

HJR

72

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. HJR 72

Revision Date: \_\_\_\_\_  
Title: Amendment to the Constitution RE: Compensation of Members of the Legislature.  
Sponsor: Representative Gruenberg  
Requestor: House State Affairs

Department Affected: Office of the Governor-Elections  
BRU: Division of Elections  
Component: II-Primary and General Elections

COMPONENT SERIAL NO.

0	0	2	2
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	2.2*	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	2.2*	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	2.2*	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	2.2*	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.) \* This figure covers cost of inclusion of information about this issue in the Official Elections Pamphlet as required by AS 15.58, and programming for DataVote counting of votes cast on this measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing an additional ballot card, the fiscal impact would be: 53.4.

Prepared by: Laura A. Blaiser, Projects Coordinator Phone: 465-4611  
Division: Elections Date: 3/19/92

Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
Agency: Office of the Governor

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

# State of Alaska

House Majority Leader

COMMITTEES

HOUSE JUDICIARY

HOUSE RULES

HOUSE STATE AFFAIRS

SPECIAL COMMITTEE

MILITARY AND VET. AFFAIRS

LEGISLATIVE COUNCIL



Representative Max F. Gruenberg, Jr.  
District 11  
Spenard, Upper Midtown Anchorage

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MEMORANDUM

TO: Members of House State Affairs Committee

FROM: Rep. Max Gruenberg

RE: Sponsor Statement HJR 72

DATE: February 25, 1992

I would very much appreciate your support of HJR 72 "Proposing an amendment to the Constitution of the State of Alaska relating to compensation of members of the legislature".

HJR 72 purposes a constitutional amendment, that would establish a Legislative Compensation Board. The board will submit it's recommendations to the first regular session of each legislature, and their recommendations will take effect on the convening of the of the legislature following the next general election unless two thirds of the membership of each house disapproves. If the recommendation of the board is rejected the existing compensation for members continues.

If you have any questions about this bill, please contact Stan Robbins in my office (4968) .

Thank you.



STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 19, 1989

SUBJECT: Legislative pay raises during the current session (Work Order No. 6-1501)

TO: Representative Max Gruenberg

FROM: Richard A. Bradley  
Legislative Counsel *RB*

You have asked that we provide for you an analysis of the constitutions of the other states insofar as they limit the authority of the legislature to raise the compensation of its members during the current legislative session. The provision you describe is relatively common though it comes in various forms.

Certain points should be made about the following analysis. The material is quoted except for the material in brackets. Any provision regarding the time within which a salary change may take effect is stated unless the constitutional source is silent.

The analysis follows; copies of the entire sections from which the quote is taken are enclosed.

(1) Alabama: [Has a constitutional compensation limitation of] ten dollars per day and ten cents per mile [for travel costs]. Art. IV, sec. 49 as amended by Amendment 39 and 57.

(2) Arizona: The legislature shall never [increase or diminish] the compensation of any public officer . . . during his term of office. Art. IV, sec. 17. It is not clear that it applies to the legislature but no other provision found is on point.

(3) Arkansas: [Constitutionally set salary of \$7,500 per annum (President pro tem and Speaker: \$10,000). Per diem, expenses, mileage as set by law.] Art. V, sec. 16 as superseded by Amendment 37 and Amendment 56; only the latter is enclosed.

(4) California: Compensation . . . and reimbursement for travel and living expenses . . . shall be prescribed by statute [enacted by] two thirds of the membership of each house. [An] adjustment of the annual compensation . . . may not exceed an amount equal to 5 percent for each calendar year following the operative date of the last adjustment . . . Any adjustment in compensation may not apply until the commencement of the regular session commencing after the next general election following enactment of the statute. Art. IV, sec. 4.

(5) Colorado: [S]alary and expenses . . . are prescribed by law. No general assembly shall fix its own salary. Members . . . shall receive the same mileage rate permitted for travel as other state employees. Art. V, sec. 6.

(6) Connecticut: The salary . . . and the transportation expenses . . . shall be determined by law. Art. III, sec. 17.

(7) Delaware. [M]embers . . . shall receive an annual salary and an annual expense allowance for transportation and other necessary and proper purposes . . . as the General Assembly shall by law provide. Art. II, sec. 15.

(8) Florida: No provision on point was found.

(9) Georgia: The members . . . shall receive such salary as shall be provided by law, provided that no increase in salary shall become effective prior to the end of the term during which such change is made. Art. III, Sec. IV, Para. VI.

(10) Hawaii: [Legislative salary commission sets compensation.] A change in salary shall not apply to the legislature to which the recommendation . . . was submitted. Art. III, sec. 9.

(11) Idaho: [Compensation set by a citizens committee on legislative compensation. Legislature may reject a recommendation; if that occurs, prior rates remain in effect.] Art. III, sec. 23.

