

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672
7240 HOUSE STATE AFFAIRS

1 the state.

2 * Sec. 3. AS 22.10.190(a) is repealed and reenacted to read:

3 (a) The compensation of a superior court judge shall be established by order of the Public
4 Officers Compensation Commission.

5 * Sec. 4. AS 22.15.220(a) is repealed and reenacted to read:

6 (a) The compensation of a district court judge shall be established by order of the Public
7 Officers Compensation Commission.

8 * Sec. 5. AS 22.15.230 is amended to read:

9 Sec. 22.15.230. ADDITIONAL COMPENSATION. Subject to rule of the supreme court,
10 a [DISTRICT JUDGE OR] magistrate shall receive a per diem allowance and a transportation
11 allowance commensurate with that authorized for other state employees.

12 * Sec. 6. AS 24.10.100 is repealed and reenacted to read:

13 Sec. 24.10.100 SALARY OF LEGISLATORS. The salary for each member of the
14 legislature shall be established by order of the Public Officers Compensation Commission. The
15 commission may authorize additional compensation for the president of the senate and the
16 speaker of the house of representatives.

17 * Sec. 7. AS 24.10.110 is repealed and reenacted to read:

18 Sec. 24.10.110. ADDITIONAL ALLOWANCES. The Public Officers Compensation
19 Commission may authorize an annual allowance for postage, stationary, stenographic services,
20 and other expenses for each member of the legislature.

21 * Sec. 8. AS 24.10.120 is amended to read:

22 Sec. 24.10.120. METHOD OF PAYMENT. Salaries, and, if authorized by the Public
23 Officers Compensation Commission, per diem [,] and additional allowances for members of the
24 legislature shall be paid by warrants drawn on vouchers approved by the legislative fiscal officer.
25 The legislative fiscal officer shall, by January 31 of each year, file with the legislature's fiscal
26 office a report of all vouchers approved for payment under this section during the preceding
27 calendar year. The report must include [SHALL PROVIDE], by legislator, the date of each
28 voucher, the amount paid, and the basis for approval for payment. The report is a public record.

29 * Sec. 9. AS 39.20.010 is repealed and reenacted to read:

30 Sec. 39.20.010. COMPENSATION OF GOVERNOR. The compensation of the governor
31 shall be established by order of the Public Officers Compensation Commission.

*delete -
retains
status quo*

1 * Sec. 10. AS 39.20.030 is repealed and reenacted to read:

2 Sec. 39.20.030. COMPENSATION OF LIEUTENANT GOVERNOR. The compensation
3 of the lieutenant governor shall be established by order of the Public Officers Compensation
4 Commission.

5 * Sec. 11. AS 39.20.050 is amended to read:

6 Sec. 39.20.050. EXCLUSIVE COMPENSATION. The compensation established by
7 order of the Public Officers Compensation Commission and other benefits established
8 [FIXED] by law for the governor and lieutenant governor are compensation [IS] in full for all
9 services rendered by each of them in any official capacity or employment whatsoever during their
10 respective terms of office, and shall be paid throughout their respective terms of office unless the
11 office becomes vacant.

12 * Sec. 12. AS 39.20.080(a) is repealed and reenacted to read:

13 (a) The compensation of the head of each principal executive department shall be
14 established by order of the Public Officers Compensation Commission.

15 * Sec. 13. AS 39.23 is amended by adding a new section to read:

16 Sec. 39.23.201. COMPENSATION COMMISSION ESTABLISHED. (a) The Public
17 Officers Compensation Commission is established in the Office of the Governor. The
18 commission is composed of seven members appointed by the governor. Members serve staggered
19 terms of four years. Commission membership shall include at least one business executive, one
20 person with experience in public administration, one ~~person with experience in personnel~~
21 ~~management, one economist, and one lawyer.~~ *non-judicial voters representative*
22 *of labor organization* A vacancy shall be filled for the balance of the
23 unexpired term. A commission member may serve no more than two complete consecutive
24 terms.

24 (b) The commission shall elect a member to chair its meetings. A majority of the
25 commission members constitutes a quorum to transact business. The affirmative vote of four
26 members is required to approve the commission's report or an order on compensation.

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

30 (d) The commission shall hold a public hearing to discuss its findings before submitting
31 its report or an order to the legislature.

Letter of intent to Governor

1 * Sec. 14. AS 39.23.230(a) is amended to read:

2 (a) If requested by the commission, the Department of Administration [LEGISLATIVE
3 AFFAIRS AGENCY] shall provide staff for the commission.

4 * Sec. 15. AS 39.23 is amended by adding a new section to read:

5 Sec. 39.23.241. DUTIES OF THE COMMISSION. (a) The commission shall review
6 the compensation of the governor, lieutenant governor, members of the legislature, heads of the
7 principal departments of the executive branch of state government, supreme court justices, judges
8 of the court of appeals, judges of the superior court, and district court judges. The commission
9 shall submit a report on its findings every odd-numbered year, during the first 10 days of the
10 regular session of the legislature. A commission member who does not concur in the report may
11 file a minority report.

12 (b) The commission may submit an order with the report making changes to the
13 compensation of a public office. Before submitting a report or order on compensation, the
14 commission shall give reasonable public notice of its preliminary findings, solicit public
15 comments, and give due regard to the public comments.

16 (c) An order making changes to the compensation of a public officer shall become
17 effective 60 days after submission or at the end of the legislative session during which it was
18 submitted to the legislature, whichever is earlier, unless a bill disapproving the order in its
19 entirety is enacted into law during that period.

20 * Sec. 16. AS 39.23.250 is amended to read:

21 Sec. 39.23.250. FILING WITH LIEUTENANT GOVERNOR AND CERTIFICATION.
22 The commission shall, upon transmitting an order on [ITS FINAL RECOMMENDATIONS FOR
23 THE] compensation [OF LEGISLATORS] to the legislature, file the order
24 [RECOMMENDATIONS] in the office of the lieutenant governor. When the order becomes
25 [RECOMMENDATIONS BECOME] effective, the commission shall certify the copy of the
26 order [RECOMMENDATIONS] on file in the office of the lieutenant governor.

27 * Sec. 17. AS 39.23.260 is amended to read:

28 Sec. 39.23.260. POLICY OF THE LEGISLATURE. It is the policy of the legislature
29 that the commission determine an equitable rate and form of compensation [, BENEFITS, AND
30 ALLOWANCES] for the governor, lieutenant governor, members of the legislature, heads
31 of the principal departments of the executive branch, supreme court justices, judges of the

1 court of appeals, judges of the superior court, and district court judges. In determining the
2 compensation for each office, the commission shall consider the following factors:

3 (1) the skill required;

4 (2) the time required;

5 (3) the opportunity for other earned income;

6 (4) the value of public services as performed in other states and in the federal
7 government;

8 (5) the value of similar services when performed in the private sector of this
9 state and in other states based on the responsibility and discretion required in the office;

10 (6) the reasonable expenses incurred in performing the public service;

11 (7) the percentage change in the Consumer Price Index for Anchorage,
12 Alaska, as determined by the United States Department of Labor, Bureau of Labor
13 Statistics since the last compensation adjustment;

14 (8) the compensation presently received by the public officers and all other
15 benefits received;

16 (9) the interests and welfare of the public and the financial ability of the state
17 to meet the costs;

18 (10) the geographic cost-of-living based on a public officer's primary place
19 of assignment;

20 (11) the cost-of-living differential between Anchorage, Alaska, and other
21 locations in the United States; and

22 (12) other factors that are normally or traditionally considered in the
23 determination of compensation [LEGISLATORS].

24 * Sec. 18. AS 39.23 is amended by adding a new section to read:

25 Sec. 39.23.401. DEFINITIONS. In this chapter,

26 (1) "commission" means the Public Officers Compensation Commission;

27 (2) "compensation" means the salary, per diem, and allowances paid a public
28 officer.

29 * Sec. 19. AS 22.05.140(c); AS 22.10.190(c); and AS 22.15.220(d) are repealed.

30 * Sec. 20. AS 39.23.200, 39.23.240, and 39.23.400 are repealed.

31 * Sec. 21. AS 24.10.101 is repealed.

