

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672

1271 SCOMM 49: JOINT SPEC. COMM. ON LEGISLATIVE SALARIES 1985-86



MEMORANDUM

August 16, 1985

Subject: Summary of August 12, 1985 Billy Berrier Memo

From: Frank Bickford *FB*
Legislative Salary Committee

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

Sec. 15.45.210 DETERMINATION OF VOID PETITION.

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

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

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

Clifford E. WARREN, Appellant,

v.

H. A. (Red) BOUCHER and State of Alaska,
Appellees.

No. 2315.

Supreme Court of Alaska.

Nov. 28, 1975.

Plaintiff sued for declaratory and injunctive relief to compel lieutenant governor to place initiative proposal on ballot, although lieutenant governor had determined that initiative was void since substantially similar to an act of the legislature. The Superior Court, Third Judicial District, Anchorage, Victor D. Carlson, J., rendered summary judgment for defendant and plaintiff appealed. The Supreme Court, Connor, J., held that the statute permitting lieutenant governor to determine substantial similarity between act and proposal is not an unconstitutional delegation of judicial power to the executive and that the measures were substantially similar within constitutional provision permitting legislature to void an initiative by passing a substantially similar measure.

Affirmed.

Erwin, J., dissented and filed opinion in which Burke, J., joined.

1. Statutes $\Rightarrow$ 301

Constitutional provisions for determination of election contests as prescribed by law and defining "by law" as identical with "by the legislature," gave legislature power to enact method of determining whether act and initiative provision are substantially the same, so as to void initiative. AS 15.45.210; Const. art. 5, § 3; art. 11, § 4; art. 12, § 11.

2. Constitutional Law $\Rightarrow$ 70.1(1)

Court is disinclined to pass judgment on means selected by legislature to accomplish legitimate purposes unless such means clearly violate Constitution.

3. Constitutional Law $\Rightarrow$ 80(1)
Statutes $\Rightarrow$ 302

Statute authorizing lieutenant governor to determine whether act is substantially the same as initiative proposal, so as to void initiative, is not unconstitutional delegation of judicial function to executive officer. AS 15.45.210; Const. art. 11, § 4.

4. Constitutional Law $\Rightarrow$ 12

Purposes and intentions of framers of Constitution must be inferred from language of Constitution itself, with careful regard for apparent aim framers had in mind.

5. Statutes $\Rightarrow$ 301

Under constitutional provision permitting legislature to void initiative petition by enacting "substantially the same measure," legislature's discretion is reasonably broad; there is substantial similarity if in the main the act achieves same general purposes as initiative and accomplishes purpose by means or systems which are fairly comparable; it is not necessary that the two measures correspond in minor particulars or even as to all major features and the broader the reach of the subject matter, the more latitude must be allowed legislature. Const. art. 11, § 4.

See publication Words and Phrases for other judicial constructions and definitions.

6. Statutes $\Rightarrow$ 301

Legislative act relating to election campaigns was substantially similar to initiative proposal relating to campaign contributions, expenditures, and their limitations, despite differences between the measures, and act effectively displaced initiative. AS 15.13.010 et seq., 15.45.210; Const. art. 11, § 4.

Clifford E. Warren, pro se.

Timothy G. Middleton, Asst. Atty. Gen., Anchorage, Norman C. Gorsuch, Atty. Gen., Juneau, for appellees.

OPINION

Before RABINOWITZ, C. J., and CONNOR, ERWIN, BOOCHEVER and BURKE, JJ.

CONNOR, Justice.

This case raises issues regarding the initiative procedure in Alaska. Specifically, it is concerned with the process and conditions, if any, by which enactments of the legislature can operate to prevent an initiative from appearing on the ballot.

I.

The procedural history antedating this appeal is undisputed. Prior to the regular 1974 session of the Alaska legislature, an initiative petition entitled "An Act relating to campaign contributions, expenditures, and their limitations" was filed with the lieutenant governor. During that session, the legislature enacted Ch. 76, SLA 1974. That act is entitled, "An Act relating to the election campaigns; and providing for an effective date."

Pursuant to AS 15.45.210,¹ the lieutenant governor, H. A. (Red) Boucher, sought to determine whether the act and the initiative were substantially the same. An opinion of the attorney general, Norman C. Gorsuch, was sent to the lieutenant governor in a letter dated June 17, 1974. The attorney general's opinion was that the measures were substantially the same and, therefore, the initiative was void. The lieutenant governor concurred and notified the initiative committee that the initiative would not appear on the ballot.

This case was initiated on June 25, 1974, when Clifford E. Warren filed a "Complaint for Declaratory Judgment" in the superior court. Warren sought a preliminary injunction requiring the lieutenant

governor to place the initiative on the primary ballot of August 27, 1974, or, alternatively, on the general election ballot.

Oral argument was heard on June 28, 1974, and the preliminary injunction was denied.

On July 16, 1974, Warren brought a petition for review to this court. The petition was initially denied, but on motion for reconsideration review was granted and, on August 20, 1974, we remanded the case to the superior court with directions to proceed to a final determination of the action as expeditiously as possible.

On September 6, 1974, Judge Carlson granted summary judgment for defendant in a memorandum decision. From that judgment this appeal has been taken.

II.

Warren offers two significant arguments in contending that the initiative should be placed before the voters. He asserts that:

- (1) AS 15.45.210² is unconstitutional because the legislature has improperly delegated a judicial function to an elective officer;
- (2) Ch. 76, SLA 1974 and the initiative are not substantially similar;

Several additional arguments are offered by appellant, though not all of them warrant extended analysis.

III.

Appellant strongly urges that AS 15.45.210 improperly delegates to the lieutenant governor the duty of determining, in the first instance, whether an act and an initiative are "substantially the same." Appellant argues that this law violates the separation of powers doctrine by vesting the construction of constitutional language in an elective officer of the state, rather than

had been filed, and before the date of election, the petition is void and the lieutenant governor shall so notify the committee."

2. *Id.*

1. AS 15.45.210 provides:

"If the lieutenant governor, with the formal concurrence of the attorney general, determines that an act of the legislature that is substantially the same as the proposed law was enacted after the petition

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the courts.³ The statute, enacted in 1960, provides:

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

Obviously, the statute was enacted to effectuate Art. XI, Sec. 4, of the Alaska Constitution. That provision states:

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

[1] At the outset, we note that Art. XI, Sec. 4, does not expressly confer on any branch or agency the power to determine whether an act and an initiative are "substantially the same." However, Alaska Constitution, Art. V, Sec. 3, declares in part:

"The procedure for determining election contests, with right of appeal to the courts, shall be prescribed by law."

3. Warren also contends that AS 15.45.210 violates Alaska Constitution, Art. III, Sec. 22.

"All executive and administrative offices, departments, and agencies of the state government and their respective functions, powers, and duties shall be allocated by law among and within not more than twenty principal departments, so as to group them as far as practicable according to major purposes. Regulatory, quasi-judicial, and temporary agencies may be established by law and need not be allocated within a principal department."

4. See AS 15.45.210, n. 1, *supra*.

Alaska Constitution, Art. XII, Sec. 11, provides, in part:

"As used in this constitution, the terms 'by law' and 'by the legislature,' or variations of these terms, are used interchangeably when related to law-making powers."

We conclude that these constitutional provisions, when read in harmony, give the legislature the power to enact a method of determining whether two provisions are "substantially the same," as used in Art. XI, Sec. 4, of the Alaska Constitution.

[2] The legislature has expressly delegated its power in this regard to the lieutenant governor,⁴ subject to review by the courts.⁵ In reviewing that delegation of power, we reiterate that we are disinclined to pass judgment on the means selected by the legislature to accomplish legitimate purposes, unless such means clearly violate the Constitution. *DeArmond v. Alaska State Development Corp.*, 376 P.2d 717, 724 (Alaska 1962).

Courts in modern times have been reluctant to declare legislation unconstitutional on the ground of improper delegation of power.⁶ Indeed, Professor Louis L. Jaffe, in commenting on the United States Supreme Court's attitude toward such challenges, has noted:

"The Court has given the Congress a latitude broad enough for almost any administrative experiment presently believed necessary."⁷

5. AS 15.45.240 provides:

"Any person aggrieved by a determination made by the lieutenant governor may bring an action to have the determination reviewed within 30 days of the date on which notice of the determination was given by any appropriate remedy in the superior court."

6. See generally, Jaffe, *An Essay on the Delegation of Legislative Power*, 47 Colum.L.Rev. 359 and 561 (1947).

7. *Id.* at 581.

And Professor Kenneth C. Davis has stated:

"We have learned that the danger of tyranny or injustice lurks in unchecked power, not in blended power."⁸

This does not mean that the legislature has an unlimited right to delegate its responsibilities. But where it would be impractical or cumbersome for the legislature to undertake the task in question, a limited delegation, subject to appropriate review, has been upheld.⁹

[3] Turning to the case at bar, the legislature has divested itself of a fact finding task which has no direct relation to that body's law making functions. Comparative analysis of varying pieces of legislation can be an arduous and time consuming endeavor. We find that the delegation in this case is based on sound, practical considerations.

In delegating the responsibility to the lieutenant governor,¹⁰ the legislature has assigned the task to the person who is in charge of administering and supervising the conduct of all state elections.¹¹ In addition, the lieutenant governor performs extensive ministerial functions related to the initiative process.¹² Thus, the legislature has delegated its authority to a logical governmental officer.

The delegated function, in this instance, is definitionally narrow. The lieutenant governor, aided by the attorney general,

must make a simple factual determination. Are two documents substantially the same in their content? In carrying out this determination, the lieutenant governor is not formulating policy. The framers of the Alaska Constitution have already decided that an initiative is void if legislative, which is substantially the same, exists. By determining whether two documents are substantially the same, the lieutenant governor is simply effectuating constitutional policy.

Similar non-discretionary delegations have been upheld in other jurisdictions.¹³ The Alaska legislature has expressly afforded an aggrieved party the right to judicial review.¹⁴ In these circumstances, we hold the delegation of power in AS 15.45.210 to be both reasonable and constitutional.

IV.

Warren also urges that the superior court erred in ruling that the initiative and the act are "substantially the same."

In his memorandum decision of September 6, 1974, the trial judge undertook to define the phrase "substantially the same" as used in Article XI, Sec. 4, of the Alaska Constitution. He concluded that the phrase is broad enough to include a statute which "treats the same problem as the one sought to be reached by the proposed initiative." He then granted summary judgment for the state because he found the

8. K. Davis, *Administrative Law Text* § 1.08, at 25 (1972).

9. See, e.g., *Union Bridge Co. v. United States*, 204 U.S. 364, 387, 27 S.Ct. 367, 51 L.Ed. 523 (1907); *Meadowclark Farms, Inc. v. Ill. Pollution Control Bd.*, 17 Ill.App.3d 851, 308 N.E.2d 829, 832 (1974); *Leininger v. Alger*, 316 Mich. 644, 26 N.W.2d 348, 352 (1948).

10. The delegation initially went to the secretary of state, but that office was supplanted by the creation of the lieutenant governor's post in 1970.

11. See AS 15.15.010 *et seq.*

12. See AS 15.45.010 *et seq.*

13. See, e.g., *Adams v. Bolin*, 74 Ariz. 269, 247 P.2d 617, 627-28 (1952); *Hodges v.*

Dawdy, 104 Ark. 583, 149 S.W. 656, 658 (Ark.1912); *Leininger v. Alger*, 316 Mich. 644, 26 N.W.2d 348, 352 (1948); *Schmidt v. Gronna*, 68 N.D. 488, 281 N.W. 57, 60 (1938); *Brazell v. Ziegler*, 26 Okl. 826, 110 P. 107 (1910); *White v. Welling*, 89 Utah 335, 77 P.2d 703, 705 (1936).

