office of
12 the lieutenant governor, and upon the recommendations becoming effec-
13 tive the commission shall certify the copy of the recommendations on
14 file in the office of the lieutenant governor.

15 Sec. 39.23.260. POLICY OF THE LEGISLATURE. It is the policy of
16 the legislature that the commission determine an equitable rate and
17 form of compensation, benefits, and allowances for legislators.

18 Sec. 39.23.270. ADMINISTRATIVE PROCEDURE ACT. The regulation-
19 making provisions of the Administrative Procedure Act (AS 44.62) do
20 not apply to proceedings of the commission.

21 Sec. 39.23.400. DEFINITION. In this chapter "commission" means
22 the State Officers Compensation Commission.

23 * Sec. 2. AS 39.23.240(c) is amended to read:

24 (c) The commission shall make a final report of its findings and
25 recommendations as to the rate and form of compensation, benefits, and
26 allowances for state officers during the first 10 days of a legisla-
27 tive session. A recommendation has the force of law and becomes
28 effective on the first day of the next regular legislative session.

29 * Sec. 3. AS 24.10.100 is repealed and reenacted to read:

1 Se - 24.10.100. COMPENSATION OF LEGISLATORS. The State Officers
2 Compensation Commission shall set the compensation of legislators
3 under this chapter.

4 * Sec. 4. Notwithstanding AS 39.05.055(5) and AS 39.23.200, one of the
5 initial members appointed to the commission shall serve a one-year term,
6 two members shall serve two-year terms, two members shall serve three-year
7 terms, and two members shall serve four-year terms.

8 * Sec. 5. Notwithstanding sec. 3 of this Act, the salary established
9 for legislators in AS 24.10.100, as that section existed immediately before
10 the effective date of this section, shall remain in effect until the com-
11 mission has recommended a change in the salary of legislators in accordance
12 with AS 39.23.

13 * Sec. 6. Notwithstanding the time limit imposed by AS 39.23.240,
14 enacted by sec. 1 and amended by sec. 2 of this Act, the commission shall
15 submit its first final report to the legislature by January 10, 1987.

16 * Sec. 7. AS 39.23.250, as enacted by sec. 1 of this Act, and secs. 2,
17 3, and 5 of this Act take effect on the effective date of an amendment to
18 the Constitution of the State of Alaska creating a State Officers Com-
19 pensation Commission.

20 * Sec. 8. AS 39.23.200 - 39.23.240 and 39.23.260 - 39.23.400, as enact-
21 ed by sec. 1 of this Act, and secs. 4 and 6 of this Act take effect immedi-
22 ately in accordance with AS 01.10.070(c).

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : 2/10/86

REQUEST

Bill/Resolution No. : CSHB 454 (Fin) No 1
 Title : State Officers Compensation Commission

Sponsor : Larson by request
 Requestor : House Finance Committee
 Date of Request : 2/10/86

FISCAL DETAIL

Agency Affected : Administration
 BRU : Personnel

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		0				
TRAVEL		0				
CONTRACTUAL		0				
SUPPLIES		0				
EQUIPMENT		0				
LAND & STRUCTURES		0				
GRANTS, CLAIMS		0				
MISCELLANEOUS		0				
TOTAL OPERATING		0				

CAPITAL		0				
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REVENUE		0				
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FUNDING : (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS		0				
OTHER		0				
TOTAL		0				

POSITIONS :

FULL-TIME		0				
PART-TIME		0				
TEMPORARY		0				

ANALYSIS : Attach a separate page if necessary

If the Personnel Director is requested to attend Commission meetings, travel will be paid for out of the Commission 's budget.

Prepared by : Al Adams, Chair Phone : 465-3706
 Division : House Finance Committee Date : 2/10/86

Approved by Commissioner : _____ Date : _____
 Agency : _____

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date: 2/10/86

REQUEST

Bill/Resolution No.: CSHB 454 (FIN)
 Title: State Officers' Compensation Commission

Sponsor: Larson by request
 Requestor: House Finance Committee
 Date of Request: 2/10/86

FISCAL DETAIL

Agency Affected: Governor's Office
 BRU: _____

Components: Salary Commission

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		49.5	--	--	--	--
TRAVEL		32.0	--	--	--	--
CONTRACTUAL		15.0	--	--	--	--
SUPPLIES		0	--	--	--	--
EQUIPMENT		0	--	--	--	--
LAND & STRUCTURES		0	--	--	--	--
GRANTS, CLAIMS		0	--	--	--	--
MISCELLANEOUS		0	--	--	--	--
TOTAL OPERATING		96.5	--	--	--	--

CAPITAL		0	--	--	--	--
---------	--	---	----	----	----	----

REVENUE		0	--	--	--	--
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FUNDING : (Thousands of Dollars)

GENERAL FUND		96.5	--	--	--	--
FEDERAL FUNDS		0	--	--	--	--
OTHER		0	--	--	--	--
TOTAL		96.5	--	--	--	--

POSITIONS :

FULL-TIME			--	--	--	--
PART-TIME			--	--	--	--
TEMPORARY		1	--	--	--	--

ANALYSIS : Attach a separate page if necessary

see attached

Prepared by: Al Adams, Chair Phone: 465-3706
 Division: House Finance Committee Date: 2/10/86

Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CSHB 454 (~~RD~~) Fin
FY 87 Costs:

Personal Services

One range 19A x 12 months	=	\$40,236
Benefits for a temporary employee at 23%	=	9,254
		<u> </u>
		\$49,490

Travel

8 travelers (members + staff) x 4 trips x \$1000/trip (average plane fare + per diem costs)	=	\$32,000
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It is assumed teleconferencing will be used when appropriate and that the travel costs of the Personnel Director will be paid for out of these funds.

Contractual

Secretarial Services	=	\$10,000
Printing + other misc. services	=	\$ 5,000
		<u> </u>
		\$15,000

It is assumed office space will be provided by the Legislative Affairs Agency.

Supplies and Equipment

No funds provided	-0-
-------------------	-----

It is assumed that Legislative Affairs Agency can supply these items as needed.

Land and Structures

No funds provided	-0-
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Grants and Claims

No funds provided	-0-
-------------------	-----

Miscellaneous

No funds provided	-0-
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TOTAL COST	=	\$96,490
------------	---	----------

Future Costs:

There will be future fiscal impact. However, the cost depends on how often the Commission meets, if it decides to retain staff, how often it decides to report to the Legislature, etcetera. Therefore, no estimates are made in this fiscal note.

DRAFT

DRAFT LETTER OF INTENT
BY V. Fischer

April 3, 1986

LETTER OF INTENT - SCS CSHB 454 (SA)
BY THE SENATE STATE AFFAIRS COMMITTEE

It is the intent of the Senate State Affairs Committee in adopting the SCS for CSHB454 (SA) that Sections 1, 2, and 3 of the bill comply with the initiative relating to the compensation for state legislators. These sections are included in HB 454 to bring into one measure related matters pertaining to compensation of state officers.

Some drafting changes were made to conform language of the proposed legislation to existing statutes and to correct errors; e.g., Section 1 of the bill v. Section 2 of the initiative.

A minor change is made in compensation of legislators performing official duties while the legislature is not in session. The initiative provides that actual expenses be reimbursed in lieu of per diem. The bill provides that per diem be paid, as was the practice at the time when the salary of legislators was the same as that set forth in Section 2 of the initiative. Provision of per diem, regardless of where official duties are performed, will eliminate disincentives to carrying out legislative work, to economizing on expenses, and to using low cost modes of travel and accommodations. The purpose of these revisions in the per diem language is to assure that legislators will be properly compensated for the performance of their constitutional duties and to avoid excessive individual expenses.