1 * Sec. 22. Notwithstanding AS 39.05.055(5) and the provisions of AS 39.23.201 enacted by sec. 13
2 of this Act, one of the initial members appointed by the Public Officers Compensation Commission shall
3 serve a one-year term, two members shall serve two-year terms, two members shall serve three-year
4 terms, and two members shall serve four-year terms.

5 * Sec. 23. When the Public Officers Compensation Commission files its first order changing the
6 compensation of justices of the supreme court or judges of the court of appeals, superior court, or district
7 court, it shall address the compensation of all of those public offices in the order. The commission shall
8 include both the governor and the lieutenant governor in the first order it issues addressing the
9 compensation of either of those public offices.

10 * Sec. 24. Sections 1 - 5 and 19 of this Act take effect on the date that the first order changing the
11 compensation of justices and judges issued by the Public Officers Compensation Commission takes
12 effect.

13 * Sec. 25. Sections 6 - 8 and 21 of this Act take effect on the date that the first order changing the
14 compensation of members of the legislature issued by the Public Officers Compensation Commission
15 takes effect.

16 * Sec. 26. Sections 9 - 11 of this Act take effect on the date that the first order changing the
17 compensation of the governor and the lieutenant governor issued by the Public Officers Compensation
18 Commission takes effect.

19 * Sec. 27. Section 12 of this Act takes effect on the date that the first order changing the
20 compensation of the heads of the principal departments of the executive branch of state government
21 issued by the Public Officers Compensation Commission takes effect.

22 * Sec. 28. Sections 13 - 18, 20, 22 and 23 of this Act take effect immediately under AS 01.10.070(c).

ALASKA STATE OFFICERS' COMPENSATION COMMISSION



3111 C Street, Suite 150
Anchorage, Alaska 99503
(907) 276-0653

February 4, 1991

COMMISSIONERS
DONNA C. WILLARD, CHAIRMAN
CECELIA A. ANGASAN
DONALD ARGETSINGER
BRYAN F. BORJESSON
GARY A. BROOKS
SUSAN TAYLOR BUCHANAN
KATHLEEN L. WAKEFIELD

Kathryn Reardon
Office of Representative
David Finkelstein
Pouch V
Juneau, Alaska 99811

Dear Kathryn:

Enclosed is a copy of the Alaska State Officers' Compensation Commission's 1989 report, plus a copy of a letter to Representative Ben Grussendorf regarding the Commission's recommendations for the current year. (Similar letters were sent to Senator Richard Eliason, Representative Ron Larson and Governor Walter Hickel).

In addition, some of the tables contained in the 1989 report were updated for the Commission's consideration at its January work session meeting. These tables are enclosed.

I am in the process of updating several other tables, including a breakdown of legislative compensation for 1990 and current salaries of certain State executive branch officials relative to those of the governor, lieutenant governor and commissioners. I will forward this information to you as soon as I can, probably at the end of this week.

Hope the enclosed is of use.

Sincerely,

A handwritten signature in cursive script that reads "Gillian Smythe".

Gillian Smythe
Staff Assistant

Enclosures

ALASKA STATE OFFICERS' COMPENSATION COMMISSION



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KATHLEEN L WAKEFIELD

January 28, 1991

Honorable Ben Grussendorf
Speaker
House of Representatives
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Representative Grussendorf:

As you know, the Alaska State Officers' Compensation Commission was created in 1986 and is charged with reviewing and recommending salaries for legislative, judicial and executive officers in the State. For the legislative branch, the Commission is required to review compensation at least once every two years. The frequency of review of judicial and executive branch salaries is left to the discretion of the Commission.

The first review of legislative compensation was undertaken in 1987. In 1988, the Commission undertook a comprehensive review of compensation and benefits for justices and judges of the state court system. At that time, it was determined that a review of the compensation and benefits paid to the executive branch was also appropriate. Recommendations for all three branches were incorporated into a comprehensive report published in February 1989 (copy attached).

The Commission's salary and geographic cost of living adjustments recommendations for justices and judges were enacted into legislation in 1990. However, recommendations relating to benefits for the judiciary were not enacted. Similarly, no legislation incorporating the Commission's recommendations for the legislative and executive branches was passed although the Commission's recommendation regarding legislators' annual \$4,000 office allowance has, in part, been implemented because of a ruling by the U.S. Internal Revenue Service.

The Alaska State Officers' Compensation Commission held a work session on January 9, 1991. At that time, it was agreed that the recommendations contained in the Commission's February 1989 report had not changed significantly enough to warrant the

Honorable Ben Grussendorf
January 28, 1991
Page 2

expense of additional hearings on the subject. Commission staff did update several of the tables contained in the February 1989 report and these are enclosed.

Updated statistics on current salaries of senior State employees relative to commissioners and the Governor are in the process of being collected and will be forwarded to you when complete. Similarly, the Commission will forward the 1990 legislative compensation report once this information has been released by the Legislative Affairs Agency.

Please contact me if you have any questions or need additional information. I would be happy to provide testimony on the Commission's salary and benefit recommendations if you feel it would be beneficial.

Sincerely,

Donna C. Willard

107
Donna C. Willard
Chairman

Enclosures

TABLE 1

LEGISLATIVE HISTORY
ALASKA EXECUTIVE AND JUDICIAL BRANCH BASE SALARIES

Year	Executive Branch			Judicial Branch				
	Governor	Lt. Governor	Commissioners	Supreme Court Chief Justice	Supreme Court	Appeals Court	Superior Court	District Court
1959	\$25,000	\$18,000	\$12,000-\$17,000	\$ 23,500	\$22,500	2	\$19,000	\$10,000 ¹
1965	27,500	21,000	20,000	25,500	24,500	2	21,000	12,960 ¹
1967		24,500	23,600	27,000	26,000	2	23,000	17,500 ¹
1969	32,000	28,500	27,500	30,000	28,000	2	26,500	19,000
1970	40,000	36,000	33,000	2	36,000	2	33,000	25,000
1974	50,000	44,000	40,000	2	44,000	2	40,000	33,500
1975				2	44,942	2	41,197	34,830
1976			48,576	2	52,992	2	48,576	41,068
1979	65,000	58,500	57,500	2	65,000	2	57,500	49,000
1980	70,068	65,352	63,120	2	70,068	\$65,352	63,120	54,480
1982	77,760 ³	72,564 ³	70,116	2	77,760	72,564	70,116	60,600
1983	81,648	76,188	73,620	2	81,648	76,188	73,620	63,636
1985	⁴	⁴	77,304	2	85,728	79,992	77,304	66,816
1990			79,860	100,000	99,500	94,000	92,000	78,000

¹ Maximum salary.

² Appeals Court created in 1980. Permanent Supreme Court Chief Justice position eliminated in 1970.

³ Salary effective December 1982.

⁴ Salaries of Governor and Lieutenant Governor frozen by Legislature.

Sources: Alaska Court System.

Alaska Statutes - Chapter 50, SLA 1959; Chapter 105, SLA 1959; Chapter 184 SLA 1959; Chapter 128, SLA 1962; Chapter 115, SLA 1965; Chapter 156, SLA 1966; Chapter 83, SLA 1967; Chapter 123, SLA 1967; Chapter 101, SLA 1969; Chapter 193, SLA 1970; Chapter 71, SLA 1972; Chapter 34, SLA 1974; Chapter 205, SLA 1975; Chapter 148, SLA 1976; Chapter 263, SLA 1976; Chapter 80, SLA 1978; Chapter 3, SLA 1980; Chapter 50, SLA 1982; Chapter 83, SLA 1983; Chapter 87, SLA 1985; Chapter 46, SLA 1990; Chapter 54, SLA 1990.