Cf. Union Bridge Co. v. United States, 204 U.S. 364, 385-86, 27 S.Ct. 367, 51 L.Ed. 523 (1907); *Meadow Lark Farms, Inc. v. Illinois Pollution Control Bd.*, 17 Ill.App. 851, 308 N.E.2d 829, 832 (Ill.App.1974); *Joseph E. Seagrams & Sons, Inc. v. Hostetter*, 45 Misc.2d 956, 258 N.Y.S.2d 442, 451 (S.Ct.1965).

14. See n. 5, *supra*.

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the statute and the initiative "attempt to reach the same results, more effective election campaigns."

In reaching his definition, the trial judge relied, in part, on commentary which accompanied the Constitutional Convention Committee's Proposal No. 3, concerning initiatives and referendums. That proposal, in pertinent part, stated:

" . . . Laws proposed by the initiative shall be submitted to the voters by ballot title at an election not later than 180 days after the adjournment of the legislative session following the filing of the petition, *unless the legislature enacts the measure initiated during the session.* . . ." (emphasis added)

The commentary, which did not refer to any specific phrase within Proposal No. 3, stated:

"If the legislature adopts a measure that is the subject of the initiative, the measure does not have to be submitted to the people."

Subsequent to the introduction of Proposal No. 3, several amendments to it were made. Article XI, Sec. 4, now reads:

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

In view of the changes which this provision underwent after its introduction, we find the committee commentary which guided the trial court to be less than conclusive. As we stated in *Walters v. Cease*, 388 P.2d 263, 266 (Alaska 1964):

"While such a statement might have been a valuable aid for ascertaining the

intention of the convention with respect to the constitutional provision then under consideration, it loses any value it may have had because Proposal No. 3 . . . was later amended so as to materially change its meaning." (footnotes omitted)

The committee proposal was first taken up by the constitutional convention as a committee of the whole. Later the proposed article was considered a number of times through floor discussions of some length, and numerous amendments were adopted. However, there is no helpful discussion of what was the intended scope of the words "substantially the same measure." Thus the ultimate construction of this critical language devolves upon this court.

[4] Our dissenting colleagues rightly observe that the article on direct legislation was the subject of extensive debate at the constitutional convention. They read the term "substantially the same measure" as permitting legislative displacement of an initiative only within rather narrow confines. However, we find nothing in the legislative history of the article, or in the vigorous floor debates thereon, which points to an agreed upon meaning or a consciously adopted definition of what this critical language should mean. Many views were expressed by individual delegates, but these expressions do not in this instance provide a reliable guide to what the constitutional convention as a whole intended by the adoption of the phrase in question, or what it meant to the voters who ratified the constitution. In order to interpret this language we must analyze its functional relationship to other constitutional provisions. We must infer the purposes and intentions of the framers from the language of the constitution itself, with careful regard for the apparent aims which the framers had in mind.¹⁵

15. The dissent refers to the frustrations experienced by Alaskans under territorial gov-

ernment, and the deeply felt need for self-government which led to convening the con-

The words "substantial" or "substantially" are relative, inexact terms. Their meaning is quite elusive. *Application of Scroggins*, 103 Cal.App.2d 281, 229 P.2d 489 (1951). The meaning of such terms can be derived only by reference to all the circumstances surrounding the context in which they are used. *Atcheson, T. & S.F. Ry. v. Kings County Water District*, 47 Cal.2d 140, 302 P.2d 1, 3 (1956). So here, we believe that the term "substantially the same measure" must be viewed against the total structure contemplated in Art. XI of our constitution in the matter of direct legislation.

It is evident that the framers wanted to avoid a constitutional system in which any and all types of law could be enacted by direct legislation. Thus they placed a number of specific restrictions upon its use. Art. XI, Sec. 7, states:

"The initiative shall not be used to dedicate revenues, make or repeal appropriations, create courts, define the jurisdiction of courts or prescribe their rules, or enact local or special legislation. The referendum shall not be applied to dedications of revenue, to appropriations, to local or special legislation, or to laws necessary for the immediate preservation of the public peace, health, or safety."

A less absolute, more relative restriction on the use of the initiative comes about by reason of the language which must be construed in the case at bar. By providing that the legislative enactment of substantially the same measure could have the effect of voiding an initiative, the framers empowered the legislature to cut off initiated legislation from consideration and vote by the general public. The manner in which Art. XI, Sec. 4, was amended in the constitutional convention makes this clear. The original proposal at the convention would have required that an initiative could be voided only by legislative enactment of "the measure initiated". Read lit-

stitutional convention as part of the statehood movement. Nothing in that background, however, has any direct bearing on how the

erally, this would require that the language of both measures be identical. However, as discussed above, the final constitutional language requires merely that "substantially the same measure" be enacted by the legislature in order to void an initiative petition.

It is clear that the legislative act need not conform to the initiative in all respects, and that the framers intended that the legislature should have some discretion in deciding how far the legislative act should differ from the provisions of the initiative. The question, of course, is how great is the permitted variance before the legislative act becomes no longer substantially the same.

[5] Upon reflection we have concluded that the legislature's discretion in this matter is reasonably broad. If in the main the legislative act achieves the same general purpose as the initiative, if the legislative act accomplishes that purpose by means or systems which are fairly comparable, then substantial similarity exists. It is not necessary that the two measures correspond in minor particulars, or even as to all major features, if the subject matter is necessarily complex or if it requires comprehensive treatment. The broader the reach of the subject matter, the more latitude must be allowed the legislature to vary from the particular features of the initiative.

We are fortified in this understanding of the constitutional language, and the intention of the framers, by a companion provision of the constitution. Under Art. XI, Sec. 5, an initiative, once enacted, cannot be repealed by the legislature within two years of its effective date. But it may be amended at any time. Here, as with Art. XI, Sec. 4, a considerable change occurred in the constitutional convention in the language first proposed and that finally adopted. Committee Proposal No. 1 (Committee on Direct Legislation, Amend-

term "substantially the same measure" should be interpreted.

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ment and Revision, December 9, 1965), provided:

"No law passed by initiative may be vetoed by the Governor nor amended or repealed by the legislature for a period of three years."

The final constitutional provision states in pertinent part:

"An initiated law . . . is not subject to veto, and may not be repealed by the legislature within two years of its effective date. It may be amended at any time"

The constitution thus vests broad authority in the legislature to vary the terms of an initiated law, after its adoption, by the process of amendment. This power amounts to a check or balance against the initiative process. No doubt the legislature was given this power to assure that initiatives which were ill-advised, which might seriously cripple or frustrate the sound workings of government, or which might be impracticable, could be altered or corrected rapidly by the legislature. It was obviously intended by the framers that the initiative process should not be permitted to disrupt vital governmental functions or to impose intolerable burdens upon established administrative systems. To this end the legislature was given the ability to substitute its judgment for that of the proponents of an initiative.¹⁶

What is significant to us here is the effect which the amendatory power of the legislature has upon our interpretation of the words "substantially the same mea-

sure." For if the legislature has broad power of amendment, it follows that it has broad power to change an initiative by an enactment covering the same subject as the initiated measure. In short, we must interpret Art. XI, Sec. 4, broadly and not narrowly as to the scope of legislative power. We, of course, are not passing here on the question of whether an amendment so vitiates an act passed by initiative as to constitute its repeal.

Turning now to the initiative and legislative act before us, it is clear that they both cover the same general subject matter. Both are aimed at the control of election campaign contributions and expenditures. The main points of similarity in the two measures are these: The amount a candidate may spend on his campaign is limited; contributions and expenditures must be reported; contributions of \$100 or more under the act, and all contributions under the initiative, must be reported; the persons covered include candidates for governor, lieutenant governor, and state legislature;¹⁷ criminal misdemeanor penalties are imposed for the violation of the respective provisions of both measures;¹⁸ acceptance of anonymous contributions is prohibited; a responsible campaign treasurer must be appointed by each candidate; certain violations under each measure work a forfeiture of nomination or election; required reports must be made available for inspection by the public; and provision is made for citizen enforcement of the law, by court action under the initiative, and under the act by a complaint to the elec-

16. The discussions on the floor of the constitutional convention reveal a belief by a number of framers that a countervailing consideration would act as a balance against legislative arbitrariness in this respect. It was believed that the natural desire of many legislators to be re-elected, or at least to demonstrate creditable performance as public officials, would cause them to think carefully before amending an initiative out of existence, because of the effect which such action might have on the electorate in the future.

17. The initiative covers all municipal elections. The act permits a municipality to exempt it-

543 P.2d—47

Alaska Rep. 541-544 P.2d—12

self from the coverage of the law. The initiative covers candidates for Congress, while the act does not. It should be noted that candidates for federal office are regulated extensively by the federal election campaign disclosure act passed in 1972. See 2 U.S.C. §§ 431-454.

18. AS 15.13.120(a) imposes penalties of up to one year of imprisonment or a fine up to \$5,000 for violation of the act. We do not view the act, as does the dissent, as eliminating almost all individual penalties for enforcement.

tion campaign commission and appeal to the supreme court.

Under the initiative a watchdog committee is created, composed of three members of each major political party and three independent persons, plus one member from any other recognized political party. The ultimate appointive authority as to the committee is in the governor. Under the act there is created an election campaign commission. The governor appoints to the commission two members from each major political party, and they select by majority vote a fifth member.

There are certain points of contrast between the two measures. The initiative places most of the supervisory and administrative responsibilities on the lieutenant governor. The act places these functions in the election campaign commission. The initiative requires commercial advertisers to file reports of political advertising; the act does not require this. The initiative attempts to place out-of-state contributors under the jurisdiction of the Alaska courts; the act is silent on this subject.¹⁹ The act defines and regulates political groups formed to support or oppose a political candidacy; the initiative does not reach such groups. Under the act a \$1,000 limit is placed upon individual contributions; the initiative imposes no limit. Under the initiative candidates for governor and lieutenant governor cannot use more than 40% of their expenditures for "communications media." The act contains no such limitation.

The dissent views the act as eliminating all subpoena or investigatory power of the watchdog committee. However, the act, AS 15.13.030, requires that the commission must receive and hold open for public inspection the reports filed under the act. The commission is empowered to adopt regulations necessary to effectuate and clarify the act, and to conduct investiga-

tions of claimed violations of the act. AS 15.13.030(10) and .120(d). If the commission finds that violations have occurred it must report them to the attorney general for action. The attorney general may, of course, obtain subpoenas by resort to grand jury proceedings. We do not view the act as hampering investigation and prosecution of prohibited activities. Therefore, the elimination of the watchdog committee's subpoena power does not, in our opinion, create a significant difference between the two measures.

We are unable to accept the view, expressed in the dissent, that enforcement of the act will be less effective because violations must be referred to the attorney general. The practical or political problems posed by that method of enforcement, as contrasted with the watchdog committee envisaged by the initiative, may not in actuality operate as a serious barrier to enforcement. To some extent such problems inhere in the process of criminal prosecution generally. The countervailing forces are an aroused public opinion and the constitutional obligation resting on the executive to see that the laws are faithfully executed. These forces are operative in the processing of criminal matters of all types. We will not assume that practical or political considerations will frustrate effective enforcement.