Both Sections 3 of the initiative and HB 454 provide for a report covering legislator's compensation to be made by the legislative fiscal officer. Under the initiative, the report is to be filed with the Office of Management and Budget in the Governor's Office. The Committee believes that such filing would be transgressing on the separation of power between the legislative and executive branches. Therefore, SCS CSHB 454 (SA) provides that the report be filed with the executive director of the Legislative Affairs Agency. The basic purpose of the initiative -- providing a report available to the public -- is maintained under this minor change.

Legislators Fiscal Officer

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

BILL SHEFFIELD, GOVERNOR

REPLY TO:

1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3550

1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-1568

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

April 3, 1986

Honorable Vic Fischer
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Re: Proposed amendments to legis-
lative pay raise
Our file: 663-86-0431

Dear Senator Fischer:

You requested our advice concerning amendments to the material contained in the legislative pay raise initiative. You propose to include the wording of the initiative as amended in two instances in a bill which would also include the provisions of HB 48 and HB 454. You are concerned that these amendments will be considered to conflict with the provisions of the legislative pay raise initiative. In which case the pay raise question will be put to the voters.

You propose to amend sec. 24.15.010(d) of the initiative measure, which provides:

(d) When the legislature is not in session, instead of receiving per diem a legislator is entitled to be reimbursed for actual expenses incurred while he is on committee business for an interim committee of the legislature in a place which is not his place of permanent residence.

The second amendment proposes the substitution of the legislative fiscal officer as the custodian of expense voucher reports in the second to the last sentence of proposed sec. 24.15.040. Under the initiative, the office of management and budget is the custodian of voucher reports. The section as amended reads as follows:

The Legislative fiscal officer shall, by January 31 of each calendar year, file with the legislature's fiscal office [OFFICE OF MANAGEMENT AND BUDGET] a report of all vouchers approved for payment pursuant to this section during the preceding

Hon. Vic Fischer
Alaska State Legislature
663-86-0431

April 3, 1986
Page #2

calendar year. The report shall provide, by legislator, the date of each voucher, the amount paid and the basis for approval for payment.

You asked if the filing of legislative pay vouchers with executive officers presented separation of powers problems. We believe the filing required by the initiative measure does not cause a separation of powers problem. All vouchers presenting claims against the state treasury are paid centrally. The Department of Administration accounts for the general fund and the Department of Revenue retains and invests it. Presently, all legislative pay vouchers are on file with the division of finance in the Department of Administration. The amendment requires a report which totals by legislator the amount of public money received in compensation for legislative service. There is no barrier to removal of the initiative from the ballot if the amendment you adopt requires the legislative fiscal officer to collect vouchers and issue the report.

We find it difficult to say that the legislature is powerless to enact other effective means of compensating for expenses incurred while on legislative business or making public the amount of compensation claimed by each legislator. The legislature has broad power to change an initiative by an enactment covering the same subject as the initiated measure. Warren v. Boucher, 543 P.2d 731 (Alaska 1975). This power differs little from the legislature's power of amendment afforded after enactment of an initiative. In Warren, the court stated:

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 of systems which are fairly comparable, the 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. We understand your concern about the poor public policy expressed in subsection (b) concerning reimbursement of actual expenses. The definition of "actual" expenses would be

Hon. Vic Fischer
Alaska State Legislature
663-86-0431

April 3, 1986
Page #3

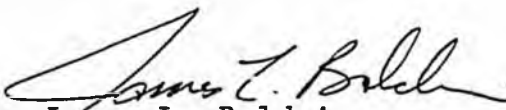
difficult and controversial. This method for reimbursing expenses may lead to artificial inflation of expense accounts. It would also be a disincentive for legislators to economize and use low cost modes of travel and accommodations. The insertion of a reimbursement provision which applies the short-term per diem rate to travel and other expenses incurred for legislative business conducted during the interim is within the discretion of the legislature. It is a close question whether this amendment would prevent the initiative from appearing on the ballot. From the tone used in Boucher, we presume that the court would generally defer to the judgment of the legislature so long as the same general purpose of the initiative is retained. We perceive that purpose to be to return legislative pay to the levels that existed before July 1983. To impose a more limiting purpose would do injustice to the full scope of law making powers accorded to the legislature under article II of the Alaska Constitution.

You have also asked whether the sections enacting the initiative measure are compatible with the provisions of HB 454. Under HB 454, the future pay raises for the legislature and other appointed executive officers would be set by a salary commission. Any pay increases announced by the salary commission would amount to an amendment of the initiative. Because the salary commission would be exercising a delegated lawmaking power, the changes would probably be within the legislature's discretionary power to amend initiative within two years after adoption. See Alaska Const. art. XI, sec. 6 (initiative may be amended at any time).

We urge you to create a good record to support your subcommittee's intent concerning any amendments adopted. The legislative history will prove invaluable in defending any actions brought to contest the lieutenant governor's decision concerning placement on the 1986 primary election ballot.

Sincerely yours,

HAROLD M. BROWN
ATTORNEY GENERAL

By: 
James L. Baldwin
Assistant Attorney General

JLB/pjg

Alaska State Legislature



House of Representatives House Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4990

EXPLANATION OF CSHB 454 (Jud)

CSHB 454 is an act relating to the compensation of state officers and establishing a commission on compensation of state officers.

I. The State Officers Compensation Commission, established in the Office of the Governor, is:

- A. a seven member commission serving staggered four year terms;
- B. appointed by the governor subject to confirmation by a majority of the legislature in joint session;
- C. made up of at least:
 1. one business executive,
 2. one representative of a non-partisan voters' organization,
 3. one public administrator,
 4. one labor organization representative.
- D. not to have on it any employees of the state, including the University of Alaska, members of state boards, commissions, or authorities, or elected state or municipal officers.

II. The duties of the commission:

- A. review salaries, benefits and allowances of legislators, the governor, lieutenant governor, members of the judiciary and heads of principal executive departments;
- B. determine an equitable rate and form of compensation and benefits and allowances for state officers;
- C. submit a report of its findings and recommendations at least once every two years, but not more frequently than every year;
- D. submit preliminary findings and recommendations by November 15;
- E. after giving public notice of the preliminary findings and recommendations, soliciting public comments, and giving due regard to public comments, submit its final report during the first 10 days of a legislative session;

1. amendments to the final report and recommendations may be submitted by the commission;
 2. commission members who disagree with the proposed or final report and recommendations may submit written objections.
- F. file its final recommendations in the lieutenant governor's office upon transmitting those recommendations to the legislature.

III. Final recommendations of the commission:

- A. have the force of law and become effective on the first day of the next regular legislative session after submission unless rejected by a concurrent resolution adopted by 2/3 of the members in each house.
- B. do not have the effect of reducing compensation and benefits of:
 1. a member of the judiciary who is on the bench on the effective date of the commission's recommendations; and
 2. the governor and lieutenant governor who are in office on the effective date of the recommendation unless consistent with a general law applicable to all other salaried officers of the state;
- C. may reduce the compensation and benefits for a person who became a member of the judiciary or became governor or lieutenant governor after the effective date of the recommendation.