TABLE 2

COMPARISON OF SALARIES OF STATE GOVERNORS AND LIEUTENANT GOVERNORS
JANUARY 1991

<u>State</u>	<u>Salary of Governor</u>	<u>Rank</u>	<u>Salary of Lieutenant Governor</u>	<u>Rank</u>
Alabama	\$ 70,223	37	22,800*	37
Alaska	81,648	22	76,188	8
Arizona	75,000	30	----	
Arkansas	35,000	50	14,000	42
California	103,308	10	38,116	5
Colorado	70,000	38	48,500	28
Connecticut	78,000	26	55,000	18
Delaware	80,000	23	36,500	34
Florida	103,909	9	94,040	3
Georgia	91,092	18	59,145	17
Hawaii	94,780	14	90,041	4
Idaho	75,000	30	20,000*	40
Illinois	93,266	16	65,835	10
Indiana	77,199	27	64,000	11
Iowa	76,700	28	60,000****	14
Kansas	74,235	34	20,998	38
Kentucky	74,649	33	63,462	12
Louisiana	73,440	35	63,367	13
Maine	70,000**	38	—	
Maryland	120,000	4	100,000	2
Massachusetts	75,000***	30	60,000	14
Michigan	106,700	7	80,300	7
Minnesota	109,053	5	59,981	16
Mississippi	63,000	45	40,800	30
Missouri	88,540	20	50,418	25
Montana	53,006	49	39,970	33
Nebraska	58,000	48	40,000	31
Nevada	90,000	19	20,000*	40
New Hampshire	79,541	25	—	
New Jersey	130,000**	1	—	
New Mexico	62,758	46	20,197*	39
New York	130,000	1	110,000	1
North Carolina	123,300	3	75,252	9
North Dakota	65,200	44	53,500	20
Ohio	100,000****	11	51,711****	24
Oklahoma	70,000	38	40,000	31
Oregon	80,000	23	—	
Pennsylvania	105,000****	8	83,000****	6
Rhode Island	69,900	43	52,000	23
South Carolina	98,000	13	43,000*	29
South Dakota	60,816	47	54,246	19
Tennessee	85,000	21	49,500	27
Texas	93,432	15	7,200*	43
Utah	69,992	42	52,499	22
Vermont	75,800	29	34,800	35

Virginia	108,000	6	29,550*	36
Washington	99,600	12	52,600	21
West Virginia	72,000	36	---	
Wisconsin	92,803	17	49,673	26
Wyoming	70,000	38	---	

* Part-time position only.

** Official salary not fully taken by current incumbent.

*** Salary decreased by referendum (from \$85,000).

**** Effective January 14, 1991 (Ohio); January 15, 1991 (Pennsylvania) or January 16, 1991 (Iowa).

Source: Alaska State Officers' Compensation Commission survey, January 1991.

TABLE 5

CURRENTLY AUTHORIZED JUDGESHIPS
ALASKA SUPREME, APPEALS, SUPERIOR AND DISTRICT COURTS

- I. SUPREME COURT
5 justices — 4 based in Anchorage; 1 based in Fairbanks
- II. COURT OF APPEALS
3 judges — all based in Anchorage
- III. SUPERIOR COURT
 - a. First Judicial District
5 judges — 1 based in Ketchikan; 1 based in Sitka; 2 based in Juneau; 1 based in Wrangell/Petersburg
 - b. Second Judicial District
3 judges — 1 based in Nome; 1 based in Kotzebue; 1 based in Barrow
 - c. Third Judicial District
16 judges — 12 based in Anchorage; 1 based in Kodiak; 1 based in Kenai; 1 based in Palmer; 1 based in Valdez
 - d. Fourth Judicial District
5 judges — 4 based in Fairbanks; 1 based in Bethel
- IV. DISTRICT COURT
 - a. First Judicial District
2 judges — 1 based in Ketchikan; 1 based in Juneau
 - b. Second Judicial District
None
 - c. Third Judicial District¹
11 judges — 9 based in Anchorage; 1 based in Homer; 1 based in Palmer
 - d. Fourth Judicial District
4 judges — all based in Fairbanks

¹ State Statutes provide for 12 District Court judges in the third judicial district. Administrative Rule 19 of the Alaska Court System provides for only 11 District Court judges in this judicial district.

TABLE 10

COMPARISON OF JUDICIAL SALARIES
STATE AND FEDERAL COURT SYSTEMS
JULY 1990

State	Highest Court		Appellate Court		General Trial Court	
	Salary	Rank	Salary	Rank	Salary	Rank
Alabama	\$ 82,880	28	\$ 81,880	21	\$ 76,760 ¹	23
Alaska	99,504	4	93,996	4	92,004	5
Arizona	84,000	27	82,000	20	80,000	19
Arkansas	72,716	39	70,240	32	67,761	35
California	115,161	1	107,964	1	94,344	3
Colorado	72,000	41	67,500	35	63,000	44
Connecticut	92,045 ²	13	85,587 ²	14	81,760 ²	14
Delaware	99,000	6			94,100	4
Florida	97,518	8	91,782	8	86,046	10
Georgia	92,778	12	92,179	7	82,860 ¹	13
Hawaii	93,780	9	89,780	10	86,780	9
Idaho	71,144	42	70,144	33	66,680	38
Illinois	93,266	10	87,780	13	80,599	16
Indiana	69,300	45	64,050	36	58,800	49
Iowa	84,000	27	80,700	24	76,700	24
Kansas	78,054	31	75,268	27	67,856	33
Kentucky	73,808	36	70,795	31	67,783	34
Louisiana	85,383	23	81,284	23	77,185	22
Maine	80,392	30			76,024	25
Maryland	99,000	6	92,500	6	89,000	7
Massachusetts	90,450	17	83,708	17	80,360	17
Michigan	106,610	3	102,346	3	98,081 ¹	1
Minnesota	84,011	24	77,502	26	74,309	28
Mississippi	75,800	34			66,200	39
Missouri	87,314	20	81,320	22	75,324	26
Montana	56,452	50			55,178	50
Nebraska	70,023	43			64,772	42
Nevada	73,500	37			67,000	37
New Hampshire	84,000	27			78,750	20
New Jersey	93,000	11	90,000	9	85,000	11
New Mexico	75,000	35	71,250	30	67,500	36
New York	115,000	2	102,500	2	95,000	2
North Carolina	89,532 ²	18	84,768 ²	16	75,252 ²	27
North Dakota	68,342	46			62,969	45
Ohio	91,750	14	85,450	15	79,900 ³	32
Oklahoma	72,806	38	68,344	34	60,906	46
Oregon	76,400	33	74,600	28	69,600	31
Pennsylvania	91,500	15	89,500	11	80,000	19
Rhode Island	90,618 ²	16			81,587 ²	15
South Carolina	87,238	21	82,877	18	82,877	12
South Dakota	64,700	49			60,423	48
Tennessee	65,650	48	63,125	37	60,600	47

Texas	89,250	19	88,250 ¹	12	87,250 ¹	8
Utah	77,700	32	73,950	29	70,200	30
Vermont	69,415	44			65,940	40
Virginia	97,754	7	92,867	8	90,749	6
Washington	86,700	22	82,400	19	78,200	21
West Virginia	72,000	41			65,000	41
Wisconsin	82,706	29	77,872	25	73,004	29
Wyoming	66,500	47			63,500	43
Mean	83,749		82,650		75,419	
Median	84,000		82,400		75,674	
District of Columbia	102,500				96,600	
Federal System	118,600		95,000		96,600	

1 Median salary.

2 Base salary is supplemented by increments for length of service.

3 Salary range of \$69,400 to \$79,900.

Source: National Center for State Courts, July 1990.

TABLE 15

HISTORY OF LEGISLATORS' SALARY AND BENEFITS
1971 - 1987

<u>Year/Action</u>	<u>Salary</u>	<u>Per Diem</u>	<u>Allowance</u>	<u>Retirement</u>
1971 ('70 legis.)	\$ 9,000	\$35	\$4,000 ¹	PERS
1975 (legis.)	14,720	48/35	4,000	Estab. EPORS
1976 (voter ref.)	9,000	35	4,000	Repeal EPORS ²
1977 (legis.)	11,750	50/35	4,000	PERS
1979 ('80 legis.)	15,500 ³	55/35	4,000	PERS
1980 ('80 legis.)	17,280	60/35	4,000	PERS
1981 ('80 legis.)	18,768	67/50	4,000	PERS
1982	20,076	80/60	4,000	PERS
1983-86 ('83 leg.)	46,800	0	4,000	PERS
1987 est. ('86 leg.)	22,140	80/60	4,000	PERS
1990 (legis.)	22,871	80/60	4,000	PERS

- ¹ Allowance first established in 1961 at \$400. Raised twice in 1960, first to \$1,000, then to \$4,000.
- ² Alaska Supreme Court ruled that voters could not take away benefits received. Those who got into EPORS are still members; but no new ones since then.
- ³ Ch. 3, SLA 1980 set legislative salary at Step A, Range 10; approved three different pay scales for 1979, 1980 and 1981 and retroactively applied the 1979 and 1980 pay schedule. Increases until 1983 were the result of increases in Step A, Range 10, consistent with the State employee pay scale.