The act does not place limitations on media spending, does not impose reporting requirements on media, does not require permits for media advertising, and does not provide for the reporting of surplus funds collected, in the same manner as does the initiative. But that is not to say that these subjects are unregulated. Under AS 15.13.110(d) all persons supplying services to any candidate must maintain a record of each transaction and must file appropriate reports with the commission. While the act does not limit the amount of media

annum for any one candidate; and it is a criminal offense to accept a contribution in violation of the act. See AS 15.13.040, .070, and .120(a) (6).

19. This does not mean that out-of-state contributions go unregulated. Under the act these contributions must be reported; they may not exceed \$1,000 in the aggregate per

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[6] It is our opinion that substantial similarity exists between the two measures. The act effectively displaced the initiative. The lieutenant governor was correct in withholding the initiative from the ballot. We affirm the judgment of the superior court.

Affirmed.

ERWIN and BURKE, JJ., dissent.

ERWIN, Justice, with whom BURKE, Justice joins, dissenting.

I dissent.

The power of initiative and referendum is the basic recognition that under our republican form of government the ultimate political power exists with the people and not in some legislative body.¹ These provisions permit the people to enact laws when the legislature refuses to act, or repeal acts of the legislature which are unpopular or unfair. Moreover, it is an additional check and balance on the governmental process because it acts upon the legislative awareness that such power exists with the people.²

One set of critics at the constitutional convention claimed, however, that its limitations make it less than effective as a popular tool of government. They argued that the requirement of obtaining a large number of signatures from residents in order to put the issue before the voters significantly limited the use of the initiative process in all but a few cases.³

Now the majority opinion further restricts this process by countenancing sub-

stantial legislative limitation of the initiative procedure. When this court determines that the legislature may decide how much of the legislation supported by the people they want, the basic political right of initiative disappears, for it is not the will of the people that is paramount, it is the will of the legislature.

I find that the minutes of the Alaska constitutional convention and the commentary thereon are not as limited as the majority opinion indicates.

The initial proposal filed by the Committee on Direct Legislation contained the following language:

... Laws proposed by the initiative shall be submitted to the voters by ballot title at an election not later than 180 days after the adjournment of the legislative session following the filing of the petition, unless the legislature enacts the measure initiated during the session.

In the accompanying commentary the committee explained the content of the legislative enactment in the following terms:

If the legislature adopts a measure that is the subject of the initiative, the measure does not have to be submitted to the people. [emphasis added]⁴

The discussion and amendment of this initiative proposal was perhaps the most extensive and hotly contested⁵ of the entire constitution, covering 7½ days of proposals and counter proposals.⁶ This discussion included an extensive debate on the power to amend as being the power to amend and not the power to destroy.⁷

1. 2 Alaska Constitutional Convention Proceedings, 931-975. See particularly the statements of Delegates Marston and Taylor, 959-961, before defeat of the motion to delete all reference to referendum in the article on 973.

2. Fischer, Alaska Constitutional Convention, 79-81 (University of Alaska Press, 1975).

3. *Id.* at 79.

4. 6 Alaska Constitutional Convention Proceedings, 19.

5. *Id.* at 23; 2 Alaska Constitutional Convention Proceedings, 929.

6. Fischer, *supra* note 2, at 79-81.

7. 2 Alaska Constitutional Convention Proceedings, 928-1200; 3 Alaska Constitutional Convention Proceedings, 2960-2993.

8. 2 Alaska Constitutional Convention Proceedings, 1173-1177.

Subsequent
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Subsequently the convention changed the proposal to provide as follows:

A referendum petition may be filed at any time. The secretary of state shall prepare a ballot title and proposition summarizing the proposed law, and shall place them on the ballot for the first statewide election held more than one hundred twenty days after adjournment of the legislative session following the filing. If, *before the election, substantially the same measure has been enacted*, the petition is void.⁹ [emphasis added]

The majority opinion finds this constitutional history inclusive and suggests that it may be supportive of the conclusion that the convention intended to give wide latitude to the legislature to change the initiative. I find it supports the exact opposite conclusion because of the extensive debate on the convention floor concerning the need for the initiative process, which was the subject of public hearings during the Christmas recess of the constitutional convention.

Further, the political climate of Alaska preceding, during and after the constitutional convention does not support a theory of distrust of the popular electorate or the legislation it would sponsor. Alaska's history is replete with instances of frustration to get an absentee government in Washington to deal with pressing problems.¹⁰ In fact, such inaction was the greatest single boost to statehood. The members of the Alaska constitutional convention understood, more than most, the necessity of the initiative process for unpopular acts—for without it, the long years of struggle to achieve local control over our political destiny would have been cheapened.

In this case the legislature took the initiative title and enacted a measure which clearly was more politically palatable to them, but which is definitely not "substantially the same" as the initiative sponsored by the people.

In reviewing the referendum and the statute, I find that of the 19 separate sections of the initiative, only six are the same as the statute, and as part of the six I am including the section dealing with the powers and duties of the watchdog committee and the reporting system, which is only 50% of that stated in the initiative.

Seven sections have been eliminated entirely by the statute. This includes:

1. All references to United States senators and congressmen.¹¹
2. Coverage of local elections is changed to local option.¹²
3. The requirement that out-of-state contributors submit themselves to Alaska jurisdiction.¹³
4. Almost all individual penalties for enforcement of the provisions of the act.¹⁴
5. All subpoena or investigatory power of the watchdog committee.¹⁵
6. All limitations on media spending.¹⁶
7. All requirements for equal charges by media and for equal time to candidates.¹⁷
8. Almost all reporting requirements by media, as well as all requirements that permits be obtained before media advertising is undertaken by a candidate.¹⁸
9. All requirements for the reporting and disposition of surplus funds collected.¹⁹

9. Section 4, Article XI, Alaska Constitution.

10. Gruening, *Many Battles*, pp. 281-306 (Liveright 1973); Gruening, *The State of Alaska*, Chapter 28: "Self Government: The Quest for Statehood," p. 490 (Random House 1954).

11. Section 2 of Initiative.

12. Section 18 of Initiative.

13. Section 13 of Initiative.

14. Sections 7 and 19 of Initiative.

15. Section 4 of Initiative.

16. Section 2 of Initiative.

17. Section 16 of Initiative.

18. Sections 5, 6 and 15 of Initiative.

19. Section 10 of Initiative.

10. Most definitions and the statement of purpose.²⁰

In addition, the dollar amount of expenditures has been changed in every instance to a higher figure.

Governor/Lt.

Governor	\$125,000 to \$130,000
House	6,000 to 7,500
Senate	8,000 to 15,000 ²¹

Whereas the initiative required the disclosure of persons who contributed in excess of \$50 to a candidate, the measure passed by the legislature requires only contributors of \$100 or more need to be identified and reported.²² Moreover, every section dealing with failure to report, false reports, or perjury in reporting has been deleted, together with those provisions which provide for substantial fines for all people who refuse access to the records of a candidate.²³ In addition, all sections permitting citizens to sue to enforce the provisions of the initiative have been eliminated.²⁴

All power of the watchdog committee to delay certification of candidates or to bring charges requiring a delay of certification has been eliminated,²⁵ as has the power of the court to declare the second highest vote-getter elected where expenditure violations were found.²⁶

Additionally, the legislature removed most enforcement teeth by requiring that any violation found by the commission must be referred to the Attorney General for a decision of whether or not the violator would be prosecuted.²⁷ The discretion

to prosecute is an area of intense controversy, but such clearly depends on factors outside the issue of whether a violation has occurred.²⁸ Such as the manpower of the office, the workload, and the seriousness of the problems²⁹ can combine to make the treatment of this area somewhat haphazard. To these practical problems is added the political reality which casts shade on the decision to prosecute or not to prosecute. The Attorney General is appointed by the Governor; thus there is a known political factor which casts shade on the decision where the candidate is one approved by the political party.

While the act does not explain the watchdog committee will obtain a list of violations without investigative subpoena power, the statute is clear there is no method of delaying or even removing a candidate who is elected without a court proceeding.³⁰ In any case for voiding the election, the Attorney General must then bring the case by the Supreme Court of Alaska in an original proceeding,³¹ rather than the normal way of all other cases in District or Superior Court. Since the Supreme Court must sit as five persons, a cumbersome body to hear the case, particularly in view of its geographic situs and other workload, the process becomes even more cumbersome and somewhat questionable if the rights of jury trial in certain cases

20. Sections 1 and 20 of Initiative.

21. Section 2 of Initiative. The majority refers to the last decennial census of 1970 to suggest \$120,000 as the figure for Governor. However, constantly new census figures are validated to show changes for federal-state revenue-sharing purposes. The latest figures for 1975 make the \$130,000 figure conservative.

22. Section 9 of Initiative.

23. Section 7 of Initiative.

24. Section 19 of Initiative.

25. Section 3 of Initiative.

26. Section 19 of Initiative.

27. AS 15.13.120(d).

28. See *Public Defender Agency v. Court of Third Judicial District*, 55 Alaska 949-951 (Alaska 1974), for a discussion of the Attorney General's discretion to prosecute in child support cases.

29. Fischer, *supra* note 3, at 949.

30. AS 15.13.120(b).

31. AS 15.13.120(b).

32. See *Baker v. City of Fairbanks*, 386, 401-402 (Alaska 1970), for a discussion of cases where jury trial is required.

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entory rights³³ to appeal all cases to the Supreme Court are considered.

The initiative recognized these problems by permitting the commission and private parties to bring suit to enforce its provisions and gave to the committee investigative and subpoena power to insure compliance. The elimination of these provisions goes to the heart of the enforcement provision and leaves, to a large extent, an illusory remedy. The initiative and the measure passed by the legislature have the same title and some similar reporting requirements, but by no stretch of the imagination are they substantially the same.³⁴

The majority attempts to excuse the deletion for a number of the deleted sections by noting that certain federal reporting requirements or court decisions make them unnecessary. While disregarding the proposition that federal laws can provide effective regulation for Alaska elections when complaints must be filed in Washington, Alaska, I submit that this argument misses the point. The question is not whether the provisions are wise, but whether the legislative act is *substantially* the same as the initiative. It is for the people to provide the decision in situations such as this because the legislature failed to act until prompted by the electorate. By their inaction

the legislators simply lost their ability to challenge the utility of the provisions. Their only power was to nearly duplicate the initiative, for that is just what the words "substantially the same" mean.

The majority's final suggestion that the powers and duties referred to in several of the eliminated sections can be implied from other provisions of AS 15.13 flies in the face of two canons of construction which have been adopted in almost every jurisdiction: (1) criminal statutes are to be strictly construed, and (2) where there has been a material change in language of an act, it is presumed that the legislature intended to indicate a change in legal rights and obligations thereunder.³⁵

I agree with the implication of the majority opinion that the sections eliminated affect the workings of the commission and various other provisions throughout the statute. However, I am unable as a matter of logic to find the flexibility in the act passed by the legislature to cover the gaps left by those sections deleted from the original initiative.

I would reverse the decision of the trial court and remand this case with instructions to place the initiative on the ballot of the next general election.

Additionally, the legislature added a tax credit of \$50.00 from state income tax for political contributions. Also, publication of an election pamphlet containing background information on the candidates, costing each House candidate \$25.00 and each Senate candidate \$50.00.

35. See Horack, Sutherland Statutory Construction, Vol. 1, § 1930, p. 412-414 (3rd Ed. 1943).

33. AS 22.05.010.

34. The only similar sections found in AS 15.13.010-110 provide for

- (1) a monitoring committee (.020 to .030);
- (2) the reporting of contributions over \$100.00 (.040);
- (3) the registration of groups and the appointment of a treasurer (.050 and .060);
- (4) limitations of spending by candidates in various races (.070);
- (5) certain reporting requirements of contributors and a schedule for candidates (.080 to .110).