IV. The effective dates of the various provisions of the bill are as follows:

- A. immediate effective date:
 1. all provisions of the bill relating to the establishment and organization of the commission and providing for its compensation review, report, and recommendations;
 2. the standard provisions for the first time appointments of the commission (Sec. 12);
 3. the provisions that, notwithstanding the requirement that final reports of the commission be submitted during the first 10 days of a legislative session, the first report the new commission submits must be submitted by January 10, 1987;
- B. effective on the effective date of a state constitutional amendment creating a State Officers Compensation Commission [CSHJR 54 (Jud)] i.e., 30 days after certification of election returns:
 1. the requirements regarding filing and certification of commission final recommendations in the lieutenant governor's

- office;
2. all other provisions of the bill which provide that the commission sets the compensation of all state officers;
 3. Section 13, which provides that all salaries in effect for state officers prior to the effective date of the constitutional amendment shall remain in effect until the commission has made its first final report on January 10, 1987, and the recommendation has taken effect on the first day of the 1987 legislative session (January 19, 1987).
 - a. If CSHB 48 (Jud), relating to the compensation of legislators, passes and becomes law, the salary of legislators will be a Step A, Range 22 (\$4,095) until January 19, 1987 (the first day of the Fifteenth Legislature). On January 19, 1987, the new commission set salary will take effect.
 - b. If CSHB 48 (Jud) passes and becomes law and the constitutional amendment in CSHJR 54 (Jud) fails, legislators will receive their present salaries until the first day of the Fifteenth Legislature. At that time, their salaries will be dropped to a Step A, Range 10 (\$1,845).

V. Repealers

- A. 22.05.140 (c) - relates to geographic cost of living adjustments for supreme court justices.
- B. 22.10.190 (c) - relates to geographic cost of living adjustments for superior court judges.
- C. 22.15.220 (d) - relates to geographic cost of living adjustments for district court judges.
- D. 39.20.080 (c) - provides that the salaries of heads of principal executive departments of the state may not be reduced during their tenure in office. (See new AS 39.23.250 (a)).
- E. 39.23.200 (e) - is the provision in this bill setting up the commission in the office of the governor. After passage of the constitutional amendment the commission has a life of its own and exists independently of any state office or agency and this initial provision is no longer necessary.

A M E N D M E N T #3

Offered in the HOUSE

By Uehling

TO: CSHB 454(Fin)

Page 6, line 19, delete "by January 10, 1987." and insert:

"on the first day of the First Session of the Fifteenth Legislature."

Cramer ✓

A M E N D M E N T ~~1~~ ~~2~~

Offered in the HOUSE

By Uehling

TO: CSHB 454 (Finance)

Page 1, line 6, after "compensation of" insert "elected"

Page 1, line 7, after "compensation of" insert "elected"

Page 1, line 11, after "ARTICLE 1." insert "ELECTED"

Page 1, line 12, after "The" insert "Elected"

Page 2, line 19, after "the governor" insert "and"

Page 2, line 19, after "lieutenant governor" to line 20 delete:

" , members of the judiciary, and the head of each principal department"

Page 3, line 1, after "allowances for" insert "elected"

Page 3, line 8, delete "JUDICIARY,"

Page 3, line 10 after "may not" through "recommendation; or" on line 12, delete all material.

Page 3, line 14, delete "except incumbent members of the judiciary,"

Page 3, line 19,

Delete: "members of the judiciary or"

Insert: "the"

Page 4, line 1, after "allowances for" insert "elected"

Page 4, line 6, after "means the" insert "Elected"

Page 4, lines 8 - 9, delete all material.

Page 4, line 10, delete "(3)" and insert "(2)"

Page 4, line 11, before "lieutenant governor" insert "and"

Page 4, line 11, after "lieutenant governor" insert "." and delete all material through line 12.

Page 4, line 16, after "allowances for" insert "elected"

Page 4, line 21 through page 5, line 7, delete all material.

Re-number remaining bill sections accordingly.

Page 5, line 9, after "The" insert "Elected"

Page 5, line 13, after "The" insert "Elected"

Page 5, line 17, after "The" insert "Elected"

Page 5, line 22, after "the" insert "Elected"

Page 5, line 28 through page 6, line 2, delete all material.

Renumber remaining bill sections accordingly.

Page 6, line 7 through "20.080," in line 13, delete all material and insert:

"* Sec. 8. Notwithstanding secs. 3 - 6 and 10 of this Act, the salary established for legislators in AS 24.10.100, the governor in AS 39.20.010, and the lieutenant governor in AS 39.20.030,"

Page 6, lines 20 and 21

Delete "AS 22.05.140(c); AS 22.10.190(c); AS 22.15.220(d);"

Page 6, line 23, delete "2 - 11, 13, and 15" and insert "2 - 6, 8, and 10"

Page 6, lines 24, after "creating" delete "a" and insert "an Elected"

Page 6, line 27, delete "12 and 14" and insert "7 and 9"

AMENDMENT #1

OFFERED IN THE HOUSE:

By: Pettyjohn

To: CS (Fin)

HOUSE BILL No. 454

SENATE BILL No. _____

PAGE: 2

LINE: 24

delete: November

insert: October

A M E N D M E N T

#1
#2
#3
#4
#5

Offered in the HOUSE

By Uehling

TO: CSHJR 54(Fin)

Page 1, line 6, after "establishing" delete "a" and insert "an elected"

Page 1, line 11, after "14." insert "ELECTED"

Page 1, lines 11, after "The" insert "elected"

Page 1, line 16, after "the governor," insert "and"

Page 1, line 16, after "lieutenant governor" through line 17 delete all material

Page 1, line 28, after "29." insert "ELECTED"

Page 1, line 29, after "creating the" insert "elected"

Page 2, line 1, after "members of the" insert "elected"

Page 2, line 3, after "of the" insert "elected"

AMENDMENT # 2

OFFERED IN THE HOUSE:

By: Pettyjohn

To: CS (Fin)

HOUSE BILL No. HJR 54

SENATE BILL No. _____

PAGE: 1

LINE: 23

delete : two-thirds
insert a majority

ALASKA HOUSE OF REPRESENTATIVES
 OSBORNE SAFETY BILL

OSBORNE SAFETY BILL

2/12/86 10:42 AM

16 YEAS 23 NAYS

1 YES 0 NAYS

NAME	YEAS	NAYS	YES	NAYS	NAME	YEAS	NAYS
ANDERSON	N	FULLER	N	LABSON	Y	POURCHOT	
BECKLEY	Y	FURNACE	Y	MARQUO	Y	RIEGER	
BENNETT	N	GILL	Y	MARTIN	N	RINGSTAD	
COLE	N	GRUENBERG	N	MILLER, R.H.	E	SHULTZ	
COLEMAN	N	GRUSSENORFF	N	MILLER, G.W.	N	SUND	
COLEMAN	Y	HANLEY	N	MORAN	N	SZYMANSKI	
COLEMAN	N	HERNANDEZ	N	PEOPLE	N	TAYLOR	
COLEMAN	N	HURLEY	N	REED, D.W.	Y	THOMPSON	
COLEMAN	Y	JENKINS	N	REED, J.S.	Y	UEHLING	
COLEMAN	N	KOPPEL	N	REED, R.E.	N	WALLIS	

OSBORNE SAFETY BILL

ALASKA HOUSE OF REPRESENTATIVES
 CSNR 54(F10) 012

RESOLUTION 4TH LEG

2/12/86 10:46 AM

		14 YEAS	25 NAYS	1 EXC	0 ABS		
R	ROBINSON	N	FULLER		LARSON	Y	POURCHOT
R	PIPERLEY	Y	FURPACE		BARROU	N	RIEGER
R	ROBBERG	N	GOLI		WALKER	N	RINGSTAD
R	CATO	N	GRUENBERG		MILLER (M.A.)	E	SHULTZ
R	CHRISTEN	N	GRUSSENHORN		MILLER (M.W.)	N	SUND
R	COLLINS	Y	HARLEY		DRISCOLL	N	SZYMANSKI
R	CUTLER	N	HERRHAIN		FRANCE	N	TAYLOR
R	DAVIS	N	HURLEY		FETTERLOH	N	THOMPSON
R	DEWOLF	Y	JENKINS		HILLIERS	Y	UEHLING
R	FRANK	N	KOPONEN		FRIGOLI (M.E.)	N	WALLIS

* VOTE FOR
 * ABSENTEE VOTE

HB
454

Sec. 22.05.130. Restrictions. A supreme court justice while holding office may not practice law, nor engage in the conduct of any other profession, vocation or business for profit or compensation, which conduct would interfere with the performance of the judicial duties of the justice, nor may a justice hold office in a political party, or hold any other office or position of profit under the United States, the state or its political subdivisions. A supreme court justice filing for another elective public office other than delegate to a constitutional convention of this state or the United States forfeits the judicial position. (§ 13 ch 50 SLA 1959; am § 1 ch 30 SLA 1971; am § 7 ch 12 SLA 1980)

Effect of amendments. — The 1980 amendment deleted a comma following "the state" near the end of the first sentence, and inserted "other than delegate to a constitutional convention of this state or the United States" in the second sentence.