Source: Alaska State Officers' Compensation Commission, 1991.

LEGISLATIVE COMPENSATION REPORT
1989

<u>Legislator</u>	<u>Salary</u>	<u>Office Allowance</u>	<u>Moving Per Diem</u>	<u>Long Term Per Diem</u>	<u>Short Term Exp/Per Diem</u>	<u>Session Per Diem</u>	<u>Total</u>
ADAMS, Al	\$22,140.00	\$4,000.00	\$1,180.00	\$1,540.00	\$5,115.00 160.00*	\$9,680.00	\$43,815.00
BARNES, Ramona	22,140.00	4,000.00	1,120.00	3,600.00	1,200.00 270.00**	9,680.00	42,010.00
BINKLEY, John	22,140.00	4,000.00	2,304.00	3,950.00	5,547.50** 240.00*	9,680.00	47,861.50
BOUCHER, H.A. "Red"	22,140.00	4,000.00	520.00	7,950.00	1,571.00	9,680.00	45,861.00
BOYER, Mark	22,140.00	4,000.00	1,520.00	1,925.00	3,054.56 160.00**	9,680.00	42,479.56
BROWN, Kay	22,140.00	4,000.00	560.00	3,450.00 100.00*	2,146.40 180.00*	9,680.00	42,256.40
CATO, Bette	22,140.00	4,000.00	400.00	650.00	2,177.00	9,680.00	39,047.00
COGHILL, Jack	22,140.00	4,000.00	429.00	4,730.00	4,801.00	9,680.00	45,780.00
COLLINS, Virginia	22,140.00	4,000.00	200.00		1,039.00	9,680.00	37,059.00
COTTEH, Samuel	22,640.00	4,000.00	516.00	3,000.00	5,466.00	9,680.00	45,302.00
DAVIDSON, Cliff	22,140.00	4,000.00	2,370.00	3,500.00	4,485.00	9,680.00	46,175.00
DAVIS, Cheri	22,140.00	4,000.00		1,700.00	5,118.30	9,680.00	42,638.30
DAVIS, Mike	22,140.00	4,000.00	720.00	2,310.00	4,035.00 80.00**	9,680.00	43,100.00
				55.00*	80.00*		
DONLEY, Dave	22,140.00	4,000.00	240.00	3,250.00	3,331.83	9,680.00	42,641.83
DUNCAN, Jim	22,140.00	4,000.00		6,350.00 50.00*	3,306.40 580.00*	7,260.00	43,686.40
ELIASON, Richard	22,140.00	4,000.00	240.00		2,100.56	9,680.00	38,160.56
ELLIS, Johnny	22,140.00	4,000.00	240.00	3,277.44	2,722.00	9,680.00	42,059.44
FAHRENKAMP, Bettye	22,140.00	4,000.00		330.00	5,160.93	9,680.00	41,310.93
FAIKS, Jan	22,140.00	4,000.00		4,600.00	8,354.36 1,091.21**	9,680.00	49,865.57
FINKELSTEIN, David	16,605.00	4,000.00	560.00	4,650.00	1,160.00	2,720.00	29,695.00
FISCHER, Paul	22,140.00	4,000.00	116.00	4,850.00	3,853.56 86.70** 330.00*	9,680.00	45,049.56
FOSTER, Richard	22,140.00	4,000.00	330.00		2,975.00	9,680.00	39,125.00

<u>Legislator</u>	<u>Salary</u>	<u>Office Allowance</u>	<u>Moving Per Diem</u>	<u>Long Term Per Diem</u>	<u>Short Term Exp/Per Diem</u>	<u>Session Per Diem</u>	<u>Total</u>
FRANK, Stephen	22,140.00	4,000.00	400.00			9,680.00	36,220.00
FURNACE, Walt	22,140.00	4,000.00	160.00	950.00	1,200.00	9,680.00	38,130.00
GOLL, Pater	22,140.00	4,000.00	800.00	2,550.00	2,975.00	9,680.00	42,145.00
GRUENBERG, Max	22,140.00	4,000.00	276.00	400.00	1,795.00	9,680.00	38,291.00
GRUSSENDORF, Ben	22,140.00	4,000.00	560.00	1,900.00	2,480.00	9,680.00	40,760.00
HALFORD, Rick	22,140.00	4,000.00		1,750.00	551.34	9,680.00	38,121.34
HANLEY, Alyce	22,140.00	4,000.00	680.00	2,400.00	90.00	9,680.00	38,990.00
HOFFMAN, Lyman	22,140.00	4,000.00	320.00	2,700.00	1,220.00**	9,680.00	40,060.00
HUDSON, Bill	22,140.00	4,000.00		4,608.00	2,472.00	7,260.00	40,480.00
JACKO, George	22,140.00	4,000.00	544.00	1,700.00	4,887.00	9,680.00	42,951.00
JONES, Lloyd	22,140.00	4,000.00	80.00	500.00	5,494.92	9,680.00	41,894.92
KELLY, Tim	22,640.00	4,000.00	640.00	5,350.00	4,246.92	9,680.00	46,556.92
KERTTULA, Jay	22,140.00	4,000.00	600.00	9,350.00	2,937.00*	9,680.00	48,707.00
KOPOWEN, Nillo	22,140.00	4,000.00	880.00	3,740.00	930.00	9,680.00	41,360.00
LARSON, Ronald	22,140.00	4,000.00	880.00	6,850.00	240.00	9,680.00	50,163.26
				150.00**	5,445.26**		
					778.00*		
LENAN, Loren	22,140.00	4,000.00	1,092.00	250.00		9,680.00	37,162.00
MACLEAN, Eileen	22,140.00	4,000.00	440.00	1,210.00	4,650.20	9,680.00	42,120.20
MARTIN, Terry	22,140.00	4,000.00	480.00	5,850.00	1,325.95	9,680.00	43,475.95
MEWARD, Curt	22,140.00	4,000.00	240.00	2,000.00	2,310.00	9,680.00	40,370.00
MILLER, Michael	22,140.00	4,000.00	1,184.00	3,135.00	720.00	9,680.00	40,859.00
NAVARRE, Mike	22,140.00	4,000.00	1,360.00		4,374.12	9,680.00	41,554.12
PEARCE, Drue	22,140.00	4,000.00	240.00	2,800.00	5,482.72	9,680.00	44,662.72
					320.00**		
PETTYJOHN, Fritz	22,140.00	4,000.00	258.00	5,700.00	1,241.70	9,680.00	43,019.70
PHILLIPS, Randy	22,140.00	4,000.00	1,040.00	750.00	330.00*	9,680.00	37,940.00
POURCHOT, Pat	22,140.00	4,000.00	480.00	1,470.00	1,637.12	9,680.00	39,407.12
RIEGER, Steve	22,140.00	4,000.00	240.00	4,850.00	488.11	9,680.00	42,187.13
					789.02**		
RODEY, Patrick	22,140.00	4,000.00	80.00	2,150.00		9,680.00	38,050.00
SHARF, Bert	22,140.00	4,000.00	920.00	1,210.00	520.00	9,680.00	38,470.00
SHULTZ, Richard	22,140.00	4,000.00	1,130.00	6,160.00	1,090.00	9,680.00	44,200.00
SPOHNHOLZ, Ann	5,535.00	4,000.00	80.00		400.00	6,800.00	16,815.00
STUJGULEWSKI, Arliss	22,140.00	4,000.00	480.00	400.00	989.48	9,680.00	38,129.48
				100.00*	340.00*		