MEMORANDUM

August 16, 1985

Subject: Summary of August 12, 1985 Billy Berrier Memo

From: Frank Bickford *FB*
Legislative Salary Committee

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

Sec. 15.45.210 DETERMINATION OF VOID PETITION.

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

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

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

THE
CONSTITUTION
of the
STATE OF
ALASKA



Sen. Abood

ARTICLE XI

INITIATIVE, REFERENDUM, AND RECALL

SECTION 1.

and

Application

SECTION 2. An initiative or referendum is proposed by an application containing the bill to be initiated or the act to be referred. The application shall be signed by not less than one hundred qualified voters as sponsors, and shall be filed with the lieutenant governor. If he finds it in proper form he shall so certify. Denial of certification shall be subject to judicial review.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

Petition

SECTION 3. After certification of the application, a petition containing a summary of the subject matter shall be prepared by the lieutenant governor for circulation by the sponsors. If signed by qualified voters, equal in number to ten per cent of those who voted in the preceding general election and resident in at least two-thirds of the election districts of the State, it may be filed with the lieutenant governor.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

Initiative
Election

SECTION 4.

The lieutenant governor shall prepare a [redacted] and shall place them on the ballot for the first statewide election held more than one hundred twenty days after adjournment of the legislative session following the filing [redacted]

Referendum
Election

[redacted] section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

SECTION 5. A referendum petition may be filed only within ninety days after adjournment of the legislative session at which the act was passed. The lieutenant governor shall prepare a ballot title and proposition summarizing the act and shall place them on the ballot for the first statewide election held more than one hundred eighty days after adjournment of that session.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

Enactment

SECTION 6. If a majority of the votes cast on the proposition favor its adoption, the initiated measure is enacted. If a majority of the votes cast on the proposition favor the rejection of an act referred, it is rejected. The lieutenant governor shall certify the election returns.

[redacted] An act rejected by referendum is void thirty days after certification. Additional procedures for the initiative and referendum may be prescribed by law.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

Restrictions

SECTION 7.

[redacted] create courts, define the jurisdiction of courts or prescribe their rules, or enact local or special legislation. The referendum shall not be applied to dedications of revenue, to appropriations, to local or special legislation, or to laws necessary for the immediate preservation of the public peace, health, or safety.

ing to, or returning from legislative sessions are not subject to civil process and are privileged from arrest except for felony or breach of the peace.

Regular Sessions

SECTION 8. The legislature shall convene in regular session each year on the fourth Monday in January, but the month and day may be changed by law. The legislature shall adjourn from regular session no later than one hundred twenty consecutive calendar days from the date it convenes except that a regular session may be extended once for up to ten consecutive calendar days. An extension of the regular session requires the affirmative vote of at least two-thirds of the membership of each house of the legislature. The legislature shall adopt as part of the uniform rules of procedure deadlines for scheduling session work not inconsistent with provisions controlling the length of the session. [Amendment approved November 6, 1984]

Special Sessions

SECTION 9. Special sessions may be called by the governor or by vote of two-thirds of the legislators. The vote may be conducted by the legislative council or as prescribed by law. At special sessions called by the governor, legislation shall be limited to subjects designated in his proclamation calling the session, to subjects presented by him, and the reconsideration of bills vetoed by him after adjournment of the last regular session. Special sessions are limited to thirty days.

(The amendment of this section was approved by the voters of the state November 2, 1976 and became effective December 23, 1976. This amendment deleted "or" preceding "to subjects" in the third sentence and added "and the reconsideration of bills vetoed by him after adjournment of the last regular session.")

Adjournment

SECTION 10. Neither house may adjourn or recess for longer than three days unless the other concurs. If the two houses cannot agree on the time of adjournment and either house certifies the disagreement to the governor, he may adjourn the legislature.

**Title and
Authority**

SECTION 14. When the lieutenant governor succeeds to the office of governor, he shall have the title, powers, duties and emoluments of that office.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

[REDACTED]

[REDACTED]

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

**Governor:
Authority**

SECTION 16. The governor shall be responsible for the faithful execution of the laws. He may, by appropriate court action or proceeding brought in the name of the State, enforce compliance with any constitutional or legislative mandate, or restrain violation of any constitutional or legislative power, duty, or right by any officer, department, or agency of the State or any of its political subdivisions. This authority shall not be construed to authorize any action or proceeding against the legislature.

**Convening
Legislature**

SECTION 17. Whenever the governor considers it in the public interest, he may convene the legislature, either house, or the two houses in joint session.

**Message to
Legislature**

SECTION 18. The governor shall, at the beginning of each session, and may at other times, give the legislature information concerning the affairs of the State and recommend the measures he considers necessary.

**Military
Authority**

SECTION 19. The governor is commander-in-chief of the armed forces of the State. He may call out these forces to execute the laws, suppress or prevent insurrection or lawless violence, or repel

Retirement

Impeachment

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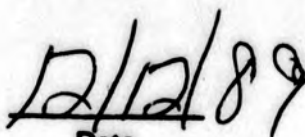


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**ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY**

Pouch Y. State Capitol
Juneau, Alaska 99811
(907) 465-3991

MEMORANDUM

TO: Representative Larson
ATTN: Linda Firestone
FROM: David Teal, Director *Teal*
RE: Legislative Salaries
Research Request 86-024

You asked us to assist the Legislative Salary Commission gather information for hearings concerning legislative salaries. Commission staff suggested the following four topics for research:

- comparable salaries in the government and private sector;
- cost of retirement benefits for the current legislative salaries and for salaries in effect before 1983;
- the effect of the salary increase on total State costs and on legislators' income; and
- a brief history of the Alaska Salary Commission, which existed from 1976 through 1980.

Salary Comparison

Work on a government/private sector salary comparison was halted at the direction of staff after preliminary research showed that relevant information for experienced personnel was not readily available. Commission staff will continue salary research, but will focus on other state legislatures and on state positions that pay salaries comparable to legislators' salaries. In discussing this subject with staff, I noted that legislators' salaries are fixed while most State workers receive annual merit pay increases. It became clear during the discussions that the center of any legislative salary controversy will be whether being a State legislator is a part-time or a full-time occupation.

Retirement Benefits/Cost to the State

The attached computations prepared by the Legislative Affairs Agency show that retirement benefits are directly related to individuals' highest salary; when legislative salaries increased by 133 percent (\$1,673 per month to \$3,900 per month), potential retirement benefits increased by the same percentage. However, because per diem was eliminated when the salary increase became effective, the net effect of the salary increase on legislators' current income was substantially less than 133 percent. As the table below shows, the salary increase raised State costs for legislators' compensation and expenses (other than retirement) by about 58 percent (from \$41,009 to \$64,840). Legislators' annual taxable income increased by about 60 percent, plus an additional amount of untaxed income for those whose cost of maintaining a household in Juneau is less than \$109 per day. The following table compares cost to the State (gross compensation) and taxable income under the current system and the system in effect prior to 1983.

	<u>Pre-1983 System</u>	<u>Current System</u>
Salary	\$21,084	\$46,800
Benefits	6,325	14,040
Expense Allowance	4,000	4,000
Per Diem	9,600	0
Gross Compensation	41,009	64,840
Deductions for Living Expenses	0	13,080
Taxable Income	21,084	33,720

Assumptions

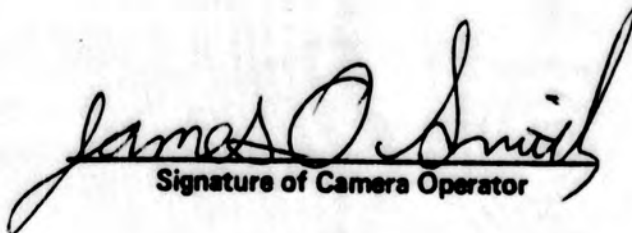
120 day session
no payments during interim
1985 salary schedule in effect [\$1,757/month (10A) vs. \$3,900/month (22A)]
benefits are 30 percent of salary
per diem is \$80 and is included in compensation
cost of maintaining a second household is \$80 per day
allowable deduction for living expenses is \$109 per day



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

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Bradley
10-16-85

1 IN THE SENATE

BY THE JOINT SPECIAL COMMITTEE
ON LEGISLATIVE SALARIES

2 SENATE BILL NO.

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 the compensation of legislators;
7 and providing for an effective date."

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

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

10 Sec. 24.10.100. SALARY OF LEGISLATORS. The monthly [ANNUAL]
11 salary for each member of the legislature is \$2,000 [\$46,800]. The
12 president of the senate and the speaker of the house of representa-
13 tives are each entitled to an additional \$7,000 [\$500] a year during
14 tenure of office. The majority leaders of the senate and house of
15 representatives are each entitled to an additional \$5,000 a year
16 during tenure of office. The minority leaders of the senate and the
17 house of representatives are each entitled to an additional \$2,500 a
18 year during tenure of office. The chair of each standing committee of
19 the senate and the house of representatives is each entitled to an
20 additional \$3,000 a year during tenure of office.

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

22 Sec. 24.10.105. LEGISLATIVE PER DIEM. (a) Each member of the
23 legislature who is not a permanent resident of Juneau is entitled to
24 per diem at the rate established for employees of the federal govern-
25 ment in Juneau when the member is in attendance at a regular or spe-
26 cial session of the legislature and for the five days before and after
27 a regular or special session.

28 (b) Each member of the legislature who is a permanent resident
29 of Juneau is entitled to per diem at 60 percent of the rate

1 established for employees of the federal government in Juneau when the
2 member is in attendance at a regular or special session of the legis-
3 lature and for the five days before and after a regular session of the
4 legislature.

5 * Sec. 3. AS 24.10.110 is amended to read:

6 Sec. 24.10.110. ADDITIONAL ALLOWANCES. Each [IN ADDITION,
7 EACH] member of the legislature is entitled to an annual allowance of
8 \$6,000 [PRESCRIBED IN ACCORDANCE WITH AS 39.23] for postage,
9 stationery, stenographic services and other expenses.

10 * Sec. 4. This Act takes effect January 19, 1987.
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14-1390 -
Bradley
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1 IN THE SENATE

BY THE JOINT SPECIAL COMMITTEE
ON LEGISLATIVE SALARIES

2 SENATE BILL NO.

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 the compensation of legislators;
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12 president of the senate and the speaker of the house of representa-
13 tives are each entitled to an additional ~~\$7,000~~ [\$500] a year during
14 tenure of office. ~~The majority leaders of the senate and house of~~
15 ~~representatives are each entitled to an additional \$5,000 a year~~
16 ~~during tenure of office. The minority leaders of the senate and the~~
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9 ~~stationery, stenographic services and other expenses.~~ *other official office related*

10 * Sec. 4. This Act takes effect January 19, 1987.

11 1st day of 15 day.