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

NOTES TO DECISIONS

Quoted in *Begich v. Jefferson*, Sup. Ct. Op. No. 481 (File No. 894), 441 P.2d 27 (1968).

Sec. 22.05.140. Compensation. (a) The monthly salary of each justice is equal to Step F, Range 30 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska.

(b) No salary warrant may be issued to a justice of the supreme court until the justice has filed with the state officer designated to issue salary warrants an affidavit that no matter referred to the justice for opinion or decision has been uncompleted or undecided by the justice for a period of more than six months.

(c) In addition to annual salary, each justice is entitled to receive a geographic cost-of-living adjustment, based on the location of the primary office assignment, equal to 3.5 percent of his annual salary times the number of pay step increases provided under AS 39.27.020 for a state employee working in the same election district in those districts for which AS 39.27.020 specified zero-to-five pay step increases. In an election district for which AS 39.27.020 specifies more than five pay steps, the number of pay step increases under this section is limited to five. Any retirement benefits to which a justice may be entitled shall be computed only on the annual salary. (§ 14 ch 50 SLA 1959; am § 4 ch 115 SLA 1965; am § 2 ch 83 SLA 1967; am § 1 ch 101 SLA 1969; am § 1 ch 193 SLA 1970; am § 1 ch 34 SLA 1974; am § 1 ch 205 SLA 1975; am § 2 ch 148 SLA 1976; am § 3 ch 263 SLA 1976; am § 4 ch 80 SLA 1978; am §§ 3, 18 ch 3 SLA 1980; am §§ 53, 54 ch 59 SLA 1982).

supreme court may

Sec. 2:
appeals, record. (\$

Collater:
2d, Courts,
Judges, § 1

Sec. 2:
jurisdiction
court inv

- (1) crim
- (2) post
- (3) chil
- waiver of
- (4) extr
- (5) habe
- (6) prob
- (7) bail.

(b) The
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Effect of amendments. The 1978 amendment added subsection (c).

Section 3, ch. 3, SLA 1980 retroactive to January 1, 1979, and applicable to calendar year 1979, in subsection (a), substituted "The annual salary of the chief justice and of each associate justice is \$65,000, payable monthly in 12 equal installments" for the former provisions, which read: "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." Section 18 of ch. 3, retroactive to January 1, 1980, in subsection (a), substituted "The monthly salary of the chief justice and of each associate justice is equal to Step F, Range 30 of the salary schedule in AS 39.27.011(a) for

Juneau, Alaska" for the provisions substituted by § 3 of ch. 3.

The 1982 amendment, effective May 28, 1982, deleted "the chief justice and of" preceding "each" and deleted "associate" preceding "justice" in subsection (a) and in the first sentence of subsection (c). The amendment also, in subsection (c), substituted "a" for "the chief justice or an associate" in the last sentence of that subsection.

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

Chapter 205, SLA 1975, which amended this section, was submitted to the voters by referendum and was rejected.

Legislative history reports. — For report on ch. 83, SLA 1967 (HB 141), see 1967 House Journal, pp. 339-340.

Sec. 22.05.150. Administrative director. The chief justice of the supreme court shall, with the approval of the supreme court, appoint an administrative director to serve at the pleasure of the supreme court and to supervise the administrative operations of the judicial system. (§ 15 ch 50 SLA 1959; am § 31 ch 32 SLA 1971)

Sec. 22.05.160. Recording districts.
Repealed by § 4 ch 118 SLA 1976.

Cross references. — As to the duty of the Department of Natural Resources to administer and maintain the recording system, see AS 44.37.020(i). As to

recording, generally, see AS 44.37.025.

Editor's note. — The repealed section derived from § 26(3), ch. 184, SLA 1959; § 3, ch. 24, SLA 1966.

Chapter 07. The Court of Appeals.

Section

- 10. Establishment
- 20. Jurisdiction
- 30. Review by supreme court
- 40. Qualifications of judges
- 50. Oath of office

Section

- 60. Approval or rejection
- 70. Vacancies
- 80. Restrictions
- 90. Compensation
- 100. Process

Editor's notes. — Section 33, ch. 12, SLA 1980 provides: "Notwithstanding the effective date of this Act [March 22, 1980], operations of the court of appeals shall begin on a date determined by the supreme court after all judges of the court of appeals have taken office." Pursuant to § 33, ch. 12, SLA 1980, operations of the court of

appeals began on September 18, 1980. See Sup. Ct. Order No. 430 (Sept. 18, 1980).

Section 34, ch. 12, SLA 1980 provides: "Cases pending in the supreme court on the date on which the operations of the court of appeals begin which have been heard by or submitted to the supreme court on the briefs shall be retained by the

This section was
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 and § 4, Chapter 58,

fill a vacancy or
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 (3) the failure
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 office; however,
 uncil with the
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 e a declaration
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 of the vacancy
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§ 4, Chapter 58,

appeals while
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 onstitutional
 judicial posi-

§ 4, Chapter 58,

Sec. 22.07.090.

Compensation. (a) The monthly salary of a judge of the court of appeals is equal to Step E, Range 29 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska. The compensation of a judge may not be diminished during the term of office, unless by general law applying to all salaried officers of the state.

(b) A salary warrant may not be issued to a judge of the court of appeals until the judge has filed with the state officer designated to issue salary warrants an affidavit that no matter referred to the judge for opinion or decision has been uncompleted or undecided by the judge for a period of more than six months. (§ 1 ch 12 SLA 1980)

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

Sec. 22.07.100. Process. Process of the court of appeals shall be in the name of the State of Alaska, signed by the clerk of the court or the deputy clerk, dated when issued, sealed with the seal of court, and made returnable according to rule prescribed by the supreme court. (§ 1 ch 12 SLA 1980)

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

Chapter 10. The Superior Court.

Section

- 10. Establishment of superior court
- 20. Jurisdiction
- 30. Where actions are to be brought
- 40. Change of venue
- 50. General powers and sessions
- 60. Effect of adjournment
- 70. [Repealed]
- 80. Process
- 90. Qualifications of judges
- 100. Vacancies
- 110. Oath of office

Section

- 120. Number of judges
- 130. Appointment and duties of presiding judges
- 140. Chief justice may assign superior court judges
- 150. Approval or rejection
- 160. [Repealed]
- 170. Impeachment
- 180. Restrictions
- 190. Compensation

Sec. 22.10.010. Establishment of superior court. There shall be one superior court for the state. The court shall consist of four districts bounded as follows:

First District: the area within election districts numbered one to six, both inclusive, as said districts are described in art. XIV of the state constitution on March 19, 1959;

Second District: the area within election districts numbered 21 to 24, both inclusive, and those areas of election districts 18 and 20 within the boundaries of the North Slope Borough, as said districts are described in art. XIV of the state constitution on March 19, 1959;

of the judicial branch or exercising judicial power but rather is exercising certain executive powers of control vested in the regents over the state's sole institution of

higher learning. This, the judge may not do pursuant to Alaska Const., art. IV, § 14. December 27, 1976, Op. Att'y Gen.