<u>Legislator</u>	<u>Salary</u>	<u>Office Allowance</u>	<u>Moving Per Diem</u>	<u>Long Term Per Diem</u>	<u>Short Term Exp/Per Diem</u>	<u>Session Per Diem</u>	<u>Total</u>
SWACKHAMMER, C.E.	22,140.00	4,000.00	1,458.00	1,150.00	2,490.00	9,680.00	40,918.00
SZYMANSKI, Mike	22,140.00	4,000.00	240.00	6,850.00	9,061.23	9,680.00	51,971.23
TAYLOR, Robin	22,140.00	4,000.00	520.00	5,050.00	2,046.70	9,680.00	43,436.70
UEHLING, Richard	22,140.00	4,000.00	276.25	4,450.00	1,725.50	9,680.00	45,856.91
				150.00**	3,435.16**		
ULMER, Fran	22,140.00	4,000.00		2,100.00	2,060.32	7,260.00	37,720.32
					160.00**		
WALLIS, Kay	22,140.00	4,000.00	2,640.00	840.00	3,025.00	9,680.00	42,745.00
					420.00**		
ZAWACKI, James	22,140.00	4,000.00	960.00	4,300.00	350.00	9,680.00	41,510.00
					80.00*		
ZHAROFF, Fred	22,140.00	4,000.00	356.00	4,600.00	6,724.60	9,680.00	47,500.60

* Legislative Budget and Audit

** Legislative Finance

Source: Legislative Affairs Agency.

TABLE 19
 CONSUMER PRICE INDEX
 ANCHORAGE, SEATTLE AND UNITED STATES
 1960 - 1989

<u>Year</u>	<u>CPI Anchorage</u>	<u>% Change</u>	<u>CPI Seattle</u>	<u>% Change</u>	<u>CPI U.S.</u>	<u>% Change</u>
1960	NA		28.8		29.6	
1961	34.5		29.3	1.7	29.9	1.0
1962	34.7	0.5	29.7	1.4	30.2	1.0
1963	34.8	0.3	30.2	1.7	30.6	1.3
1964	35.0	0.6	30.6	1.3	31.0	1.3
1965	35.3	0.9	31.0	1.3	31.5	1.6
1966	36.3	2.8	31.9	2.9	32.4	2.8
1967	37.2	2.5	32.8	2.8	33.4	3.1
1968	38.1	2.4	34.1	4.0	34.8	4.2
1969	39.6	3.9	35.8	5.0	36.7	5.5
1970	41.1	3.8	37.4	4.5	38.8	5.7
1971	42.3	2.9	38.2	2.1	40.5	4.4
1972	43.4	2.6	39.3	2.9	41.8	3.2
1973	45.3	4.4	41.8	6.4	44.4	6.2
1974	50.2	10.8	46.4	11.0	49.3	11.0
1975	57.1	13.7	51.1	10.1	53.8	9.1
1976	61.5	7.7	54.0	5.7	56.9	5.8
1977	65.6	6.7	58.3	8.0	60.6	6.5
1978	70.2	7.0	63.9	9.6	65.2	7.6
1979	77.6	10.5	71.0	11.1	72.6	11.3
1980	85.5	10.2	82.7	16.5	82.4	13.5
1981	92.4	8.1	91.8	11.0	90.9	10.3
1982	97.4	5.4	97.7	6.4	96.5	6.2
1983	99.2	1.8	99.3	1.6	99.6	3.2
1984	103.3	4.1	103.0	3.7	103.9	4.3
1985	105.8	2.4	105.6	2.5	107.5	3.6
1986	107.8	1.9	106.7	1.0	109.6	1.9
1987	108.2	0.4	109.2	2.3	113.6	3.6
1988	108.6	0.4	112.8	3.3	118.3	4.1
1989	111.7	2.9	118.1	4.7	124.0	4.8
1990 ¹	116.9	4.7			128.7	3.8

¹ First half 1990 figures.

Source: U.S. Department of Labor, Bureau of Labor Statistics.

TABLE 20

COMPARATIVE COST OF LIVING INDEX
SELECTED U.S. CITIES
SECOND QUARTER, 1990

<u>State</u>	<u>City</u>	<u>All Items Index</u>
Alabama	Mobile	94.2
Alaska	Anchorage	126.0
	Fairbanks	129.7
	Juneau	132.5
	Ketchikan	145.4
	Kodiak	145.7
Arizona	Phoenix	102.4
	Tucson	100.8
California	Los Angeles	124.1
	Fresno	112.7
	San Diego	131.7
Colorado	Denver	100.5
Connecticut	New Haven	129.1
Delaware	Wilmington	117.1
Florida	Jacksonville	97.6
	Miami	111.9
Georgia	Atlanta	101.4
Idaho	Boise	97.1
Illinois	Chicago	124.0
	Peoria	107.7
Indiana	Bloomington	97.3
Kansas	Wichita	97.2
Kentucky	Lexington	97.1
Louisiana	New Orleans	96.2
Maryland	Baltimore	112.2
Massachusetts	Worcester	122.7
Michigan	Grand Rapids	107.1
Minnesota	Minneapolis	99.2
Missouri	St. Louis	98.6
Nebraska	Lincoln	97.9
Nevada	Las Vegas	108.9
New Hampshire	Manchester	120.9
New Mexico	Albuquerque	101.7
New York	Albany	105.8
	Buffalo	110.3
	Nassau-Suffolk	155.7
North Carolina	Raleigh	102.4
Ohio	Columbus	104.3
Oklahoma	Oklahoma City	95.5
Oregon	Eugene	104.0
Pennsylvania	Philadelphia	127.8
South Carolina	Charleston	99.1
Tennessee	Memphis	94.2
Texas	Dallas	104.6
	Houston	99.3

Utah	Salt Lake City	92.0
Vermont	Montpelier-Barre	117.7
Virginia	Roanoke	96.3
Washington	Seattle	112.3
West Virginia	Charleston	100.2

Note: The ACCRA Cost of Living Index measures relative price levels for consumer goods and services in participating communities (a total of 295 urban areas in the 2nd quarter of 1990) as compared with the national average of 100 for all participating communities.

Source: American Chamber of Commerce Researchers Association.

TABLE 21

PER CAPITA INCOME RANKED BY STATE
1989

Rank	State	Per Capita Income	Percent of U.S. Average	Percent Change Since 1988
1	Connecticut	\$ 24,683	140%	6.4%
2	New Jersey	23,778	135	6.8
3	Massachusetts	22,174	126	6.1
4	ALASKA	21,656	123	12.6
5	New York	21,073	120	7.2
6	Maryland	21,013	119	7.0
7	New Hampshire	20,267	115	4.4
8	California	19,929	113	5.4
9	Nevada	19,269	110	8.0
10	Virginia	18,927	108	6.9
11	Illinois	18,824	107	7.2
12	Delaware	18,483	105	6.5
13	Hawaii	18,472	105	9.7
14	Rhode Island	17,950	102	6.4
15	Minnesota	17,657	100	7.2
16	Florida	17,647	100	6.9
17	Washington	17,647	100	7.8
—	U.S. AVERAGE	17,596	100	6.6
18	Colorado	17,553	100	6.6
19	Michigan	17,444	99	6.4
20	Pennsylvania	17,269	98	7.0
21	Kansas	16,498	94	5.2
22	Wisconsin	16,449	93	7.0
23	Ohio	16,373	93	6.1
24	Vermont	16,371	93	7.2
25	Missouri	16,292	93	6.3
26	Maine	16,248	92	8.0
27	Georgia	16,063	91	5.1
28	Oregon	15,919	90	7.5
29	Arizona	15,802	90	5.4
30	Indiana	15,779	90	7.2
31	Texas	15,702	89	6.4
32	Iowa	15,487	88	8.2
33	Nebraska	15,446	88	6.0
34	North Carolina	15,198	86	6.7
35	Tennessee	14,694	84	5.8
36	Wyoming	14,508	82	5.7
37	Oklahoma	14,154	80	6.4
38	Montana	14,078	80	9.4
39	Kentucky	13,743	78	7.4
40	Idaho	13,707	78	8.3
41	South Dakota	13,685	78	8.6
42	South Carolina	13,634	77	5.6
43	Alabama	13,625	77	6.3
44	North Dakota	13,563	77	9.9
45	New Mexico	13,140	75	6.0

46	Utah	13,079	74	7.0
47	Louisiana	12,921	73	5.6
48	Arkansas	12,901	73	6.3
49	West Virginia	12,345	70	6.6
50	Mississippi	11,724	67	6.1

Source: U.S. Department of Commerce, Bureau of Economic Analysis.

