

**HB**

**349**

# ALASKA STATE LEGISLATURE

REPRESENTATIVE BRUCE WEYHRAUCH



ALASKA  
STATE CAPITOL  
JUNEAU, ALASKA  
99801-1182

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## SPONSOR STATEMENT

House Bill 349 creates a commission that will make recommendations regarding legislative pay. It does not raise salaries of legislators, but does provide an increase for the Speaker of the House and President of the Senate from \$500 per year to \$500 per month.

Current state statute provides for a commission, but such a commission has never been implemented due to language that ties the statutes to a constitutional change. House Bill 349 simplifies current law and establishes a process by which legislative salaries may be determined. This commission will be called the Citizens' Commission on Legislative Salary and Benefits and will consist of six individuals; three Alaskans appointed by the President of the Senate, and three Alaskans appointed by the Speaker of the House of Representatives. This commission will meet at least once every two years and compile a report of its findings and recommendations. This report will be made available during the first ten days of a regular legislative session. If this report is neither amended nor rejected after a period of 90 days, the policies within the report shall take effect.

By establishing a Citizens' Commission on Legislative Salary and Benefits, we are instituting a process through which legislative pay may be assessed and changes implemented. House Bill 345 will improve upon the current statutes that have been too problematic to put into practice and clarify the procedures that shall be used in this matter.

24-LS1391\L  
Wayne  
1/25/06

CS FOR HOUSE BILL NO. 349( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

*Final report will be sent to leg council  
and the public*

Sponsor(s): REPRESENTATIVE WEYHRAUCH

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to legislator salary and benefits; establishing the Citizens' Commission  
2 on Legislative Salary and Benefits and defining its powers and duties and abolishing the  
3 State Officers Compensation Commission; and providing for an effective date by  
4 repealing secs. 9 and 12, ch. 124, SLA 1986."

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

6 \* Section 1. The uncodified law of the State of Alaska is amended by adding a new section  
7 to read:

8 SHORT TITLE. This Act may be known as the Citizens' Commission on Legislative  
9 Salary and Benefits Act.

10 \* Sec. 2. AS 24.10.100 is amended to read:

11 Sec. 24.10.100. Salary of legislators. Legislators shall receive annual  
12 salaries [THE MONTHLY SALARY FOR EACH MEMBER OF THE  
13 LEGISLATURE IS \$2,001]. The president of the senate and the speaker of the house  
14 of representatives are each entitled to an additional \$500 a month [YEAR] during

1 tenure of office.

2 \* Sec. 3. AS 24.10.101, added by sec. 6, ch. 124, SLA 1986, is repealed and reenacted to  
3 read:

4 **Sec. 24.10.101. Legislative salary and benefits.** The Citizens' Commission on  
5 Legislative Salary and Benefits shall recommend legislative salary and benefits under  
6 AS 39.23.

7 \* Sec. 4. AS 24.10.130(c) is amended to read:

8 (c) The Alaska Legislative Council shall adopt a per diem policy and a  
9 policy applicable to all legislators regarding allowances and the reimbursement of  
10 [FOR] moving expenses [APPLICABLE TO ALL LEGISLATORS AND AN  
11 APPLICABLE PER DIEM ALLOWANCE POLICY]. The policies [POLICY] must  
12 set conditions for per diem and for allowances and the reimbursement of [FOR]  
13 moving expenses. The policies must [AND PAYMENT OF PER DIEM AND]  
14 prescribe the amounts of reimbursement adapted to the special needs of the legislative  
15 branch as determined by the council.

16 \* Sec. 5. AS 24.10.130 is amended by adding a new subsection to read:

17 (d) The Alaska Legislative Council shall adopt a policy regarding salary and  
18 benefits for legislators. The policy must be sufficient in scope and detail to give notice  
19 as to how much legislators are paid in salary and the quality and quantity of benefits to  
20 which legislators are entitled.