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STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

Page 1 of 2

REQUEST Work Draft Bill 14-1390
Bill/Resolution No.: dated 10/16/85
Title: An Act Relating to Compensation for Legislators
Sponsor: _____
Requestor: _____
Date of Request: _____

FISCAL DETAIL

Agency Affected: _____
Program Category Affected: EPORS

BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
OPERATING						
100 PERSONAL SERVICES						
100 RTMNT & BNFTS						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCT						
700 GRANTS, CLAIMS	-0-	80.6	209.0	225.7	243.8	263.3
700 TRS MATCH						
TOTAL OPERATING	-0-	80.6	209.0	225.7	243.8	263.3
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	80.6	209.0	225.7	243.8	263.3
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	80.6	209.0	225.7	243.8	263.3

POSITIONS:	-0-	-0-	-0-	-0-	-0-	-0-
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

(See attached)

DRAFT

Prepared By: J.K. Humphreys
Division: Retirement & Benefits

Phone: 465-4470
Date: 10/30/85

Approved by Commissioner: Eleanor Andrews
Agency: Department of Administration

Date: _____

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Rev. 9/16/85

Work Draft Bill 14-1390 (10/16/85 version)
Fiscal Note Analysis
Prepared by Division of Retirement & Benefits

October 30, 1985

Analysis: Passage of this bill would decrease the current monthly salary for legislators and would consequently reduce monthly benefit payments to some members of the Elected Public Officers Retirement System (EPORS). Seventeen current EPORS retirees would receive reduced benefits and, for this analysis, we have estimated that three of the six members eligible to retire in FY 87 would also be affected by this bill.

The FY 87 savings to the state of \$80.6 is calculated by applying the reduction in salary to the EPORS benefit formula and recalculating the FY 87 cost for each EPORS retiree.

The savings for FY 87 are projected for five months. Savings in successive fiscal years are for full years and increase at a rate of 8%.

This fiscal note reflects cost savings relating to EPORS only. Savings in PERS and TRS benefits will presumably be reflected in the fiscal note prepared by Legislative Affairs Agency in the Personal Services Component since these costs are charged as a percent of salary.

DRAFT

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB No.
 Title: An Act relating to the compensation of
legislators and providing for an e.d.
 Sponsor: Joint Spec. Comm. on Legis. Salaries
 Requestor: Senator Mitch Abene
 Date of Request: 10/23/85

FISCAL DETAIL

Agency Affected: Legislative Affairs Agency
 BRU: General Government
 Components: Legislative Council,
Salaries & Allowances

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES	-0-	<538.1>	<1,549.0>	<1,549.0>		
TRAVEL	-0-	833.2	833.2	833.2		
CONTRACTUAL	-0-	120.0	120.0	120.0		
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	417.1	<615.8>	<615.8>		

CAPITAL	-0-	417.1	<615.8>	<615.8>		
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REVENUE						
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FUNDING : (Thousands of Dollars)

GENERAL FUND	-0-	417.1	<615.8>	<615.8>		
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME		60	60	60		
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

This bill reduces the monthly salary of legislators from \$3,900 to \$2,000; reinstates per diem during session at a higher rate; raises the annual allowance from \$4,000 annually to \$6,000 annually for postage, stationery, stenographic services and other expenses; and raises the additional compensation of the Senate President and Speaker of the House from \$500 annually to

(Continued)

Prepared by: Pamela A. Stoops, Manager Phone: 465-3850
 Division: Administrative Services Date: 10/28/85

Approved by Executive Director: Warren M. Endicott Warren M. Endicott 10/28/85
 Agency: Legislative Affairs Agency lh

Distribution (by Agency preparing fiscal note):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. _____

\$7,000 annually. This bill also adds additional compensation to the majority leaders of the House and Senate \$5,000 a year, minority leaders of the House and Senate \$2,500 a year, and the chair of each standing committee of the Senate and House \$3,000 a year.

FY 87 shows an increase over existing law because this bill goes into effect January 19, 1987, and the higher salary is in effect for 6 months plus per diem going into effect January 19, 1987.

The legislative per diem in this bill is the rate established for employees of the federal government in Juneau. Currently that rate is \$109 a day. Before July 21, 1983 when the legislators were eligible for per diem, the rate according to law was using the State per diem rate which currently is \$80 a day.

STATE OF ALASKA THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

October 16, 1985

SUBJECT: Compensation of legislators
(Work Order No. 14-1390)

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

FROM: Richard A. Bradley 
Legislative Counsel

Linda Firestone has requested a bill relating to legislative compensation. The bill is enclosed.

Let me note first a threshold issue regarding the numbering of the sections. The revisor has eliminated AS 24.15 and renumbered the sections as a part of AS 24.10. Accordingly, the numbering contained within this bill will conform to the supplement of the Alaska Statutes when issued this fall. They should be available in the very near future.

For your convenience, note that AS 24.10.100 is former AS 24.15.020. AS 24.10.105 is similar to former AS 24.15.010, repealed. AS 24.10.110 is former AS 24.15.030.

Please note that I have not dealt with the question of per diem during the interim, apart from the five days before and after a session. I am advised that there is presently no legislation dealing with the question and that the legislative council has authorized members to submit requests for reimbursement based on the costs of accommodations and \$31 a day as a meals allowance.

If I were to propose language that would otherwise be consistent with the general scheme of the enclosed bill, I would suggest that a new subsection be added to Sec. 24.10.105, a section itself added in the bill, to read:

(c) When the legislature is not in session, a member of the legislature on official duty as a member of the

Senator Mitch Abood
Page 2
October 16, 1985

legislature in a community that is not the place of residence of the member is entitled to per diem at the rate set under (a) of this section; a member of the legislature on official duty as a member of the legislature in a community that is the place of residence of the member is entitled to per diem at the rate set under (b) of this section.

If I may be of further assistance, please advise.

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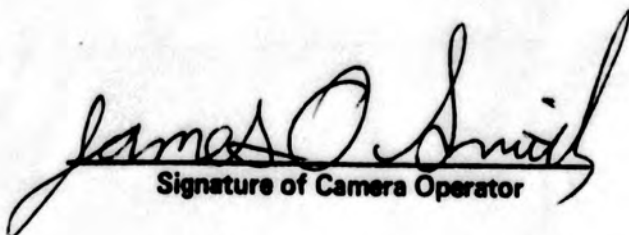
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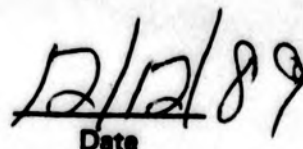


RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

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14-1390
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11/13/85

1 IN THE SENATE

BY THE JOINT SPECIAL COMMITTEE
ON LEGISLATIVE SALARIES

2 SENATE BILL NO.

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 the compensation of legislators;
7 and providing for an effective date."

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

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

10 Sec. 24.10.100. SALARY OF LEGISLATORS. The monthly [ANNUAL]
11 salary for each member of the legislature is \$2,500 [\$46,800]. The
12 president of the senate and the speaker of the house of representa-
13 tives are each entitled to an additional \$500 a year during tenure of
14 office.

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

16 Sec. 24.10.105. LEGISLATIVE PER DIEM. (a) Each member of the
17 legislature who is not a permanent resident of Juneau is entitled to
18 per diem at the rate established for employees of the federal govern-
19 ment in Juneau when the member is in attendance at a regular or spe-
20 cial session of the legislature and for the five days before and after
21 a regular or special session.

22 (b) Each member of the legislature who is a permanent resident
23 of Juneau is entitled to per diem at 70 percent of the rate estab-
24 lished for employees of the federal government in Juneau when the
25 member is in attendance at a regular or special session of the legis-
26 lature and for the five days before and after a regular session of the
27 legislature.

28 (c) Except as provided in (a) or (b) of this section, a member
29 of the legislature on official duty as a member of the legislature, as

1 determined by the legislative council, is entitled to reimbursement
2 for actual expenses for meals and lodging.

3 * Sec. 3. AS 24.10.110 is amended to read:

4 Sec. 24.10.110. ADDITIONAL ALLOWANCES. Each [IN ADDITION,
5 EACH] member of the legislature is entitled to an annual allowance of
6 \$6,000 [PRESCRIBED IN ACCORDANCE WITH AS 39.23] for postage, statio-
7 nery, [STENOGRAPHIC SERVICES] and other related legislative expenses.

8 * Sec. 4. This Act takes effect January 19, 1987.
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14-1390
Bradley
10/24/85

1 IN THE SENATE

BY THE JOINT SPECIAL COMMITTEE
ON LEGISLATIVE SALARIES

2 SENATE BILL NO.

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 the compensation of legislators;
7 and providing for an effective date."

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

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

10 Sec. 24.10.100. SALARY OF LEGISLATORS. The monthly [ANNUAL]
11 salary for each member of the legislature is \$2,500 [\$46,800]. The
12 president of the senate and the speaker of the house of representa-
13 tives are each entitled to an additional \$500 a year during tenure of
14 office. *System withdrawn*

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

16 Sec. 24.10.105. LEGISLATIVE PER DIEM. (a) Each member of the
17 legislature who is not a permanent resident of Juneau is entitled to
18 per diem at the rate established for employees of the federal govern-
19 ment in Juneau when the member is in attendance at a regular or spe-
20 cial session of the legislature and for the five days before and after
21 a regular or special session. *Shelling wanted 60*

22 (b) Each member of the legislature who is a permanent resident
23 of Juneau is entitled to per diem at ⁷⁰ percent of the rate estab-
24 lished for employees of the federal government in Juneau when the
25 member is in attendance at a regular or special session of the legis-
26 lature and for the five days before and after a regular session of the
27 legislature. *Conflict with our office app*

28 *Buttze* (c) ~~Except as provided in (a) or (b) of this section,~~ ^A a member
29 of the legislature on official duty ~~as a member of the legislature in~~

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Call
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A member of the legislature on official duty as
 defined by leg council during interim
 is entitled to reimbursement of actual expenses
 transportation & related, meals

See letter
 A community that is not the place of residence of the member is
 entitled to per diem at the rate set under (a) of this section; a
 member of the legislature on official duty as a member of the
 legislature in a community that is the place of residence of the
 member is entitled to per diem at the rate set under (b) of this
 section. *[During interim is entitled to actual expenses]*

* Sec. 3. AS 24.10.110 is amended to read: ~~white on~~

Sec. 24.10.110. ADDITIONAL ALLOWANCES. Each [IN ADDITION,
 EACH] member of the legislature is entitled to an annual allowance of
\$6,000 [PRESCRIBED IN ACCORDANCE WITH AS 39.23] for postage, station-
 nery, [STENOGRAPHIC SERVICES] and other related legislative expenses.

* Sec. 4. This Act takes effect January 19, 1987. - adopted

Fah - leave

Phillips - new one

Sund - up to 8

Sall. - leave at 6

Shen - leave at 6

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STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Work Draft Bill 14-1390 dated 10/24/85
REQUEST Bill/Resolution No.: 10/24/85
Title: An Act Relating to Compensation for Legislators
Sponsor: _____
Requestor: _____
Date of Request: _____

Revision Date: 10/30/85
Page 1 of 2
FISCAL DETAIL
Agency Affected: _____
Program Category Affected: EPORS
BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
OPERATING						
100 PERSONAL SERVICES						
100 RMNT & BNFTS						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCT						
700 GRANTS, CLAIMS	-0-	[59.2]	[153.5]	[165.7]	[179.0]	[193.3]
700 TRS MATCH						
TOTAL OPERATING	-0-	[59.2]	[153.5]	[165.7]	[179.0]	[193.3]

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	[59.2]	[153.5]	[165.7]	[179.0]	[193.3]
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	[59.2]	[153.5]	[165.7]	[179.0]	[193.3]

POSITIONS:	-0-	-0-	-0-	-0-	-0-	-0-
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

(see attached)

DRAFT

Prepared By: J.K. Humphreys, Director
Division: Retirement & Benefits

Phone: 465-4470
Date: 10/30/85

Approved by Commissioner: Eleanor Andrews
Agency: Department of Administration

Date: _____

Distribution (by Agency preparing fiscal note):

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

Rev. 9/16/85

Work Draft Bill 14-1390 (10/24/85 version)
Fiscal Note Analysis
Prepared by Division of Retirement & Benefits

October 30, 1985

Analysis: Passage of this bill would decrease the current monthly salary for legislators and would consequently reduce monthly benefit payments to some members of the Elected Public Officers Retirement System (EPORS). Seventeen current EPORS retirees would receive reduced benefits and, for this analysis, we have estimated that three of the six members eligible to retire in FY 87 would also be affected by this bill.