RUNZHEIMER INTERNATIONAL LIVING COST STANDARDS
OCTOBER 1989

<u>City</u>	<u>Total Costs</u>	<u>% of Standard City</u>	<u>Trans- portation</u>	<u>% of Standard City</u>	<u>Housing</u>	<u>% of Standard City</u>	<u>Misc. Goods & Services Other</u>	<u>% of Standard City</u>
Anchorage	\$33,886	105.9	\$4,476	116.8	\$13,914	110.4	\$10,727	107.7
Fairbanks	32,939	102.9	4,422	115.4	12,462	98.8	10,949	109.9
Juneau	33,343	104.2	4,268	111.3	12,835	101.8	11,260	113.0
STANDARD CITY	32,000	—	3,833	—	12,607	—	9,961	—
Albuquerque	31,174	97.4	3,756	98.0	12,163	96.5	9,872	99.1
Atlanta	32,957	103.0	4,193	109.4	12,889	102.2	10,227	102.7
Augusta	32,614	101.9	3,672	95.8	14,157	112.3	9,775	98.1
Birmingham	29,871	93.3	3,615	94.3	10,054	79.7	9,970	100.1
Boston	41,681	130.3	4,678	122.0	22,149	175.7	9,887	99.3
Chicago	36,386	113.7	4,194	109.4	16,459	130.6	10,630	106.7
Dallas	30,959	96.7	4,178	109.0	11,360	90.1	10,307	103.5
Denver	30,898	96.6	4,158	108.5	11,438	90.7	9,554	95.9
Detroit	34,394	107.5	4,323	112.8	14,942	118.5	9,891	99.3
Honolulu	39,658	123.9	4,790	125.0	18,311	145.2	12,230	122.8
Indianapolis	30,784	96.2	3,879	101.2	11,033	87.5	9,708	97.5
Jacksonville	30,531	95.4	3,931	102.6	11,290	89.6	10,232	102.7
Los Angeles	41,748	130.5	5,386	140.5	22,235	176.4	10,356	104.0
Milwaukee	32,556	101.7	3,713	96.9	13,228	104.9	9,698	97.4
New York City	44,359	138.6	6,584	171.8	22,986	182.3	10,719	107.6
Philadelphia	37,559	117.4	4,891	127.6	16,322	129.5	10,165	102.0
Portland	32,197	100.6	4,029	105.1	12,555	99.6	9,590	96.3
San Francisco	48,025	150.1	5,067	132.2	29,505	234.0	10,635	106.8
Seattle	33,254	103.9	4,183	109.1	13,992	111.0	10,453	104.9
St. Louis	32,270	100.8	3,785	98.7	12,674	100.5	9,938	99.8
Washington DC	39,176	122.4	4,303	112.3	19,845	157.4	10,509	105.5

* Study looked at the comparative incomes necessary to maintain a certain standard of living 253 different areas of the country. (For the study, a "base" family was created - parents, two children, living in a 1,500 square foot home with 3 bedrooms and 1.5 bat driving two automobiles. This family had an income of \$32,000 in Standard City, a fictiti city which had costs close to the median of all the cities in the survey).

Source: Runzheimer's Living Cost Index, October 1989.

1989 REPORT

OF

THE STATE OFFICERS'
COMPENSATION COMMISSION

STATE OF ALASKA

A Report on Compensation and Benefits
for the
State of Alaska
Executive, Judicial and Legislative Branches

February 21, 1989

1988 MEMBERS

STATE OFFICERS' COMPENSATION COMMISSION

	<u>Expiration of Term</u>
Donna C. Willard, <i>Chairman, Anchorage</i> (Business Executive Member)	July 1, 1992
Cecelia A. Angasan, <i>Dillingham</i> (Public Member)	July 1, 1989
Donald Argetsinger, <i>Kotzebue</i> (Public Administrator Member)	July 1, 1990
Bryan F. Borjesson, <i>Fairbanks</i> (Public Member)	July 1, 1992
Gary A. Brooks, <i>Palmer</i> (Labor Member)	July 1, 1989
Susan Taylor Buchanan, <i>Anchorage</i> (Public Member)	July 1, 1990
Kathleen L. Wakefield, <i>Juneau</i> (Non-partisan Voter Organization)	July 1, 1991

CERTIFICATION

The following report and recommendations accurately represent the conclusions and findings of the Alaska State Officers' Compensation Commission.

Donna C. Willard Cecelia A. Angasan
Donna C. Willard, Chairman Cecelia A. Angasan

Donald Argetsinger Bryan F. Borjesson
Donald Argetsinger Bryan F. Borjesson

Gary A. Brooks Susan Taylor Buchanan
Gary A. Brooks Susan Taylor Buchanan

Kathleen L. Wakefield
Kathleen L. Wakefield

Dated: February 21, 1969

TABLE OF CONTENTS

	Page
Introduction	vii
EXECUTIVE BRANCH	
I. Qualifications for Office.....	3
A. Legislative Requirements.....	3
B. Other Requirements.....	3
II. Executive Branch Responsibilities.....	5
A. The Governor	5
B. The Lieutenant Governor	5
C. Commissioners.....	5
III. Restrictions on Activities of Executive Branch	6
IV. Executive Branch Salaries and Benefits	9
A. Salaries	9
B. Benefits	9
V. Comparison with Other States	12
A. Salaries	12
B. Benefits	12
C. Cost of Living	12
VI. Comparison with Other State Employees.....	13
VII. Legislative History.....	15
VIII. Recommendations	20
A. The Base Salaries	20
B. Rationale	20
JUDICIAL BRANCH	
I. Judicial Qualifications.....	25
A. Legislative Requirements.....	25
B. Education and Qualifications	26
C. Alaska Judicial Council Evaluation.....	26
D. Selection by the Governor	27
E. Retention by Voters	28
II. Judicial Responsibilities	30
A. Division of Responsibility.....	30
B. Caseloads	31
III. Special Restrictions on Judges' Activities.....	33

	Page
IV. Judicial Salaries and Benefits	36
A. Salaries	36
B. Benefits	37
V. Comparison with Other States	40
A. Salaries	40
B. Benefits	40
C. Cost of Living	41
VI. Comparison with Private Attorneys.....	42
VII. Comparison with State Employees and Government Attorneys ...	44
VIII. Legislative History.....	45
IX. Recommendations	51
A. The Base Salaries	51
B. Rationale	52

LEGISLATIVE BRANCH

I. Introduction	57
II. Qualifications for Office.....	58
A. Legislative Requirements.....	58
B. Other Requirements.....	58
III. Legislative Branch Responsibilities	59
IV. Special Restrictions on Activities of Legislative Branch.....	60
V. Legislative Branch Salaries and Benefits.....	61
A. Salaries	61
B. Session Per Diem.....	61
C. Moving Per Diem	61
D. Office Allowance	62
E. Travel.....	62
F. Benefits	62
G. Leave	62
VI. Comparisons.....	63
A. Comparison with Other States.....	63
B. Comparison with Private Sector.....	63
C. Comparison with State Employees.....	63
D. Cost of Living	63
VII. Legislative History.....	64