21 \* Sec. 6. AS 39.23.200(a) is amended to read:

22 (a) The Citizens' Commission on Legislative Salary and Benefits [STATE  
23 OFFICERS COMPENSATION COMMISSION] is established in the legislative  
24 branch of state government. The commission is composed of six [SEVEN]  
25 members, three of whom are appointed by the president of the senate and three of  
26 whom are appointed by the speaker of the house of representatives [APPOINTED  
27 BY THE GOVERNOR SUBJECT TO CONFIRMATION BY A MAJORITY OF  
28 THE LEGISLATURE IN JOINT SESSION]. Members serve for staggered terms of  
29 four years. A [COMMISSION MEMBERSHIP SHALL INCLUDE AT LEAST ONE  
30 BUSINESS EXECUTIVE, ONE REPRESENTATIVE OF A NONPARTISAN  
31 VOTERS' ORGANIZATION, ONE PERSON WITH EXPERIENCE IN PUBLIC

1 ADMINISTRATION, AND ONE REPRESENTATIVE OF A LABOR  
2 ORGANIZATION. EXCEPT AS PROVIDED IN AS 39.05.080(4), A] vacancy shall  
3 be filled for the balance of the unexpired term. A commission member may serve not  
4 [NO] more than two complete consecutive terms. A partial term served by a  
5 member appointed to fill the balance of an unexpired term, if served immediately  
6 before the member is reappointed to serve a full term, is considered to be merged  
7 with the full term so the two periods of service constitute only one term. A  
8 vacancy shall be filled by appointment, as provided in this subsection, within 90  
9 days after the vacancy occurs.

10 \* Sec. 7. AS 39.23.200(b) is amended to read:

11 (b) The commission shall elect a member to chair its meetings. Meetings shall  
12 be called by the chair of the commission. The chair shall also administer the  
13 commission and its budget. A majority of the commission members constitutes a  
14 quorum to transact business. The affirmative vote of four members is required to  
15 approve the commission's recommendations on compensation.

16 \* Sec. 8. AS 39.23.210 is amended to read:

17 Sec. 39.23.210. Qualifications for appointment [PROHIBITIONS  
18 AGAINST STATE OR MUNICIPAL SERVICE]. A member of the commission  
19 shall meet the qualifications of AS 39.05.100 and may not be employed by the state,  
20 including the University of Alaska, serve as a member of another state board,  
21 commission, or authority, or hold elective state or municipal office during membership  
22 on the commission.

23 \* Sec. 9. AS 39.23.230(a) is amended to read:

24 (a) The Alaska Legislative Council [IF REQUESTED BY THE  
25 COMMISSION, THE LEGISLATIVE AFFAIRS AGENCY] shall provide staff for  
26 the commission.

27 \* Sec. 10. AS 39.23.240(a) is amended to read:

28 (a) The commission shall review the salaries and [,] benefits [, AND  
29 ALLOWANCES] of legislators only. The commission shall [MEMBERS OF THE  
30 LEGISLATURE AND] prepare a report on its findings at least once every two years,  
31 but not more frequently than every year. [THE COMMISSION SHALL NOTIFY

1 THE LEGISLATURE THAT THE REPORT IS AVAILABLE.]

2 \* Sec. 11. AS 39.23.240(c) is amended to read:

3 (c) The commission shall prepare its preliminary findings and  
4 recommendations and provide them to the Alaska Legislative Council [FOR THE  
5 COMPENSATION OF STATE OFFICERS] by November 15. The commission shall  
6 give reasonable public notice of its preliminary findings and recommendations, solicit  
7 public comments, and give due regard to the public comments, before submitting a  
8 final report under (d) of this section.

9 \* Sec. 12. AS 39.23.240(d) is amended to read:

10 (d) The commission shall make available to the Alaska Legislative Council a  
11 final report of its findings and recommendations as to an equitable [THE] rate and  
12 form of salary and [COMPENSATION,] benefits [, AND ALLOWANCES] for  
13 legislators [DURING THE FIRST 10 DAYS OF A LEGISLATIVE SESSION].

14 \* Sec. 13. AS 39.23.250, added by sec. 4, ch. 124, SLA 1986, is repealed and reenacted to  
15 read:

16 **Sec. 39.23.250. Alaska Legislative Council action.** (1) The Alaska  
17 Legislative Council may publish the final report made available under  
18 AS 39.23.240(d) and amendments submitted under AS 39.23.240(e) at any time and  
19 may consider adoption of some, none, or all of the commission's recommendations.  
20 Any part of the commission's report not rejected or amended by the Alaska Legislative  
21 Council and any amendment to the report made by the Alaska Legislative Council  
22 under AS 24.10.130 take<sup>s</sup> effect on the first day of the first full month following the  
23 last day of the legislative session in which the final report is issued or the amendment  
24 is passed.

25 (b) The legislature's lawful authority, including the authority to determine the  
26 rate and form of salary and benefits for legislators, is neither delegated nor altered by  
27 this chapter.