(12) Illinois: A member shall receive a salary and allowance as provided by law, but changes . . . shall not take effect during the term for which he has been elected. Art. IV, sec. 11.

(13) Indiana: [C]ompensation [shall] be fixed by law; but no increase of compensation shall take effect during the session at which such increase may be made. Art. 4, sec. 29.

(14) Iowa: [C]ompensation . . . shall be fixed by law [but doesn't take effect] prior to the convening of the next General Assembly . . . . Art. III, sec. 25.

(15) Kansas: [C]ompensation [shall be] provided by law or . . . determined according to law. Art. 2, sec. 3.

(16) Kentucky: [Apparently set by law:] "Provided, No change shall take effect during the session at which it is made; . . ." Sec. 42.

(17) Louisiana: No provision on point was found.

(18) Maine: [C]ompensation . . . shall be established by law; but no law increasing their compensation shall take effect during the existence of the Legislature, which enacted it. Art. IV, sec. 7.

(19) Maryland: [The state uses a compensation commission.] The General Assembly may reduce or reject, but not increase [its recommendations]. The resolution . . . shall take effect . . . as of the beginning of the term of office of the next General Assembly . . . . Art. III, sec. 15.

(20) Massachusetts: [Does not appear to have law on the subject; art. LXV is not really on point.]

(21) Michigan: [The state uses a compensation commission. The recommendations may be rejected only by a 2/3rds vote. Time of taking effect not specified.] Art. IV, sec. 12.

(22) Minnesota: The compensation . . . shall be prescribed by law. No increase of compensation shall take effect during the period for which the members of the existing house of representatives have been elected. Art IV, sec. 9.

(23) Mississippi: [C]ompensation [shall] be prescribed by law . . . ; but no alteration of such compensation . . . shall take effect during the session at which it is made. Art. IV, sec. 46.

v

(24) Missouri: [Provided by law.] No law . . . shall become effective until the first day of the regular session . . . next following the session at which the law was enacted. [No appropriation is required; only certification by presiding officers, secretary and clerk. Constitutionally established travel expenses of \$1 for each ten miles travelled. Constitutionally established per diem of \$10, subject to variance by law, also without appropriation act.] Art. III, sec. 16.

(25) Montana: [Provided by law.] No legislature may fix its own compensation. Art. V, sec. 5.

(26) Nebraska: [Salary set by the constitution; actual travel expenses authorized.] Members . . . shall receive no pay or perquisites other than . . . salary and expenses . . . Art. III, sec. 7. [May not be] increased or decreased during his term of office [but takes effect at the beginning of the next term of any members elected, even as to members not then reelected.] Art. III, sec. 19.

(27) Nevada: [Compensation shall] be fixed by law . . . but no increase . . . shall take effect during the term for which the members of either house shall have been elected; . . . Art. 4, sec. 33.

(28) New Hampshire: [Compensation is set constitutionally.] Part II, art. 15.

(29) New Jersey: [Compensation shall] be fixed by law [and members may not receive any] other allowance or emolument, directly or indirectly, for any purpose whatever. Art. IV, Sec. IV, Para. 7. [N]o increase or decrease shall be effective until the legislative year following the general election . . . Art. IV, Sec. IV, Para. 8.

(30) New Mexico: [Constitutionally established] per diem [of] not more than \$75 for each day's attendance during each session, as provided by law, and \$.25 for each mile traveled in going to and returning from the seat of government once each session [plus] per diem expenses and mileage for . . . legislative committee [hearings]; and no other compensation, perquisite, or allowance. Art. IV, sec. 10.

(31) New York: Each member . . . shall receive . . . [an] annual salary, to be fixed by law [and] actual traveling expenses . . . Neither the salary of any member nor any other allowance . . . may be increased or diminished during

. . . the term for which he shall have been elected, nor shall he be paid or receive any other extra compensation. Art. III, sec. 6.

(32) North Carolina: [Compensation and allowances shall be] prescribed by law. An increase in the compensation or allowances of members shall become effective at the beginning of the next regular session of the General Assembly following the session at which it was enacted. Art. II, sec. 16.

(33) North Dakota. No constitutional provision was found.

(34) Ohio: [Members shall receive a] fixed compensation, to be prescribed by law, and no other allowance or perquisites, either in the payment of postage or otherwise; and no change in their compensation shall take effect during their term of office. Art. II, sec. 31.

(35) Oklahoma: Members of the legislature receive such compensation as shall be fixed by the Board on Legislative Compensation. \* \* \* No member of the legislature may serve on the Board. [A review of compensation occurs each two years and takes effect] on the 15th day following the succeeding general election. Art. V, sec. 21.