VIII. Recommendations.....	Page 67
A. The Base Salaries	67
B. Rationale	67

APPENDIX - A

I. Cost of Living	73
-------------------------	----

APPENDIX - B

Table 1	Legislative History, Alaska Executive and Judicial Branch Base Salaries.....	77
Table 2	Comparison of State Governors Salaries, July 1988	78
Table 3	Comparison of Annual Salaries, Senior Alaska State Officials, 1987	79
Table 4	Salaries of State Employees Relative to Commissioners, 1987..	80
Table 5	Currently Authorized Judgeships, Alaska Supreme, Appeals, Superior and District Courts	81
Table 6	Retention Survey Scores, Alaska Judicial System, by Date of Original Appointment.....	82
Table 7	Outcome of Appointments, Alaska Judicial System, 1959 — 1986.....	83
Table 8	Caseload Trends — Filings, Alaska State Courts, FY 1982 — FY 1988.....	84
Table 9	Caseload Trends — Dispositions, Alaska State Courts, FY 1982 — FY 1988.....	85
Table 10	Comparison of Judicial Salaries, State and Federal Court Systems, July 1988	86
Table 11	Comparison of State Judicial Retirement and Insurance Provisions, 1987.....	87
Table 12	Comparison of State Judicial Immunity and Expenses Provisions, 1987.....	88
Table 13	Comparison of State Judicial Leave Provisions, 1987	89
Table 14	Comparison of Annual Salaries, Alaska-Based Judges and Government Attorneys, 1987	90
Table 15	History of Legislators' Salary and Benefits, 1971 — 1987	91
Table 16	Minimum Salary Actually Earned by Legislators, 1968 — 1987	92
Table 17	Legislative Compensation Report, 1987	93
Table 18	Legislative Compensation Report, 1988	97
Table 19	Consumer Price Index, Anchorage, Seattle and United States, 1967 — 1987	99

	Page
Table 20 Comparative Cost of Living Index, Selected U.S. Cities, Third Quarter, 1987	100
Table 21 Per Capita Income Ranked by State, 1987	101

APPENDIX - C

Public Comments.....	105
----------------------	-----

APPENDIX - D

References	109
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INTRODUCTION

The State Officers' Compensation Commission was created by the Alaska State Legislature in 1986 (Chapter 124, SLA 1986). It is made up of seven members appointed by the Governor subject to confirmation by the Legislature. No current State or municipal employee or official may serve on the Commission.

The Commission must include one representative of labor, one representative of a non-partisan voter organization, one business executive and one person with experience in public administration. Commissioners are appointed to staggered four-year terms. Members of the Commission receive travel and per diem for attendance at Commission meetings. Members may also receive per diem for work done on behalf of the Commission upon approval of the Chairman. They do not receive any other form of compensation.

The Alaska State Officers' Compensation Commission is charged with reviewing and recommending the salaries of legislative, judicial and executive officers in Alaska. Its responsibility and authority are derived from Title 39 of the Alaska Statutes as enacted by Chapter 124, Session Laws of Alaska 1986, signed into law June 8, 1986.

The Commission is required to review legislative compensation at least once every two years. The first such review was undertaken in 1987. In 1988, the Commission commenced its review of the compensation, benefits and allowances of the justices and judges of the state court system. While thus engaged, it determined that a review of the compensation and benefits paid to the executive branch of state government was also appropriate. Because of the concomitant workload, the Commission did not issue a report in FY 1988. In addition, as mandated by law, the Commission conducted its second review of legislative salaries. Thus, this Report includes analyses and recommendations for all three branches of state government.

The Commission perceives its role as a neutral one: to develop recommendations based on an objective assessment of what compensation should be in light of the inherent responsibilities of the various positions in the executive, judicial and legislative branches and the demands of those positions.

Given the Commission's advisory function, it is left to the Legislature to consider the political implications and the economic climate as it decides whether to enact legislation in accordance with the Commission's recommendations.

EXECUTIVE
BRANCH

EXECUTIVE BRANCH ORGANIZATION

1988

GOVERNOR

DEPARTMENTS

LIEUTENANT GOVERNOR

OFFICE OF THE GOVERNOR

Administration	Division of Elections	Management & Budget (OMB)
Commerce & Economic Development		D.C. Office
Community & Regional Affairs		Other
Corrections		
Education		
Environmental Conservation		
Fish and Game		
Health & Social Services		
Labor		
Law		
Military & Veterans Affairs		
Natural Resources		
Public Safety		
Revenue		
Transportation & Public Facilities		

QUALIFICATIONS FOR OFFICE

The general qualifications for the office of governor, lieutenant governor and commissioners of state departments are set out in the Alaska Constitution and the State Statutes. Additional specific qualifications for commissioners of some departments are spelled out both in the Alaska Statutes and in departmental policies.

In addition to the basic minimum qualifications required by law, the governor and lieutenant governor must run successfully for office in both primary and general elections. The candidates of each party for governor and lieutenant governor who receive the highest number of votes in the primary election become the gubernatorial slate in the general election.

A. LEGISLATIVE REQUIREMENTS

As required by the Constitution and the Alaska Statutes, the following minimum qualifications must be met by a candidate for governor in the State of Alaska:

1. Be at least 30 years of age;
2. Be a qualified voter of the State;
3. Have been a resident of Alaska for at least seven years immediately preceding filing for office;
4. Have been a citizen of the United States for at least seven years.

The same minimum qualifications set out for governor apply to lieutenant governor.

The only legislative qualification generally mandated for commissioners is that they shall be United States citizens. However, professional qualifications for some commissioners, such as Education, are set forth in the Alaska Statutes¹. All nominees for the post of commissioner must be approved by the Legislature, except the Commissioner of Education.

B. OTHER REQUIREMENTS

Additional qualifications for commissioners may be imposed at the departmental level. For example, the activities of the Departments of Education and Fish and Game are both overseen by boards whose members are appointed by the Governor and confirmed by the Legislature. These boards play a direct role in the selection of the commissioners for their respective departments. The Board of Education, for instance, selects the Commissioner of Education based on a combination of legislatively mandated standards and board policy. The candidate selected is approved by the Governor but is not subject to legislative confirmation. The Commis-

¹. Qualifications for the Commissioner of Education are contained in AS 14.07.145.

sioner of Fish and Game is also selected by the combined boards of Fish and of Game, but this choice must be approved by both the Governor and the Legislature.

In addition to formal requirements for office, the ability to be elected is the primary requisite for candidates for elective office. Similarly, commissioners appointed by the Governor must meet requirements which the Governor feels to be important. Aside from some familiarity with the area of expertise appropriate to particular departments, such criteria are likely to include administrative experience and the ability to deal effectively with the Legislature and the general public.

EXECUTIVE BRANCH RESPONSIBILITIES

A. THE GOVERNOR

As stated in Article III, Section 1 of the Alaska Constitution, the executive power of the State is vested in the Governor. Section 16 of the State Constitution states that the Governor shall be responsible for the faithful execution of the laws. Section 17 empowers him to convene the Legislature, either one House or the two Houses in joint session, whenever he considers it to be in the public interest. Section 18 requires the Governor to give the Legislature information concerning the affairs of the State at the beginning of each session and to make recommendations he considers necessary.

Section 19 designates the Governor as Commander-in-Chief of the armed forces of the State, while Section 20 enables him to proclaim martial law. Section 21 empowers the Governor to grant certain pardons, commutations and reprieves. Section 23 enables the Governor to make changes in the organization of the executive branch of government or in the assignment of functions among its units which he feels are necessary for efficient administration. Section 24 states that each principal department shall be under the supervision of the Governor.

B. THE LIEUTENANT GOVERNOR

As stated in Article III, Section 7 of the State Constitution, the Lieutenant Governor shall perform such duties as may be prescribed by law and as may be delegated to him by the Governor. To date, these include responsibility for elections; custody of the state seal; repository for state administrative regulations; publication of the Administrative Journal; responsibility for the Administrative Procedures Act and the State Constitution; authentication of state legislation; organization of the first regular session of the Legislature; administration of Notary Public commissions; submission of Federal Election Commission reports; chairmanship of several state boards and commissions; and standing in for the Governor as required.

C. COMMISSIONERS

As stated in Article III, Section 25 of the Alaska Constitution, the head of each principal department shall be a single executive unless otherwise provided by law. The particular responsibilities of each commissioner are defined in the Alaska Statutes governing each agency.

RESTRICTIONS ON ACTIVITIES OF EXECUTIVE BRANCH

Senior members of the executive branch are subject to certain restrictions on their activities. These restrictions, contained both in the Constitution and the Alaska Statutes, are primarily designed to avoid conflicts of interest on the part of the State's top policy makers.

Article III, Section 6 of the Alaska Constitution states that the Governor shall not hold any other office or position of profit in federal or state government or in any political subdivision.