28 \* Sec. 14. AS 39.23.260 is amended to read:

29 **Sec. 39.23.260. Policy of the legislature.** It is the policy of the legislature that  
30 the commission recommend [DETERMINE] an equitable rate and form of salary  
31 and [COMPENSATION,] benefits [, AND ALLOWANCES] for legislators.

1 \* **Sec. 15.** AS 39.23.270 is amended to read:

2           **Sec. 39.23.270. Administrative Procedure Act.** [THE REGULATION-  
3           MAKING PROVISIONS OF] AS 44.62 (Administrative Procedure Act) does [DO]  
4           not apply to [PROCEEDINGS OF] the commission.

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

6           **Sec. 39.23.280. Benefits that are excluded from commission's**  
7           **consideration.** In this chapter, the term "benefit" does not include additional  
8           compensation paid under AS 24.10.100 to presiding officers. salary, per diem,  
9           allowances, or reimbursement of moving expenses.

10 \* **Sec. 17.** AS 39.23 is amended by adding a new section to read:

11           **Sec. 39.23.295. Definitions.** In this chapter,

12                   (1) "commission" means the Citizens' Commission on Legislative  
13           Salary and Benefits;

14                   (2) "salary" means the annual salary of legislators and does not include  
15           additional compensation paid under AS 24.10.100 to presiding officers, benefits, per  
16           diem, allowances, or reimbursement of moving expenses.

17 \* **Sec. 18.** AS 39.23.200(e), 39.23.230(b), 39.23.240(b), 39.23.240(f), and 39.23.400 are  
18 repealed.

19 \* **Sec. 19.** Section 5, ch. 124, SLA 1986, is repealed.

20 \* **Sec. 20.** The uncodified law of the State of Alaska is amended by adding a new section to  
21 read:

22           **INITIAL APPOINTMENTS AND TERMS; FIRST MEETING.** (a) The initial  
23 members of the Citizens' Commission on Legislative Salary and Benefits who are first  
24 appointed under this Act shall be appointed within 90 days after the effective date of this Act,  
25 and, notwithstanding AS 39.23.200(a), as amended by sec. 6 of this Act, the terms of the  
26 members of the commission are as follows:

- 27                   (1) one member shall serve a one-year term;  
28                   (2) two members shall serve two-year terms;  
29                   (3) two members shall serve three-year terms;  
30                   (4) one member shall serve a four-year term.

31           (b) Notwithstanding AS 39.23.200(b), as amended by sec. 7 of this Act, the first

1 meeting of the commission shall be called by the chair of the Alaska Legislative Council.

2 \* Sec. 21. The uncodified law of the State of Alaska is amended by adding a new section to  
3 read:

4 CONTINUATION OF CURRENT LEGISLATORS' SALARIES. The monthly salary  
5 for each member of the legislature is \$2,001 until the State of Alaska payroll administration  
6 implements a different monthly payment of annual salary in its place based on adoption of a  
7 policy by the Alaska Legislative Council under AS 24.10.130(d), added by sec. 5 of this Act,  
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9 \* Sec. 22. Sections 9 and 12, ch. 124 SLA 1986, giving delayed contingent effect to certain  
10 provisions of AS 24.10 and AS 39.23. are repealed.

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Wayne  
2/8/06

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**Offered:  
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12 salaries [THE MONTHLY SALARY FOR EACH MEMBER OF THE  
13 LEGISLATURE IS \$2,001]. The president of the senate and the speaker of the house  
14 of representatives are each entitled to an additional \$500 a month [YEAR] during

P. 4	C. 17	<u>May + June</u>
		↑
	C. 13	<u>1st 30 days</u>
		↑

Current Statute sets up a commission  
 w/ executive branch members (unconstituted)  
 Now being implemented  
 Article 2 Sec. 7 - legislators shall receive  
~~and salaries~~

1 tenure of office.

2 \* Sec. 3. AS 24.10.101, added by sec. 6, ch. 124, SLA 1986, is repealed and reenacted to  
3 read:

4 **Sec. 24.10.101. Legislative salary and benefits.** The Citizens' Commission on  
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SITE:  
 COMMITTEE:  
 DATE:

SUBJECT OF MEETING:  
**BILL # 349**  
 UPDATE #:

All Salaries Subject to Funds  
 No objection to board  
 Re  
 Tupper Commission members/leg. council.  
 lines 13-14 (p. 1)  
 Sec. 4 notes that U  
 or who Sec. 10  
 My work with all on commission still also  
 re the disapproval of DO YOU WANT if no  
 Leg. Council  
 TESTIFY be advised  
 Y or N (sign)