The FY 87 savings to the state of \$59.2 is calculated by applying the reduction in salary to the EPORS benefit formula and recalculating the FY 87 cost for each EPORS retiree.

The savings for FY 87 are projected for five months. Savings in successive fiscal years are for full years and increase at a rate of 8%.

This fiscal note reflects cost savings relating to EPORS only. Savings in PERS and TRS benefits will presumably be reflected in the fiscal note prepared by Legislative Affairs Agency in the Personal Services Component since these costs are charged as a percent of salary.

DRAFT

STATE OF ALASKA 1986 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB No.
 Title : An Act relating to the compensation of
legislators; and providing for an e.d.
 Sponsor : Joint Spec. Comm. on Legis. Salaries
 Requestor : Senator Mitch Abood
 Date of Request : 10/23/85

FISCAL DETAIL

Agency Affected : Legislative Affairs Agency
 BRU : General Government
 Components : Legislative Council,
Salaries & Allowances

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES	-0-	<322.2>	<1,213.1>	<1,213.1>		
TRAVEL	-0-	839.6	839.6	839.6		
CONTRACTUAL	-0-	120.0	120.0	120.0		
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	637.4	<253.5>	<253.5>		

CAPITAL	-0-	637.4	<253.5>	<253.5>		
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REVENUE						
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FUNDING : (Thousands of Dollars)

GENERAL FUND	-0-	637.4	<253.5>	<253.5>		
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME		60	60	60		
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

This bill reduces the monthly salary of legislators from \$3,900 to \$2,500; reinstates per diem during session at a higher rate; and raises the annual allowance for postage, stationery, stenographic services and other expenses from \$4,000 to \$6,000. (Continued)

Prepared by : Pamela A. Stoops, Manager *Pamela Stoops* Phone : 465-3850
 Division : Administrative Services Date : 10/28/85

Approved by Executive Director : Warren W. Endicott *Warren W. Endicott* 10/28/85
 Agency : Legislative Affairs Agency

Distribution (by Agency preparing fiscal note) :

Legislative Finance

Requestor

Office of Management and Budget

Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. _____

FY 87 shows an increase over existing law because this bill goes into effect January 19, 1987 and the higher salary is in effect for 6½ months plus per diem going into effect January 19, 1987.

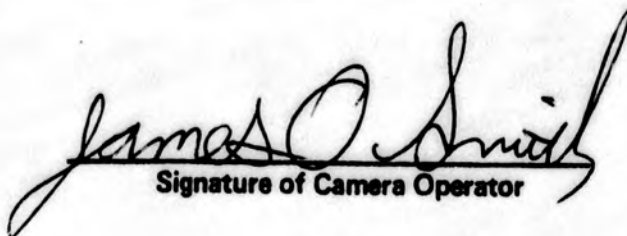
The legislative per diem in this bill is the rate established for employees of the federal government in Juneau. Currently that rate is \$109 a day. Before July 21, 1983 when the legislators were eligible for per diem, the rate according to law was using the State per diem rate which currently is \$80 a day.



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

SCOMM

#49:27

14-1455
Cramer
11-25-85

1 IN THE SENATE

BY THE JOINT SPECIAL COMMITTEE
ON LEGISLATIVE SALARIES

2 SENATE BILL NO.

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 39.23 is amended by adding new sections to read:

11 ARTICLE 1. STATE OFFICERS COMPENSATION COMMISSION.

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 Sec. 39.23.210. PROHIBITIONS AGAINST STATE OR MUNICIPAL SERVICE.

3 A member of the commission may not be employed by the state or hold
4 elective state or municipal office during membership on the commis-
5 sion.

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

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

11 (b) If requested by the commission, the director of personnel in
12 the Department of Administration shall serve as secretary to the
13 commission.

14 Sec. 39.23.240. DUTIES OF THE COMMISSION. (a) The commission
15 shall review the salaries, benefits, and allowances of members of the
16 legislature, the governor, lieutenant governor, members of the judi-
17 ciary, and the head of each principal department and submit a report
18 on its findings at least once every two years, but not more frequently
19 than every year.

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

25 (c) The commission shall make a final report of its findings and
26 recommendations as to the rate and form of compensation, benefits, and
27 allowances for state officers no later than the 10th day of a legisla-
28 tive session. A recommendation has the force of law and becomes
29 effective on the first day of the next regular legislative session

1 unless rejected by a concurrent resolution adopted by two-thirds of
2 the members in each house of the legislature.

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

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

8 Sec. 39.23.250. RECOMMENDATIONS RELATING TO THE JUDICIARY,
9 GOVERNOR, AND LIEUTENANT GOVERNOR. (a) A recommendation of the
10 commission may not have the effect of reducing the compensation or
11 benefits of a member of the judiciary who is a member of the judiciary
12 on the effective date of the commission's recommendation; or reduce,
13 unless consistent with general law applicable to all other salaried
14 officers of the state, except incumbent members of the judiciary, the
15 compensation and benefits of the governor or lieutenant governor who
16 are in office on the effective date of the commission's recommen-
17 dation.

18 (b) The commission may recommend reduction in compensation or
19 benefits for individuals who become members of the judiciary or gover-
20 nor or lieutenant governor after the effective date of the commis-
21 sion's recommendation.

22 Sec. 39.23.260. FILING WITH LIEUTENANT GOVERNOR AND CERTIFICA-
23 TION. The commission shall, upon transmitting its final recommenda-
24 tions to the legislature, file the recommendations in the office of
25 the lieutenant governor, and upon the recommendations becoming effec-
26 tive the commission shall certify the copy of the recommendations on
27 file in the office of the lieutenant governor.

28 Sec. 39.23.270. POLICY OF THE LEGISLATURE. It is the policy of
29 the legislature that the commission determine the salary schedule and

1 retirement benefits for state officers based upon equitable relation-
2 ships being maintained among state positions.

3 Sec. 39.23.280. ADMINISTRATIVE PROCEDURE ACT. The Administra-
4 tive Procedure Act (AS 44.62) does not apply to proceedings of the
5 commission.

6 Sec. 39.23.400. DEFINITIONS. In AS 39.23.200 - 39.23.400

7 (1) "commission" means the State Officers Compensation
8 Commission;

9 (2) "judiciary" means justices of the supreme court and
10 judges of the court of appeals and the superior and district courts;

11 (3) "state officer" means members of the legislature, the
12 governor, lieutenant governor, members of the judiciary, and the head
13 of each principal department in the executive branch.

14 * Sec. 2. AS 22.05.140(a) is repealed and reenacted to read:

15 (a) The State Officers Compensation Commission shall set the
16 compensation and geographic cost-of-living adjustment, if any, of each
17 justice under AS 39.23.200 - 39.23.400.

18 * Sec. 3. AS 22.07.090(a) is repealed and reenacted to read:

19 (a) The State Officers Compensation Commission shall set the
20 compensation of each judge of the court of appeals under AS 39.23.-
21 200 - 39.23.400.

22 * Sec. 4. AS 22.10.190(a) is repealed and reenacted to read:

23 (a) The State Officers Compensation Commission shall set the
24 compensation and geographic cost-of-living adjustment, if any, of each
25 judge of the superior court under AS 39.23.200 - 39.23.400.

26 * Sec. 5. AS 22.15.220(a) is repealed and reenacted to read:

27 (a) The State Officers Compensation Commission shall set the
28 compensation and geographic cost-of-living adjustment, if any, of each
29 judge of the district court under AS 39.23.200 - 39.23.400.

1 * Sec. 6. AS 24.15.020 is repealed and reenacted to read:

2 Sec. 24.15.020. COMPENSATION OF LEGISLATORS. The State Officers
3 Compensation Commission shall set the compensation of legislators
4 under AS 39.23.200 - 39.23.400.

5 * Sec. 7. AS 39.20.010 is repealed and reenacted to read:

6 Sec. 39.20.010. COMPENSATION OF THE GOVERNOR. The State Offi-
7 cers Compensation Commission shall set the compensation of the gover-
8 nor under AS 39.23.200 - 39.23.400.

9 * Sec. 8. AS 39.20.030 is repealed and reenacted to read:

10 Sec. 39.20.030. COMPENSATION OF LIEUTENANT GOVERNOR. The State
11 Officers Compensation Commission shall set the compensation of the
12 lieutenant governor under AS 39.23.200 - 39.23.400.

13 * Sec. 9. AS 39.20.050 is amended to read:

14 Sec. 39.20.050. EXCLUSIVE COMPENSATION. The compensation fixed
15 by the State Officers Compensation Commission [LAW] for the governor
16 and lieutenant governor is full compensation [IN FULL] for all servi-
17 ces rendered by each of them in any official capacity or employment
18 whatsoever during their respective terms of office, and shall be paid
19 throughout their respective terms of office unless the office becomes
20 vacant.

21 * Sec. 10. AS 39.20.080(a) is repealed and reenacted to read:

22 (a) The State Officers Compensation Commission shall set the
23 compensation of the head of each principal executive department under
24 AS 39.23.200 - 39.23.400.

25 * Sec. 11. Notwithstanding AS 39.05.055(5) and AS 39.23.200, one of the
26 initial members appointed to the commission shall serve a one-year term,
27 two members shall serve two-year terms, two members shall serve three-year
28 terms, and two members shall serve four-year terms.

29 * Sec. 12. Notwithstanding secs. 2 - 10 and 13 of this Act, the salary

1 for justices of the supreme court established in AS 22.05.140, judges of
2 the court of appeals established in AS 22.07.090, judges of the superior
3 court established in AS 22.10.190, judges of the district court established
4 in AS 22.15.220, legislators established in AS 24.15.020, the governor
5 established in AS 39.20.010, the lieutenant governor established in AS 39.-
6 20.030, and heads of each principal executive department established in
7 AS 39.20.080, as those sections existed immediately before the effective
8 date of this Act shall remain in effect until the commission has recom-
9 mended a change in the salary of that office in accordance with AS 39.23.-
10 200 - 39.23.400.

11 * Sec. 13. AS 22.05.140(c); AS 22.10.190(c); AS 22.15.220(d); and
12 AS 39.20.080(c) are repealed.

13 * Sec. 14. This Act takes effect on the effective date of an amendment
14 to the Constitution of the State of Alaska creating a State Officers Com-
15 pensation Commission.
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SCOMM

#49:28

14-1391
Cramer✓
11/25/85

1 IN THE SENATE

BY THE JOINT SPECIAL COMMITTEE
ON LEGISLATIVE SALARIES

2 SENATE JOINT RESOLUTION NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 Proposing an amendment to the Constitu-
6 tion of the State of Alaska establishing
7 a state officers compensation commis-
8 sion.

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

10 * Section 1. Article XII, Constitution of the State of Alaska, is
11 amended by adding a new section to read:

12 SECTION 14. STATE OFFICERS COMPENSATION COMMISSION. The state
13 officers compensation commission shall consist of seven members ap-
14 pointed by the governor and subject to confirmation by a majority of
15 the members of the legislature in joint session. A person who is an
16 elected municipal official, an employee of the legislative, judicial,
17 or executive branches of state government including the University of
18 Alaska, or a member of another state board, commission, or authority
19 may not serve as a member of the compensation commission. Members of
20 the commission shall be appointed for four-year terms except that the
21 initial members of the commission shall be appointed to terms so that
22 no more than two vacancies occur in a single year. A vacancy shall be
23 filled for the unexpired term. The commission shall act by
24 concurrence of four or more members and according to rules that it
25 adopts. The commission may revise the salaries, benefits, and expense
26 allowances of members of the legislature, the governor, lieutenant
27 governor, justices and judges of the court system, and the head of
28 each principal department. The salaries, benefits, and expense
29 allowances established by the commission take effect on the first day

1 of the next regular legislative session. However, the legislature may
2 reject the salaries, benefits, or expense allowances by a concurrent
3 resolution adopted by two-thirds of the members in each house of the
4 legislature. The legislature shall implement this section by law.