(36) Oregon: The members . . . shall receive for their services a salary to be established and paid in the same manner as the salaries of other elected state officers and employees. [The provision is silent on the effective date.] Art. IV, sec. 29.

(37) Pennsylvania: The members . . . shall receive such salary and mileage for . . . sessions as shall be fixed by law, and no other compensation whatever, whether for service on a committee or otherwise. No member of either House shall during the term for which he may have been elected, receive any increase or salary, or mileage, under any law passed during such term. Art. II, sec. 8.

(38) Rhode Island: [Constitutionally established compensation \$5 per day (\$10 for presiding officers) and mileage of eight cents per mile, presumably each day.] Amendment Art. XI, sec. 1.

(39) South Carolina: [Apparently fixed by law as it provides that when meeting in special session, members receive]

the same compensation as is fixed for the regular session.  
\* \* \* [No] General Assembly shall have the power to increase  
the per diem of its own members. Art. III, sec. 19.

(40) South Dakota: [Members receive for their services the salary fixed by law . . . and five cents for every mile of necessary travel . . . The legislature by a two-thirds vote . . . may fix the salary of . . . members of the legislature [and] determine the effective date thereof and may in its discretion decrease or increase the salary of any officer during his term. Art. III, sec. 6, para 1; art. XXXI, sec. 2.

(41) Tennessee: [Constitutionally established] annual salary of \$1,800 per year . . . and such other allowance for expenses . . . as may be provided by law. [N]o increase or decrease in the amount . . . shall take effect until the next general election for Representatives to the General Assembly . . . Art. II, sec. 23.

(42) Texas: [Constitutionally established] salary of \$600 per month [and] a per diem of \$30 for each day [and] mileage as prescribed by law for employees of the state . . . . Art. III, sec. 24.

(43) Utah: [The legislature shall by law accept, reject, or lower the salary [recommended by a salary commission] but may not, in any event, increase the recommendation. Art. VI, sec. 9.

(44) Vermont: As every freeman, to preserve his independence (if without a sufficient estate) ought to have some profession, calling, trade, or farm, whereby he may honestly subsist, there can be no necessity for, nor use in, establishing offices of profit, the usual effects of which are dependence and servility, unbecoming freemen, in the possessors or expectants, and faction, contention, and discord among the people. But if any man is called into public service to the prejudice of his private affairs, he has the right to a reasonable compensation; and whenever an office through increase of fees or otherwise, becomes so profitable as to occasion many to apply for it, the profit ought to be lessened by the Legislature. And if any officer shall wittingly and willfully, take greater fees than the law allows him, it shall forever after disqualify him from holding any office in this State, until he be restored by act of legislation. Sec. 61 [derived from the 1777 Constitution].

(45) Virginia: The members . . . shall receive such salary and allowance as may be prescribed by law, but no increase in salary shall take effect for a given member until after the term for which he was elected. Art. IV, sec. 5.

(46) Washington: Salaries for members of the legislature [and others] shall be fixed by an independent commission . . . . Any change in salary . . . shall become law ninety days thereafter without action of the legislature or governor, but shall become subject to referendum petition filed within the ninety-day period. After the . . . adoption of the law creating the commission, no amendment [that] alters the composition of the commission is valid unless enacted by a . . . two-thirds [vote] of the members. Art. II, sec. 23, as amended by art. XXVIII. Note that it appears that a subsequent amendment has occurred: The compensation of all elective . . . state . . . officers who do not fix their own compensation, . . . may be increased during their terms of office to the end that such officers . . . shall each severally receive compensation for their services in accordance with the law in effect at the time the services are being rendered. Art. XXX.

(47) West Virginia: [Compensation . . . and . . . allowances shall be . . . established . . . by the [salary] commission . . . and thereafter enacted into general law by the Legislature at a regular session . . . . The Legislature may . . . reduce but not increase [the] compensation or expense allowance [recommended by the commission]. [The legislature provides for the effective date of the change.] Art. VI, sec. 33.

(48) Wisconsin: [C]ompensation of any public officer [may not] be increased or diminished during his term of office. . . . Art. IV, sec. 26.

(49) Wyoming: The compensation of the members of the legislature shall be as provided by law; but no legislature shall fix its own compensation. Art. 3, sec. 6.

BY REP. MARTIN

1 IN THE HOUSE

2

HOUSE JOINT RESOLUTION NO. 60

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

Proposing an amendment to the Constitu-

6

tion of the State of Alaska relating to

7

compensation of members of the legisla-

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ture.