1. Bump in Salaries "Not receive elected capital  
 Duty from + services"

PRINT YOUR NAME COMMUNITY REPRESENTING/AFFILIATION TESTIFY

DAN Wayne		Leg legal	?s
#2 → find report on Citrus Commission - make public to leg. council			
Agenda line 10 - "not" to public and			
Elle: "Demand not proposed" → what Commission members			
Elle:			
<u>Adopt #2</u>			
Agenda #1: Green yes -			
<u>Elle</u> - No		Ad #1 / who presentation 1985	
Ignor - No			
Re			
Govt yes -			
Send			
Gotta - yes -			

Gardner: all salaries shall go through same process

"Delete provision daily vs/attached salary"

BUMP for President/Speaking via Commission - leg. council

Werner: strike line 13 - line 14 that refer

to section 4

add sentence in section 10 "cannot still determine if there is to be additional cap" etc

Gotta "line 19" may check on cabinet to add it

Gardner

★ → Conceptual Amend: 1  
"Council"

considered by commission <sup>determined</sup> about by leg.

Object

→ Lynn → press (No.)  
Farms - Not

→ Gardner - Yes  
Grun - Not present

Elle - No

Chas - N-T

→ Lynn - No

→ Gotta - Yes

Elle: we shall determine our advice so we shall determine  
→ Conceptual to put issue before leg. council  
Amend fails

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 349  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Legislature  
 Title "An act relating to legislator salary and BRU Legislative Council  
benefits; establishing the Citizens' Commission..." Component: Council and Subcommittees  
 Sponsor Representative Weyhrauch  
 Requestor House State Affairs Component No. 783

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2010	FY 2011
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	15.0	10.0	15.0	10.0	15.0	10.0
Contractual	5.0	2.5	5.0	2.5	5.0	2.5
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>20.0</b>	<b>12.5</b>	<b>20.0</b>	<b>12.5</b>	<b>20.0</b>	<b>12.5</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	20.0	12.5	20.0	12.5	20.0	12.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>20.0</b>	<b>12.5</b>	<b>20.0</b>	<b>12.5</b>	<b>20.0</b>	<b>12.5</b>

Estimate of any current year (FY2006) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

HB 349 establishes a six member Citizens' Commission on Legislative Salary and Benefits. The members are appointed by the Senate President and the House Speaker. They serve staggered terms of four years. This Commission shall review salaries and benefits of Legislators and submit a report and recommendations for equitable rate and form of compensation to the Alaska Legislative Council every two years, but not more frequently than every year. The Legislative Council may adopt or reject the Commission recommendations or the recommendations may become final under AS 24.10.130 within 90 days from receipt of the report. This fiscal note includes funds for travel and contractual expenses of the Commission. The funds will be under the authority of the Commission. Legislative Council will absorb the cost of staffing the Commission. Costs for the report and for teleconferences will be absorbed within LAA budgets. This fiscal note includes funding for each fiscal year as the Commission may perform work each year.

Prepared by: Karla Schofield, Deputy Director Phone 465-6626  
 Division Administrative Services Date/Time 1/25/06 5:36 PM  
 Approved by: Pamela Varni, Executive Director Date 1/25/2006  
 Agency Legislative Affairs Agency

# LEGAL SERVICES


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## MEMORANDUM

January 3, 2006

**SUBJECT:** Sectional Summary (Work Order No. 24-LS1391NF)  
**TO:** Representative Bruce Weyhrauch  
**FROM:** Dan Wayne   
Legislative Counsel

You have requested a sectional summary of a House Bill identified by Work Order Number 24-LS1391NF, which proposes creation of the Citizens' Commission on Legislative Salary and Benefits. Preliminarily, the best source of information about the contents of a bill is the bill itself; however, I have summarized it section by section below:

Section 1. *Sher. Title.* This section boils the main title down into "The Citizens' Commission on Legislative Salary and Benefits Act."

Section 2. *Salary of Legislators.* The first sentence is a quotation from Article II, Section 7, of the Alaska Constitution. The second sentence changes the extra pay for the president of the senate and the speaker of the house from \$500.00 per month to \$500.00 per year.

Section 3. *Legislative compensation and allowances.*<sup>1</sup> Section 3 says the commission shall recommend legislative salary and benefits under AS 39.23. The existing law it would repeal says: "The State Officers Compensation Commission shall set the compensation of legislators under AS 39.23." (The existing law passed in 1986 but has not gone into effect because a constitutional amendment must first occur for it to become effective, therefore there has never been an appointment to the State Officers Compensation Commission created in 1986 and the commission has never met).