5 * Sec. 2. The amendment proposed by this resolution shall be placed
6 before the voters of the state at the next general election in conformity
7 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-
8 tion laws of the state.
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14-1391
Cramer✓
11/13/85

See 1391 dated
11/25 - ^{it is} revised

1 IN THE SENATE

BY THE JOINT SPECIAL COMMITTEE
ON LEGISLATIVE SALARIES

2 SENATE JOINT RESOLUTION NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 Proposing an amendment to the Constitu-
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7 a state officers compensation commis-
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14 pointed by the governor and subject to confirmation by a majority of
15 the members of the legislature in joint session. A person who is an
16 elected municipal official, an employee of the legislative, judicial,
17 or executive branches of state government including the University of
18 Alaska, or a member of another state board, commission, or authority
19 may not serve as a member of the compensation commission. Members of
20 the commission shall be appointed for four-year terms except that the
21 initial members of the commission shall be appointed to terms so that
22 no more than two vacancies occur in a single year. A vacancy shall be
23 filled for the unexpired term. The commission shall act by
24 concurrence of four or more members and according to rules that it
25 adopts. The commission may revise the salaries, benefits, and expense
26 allowances of members of the legislature, the governor, lieutenant
27 governor, justices and judges of the court system, and the head of
28 each principal department. The salaries, benefits, and expense
29 allowances established by the commission take effect at a time

1 established by the commission unless the legislature rejects the
2 salaries, benefits, or expense allowances by a concurrent resolution
3 adopted by two-thirds of the members in each house of the legislature.
4 The legislature shall implement this section by law.

5 * Sec. 2. The amendment proposed by this resolution shall be placed
6 before the voters of the state at the next general election in conformity
7 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-
8 tion laws of the state.
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14-1391✓
Bradley
10-16-85

1 IN THE SENATE

BY THE JOINT SPECIAL COMMITTEE
ON LEGISLATIVE SALARIES

2 SENATE JOINT RESOLUTION NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 Proposing an amendment to the Constitu-
6 tion of the State of Alaska establishing
7 a state officers compensation commis-
8 sion.

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

10 * Section 1. Article XII, Constitution of the State of Alaska, is
11 amended by adding a new section to read:

12 SECTION 14. STATE OFFICERS COMPENSATION COMMISSION. The state
13 officers compensation commission shall consist of seven members
14 appointed by the governor and subject to confirmation by a majority of
15 the members of the legislature in joint session. Members of the
16 commission shall be appointed for four year terms except that the
17 initial members of the commission shall be appointed to terms so that
18 no more than two vacancies occur in a single year. A vacancy shall be
19 filled for the unexpired term. The commission shall act by
20 concurrence of four or more members and according to rules that it
21 adopts. The commission may revise the salaries, benefits, and expense
22 allowances of members of the legislature, the governor, lieutenant
23 governor, justices and judges of the court system, the head and the
24 deputy head of each principal department, and full-time members of a
25 state board or commission. The salaries, benefits, and expense
26 allowances established by the commission take effect at a time
27 established by the commission unless the legislature rejects the
28 salaries, benefits, or expense allowances by a concurrent resolution
29 adopted by two-thirds of the members in each house of the legislature.

1 The legislature shall implement this section by law.

2 * Sec. 2. The amendment proposed by this resolution shall be placed
3 before the voters of the state at the next general election in conformity
4 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-
5 tion laws of the state.
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14-1391✓
Bradley
10-16-85

1 IN THE SENATE

BY THE JOINT SPECIAL COMMITTEE
ON LEGISLATIVE SALARIES

2 SENATE JOINT RESOLUTION NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 Proposing an amendment to the Constitu-
6 tion of the State of Alaska establishing
7 a state officers compensation commis-
8 sion.

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

10 * Section 1. Article XII, Constitution of the State of Alaska, is
11 amended by adding a new section to read:

12 SECTION 14. STATE OFFICERS COMPENSATION COMMISSION. The state
13 officers compensation commission shall consist of seven^{Public} members
14 appointed by the governor and subject to confirmation by a majority of
15 the members of the legislature in joint session. Members of the
16 commission shall be appointed for four year terms except that the
17 initial members of the commission shall be appointed to terms so that
18 no more than two vacancies occur in a single year. A vacancy shall be
19 filled for the unexpired term. The commission shall act by
20 concurrence of four or more members and according to rules that it
21 adopts. The commission may revise the salaries, benefits, and expense
22 allowances of members of the legislature, the governor, lieutenant
23 governor, justices and judges of the court system, ~~the head and the~~
24 ~~deputy head of each principal department, and full-time members of a~~
25 ~~state board or commission.~~ The salaries, benefits, and expense
26 allowances established by the commission take effect at a time
27 established by the commission unless the legislature rejects the
28 salaries, benefits, or expense allowances by a concurrent resolution
29 adopted by two-thirds of the members in each house of the legislature.

amendment

1 The legislature shall implement this ~~section~~ by law.

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

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Introduced: 1/25/85
Referred: State Affairs,
Judiciary and Finance

BY PIGNALBERI, PHILLIPS AND
JENKINS

1 IN THE HOUSE

2

HOUSE BILL NO. 129

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to compensation of legislators;
establishing a commission on legislative compensa-
tion; and providing for an effective date."

8

9

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

10

* Section 1. AS 24.15.020 is repealed and reenacted to read:

11

Sec. 24.15.020. SALARY OF LEGISLATORS. The compensation of a

12

legislator shall be established in accordance with AS 24.15.080 -

13

24.15.110.

14

* Sec. 2. AS 24.15 is amended by adding new sections to read:

15

ARTICLE 3. COMMISSION ON LEGISLATIVE COMPENSATION.

16

Sec. 24.15.080. COMPENSATION COMMISSION ESTABLISHED. (a) The

17

Commission on Legislative Compensation is established. The commission

18

is composed of five members appointed jointly by the president of the

19

senate and the speaker of the house for terms of four years. Commis-

20

sion membership shall include at least one business executive, one

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representative of a nonpartisan voters' organization, one person with

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experience in public administration and one representative of a labor

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organization. A vacancy shall be filled for the balance of the un-

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expired term.

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(b) The commission shall annually elect a member to chair its

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meetings. A majority of the commission members constitutes a quorum

27

to transact business. A majority of the members must approve the

28

commission's recommendations on legislative compensation.

29

(c) The commission shall meet at the call of the chair. Notice good

1 of a meeting shall be mailed to each member at least 15 days before
2 the date scheduled for the meeting.

3 Sec. 24.15.090. PROHIBITIONS AGAINST STATE SERVICE. A member of
4 the commission may not be employed by the state during membership on *and*
5 the commission and may not hold legislative elective office during or
6 within one year following membership.

7 Sec. 24.15.100. DUTIES OF COMMISSION. The commission shall
8 review legislators' salaries at least once every two years, but not
9 more frequently than every year. The commission shall report to the
10 legislature its recommendations on compensation of legislators,
11 including their salaries, benefits, and allowances. The commission
12 may recommend that the president of the senate and the speaker of the
13 house receive additional compensation. A salary recommendation of the
14 commission takes effect at the beginning of the next fiscal year if
15 the legislature passes an appropriation to fund an increase. A recom-
16 mendation on benefits or allowances takes effect upon the passage of
17 necessary legislation.

18 Sec. 24.15.110. ADMINISTRATIVE PROCEDURE ACT. The Administra-
19 tive Procedure Act (AS 44.62) does not apply to proceedings of the
20 commission. However, the commission shall hold a public hearing
21 before recommending a change in the compensation of legislators.

22 Sec. 24.15.120. DEFINITION. In AS 24.15.080 - 24.15.110 "com-
23 mission" means the Commission on Legislative Compensation.

24 * Sec. 3. Notwithstanding AS 24.15.080(a), two of the initial members
25 appointed to the commission shall serve one-year terms, one member shall
26 serve a two-year term, one member shall serve a three-year term, and one
27 member shall serve a four-year term.

28 * Sec. 4. Notwithstanding sec. 1 of this Act, the salary for legisla-
29 tors established in AS 24.15.020 as it existed immediately before the

1 effective date of this Act shall remain in effect until the commission has
2 recommended a change and the legislature has adopted it in accordance with
3 AS 24.15.100.

4 * Sec. 5. This Act takes effect immediately in accordance with AS 01.-
5 10.070(c).

Introduced: 1/25/85
Referred: State Affairs,
Judiciary and Finance

BY PIGNALBERI, PHILLIPS AND
JENKINS

1 IN THE HOUSE

2 HOUSE BILL NO. 129

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to compensation of legislators;
7 establishing a commission on legislative compensa-
8 tion; and providing for an effective date."

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

10 * Section 1. AS 24.15.020 is repealed and reenacted to read:

11 Sec. 24.15.020. SALARY OF LEGISLATORS. The compensation of a
12 legislator shall be established in accordance with AS 24.15.080 -
13 24.15.110.

14 * Sec. 2. AS 24.15 is amended by adding new sections to read:

15 ARTICLE 3. COMMISSION ON LEGISLATIVE COMPENSATION.

16 Sec. 24.15.080. COMPENSATION COMMISSION ESTABLISHED. (a) The
17 Commission on Legislative Compensation is established. The commission
18 is composed of five members appointed jointly by the president of the
19 senate and the speaker of the house for terms of four years. Commis-
20 sion membership shall include at least one business executive, one
21 representative of a nonpartisan voters' organization, one person with
22 experience in public administration and one representative of a labor
23 organization. A vacancy shall be filled for the balance of the un-
24 expired term.

25 (b) The commission shall annually elect a member to chair its
26 meetings. A majority of the commission members constitutes a quorum
27 to transact business. A majority of the members must approve the
28 commission's recommendations on legislative compensation.

29 (c) The commission shall meet at the call of the chair. Notice

1 effective date of this Act shall remain in effect until the commission has
2 recommended a change and the legislature has adopted it in accordance with
3 AS 24.15.100.

4 * Sec. 5. This Act takes effect immediately in accordance with AS 01.-
5 10.070(c).



LAWS OF ALASKA

1976

Source

PCCS HCS CSSB 499

Chapter No.

263

AN ACT

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

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

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

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

Sec. 39.23.020. TERM OF OFFICE; VACANCIES. (a) Commission members serve at the pleasure of the governor for four-year staggered terms. However, two of the initial members appointed to the commission shall serve one-year terms and the rest shall serve, respectively, for terms of two years, three years and four years, the term to be determined by lot at the first meeting of the commission.

(b) A vacancy shall be filled in the same manner as an original appointment for the balance of the unexpired term.

Sec. 39.23.030. OFFICERS; STAFF. The commission shall select a chairman from among its members annually. The director of the division of personnel and labor relations serves as ex officio secretary to the commission and provides research, technical and administrative services.

Sec. 39.23.040. MEETINGS; QUORUM. (a) A majority of the commission members constitutes a quorum to transact the business of the commission. A majority of the commission

members must approve the commission's recommendations to the legislature.