NOTES TO DECISIONS

Cited in *Begich v. Jefferson*, Sup. Ct. Op. No. 481 (File No. 894), 441 P.2d 27 (1968).

Collateral references. — Propriety and permissibility of judge engaging in the practice of law. 89 ALR2d 886.

Sec. 22.10.190. Compensation. (a) The monthly salary for each superior court judge is equal to Step E, Range 28 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska.

(b) No salary warrant may be issued to a superior court judge until the judge has filed with the state officer designated to issue salary warrants an affidavit that no matter referred to the judge for opinion or decision has been uncompleted or undecided by the judge for a period of more than six months.

(c) In addition to annual salary, a superior court judge is entitled to receive a geographic cost-of-living adjustment, based on the location of the judge's primary office assignment, equal to 3.5 per cent of his annual salary times the number of pay step increases provided under AS 39.27.020 for a state employee working in the same election district in those districts for which AS 39.27.020 specifies zero-to-five pay step increases. In an election district for which AS 39.27.020 specifies more than five pay steps, the number of pay step increases under this section is limited to five. Any retirement benefits to which a superior court judge may be entitled shall be computed only on the annual salary. (§ 30 ch 50 SLA 1959; am § 5 ch 115 SLA 1965; am § 4 ch 83 SLA 1967; am § 2 ch 101 SLA 1969; am § 2 ch 193 SLA 1970; am § 2 ch 34 SLA 1974; am § 2 ch 205 SLA 1975; am § 3 ch 148 SLA 1976; am § 4 ch 263 SLA 1976; am § 5 ch 80 SLA 1978; am §§ 4, 19 ch 3 SLA 1980)

Effect of amendments. — The 1978 amendment added subsection (c).

Section 4, ch. 3, SLA 1980, retroactive to January 1, 1979, and applicable to calendar year 1979, in subsection (a), substituted "The annual salary for each superior court judge is \$57,500, payable monthly in 12 equal installments" for the former provisions, which read: "Each superior court judge is entitled to receive annual com-

penation 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." Section 19 of ch. 3, retroactive to January 1, 1980, in subsection (a), substituted "The monthly salary for each superior court judge is equal to Step E, Range 28 of the salary schedule in AS 39.27.011(a) for

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Editor's notes. — The repealed section derived from § 15, ch. 184, SLA 1959.

Sec. 22.15.210. Restrictions. (a) A district judge while holding office may not practice law, nor engage in the conduct of any other profession, vocation or business for profit or compensation, which conduct would interfere with the performance of the judicial duties of the judge, nor may a judge hold office in a political party, or hold any other office or position of profit under the United States, the state or its political subdivisions, except that, with the approval of the chief justice of the Alaska Supreme Court, a district judge may be appointed deputy clerk of the superior court and may hold the office of United States magistrate. A district judge who files for another elective public office other than delegate to a constitutional convention of this state or the United States forfeits the judicial position.

(b) A magistrate, while holding office, may not hold office in a political party. A magistrate may hold any other office or position of profit under the United States, the state or its political subdivisions, or engage in the conduct of any profession or business which does not interfere with the performance of the judicial duties of the magistrate or require that the magistrate repeatedly disqualify himself or herself from judicial service because of a conflict of interest caused thereby. (§ 16 ch 184 SLA 1959; am § 2 ch 5 SLA 1960; am § 3 ch 24 SLA 1966; am § 3 ch 30 SLA 1971; am § 14 ch 12 SLA 1980)

Effect of amendments. — The 1980 amendment deleted commas following "a district judge" and "while holding office" at the beginning of subsection (a), substituted "a district judge" for "the district judge" near the end of the first sentence in subsection (a), and inserted "other than delegate to a constitutional convention of this state or the United States" preceding "forfeits his judicial position" in the second

sentence of subsection (a).

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

Legislative history reports. — For report on ch. 30, SLA 1971 (FCCS HCSSB 64), see 1971 House Journal, p. 226.

NOTES TO DECISIONS

Quoted in *Begich v. Jefferson*, Sup. Ct. Op. No. 481 (File No. 894), 441 P.2d 27 (1968).

Sec. 22.15.220. Compensation. (a) The monthly salary for each district judge is equal to Step C, Range 26 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska.

(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. The base salary of a magistrate shall be increased by a percentage equal to three and one-half per cent times the number of step increases provided under AS 39.27.020 that a state employee would receive working in the same election district. A magistrate's annual compensation may be payable, at the option of the magistrate, either monthly in 12 equal installments or semi-monthly in 24 equal installments.

(c) No salary warrant may be issued to a district judge or magistrate until the judge or magistrate has filed with the state officer designated to issue salary warrants, an affidavit that no matter referred to the judge or magistrate for opinion or decision has been uncompleted or undecided by the judge or magistrate for a period of more than six months.

(d) In addition to annual salary, a district court judge is entitled to receive a geographic cost-of-living adjustment, based on the location of his primary office assignment, equal to 3.5 per cent of the judge's annual salary times the number of pay step increases provided under AS 39.27.020 for a state employee working in the same election district in those districts for which AS 39.27.020 specifies zero-to-five pay step increases. In an election district for which AS 39.27.020 specifies more than five pay steps, the number of pay step increases under this section is limited to five. Any retirement benefits to which a district court judge may be entitled shall be computed only on the annual salary. (§ 17 ch 184 SLA 1959; am § 1 ch 66 SLA 1962; am § 1 ch 64 SLA 1963; am § 3 ch 24 SLA 1966; am § 1 ch 137 SLA 1966; am § 5 ch 83 SLA 1967; am § 3 ch 101 SLA 1969; am § 3 ch 193 SLA 1970; am § 1 ch 78 SLA 1971; am § 1 ch 188 SLA 1972; am §§ 3, 4 ch 34 SLA 1974; am § 3 ch 205 SLA 1975; am §§ 4, 5 ch 148 SLA 1976; am § 1 ch 196 SLA 1976; am § 5 ch 263 SLA 1976; am § 6 ch 80 SLA 1978; am §§ 5, 20 ch 3 SLA 1980)

Revisor's notes. — Subsection (b) of AS 22.15.220 was amended by both § 5, ch. 148, SLA 1976, and § 1, ch. 196, SLA 1976. Since the two amendments appear to be inconsistent, and ch. 148 is superseded by ch. 196, only the later enactment has been given effect here.

Cross references. — See Rule 34, Rules Governing Administration of All Courts.

Effect of amendments. — The 1978 amendment added subsection (d).

Section 5, ch. 3, SLA 1980, retroactive to January 1, 1979, and applicable to calendar year 1979, in subsection (a), substituted "The annual salary for each district judge is \$49,000, payable monthly in 12 equal installments" for the former provisions, which read: "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." Section 20 of ch. 3, retroactive to January 1, 1980, substituted "The monthly salary for each district judge is equal to Step C, Range 26 of the salary schedule in AS 39.29.011(a) for Juneau, Alaska" for the provisions substituted by § 5 of ch. 3.

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

Chapter 205, SLA 1975, which amended this section, was submitted to the voters by referendum and was rejected.

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Article 3. Compensation of Legislators.

Section

100. Annual salary of legislators
110. Additional allowances

Section

120. Method of payment
130. Legislative transportation

Sec. 24.10.100. Annual salary of legislators. The annual salary for each member of the legislature is \$46,800. 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. (§ 2 ch 26 SLA 1961; am § 1 ch 149 SLA 1966; am § 9 ch 193 SLA 1970; am § 6 ch 148 SLA 1976; am § 7 ch 263 SLA 1976; am §§ 14, 28 ch 3 SLA 1980; am § 2 ch 83 SLA 1983; am § 1 ch 87 SLA 1985)

Revisor's notes. — Formerly AS 24.15.020. Renumbered in 1985.