Section 4. *Per Diem and Allowances.* This section is amended for more precise wording and to add the term "allowances." It says the Alaska legislative council shall adopt policies on per diem and allowances, adapted to the special needs of the legislative branch as determined by the Alaska legislative council. The existing section refers to moving expenses, but not allowances. ("Allowances" encompasses "moving expenses," but "moving expenses" does not necessarily encompass "allowances.")

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<sup>1</sup> I suggest, to fix my drafting error, re-titling this section "Legislative Salary and Benefits" so it will be consistent with the rest of the bill.

Section 5. Legislative Salary Policy. This adds a subsection (d) to AS 24.10.130, requiring the Alaska legislative council to adopt a policy on legislative salary and benefits.

Section 6. "Citizens' Commission" replaces prior "Compensation Commission." This section proposes adding the Citizens' Commission on Legislative Salary and Benefits in the legislative branch, as substitution for the State Officers Compensation Commission that is in the executive branch. It proposes a method of appointing commission members and staggering their terms.

Section 7. Qualifications for appointment. This section describes the minimum qualifications for appointment to the citizens' commission.

Section 8. Staff provided to Commission. Section 8 requires the Alaska legislative council to provide staff for the commission, which is a change from the existing requirement that the legislative affairs agency provide staff if requested by the commission.

Sections 9 -12. Duties of Commission. Sections 9 -12 describe the basic duties of the commission and the timelines within which to accomplish them.

Section 13. Legislative Council Action. The language this section would repeal now reads:

Sec. 39.23.250. Filing with lieutenant governor and certification.  
The commission shall, upon transmitting its final recommendations for the compensation of legislators to the legislature, file the recommendations in the office of the lieutenant governor. When the recommendations become effective, the commission shall certify the copy of the recommendations on file in the office of the lieutenant governor.

The language section 13 proposes as a replacement for this says that the Alaska legislative council may publish the report of the citizens' commission any time, and may consider adopting some, none, or all of the commissions' recommendations. It says that any part of the commission's recommendations not amended or rejected by the legislative council within 90 days becomes final. Section 13 also says the legislature's authority is neither delegated nor altered.

Section 14. Policy of the Legislature. This section would change existing language that says the commission determines equitable compensation and allowances for legislators, to say that the commission instead recommends equitable salary and benefits for legislators.

Representative Bruce Weyhrauch  
January 3, 2006  
Page 3

Section 15. Administrative Procedure Act. This section says the administrative procedure act governing proceedings of the State Officers Compensation Commission in the executive branch will not apply to the proceedings of the Citizens' Commission on Legislative Pay and Benefits in the legislative branch.

Section 16. Benefits. This section lists what is not included in "benefits" as the term is used in the bill.

Section 17. Definitions. This section defines "commission" and "salary" as they are used in the bill.

Section 18. Repeal of five statutes. This section would repeal AS 39.23.200(e) (establishing a State Officers Compensation Commission in the Office of the Governor), AS 39.23.230(b) (making the director of personnel in the Department of Administration serve as secretary of the State Officers Compensation Commission), AS 39.23.240(b) (which says the State Officers Compensation Commission may review compensation, benefits and allowances for top officials in the executive branch and the judicial branch), AS 39.23.240(f) (which says a member of the State Officers Compensation Commission may attach written objections to that commission's final reports), and AS 39.23.400 (which defines "commission" as the State Officers Compensation Commission).

Section 19. Repeal of Temporary Law. This section would repeal Section 5, chapter 124 of the Session Laws of Alaska 1986, which has never gone into effect because of Section 9, chapter 124 of the Session Laws of Alaska 1986 requiring a constitutional amendment.

Section 20. Initial Terms. Section 20 describes scheme of staggered terms for initial appointees to the commission.

Section 21. Continuation of Current Legislators' Salaries. Section 21 ensures that there is no gap between monthly salary payments to legislators between the date of the bill's prospective adoption and the date, if ever, the check issuing authority issues checks in an amount that differs from \$2,001.00, the established statutory rate of salary for legislators.

Section 22. Repeal of temporary laws giving contingent effect to parts of AS 24.10 and AS 39.23. This section proposes repeal of temporary laws made obsolete by this bill.

If I may be of further assistance, please advise.

DCW:ljw  
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