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

10 \* Section 1. Article II, sec. 7, Constitution of the State of Alaska,  
11 is amended to read:

12 SECTION 7. SALARY AND EXPENSES. Legislators shall receive  
13 annual salaries established under this section. The legislature shall  
14 establish by law a Legislative Compensation Board. The Legislative  
15 Compensation Board shall submit its recommendations to the first  
16 regular session of each legislature, and the recommendations take  
17 effect on the convening of the legislature following the next general  
18 election unless disapproved by the vote of two-thirds of the member-  
19 ship of each house. If each house of the legislature rejects a rec-  
20 ommendation of the Legislative Compensation Board, the existing com-  
21 ensation for members of the legislature continues in effect. Legis-  
22 lators [. THEY] may receive a per diem allowance for expenses while  
23 in session and are entitled to travel expenses going to and from  
24 sessions. Presiding officers may receive additional compensation.

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

## Twenty-seventh Amendment Still Kicking Around

Like motherhood and practically any kind of pie, there are a few things almost nobody would argue with. So it is with a proposal to require an election to intervene between the enactment of a congressional pay raise and its actual payout to sitting members of Congress. Every time the Congress wiggles its way through some convoluted process of raising its own pay without being noticed, some faint cries arise and these days so does the 200-year-old proposal.

Back in 1789, the Congress proposed a series of 12 constitutional amendments, of which 10 became the Bill of Rights. The second proposal read, "No law varying the compensation for the services of Senators and Representatives shall take effect, until an election of Representen-

tatives shall have intervened." It was approved in the 18th century by only six states (Delaware, Maryland, North Carolina, South Carolina, Vermont and Virginia), four short of the number then necessary to put it in the Constitution. Although dormant, it lived on through apparent oversight: That early Congress set no deadline for its ratification. It continues to be rediscovered in one state after another with the prompting of a young Texas legislative aide, Gregory Watson, who appears to have made his life's goal getting the thing adopted. Watson writes to legislators all over the country, patiently describing the language of the amendment and its legislative history.

By 1984, when the amendment came to the attention of

this magazine, it had been ratified only by Ohio (in 1873), Wyoming (in 1978) and Maine (1983), and was under consideration in Colorado. To add confusion, the National Archives informed *State Legislatures* that it had no record of any states ratifying the amendment after the first six, an admission that touched off some questions about the disposition of legislative resolutions in general. It turned out that, in some states at least, legislators wishing to give Congress a sense of their concerns weren't getting through too well because nobody ever mailed the resolutions to Washington.

Watson's crusade picked up steam with ratification by nine more states in the next couple of years, and 20 more through 1991. Now all but

15 states have approved the amendment, and only three are needed to add it to the Constitution, if the National Archives has got its records in order.

Last fall a bipartisan group of 35 freshmen congressmen headed by Representative John Boehner of Ohio introduced a resolution urging that any three of the remaining 15 states ratify the amendment. Boehner pointed out that 11 of those 15 have similar amendments applying to their own legislatures already written into their state constitutions. The 15 states that have yet to ratify are Alabama, California, Hawaii, Illinois, Kentucky, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, Pennsylvania, Rhode Island and Washington.

## "Show Me" State Shows Others

Each year, Missourians spend nearly \$10 billion to buy energy to fuel their cars, heat and cool their homes, operate appliances and equipment, and power industries. Most of the money leaves Missouri to boost the economies of other states, and the byproducts of burning fossil fuels contribute to global environmental problems. In its final report, released in January, the Missouri Commission on Global Climate Change and Ozone Depletion said its citizens can make the state stronger economically and environmentally through wiser energy use.

After two years of intensive study, the commission's

report proposes options in 13 areas to reduce the state's contribution to global climate change and ozone loss. Global warming may occur as a result of "greenhouse gas" emissions—principally carbon dioxide—from the burning of fossil fuels in motor vehicles, electrical power plants and other industries. Among the options are a statewide goal to reduce carbon emissions by 20 percent by 2005, energy conservation by utilities, increased education, increased use of carpools and mass transit, energy-efficient building measures, development of renewable energy sources, reforestation and sustainable agriculture techniques.

"If we fail to address Mis-

souri's contribution to these global environmental problems, we will suffer in two ways," says Representative Karen McCarthy, chair of the commission and the House Ways and Means Committee. "We will diminish the quality of life for ourselves and our children, and we will lose the opportunity to benefit economically by becoming a leader in the response to these problems."

McCarthy expressed satisfaction that the members of the commission have compiled a "thoughtful, realistic set of options to guide Missouri's long-range energy future."

"This blueprint can help us achieve economic and en-

vironmental benefits," McCarthy says. "Other states already have begun to look at our example."

Why should Missouri be concerned with global warming? When ranked with all of the states and 191 nations, Missouri places 47th in the world in total carbon emissions. Among the states, Missouri ranks 18th as a generator of atmospheric carbon dioxide and 27th in the industrial release of ozone-depleting chemicals.

To obtain a copy of the Missouri Commission's report, call Representative Karen McCarthy's office at (314) 751-2723, or the Missouri House Research Office at (314) 751-2979.