Effect of amendments. — The 1983 amendment substituted "Range 22" for "Range 10" in the first sentence.

The 1985 amendment, effective July 16, 1985, in the first sentence substituted "annual" for "monthly" and "\$46,800" for "equal to Step A, Range 22 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska."

Editor's notes. — Chapter 205, SLA 1975, which amended this section, was submitted to the voters by referendum and was rejected, effective October 14, 1976.

Opinions of attorney general. — It is impossible for a newly appointed member of the legislature to receive salary until he is sworn in as a member of the legislature pursuant to AS 24.05.170. 1959 Op. Att'y Gen., No. 20.

Collateral references. — 72 Am. Jur. 2d, States, Territories, and Dependencies, § 56.

81A C.J.S., States, § 46.

Per diem compensation of members and officers of legislature, 1 ALR 286.

Illegal election or appointment as affecting right to salary, 7 ALR 1682.

Sec. 24.10.110. 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. (§ 3 ch 26 SLA 1961; am § 1 ch 8 SLA 1970; am § 10 ch 193 SLA 1970; am § 8 ch 263 SLA 1976)

Revisor's notes. — Formerly AS 24.15.030. Renumbered in 1985.

Editor's notes. — AS 39.23, referred to

in this section, was repealed by sec. 37, ch. 3, SLA 1980.

Sec. 24.10.120. Method of payment. Salaries and additional allowances for members of the legislature shall be paid by warrants drawn on vouchers approved by the legislative fiscal officer. (§ 4 ch 26 SLA 1961; am § 3 ch 83 SLA 1983)

Revisor's notes. — Formerly AS 24.15.040. Renumbered in 1985.

Effect of amendments. — The 1983

amendment deleted "per diem" following "Salaries" at the beginning of the section.

(a) A lessee of a remote parcel elects shall be considered mit. ning in this chapter te parcels under AS

visions. 18.95.050.]

Alaska Statutes

Title 39. Public Officers and Employees.

Chapter

- 05. Qualifications, Appointment, and Tenure (§§ 39.05.055, 39.05.-060)
- 20. Compensation and Allowances (§§ 39.20.010, 39.20.030, 39.20.-245, 39.20.310)
- 25. State Personnel Act (§§ 39.25.110, 39.25.120)
- 27. Pay Plan for State Employees (§ 39.27.011)
- 35. Public Employees' Retirement System of Alaska (§§ 39.35.155, 39.35.157)
- 50. Conflict of Interest (§§ 39.50.145, 39.50.150, 39.50.200)

Chapter 05. Qualifications, Appointment, and Tenure.

Section

- 55. Staggered initial terms
- 60. Appointment, qualifications, and terms of office of members of

departmental boards, councils, or commissions

Sec. 39.05.055. Staggered initial terms. The terms of the initially appointed members of a board, commission, council or other multi-member body that will have a continuing existence shall be set by the governor as follows:

- (1) in the case of three-member boards, for one, two and three years;
- (2) in the case of four-member boards, for one, two, three and four years;
- (3) in the case of five-member boards, for one, two, three, four and five years;
- (4) in the case of six-member boards, two members serve for one year, two for two years, and two for three years;
- (5) in the case of seven-member boards, two members serve for one year, two for two years, and three for three years;
- (6) in the case of eight-member boards, two members serve for one year, two for two years, two for three years, and two for four years;
- (7) in the case of nine-member boards, three members serve for one year, three for two years, and three for three years;
- (8) in the case of 10-member boards, two members serve for one year, two for two years, two for three years, two for four years, and two for five years. (§ 55 ch 21 SLA 1985)

Section

- 50. Exclusive compensation
- 60. Exclusion of governor and lieutenant governor from personnel laws
- 70. Subsequent legislation relating to AS 39.20.050 and 39.20.060

Section

- 80. Salary of executive department head and deputy
- 90. Salaries and expenses

Revisor's "secretary of lieutenant

Sec. 39.20.010. Monthly salary of governor. The monthly salary of the governor is equal to Step F, Range 30 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska. (§ 1 ch 39 SLA 1959; am § 1 ch 115 SLA 1965; am § 4 ch 101 SLA 1969; am § 4 ch 193 SLA 1970; am § 5 ch 34 SLA 1974; am § 7 ch 148 SLA 1976; am § 9 ch 263 SLA 1976; am § 6 ch 3 SLA 1980; am § 21 ch 3 SLA 1980)

Collateral references. — 63 Am. Jur. 2d, Public Officers and Employees, §§ 5, 360-413.
67 C.J.S., Officers, § 218 et seq.

Sec. 39.20.020. Date of entitlement of governor's salary. The governor is entitled to receive the salary established for the office effective from the date on which the oath of office is taken by the governor. (§ 2 ch 39 SLA 1959)

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. (§ 1 ch 40 SLA 1959; am § 2 ch 115 SLA 1965; am § 1 ch 123 SLA 1967; am § 5 ch 101 SLA 1969; am § 5 ch 193 SLA 1970; am § 6 ch 34 SLA 1974; am § 8 ch 148 SLA 1976; am § 10 ch 263 SLA 1976; am § 7 ch 3 SLA 1980; am § 22 ch 3 SLA 1980)

Revisor's notes. — In this section the 1970 Alaska constitutional amendment (SJR 2) changing the designation of "secretary of state" has been changed to "lieutenant governor" in conformity with that office.

Sec. 39.20.040. Date of entitlement of lieutenant governor's salary. The lieutenant governor is entitled to receive the salary established for the office effective from the date on which the oath of office is taken by the lieutenant governor. (§ 2 ch 40 SLA 1959)

Revisor's notes. — In this section the 1970 Alaska constitutional amendment (SJR 2) changing the designation of "secretary of state" has been changed to "lieutenant governor" in conformity with that office.

Sec. 39.20.050. Exclusive compensation. The compensation fixed by law for the governor and lieutenant governor is in full for all services rendered by each of them in any official capacity or employment whatsoever during their respective terms of office, and shall be paid throughout their respective terms of office unless the office becomes vacant. (§ 1 ch 160 SLA 1960)

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Revisor's notes. — In this section the 1970 Alaska constitutional amend-
"secretary of state" has been changed to ment (SJR 2) changing the designation of
"lieutenant governor" in conformity with that office.

Sec. 39.20.060. Exclusion of governor and lieutenant governor from personnel laws. Notwithstanding the provisions of any other law, the governor and lieutenant governor are not considered employees of the state for the purpose of state personnel laws relating to hours of employment, annual leave, sick leave, overtime, compensatory time, and travel allowances. Nothing in this section shall be construed to deprive the governor and lieutenant governor of the right to participate in the state retirement system or in state group insurance plans. (§ 2 ch 160 SLA 1960)

Revisor's notes. — In this section the 1970 Alaska constitutional amend-
"secretary of state" has been changed to ment (SJR 2) changing the designation of
"lieutenant governor" in conformity with that office.

Sec. 39.20.070. Subsequent legislation relating to AS 39.20.050 and 39.20.060. AS 39.20.050 and 39.20.060 are not superseded or modified by any subsequent legislation except to the extent that the legislation does so expressly. (§ 3 ch 160 SLA 1960)

Sec. 39.20.080. Salary of executive department head and deputy. (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.

(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.

