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STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

October 17, 1985

SUBJECT: State officers compensation commission  
(Work Order No. 14-1391)

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

FROM: Richard A. Bradley  
Legislative Counsel *B*

I have provided you with a draft responsive to your request.

Since then, I have had further thoughts regarding the draft. I have some questions but I don't think that I have the answers yet.

There is a mechanical problem within the draft.

At lines 25 and following on page 1 of the draft, the language states that the salaries, benefits, and expenses take effect at a time established by the commission unless the legislature rejects them.

It seems to me that the resolution should guarantee the legislature a reasonable amount of time to consider the commission's revisions to the salaries, etc.

Thus, I suggest that the commission might be required to submit its proposals, if it has any, during the first ten days of a legislative session. The legislature should be then given a period to consider them and to act on the concurrent resolution if it wishes to reject them.

If the legislature rejects the revisions or any portion of them, those not rejected can take effect.

Those that are rejected do not take effect and two possible options exist: either the commission may propose new

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revisions to the legislature or the legislature may be authorized to adopt by law new proposals, say with (or without, as you wish) increased majorities.

The problem is that within a 120 day session, I thought that the time constraints on action could get tight and I wanted you to consider those constraints. Consider the following scenario:

10th legislative day	revisions submitted by commission
55th legislative day	rejection by legislature
85th legislative day	resubmission from commission
120th legislative day	adjournment

Note that the legislature is given only 45 days to consider and reject the initial proposal. It has only 35 days of a regular session to consider the resubmission.

I propose that the commission be given a full 30 days from the initial rejection because the commission, as a part-time body needs to call itself into a meeting and then consider the question and it should have adequate time to reflect on its proposals.

If I may be of further assistance, please advise.

RAB:mkr  
M1:051

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LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

October 16, 1985

SUBJECT: Constitutional amendment: state officers  
compensation commission  
(Work Order No. 14-1391)

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

FROM: Richard A. Bradley *B*  
Legislative Counsel

Linda Firestone has requested that a constitutional amendment be prepared that would establish a state officers compensation commission. Such a constitutional amendment is enclosed.

The structure of the amendment is derived, in part, from art. IV, sec. 8 of the Alaska Constitution, the structure for the judicial council.

Linda Firestone also asked that I identify the scope of the amendment as drafted.

It applies to the sixty members of the legislature and to the governor and lieutenant governor. It applies to justices and judges. There are five members of the Supreme Court, three members of the Court of Appeals, and, by my calculation, 28 superior court judges and 16 district court judges according to the February, 1985 state directory. As I suggested to Linda Firestone, there is an open question as to its application to magistrates though probably the supreme court should retain control of those salaries.

It applies to the "heads and deputy heads of each principal department". There are fifteen principal departments: Administration, Commerce and Economic Development, Community and Regional Affairs, Corrections, Education, Environmental Conservation, Fish and Game, Health and Social Services, Labor, Law, Military and Veterans Affairs, Natural Resources, Public Safety, Revenue, and Transportation and

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Public Facilities. The Department of Education appears to have no deputy; Administration has four deputies; the Department of Transportation and Public Facilities has five deputies; the Departments of Commerce and Economic Development, Corrections, Fish and Game, Health and Social Services, Natural Resources, and Revenue each have two deputies, and the remaining departments each have a single deputy. Thus it seems that the category of heads and deputy heads of principal departments contains, according to the February, 1985 directory, some 42 members.

The remaining category is described as "full-time members of a state board or commission. To my knowledge, the only state board or commission whose members are full-time employees of the state is the Public Utilities Commission. There are five members of the commission.

One substantive comment might be made. Existing constitutional law protects the salaries of the governor and lieutenant governor (art. III, sec. 15) and of the justices and judges (art. IV, sec. 13). As a later amendment to the constitution that deals with the question in general terms, it might be argued that the power of the state officers compensation commission established under this resolution, if ratified by the people, included the power to reduce the salaries in question or, perhaps, to make the judicial retirement system contributory. Because these issues will eventually emerge, it is probably appropriate to deal with the questions affirmatively in the resolution.

If I may be of further assistance, please advise.

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M1:048

Enclosure