(b) The commission shall meet at the call of the chairman. Notice of meeting dates shall be mailed to each commission member at least 20 days before the date scheduled for a meeting.

(c) The commission shall meet to discuss its findings and recommendations at least twice before submitting its final report to the legislature under sec. 60 of this chapter.

Sec. 39.23.050. COMPENSATION. Members of the commission are entitled to per diem and travel expenses authorized by law for boards and commissions.

Sec. 39.23.060. REVIEW OF COMPENSATION AND BENEFITS; OFFICERS COVERED. The commission shall conduct an on-going review of compensation and retirement benefits for members of the legislature; the governor; the lieutenant governor; commissioners, deputy commissioners, and division directors of each executive department; members of the Alaska Public Utilities Commission; members of the Alaska Pipeline Commission; members of the Alaska Transportation Commission; members of the Alaska Commercial Fisheries Entry Commission; and the judiciary, to determine the appropriateness of compensation and benefits.

Sec. 39.23.070. STUDIES; REPORTS. (a) The commission may request reports or studies from any state agency concerning compensation and retirement benefits for officers listed in sec. 60 of this chapter. A state agency from which a report or study is requested shall furnish it within a period of time prescribed by the commission.

(b) The commissioner of administration shall make initial recommendations concerning compensation and retirement benefits for the officers listed in sec. 60 of this chapter.

Sec. 39.23.080. (a) Before November 15, 1976, and [REDACTED] the commission shall submit its preliminary findings and recommendations to the governor, the presiding officers of each house of the legislature and the chief justice of the supreme court.

(b) The commission shall give reasonable public notice of its preliminary findings and recommendations, solicit public comments, and give due regard to the public comments, before submitting a final report under (c) of this section.

(c) The commission shall make a final report of its findings and recommendations as to the rate and form of compensation and retirement benefits for the officers listed in sec. 60 of this chapter within 10 days after the first regular session of a legislature convenes.

[REDACTED] The recommendations regarding retirement become effective if enacted into law by the legislature.

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

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

Sec. 39.23.090. RECOMMENDATIONS RELATING TO THE JUDICIARY, GOVERNOR AND LIEUTENANT GOVERNOR. (a) No recommendations of the commission may have the effect of reducing the compensation or retirement benefits of any member of the judiciary who is a member of the judiciary on the effective date of the commission's recommendation; or reduce, unless by general law applied to all salaried officers of the state, the compensation and retirement benefits of the governor or lieutenant governor who are in office on the effective date of the commission's recommendation.

(b) The commission may recommend reduction in compensation or retirement benefits for individuals who become members of the judiciary or governor or lieutenant governor after the effective date of the commission's recommendation.

Sec. 39.23.100. FILING WITH LIEUTENANT GOVERNOR AND CERTIFICATION. The commission shall, upon transmitting its final recommendations to the legislature, file the recommendations in the office of the lieutenant governor, and upon the recommendations becoming effective the commission shall so certify on the copy of the recommendations on file in the office of the lieutenant governor.

Sec. 39.23.110. POLICY OF THE LEGISLATURE. It is the policy of the legislature that the commission determine the salary schedule and retirement benefits for public officers based upon equitable relationships being maintained among state positions.

Sec. 39.23.120. ADMINISTRATIVE PROCEDURE ACT. The Administrative Procedure Act (AS 44.62) does not apply to proceedings conducted under this chapter.

Sec. 39.23.130. DEFINITIONS. In this chapter

(1) "commission" means salary commission;

(2) "judiciary" means justices of the supreme court and judges of the superior and district courts.

* **Sec. 2.** AS 16.43.060 is amended to read:

Sec. 16.43.060. COMPENSATION OF MEMBERS OF THE ALASKA COMMERCIAL FISHERIES ENTRY COMMISSION. Members of the commission are in the exempt service and shall receive an annual salary as established under AS 39.23.

* **Sec. 3.** AS 22.05.140(a) is repealed and re-enacted to read:

(a) The chief justice and each associate justice are entitled to receive annual compensation prescribed in

accordance with AS 39.23. Compensation of the chief justice or of an associate justice may not be diminished during his term of office, unless by general law applying to all salaried officers of the state.

- Sec. 4. AS 22.10.190(a) is repealed and re-enacted to read:

(a) Each superior court judge is entitled to receive annual compensation prescribed in accordance with AS 39.23. The compensation of a judge may not be diminished during his term of office, unless by general law applying to all salaried officers of the state.

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

(a) Each district judge is entitled to receive annual compensation prescribed in accordance with AS 39.23. The compensation of a judge may not be diminished during his term of office, unless by general law applying to all salaried officers of the state.

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

Sec. 24.15.010. [REDACTED] The rate of per diem instead of subsistence for each member of the legislature shall be prescribed in accordance with AS [REDACTED]

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

Sec. 24.15.020. [REDACTED] Each member of the legislature is entitled to receive annual compensation prescribed in accordance with AS [REDACTED] to be paid in approximately equal monthly installments. The president of the senate and speaker of the house of representatives are each entitled to an additional annual sum prescribed in accordance with AS 39.23.

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

Sec. 24.15.030. [REDACTED] In addition, each member of the legislature is entitled to an annual allowance prescribed in accordance with AS [REDACTED] for postage, stationery, stenographic services and other expenses.

- Sec. 9. AS 39.20.010 is amended to read:

Sec. 39.20.010. ANNUAL SALARY OF GOVERNOR. The annual salary of the governor shall be prescribed in accordance with AS 39.23.

- Sec. 10. AS 39.20.030 is amended to read:

Sec. 39.20.030. ANNUAL SALARY OF LIEUTENANT GOVERNOR. The annual salary of the lieutenant governor shall be prescribed in accordance with AS 39.23.

- Sec. 11. AS 39.20.080 is repealed and re-enacted to read:

Sec. 39.20.080. SALARY OF EXECUTIVE DEPARTMENT HEAD AND DEPUTY. (a) The annual salary of the head of each principal executive department of the state shall be prescribed in accordance with AS 39.23.

(b) The salary of the deputy head of each principal executive department of the state shall be prescribed in accordance with AS 39.23.

- Sec. 12. AS 39.35.680(5)(B) is repealed and re-enacted to read:

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

- Sec. 13. AS 39.35.680(5)(C)(v) is repealed and re-enacted to read:

(v) justices and judges of the supreme, superior, and district courts of Alaska; or the governor and lieutenant governor; or the heads, deputy or assistant heads, and division directors of each principal executive department of the state; or the members of the Alaska State Legislature.

- Sec. 14. AS 42.05.091 is amended to read:

Sec. 42.05.091. COMPENSATION OF MEMBERS OF THE ALASKA PUBLIC UTILITIES COMMISSION. Members of the commission are in the exempt service and shall receive an annual salary as established under AS 39.23.

- Sec. 15. AS 42.06.090 is amended to read:

Sec. 42.06.090. COMPENSATION OF MEMBERS OF THE ALASKA PIPELINE COMMISSION. Members of the commission are in the exempt service described in AS 39.25 and receive an annual salary as established under AS 39.23.

- Sec. 16. AS 42.07.071 is amended to read:

Sec. 42.07.071. COMPENSATION OF MEMBERS OF THE ALASKA TRANSPORTATION COMMISSION. The commissioners are in the exempt service under AS 39.25 and shall receive an annual salary as established under AS 39.23.

- Sec. 17. The first appointments to the Alaska Salary Commission shall be made within 30 days after the effective date of sec. 1 of this Act.

- Sec. 18. AS 39.50.200(9) is amended by adding a new subparagraph to read:

(LL) Alaska Salary Commission (AS 39.23)

- Sec. 19. AS 39.25.120(8) is repealed and re-enacted to read:

(8) the director and deputy director of the division of tourism in the Department of Commerce and Economic Development.

- Sec. 20. Section 19 of this Act is retroactive to July 1, 1975.

* Sec. 21. Sections 1, 12, 17, 18, 19, and 20 of this Act take effect immediately in accordance with AS 01.10.070(c). Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15 and 16 of this Act take effect on the effective date of the first recommendations submitted to the legislature under AS 39.23.080(c).

-6-

Approved by governor: June 24, 1976
Actual effective date: Secs. 1, 12, 17, 18, 19 and 20:
June 25, 1976; Sec. 19 retroactive to July 1, 1975; Secs. 2,
3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15 and 16 take effect
on the effective date of the first recommendation of the
Alaska Salary Commission under AS 39.23.080(c)

1 IN THE SENATE

BY THE JOINT SPECIAL COMMITTEE
ON LEGISLATIVE SALARIES

2 SENATE JOINT RESOLUTION NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 Proposing an amendment to the Constitu-
6 tion of the State of Alaska establishing
7 a state officers compensation commis-
8 sion.

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

10 * Section 1. Article XII, Constitution of the State of Alaska, is
11 amended by adding a new section to read:

12 SECTION 14. STATE OFFICERS COMPENSATION COMMISSION. The state
13 officers compensation commission shall consist of seven members
14 appointed by the governor and subject to confirmation by a majority of
15 the members of the legislature in joint session. Members of the
16 commission shall be appointed for four year terms except that the
17 initial members of the commission shall be appointed to terms so that
18 no more than two vacancies occur in a single year. A vacancy shall be
19 filled for the unexpired term. The commission shall act by
20 concurrence of four or more members and according to rules that it
21 adopts. The commission may revise the salaries, benefits, and expense
22 allowances of members of the legislature, the governor, lieutenant
23 governor, justices and judges of the court system, the head and the
24 deputy head of each principal department, and full-time members of a
25 state board or commission. The salaries, benefits, and expense
26 allowances established by the commission take effect at a time
27 established by the commission unless the legislature rejects the
28 salaries, benefits, or expense allowances by a concurrent resolution
29 adopted by two-thirds of the members in each house of the legislature.

1 The legislature shall implement this section by law.

2 * Sec. 2. The amendment proposed by this resolution shall be placed
3 before the voters of the state at the next general election in conformity
4 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-
5 tion laws of the state.
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Offered: 4/22/85
Referred: Rules

Original sponsor: Rules Committee

1 IN THE SENATE BY THE FINANCE COMMITTEE
2 CS FOR SENATE CONCURRENT RESOLUTION NO. 19 (Finance) am H
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
5 Establishing a Joint Special Committee
6 on Legislative Salaries.
7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:
8 WHEREAS there exists considerable public concern over the issues of
9 legislative salaries, per diem, and allowances; and
10 WHEREAS the legislature desires to encourage confidence in the legis-
11 lative process and to streamline expenditures and reduce operating costs of
12 the legislature;
13 BE IT RESOLVED by the Alaska State Legislature that under Uniform Rule
14 21 a Joint Special Committee on Legislative Salaries is established con-
15 sisting of three members of the Senate appointed by the President of the
16 Senate and three members of the House of Representatives appointed by the
17 Speaker of the House to examine legislative salaries, per diem, and allow-
18 ances; and be it
19 FURTHER RESOLVED that three public exofficio members be selected by
20 the Joint Special Committee on Legislative Salaries; and be it
21 FURTHER RESOLVED that the committee, when constituted, be directed to
22 compare the approach taken by the state regarding salaries with the ap-
23 proach taken by other states and to develop recommendations for reducing
24 operating expenses; and be it
25 FURTHER RESOLVED that the committee is authorized to meet during and
26 between sessions of the legislature and is to report its recommendations
27 and findings on the first day of the Second Session of the Fourteenth
28 Legislature and is terminated on the first day of the Second Session of the
29 Fourteenth Legislature.

STATE OF ALASKA THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

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