(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 the executive's tenure in office. (§ 1 ch 105 SLA 1959; am § 1 ch 128 SLA 1962; am § 3 ch 115 SLA 1965; am § 1 ch 156 SLA 1966; am § 2 ch 123 SLA 1967; am § 6 ch 101 SLA 1969; am § 6 ch 193 SLA 1970; am § 37 ch 71 SLA 1972; am § 7 ch 34 SLA 1974; am § 9 ch 148 SLA 1976; am § 11 ch 263 SLA 1976; am §§ 8, 9, 15, 23, 24 ch 3 SLA 1980)

Effect of amendments. — Section 8, ch. 3, SLA 1980, retroactive to January 1, 1979, and applicable to calendar year 1979, in subsection (a), substituted "The annual salary of the head of each principal executive department of the state is \$57,500, payable monthly in 12 equal installments" for the former provisions, which read: "The annual salary of the head of each principal executive department of

the state shall be prescribed in accordance with AS 39.23."

Section 23 of ch. 3, retroactive to January 1, 1980, substituted "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" for the material substituted by § 8 of ch. 3.

Section 9, ch. 3, SLA 1980, retroactive to

January 1, 1979, in subsection (b), substituted "The annual salary of a deputy head of a principal executive department of the state is \$52,500, payable monthly in 12 equal installments" for the former provisions, which read: "The salary of the deputy head of each principal executive department of the state shall be prescribed in accordance with AS 39.23." Section 24 of ch. 3, retroactive to January 1, 1980, substituted "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" for the material substituted by § 9 of ch. 3.

Section 15, ch. 3, SLA 1980, added subsection (c).

Editor's notes. — Chapter 205, SLA 1975, which amended this section, was submitted to the voters by referendum and was rejected.

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Sec. 39.20.090 Salaries and expenses. The salaries and expenses of officers, boards, commissions, and bureaus established by the laws of the state shall be paid from appropriations made for that purpose, as other expenses of the state are paid. (§ 11-3-8 ACLA 1949)

Sec. 39.20.100. Fees, mileage or compensation. [Repealed, § 75 ch 59 SLA 1982.]

Article 2. Travel Regulations.

Section	Section
110. Per diem allowance	180. Transportation and per diem expenses for members of boards, commissions, etc.
120. Allowable expenses	
130. Mileage allowance	185. State employees who are members of certain boards
140. Travel costs and travel outside the state	190. Definitions
150. Advances and recovery	
160. Regulations	
170. Construction of AS 39.20.110 — 39.20.170	

Sec. 39.20.110. Per diem allowance. Officials and employees of the state agencies, while traveling on official business and away from their designated post of duty, shall be allowed, instead of their actual expenses for subsistence and all fees or tips, a per diem allowance to be prescribed by the commissioner of administration under the regulatory authority set out in AS 39.20.160, and in consultation with the head of the agency concerned. (§ 4 ch 60 SLA 1957; am § 1 ch 99 SLA 1960; am § 1 ch 105 SLA 1970; am § 10 ch 47 SLA 1974)

NOTES TO DECISIONS

Cited in Laborers & Hod Carriers Local (File Nos. 1435, 1459), 494 P.2d 808 341 v. Groothuis, Sup. Ct. Op. No. 773 (1972).

Collateral references. — 63 Am. Jur. 2d, Public Officers and Employees, §§ 389, 390.

67 C.J.S., Officers, § 225. Per diem compensation, 1 ALR 276. Power to appropriate public money for

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
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LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

February 12, 1986

SUBJECT: CSHB 454 (Finance)
(State Officers Compensation Commission)

TO: Representative Rick Uehling

FROM: Teresa B. Cramer *TBC*
Legislative Counsel

You have asked for an explanation of when the first final report of the State Officers Compensation Commission would take effect assuming that CS HJR 54 (Finance) and CSHB 454 (Finance) are enacted into law.

Section 2 of the bill amends AS 39.23.240(c) (which is enacted by section 1 of the bill) by adding the following language.

A recommendation has the force of law and becomes effective on the first day of the next regular legislative session unless rejected by a concurrent resolution adopted by two-thirds of the members in each house of the legislature.

Section 14 of the bill enacts temporary law which requires the commission to submit its first final report to the legislature by January 10, 1987.

The First Session of the Fifteenth Legislature will begin after that date. Therefore, the first final report will take effect on the first day of the Fifteenth Legislature, which will be January 19, the third Monday of that month.

If I may be of further assistance, please advise.

TC:csh
c5/070

(a) A lessee of a remote parcel elects shall be considered mit. hng in this chapter te parcels under AS

visions. 18.95.050.]

Alaska Statutes

Title 39. Public Officers and Employees.

Chapter

- 05. Qualifications, Appointment, and Tenure (§§ 39.05.055, 39.05.-060)
- 20. Compensation and Allowances (§§ 39.20.010, 39.20.030, 39.20.-245, 39.20.310)
- 25. State Personnel Act (§§ 39.25.110, 39.25.120)
- 27. Pay Plan for State Employees (§ 39.27.011)
- 35. Public Employees' Retirement System of Alaska (§§ 39.35.155, 39.35.157)
- 50. Conflict of Interest (§§ 39.50.145, 39.50.150, 39.50.200)

Chapter 05. Qualifications, Appointment, and Tenure.

Section

- 55. Staggered initial terms
- 60. Appointment, qualifications, and terms of office of members of

departmental boards, councils, or commissions

Sec. 39.05.055. Staggered initial terms. The terms of the initially appointed members of a board, commission, council or other multi-member body that will have a continuing existence shall be set by the governor as follows:

- (1) in the case of three-member boards, for one, two and three years;
- (2) in the case of four-member boards, for one, two, three and four years;
- (3) in the case of five-member boards, for one, two, three, four and five years;
- (4) in the case of six-member boards, two members serve for one year, two for two years, and two for three years;
- (5) in the case of seven-member boards, two members serve for one year, two for two years, and three for three years;
- (6) in the case of eight-member boards, two members serve for one year, two for two years, two for three years, and two for four years;
- (7) in the case of nine-member boards, three members serve for one year, three for two years, and three for three years;
- (8) in the case of 10-member boards, two members serve for one year, two for two years, two for three years, two for four years, and two for five years. (§ 55 ch 21 SLA 1985)

Effective dates. — Section 19, ch. 21, May 10, 1985, in accordance with AS SLA 1985, makes this section effective 01.10.070(c).

Sec. 39.05.060. Appointment, qualifications, and terms of office of members of departmental boards, councils, or commissions. (a) Each member of the following shall be a citizen of the United States:

- (1) Local Boundary Commission;
- (2) Alcoholic Beverage Control Board;
- (3) Employment Security Advisory Council;
- (4) Alaska State Housing Authority;
- (5) Board of Fisheries;
- (6) Board of Tourism;
- (7) *[Repealed, § 72 ch 59 SLA 1982.]*
- (8) *[Repealed, § 36 ch 124 SLA 1975.]*

(9) the Governor's Commission on the Involvement of Young People in Government;

- (10) Board of Game.

(b) The governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge and ability in the field of action of the department for which appointed, and with a view to providing diversity of interest and points of view in the membership. Appointments are subject to confirmation by a majority of the members of the legislature in joint session.

(c) *[Repealed, § 56 ch 21 SLA 1985.]*

(d) A vacancy occurring during a term of office is filled in the same manner as the original appointment is made and for the balance of the unexpired term. Each member holds office at the pleasure of the governor notwithstanding the member's term. (§ 6 ch 64 SLA 1959; am § 2 ch 34 SLA 1960; am § 2 ch 89 SLA 1964; am § 2 ch 90 SLA 1967; am § 10 ch 96 SLA 1967; am § 1 ch 107 SLA 1969; am § 30 ch 46 SLA 1970; am § 2 ch 121 SLA 1971; am § 36 ch 124 SLA 1975; am §§ 34-36 ch 206 SLA 1975; am § 72 ch 59 SLA 1982; am §§ 56, 57 ch 21 SLA 1985)

Effect of amendments. — The 1985 amendment, effective May 10, 1985, repealed subsection (c), concerning initial appointments of board or commission

members, and deleted "Initial terms date from February 1 before appointment." at the beginning of subsection (d).

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Article

- 1. Salaries (§§ 3
- 2. Leaves of Abs.

Section

- 10. Annual salar
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- 245. Donation of h
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Section

- 50. Exclusive compensation
- 60. Exclusion of governor and lieutenant governor from personnel laws
- 70. Subsequent legislation relating to AS 39.20.050 and 39.20.060

Section

- 80. Salary of executive department head and deputy
- 90. Salaries and expenses

Sec. 39.20.010. Monthly salary of governor. The monthly salary of the governor is equal to Step F, Range 30 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska. (§ 1 ch 39 SLA 1959; am § 1 ch 115 SLA 1965; am § 4 ch 101 SLA 1969; am § 4 ch 193 SLA 1970; am § 5 ch 34 SLA 1974; am § 7 ch 148 SLA 1976; am § 9 ch 263 SLA 1976; am § 6 ch 3 SLA 1980; am § 21 ch 3 SLA 1980)

Collateral references. — 63 Am. Jur. 2d, Public Officers and Employees, §§ 5, 360-413.
67 C.J.S., Officers, § 218 et seq.

Sec. 39.20.020. Date of entitlement of governor's salary. The governor is entitled to receive the salary established for the office effective from the date on which the oath of office is taken by the governor. (§ 2 ch 39 SLA 1959)

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. (§ 1 ch 40 SLA 1959; am § 2 ch 115 SLA 1965; am § 1 ch 123 SLA 1967; am § 5 ch 101 SLA 1969; am § 5 ch 193 SLA 1970; am § 6 ch 34 SLA 1974; am § 8 ch 148 SLA 1976; am § 10 ch 263 SLA 1976; am § 7 ch 3 SLA 1980; am § 22 ch 3 SLA 1980)

Revisor's notes. — In this section the 1970 Alaska constitutional amendment (SJR 2) changing the designation of "secretary of state" has been changed to "lieutenant governor" in conformity with that office.

Sec. 39.20.040. Date of entitlement of lieutenant governor's salary. The lieutenant governor is entitled to receive the salary established for the office effective from the date on which the oath of office is taken by the lieutenant governor. (§ 2 ch 40 SLA 1959)

Revisor's notes. — In this section the 1970 Alaska constitutional amendment (SJR 2) changing the designation of "secretary of state" has been changed to "lieutenant governor" in conformity with that office.

Sec. 39.20.050. Exclusive compensation. The compensation fixed by law for the governor and lieutenant governor is in full for all services rendered by each of them in any official capacity or employment whatsoever during their respective terms of office, and shall be paid throughout their respective terms of office unless the office becomes vacant. (§ 1 ch 160 SLA 1960)

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Revisor's notes. — In this section the 1970 Alaska constitutional amendment (SJR 2) changing the designation of "secretary of state" has been changed to "lieutenant governor" in conformity with that office.

Sec. 39.20.060. Exclusion of governor and lieutenant governor from personnel laws. Notwithstanding the provisions of any other law, the governor and lieutenant governor are not considered employees of the state for the purpose of state personnel laws relating to hours of employment, annual leave, sick leave, overtime, compensatory time, and travel allowances. Nothing in this section shall be construed to deprive the governor and lieutenant governor of the right to participate in the state retirement system or in state group insurance plans. (§ 2 ch 160 SLA 1960)

Revisor's notes. — In this section the 1970 Alaska constitutional amendment (SJR 2) changing the designation of "secretary of state" has been changed to "lieutenant governor" in conformity with that office.

Sec. 39.20.070. Subsequent legislation relating to AS 39.20.050 and 39.20.060. AS 39.20.050 and 39.20.060 are not superseded or modified by any subsequent legislation except to the extent that the legislation does so expressly. (§ 3 ch 160 SLA 1960)

Sec. 39.20.080. Salary of executive department head and deputy. (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.

(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.

(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 the executive's tenure in office. (§ 1 ch 105 SLA 1959; am § 1 ch 128 SLA 1962; am § 3 ch 115 SLA 1965; am § 1 ch 156 SLA 1966; am § 2 ch 123 SLA 1967; am § 6 ch 101 SLA 1969; am § 6 ch 193 SLA 1970; am § 37 ch 71 SLA 1972; am § 7 ch 34 SLA 1974; am § 9 ch 148 SLA 1976; am § 11 ch 263 SLA 1976; am §§ 8, 9, 15, 23, 24 ch 3 SLA 1980)

Effect of amendments. — Section 8, ch. 3, SLA 1980, retroactive to January 1, 1979, and applicable to calendar year 1979, in subsection (a), substituted "The annual salary of the head of each principal executive department of the state is \$57,500, payable monthly in 12 equal installments" for the former provisions, which read: "The annual salary of the head of each principal executive department of

the state shall be prescribed in accordance with AS 39.23."

Section 23 of ch. 3, retroactive to January 1, 1980, substituted "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" for the material substituted by § 8 of ch. 3.

Section 9, ch. 3, SLA 1980, retroactive to

January 1, 1979, in subsection (b), substituted "The annual salary of a deputy head of a principal executive department of the state is \$52,500, payable monthly in 12 equal installments" for the former provisions, which read: "The salary of the deputy head of each principal executive department of the state shall be prescribed in accordance with AS 39.23." Section 24 of ch. 3, retroactive to January 1, 1980, substituted "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" for the material substituted by § 9 of ch. 3.

Section 15, ch. 3, SLA 1980, added subsection (c).

Editor's notes. — Chapter 205, SLA 1975, which amended this section, was submitted to the voters by referendum and was rejected.

Sec. 39.20.090. Salaries and expenses. The salaries and expenses of officers, boards, commissions, and bureaus established by the laws of the state shall be paid from appropriations made for that purpose, as other expenses of the state are paid. (§ 11-3-8 ACLA 1949)

Sec. 39.20.100. Fees, mileage or compensation. [Repealed, § 75 ch 59 SLA 1982.]

Article 2. Travel Regulations.

Section

- 110. Per diem allowance
- 120. Allowable expenses
- 130. Mileage allowance
- 140. Travel costs and travel outside the state
- 150. Advances and recovery
- 160. Regulations
- 170. Construction of AS 39.20.110 — 39.20.170

Section

- 180. Transportation and per diem expenses for members of boards, commissions, etc.
- 185. State employees who are members of certain boards
- 190. Definitions

Sec. 39.20.110. Per diem allowance. Officials and employees of the state agencies, while traveling on official business and away from their designated post of duty, shall be allowed, instead of their actual expenses for subsistence and all fees or tips, a per diem allowance to be prescribed by the commissioner of administration under the regulatory authority set out in AS 39.20.160, and in consultation with the head of the agency concerned. (§ 4 ch 60 SLA 1957; am § 1 ch 99 SLA 1960; am § 1 ch 105 SLA 1970; am § 10 ch 47 SLA 1974)

NOTES TO DECISIONS

Cited in *Laborers & Hod Carriers Local 341 v. Groothuis*, Sup. Ct. Op. No. 773 (File Nos. 1435, 1459), 494 P.2d 808 (1972).

Collateral references. — 63 Am. Jur. 2d, *Public Officers and Employees*, §§ 389, 390.

67 C.J.S., *Officers*, § 225. Per diem compensation, 1 ALR 276. Power to appropriate public money for

expenses of constitutional 1238; 60 ALR Public offi respect of mi incident to du represented n him, 81 ALR

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