Alaska's Conflict of Interest Law, also referred to as the financial disclosure law, requires the filing of detailed financial statements by the Governor, Lieutenant Governor, head or deputy head of, or director of a division within a department of the executive branch, assistants to the Governor, and members of certain state boards or commissions.¹ Statements are filed with the Alaska Public Offices Commission within 30 days of taking an oath of office and, thereafter, by April 15 of each year.

The financial statement is a sworn document which details the executive branch official's, and his or her family's, reportable financial interests during the prior calendar year. It must include all sources of income or capital gains over \$100 received during that period by the official, his or her spouse and each dependent child or non-dependent child who resides with the official. In addition, if an official, or an immediate family member, are self-employed or hold more than 50 percent of the stock in a corporation, they must disclose all clients and customers from whom more than \$100 was received during the preceding calendar year, except for those for whom client exemption is requested.

For the same period, officials must also detail the identity, location and nature of each business involvement, including non-profit corporations, in which he or she or an immediate family member was engaged; show the identity and nature of each interest in real property, including options to buy; describe each trust, including pension and profit-sharing accounts and Keogh plans, or fiduciary relationships; disclose all loans, loan guarantees or financial obligations over \$500; reveal all contracts offered, bid or held during the preceding calendar year with the State or its instrumentalities; and detail all leases or offers to lease natural resources.

Certain exemptions from the reporting requirements of the Conflict of Interest Law have been provided, principally in situations where disclosure is prohibited by law

¹. AS 39.50 *et seq.*

and would subject the official to criminal and civil penalties.

Failure to comply with the provisions of the Conflict of Interest Law can result in the assessment of civil and criminal penalties ranging from fines to recommendations for removal from office, loss of remuneration and referral to the Office of the Attorney General for further civil or criminal action.

More recently, the Alaska Executive Branch Ethics Act of 1986 mandated additional restrictions for senior members of the executive branch both during and after their terms of employment.¹ Aside from stating obvious ethical conflicts such as misuse of official position; acceptance of improper gifts; improper use or disclosure of information; improper influence in State grants, contracts, leases or loans; and improper representation, the Act places restrictions on outside employment during state service as well as on employment after an executive has left state service, as follows:

1. **Outside employment restricted.** (a) A public employee may not render services to benefit a personal or financial interest or engage in or accept employment outside the agency which the employee serves, if the outside employment or service is incompatible or in conflict with the proper discharge of official duties.

(b) A public employee rendering services for compensation, or engaging in employment outside the employee's agency shall report, by July 1 of each year, the outside services or employment to the employee's designated supervisor. During the year, any change in an employee's outside service or employment activity must be reported to the designated supervisor as it occurs.⁴
2. **Restrictions on employment after leaving state service.** A public officer who leaves state service may not, for two years after leaving state service, represent, advise, or assist a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which the officer participated personally and substantially through the exercise of official action. For the purposes of this subsection, "matter" includes a case, proceeding, application, contract, or determination, but does not include the proposal or consideration of legislative bills, resolutions and constitutional amendments, or other legislative measures; or the proposal, consideration, or adoption of administrative regulations.³

However, the most severe restrictions on activities of top executives in state government do not derive so much from legislation as from the need to put personal careers "on hold" for an unspecified amount of time, together with the necessity, in most cases, to move to Juneau. Unlike the judicial branch, the posts of governor, lieutenant governor and commissioner are not seen as career jobs. A governor or lieutenant governor may not serve more than two complete consecutive terms, while commissioners serve at the pleasure of the Governor, frequently for less than one full term.

Unless individuals have previously accrued time in the state retirement system,

¹. AS 39.52 *et seq.*

². AS 39.52.170.

³. AS 39.52.180.

it is possible that they may not be able to realize such benefits in future years. Furthermore, while some individuals may be able to utilize their experience in state government to future economic advantage, others may find the disruption which public service has inflicted on their private careers to be more than offsetting.

EXECUTIVE BRANCH SALARIES AND BENEFITS

A. SALARIES

The current salaries for the Governor, Lieutenant Governor and commissioners have been in effect since 1985. They are as follows:

1. Governor.....\$81,648⁶
2. Lieutenant Governor\$76,188
3. Commissioners\$77,304, equivalent to Step E,
Range 28 of the salary
schedule in AS 39.27.011(a)
for Juneau.

Since the Governor, Lieutenant Governor and all commissioners are based in Juneau, with the exception of the Adjutant General, who is the Commissioner of Military and Veterans Affairs and who is based in Anchorage, no top members of the executive branch are eligible to receive geographic cost of living adjustments.

B. BENEFITS

The Governor and Lieutenant Governor are not considered employees of the State for the purpose of state personnel laws relating to hours of employment, annual leave, sick leave, overtime, compensatory time and travel allowances. However, as a matter of policy, state regulations relating to per diem and expenditures are followed as closely as possible. In addition, the Governor and Lieutenant Governor have the right to participate in the state retirement system and in state group insurance plans.⁷

The Governor is provided with a vehicle and an official residence, with staff, in Juneau throughout the term of his office. The Governor's Mansion is considered a public facility which receives its own operating budget. Those funds are utilized for the maintenance and upkeep of the Mansion as well as for formal entertainment expenses.⁸

⁶. In an apparent dispute between the executive and legislative branches, the salaries of governor and lieutenant governor were frozen in 1985. Although a raise was accorded in 1983, to the amounts currently being paid, no salary increase was granted in 1985 when other executive and judicial compensation was raised. Thus, while in prior years, the Governor's salary was equal to that of a supreme court justice, that parity was destroyed in 1985 when the judicial salaries, but not the gubernatorial salary, were raised.

⁷. AS 39.20.060.

⁸. The Commission estimated that the perquisites of office, or intangible benefits, accruing to the Governor, amounted to approximately \$30,000 per year.

Commissioners are eligible to receive the same retirement, supplemental benefits and health insurance benefits as the Governor, Lieutenant Governor and other members of the executive branch. Unlike the Governor and Lieutenant Governor, commissioners also receive personal leave benefits. The various benefits are as follows:

1. Retirement

All permanent full-time and part-time, defined as persons who work twenty or more hours per week, state employees are required to be members of the Public Employees' Retirement System (PERS). Elected officials, including the Governor and Lieutenant Governor, are automatically covered under PERS, unless a written waiver is filed. Employees are required to contribute 6.75 percent of all salary, with peace officers and firemen required to contribute a higher percentage. The State, as employer, must contribute the balance needed to pay future benefits. During FY 1989, the State must contribute an average of 9.38 percent of each employee's salary.

State employees are vested in the PERS when they have at least five paid-up years of creditable PERS service. For persons terminating state service, contributions must be left in the PERS in order for them to stay vested. Persons meeting the minimum PERS service requirements and who were first hired under the PERS before July 1, 1986 can retire at age 55 for normal, or age 50 for early retirement. Those hired after June 30, 1986 can retire at age 60 for normal, or age 55 for early retirement.

Benefits are calculated by applying a percentage multiplier to the average monthly compensation; i.e., adding the compensation earned during an employee's three highest consecutive payroll years and dividing the total by the number of months worked during that same period, times an employee's PERS service. The percentage multiplier, for members other than peace officers and firemen, is 2 percent per year for all service earned up to 10 years. For service earned after June 30, 1986, the multiplier rises to 2.25 percent for all service over 10 years but less than 20 years, and 2.5 percent for all service over 20 years.

2. Supplemental Benefits

The Supplemental Benefits System (SBS) was designed to provide benefits in lieu of those supplied by the social security system from which the State withdrew. Employees contribute 6.13 percent of their salary, with the State contributing an equal amount. Each enrollee has the option of selecting a variety of benefits, including disability benefits, life insurance, supplemental health insurance or annuities from his or her SBS account.

These benefits can be tailored to meet an employee's individual needs. Upon retirement, the outstanding balance in an SBS account, which includes principal and interest, becomes available to the employee or his or her beneficiary.

3. Personal Leave

Commissioners are entitled to personal leave which is a combination of medical and vacation leave. This differs from some of the general government employees

who have separate sick leave and annual leave entitlements.

Personal leave entitlement is calculated based on a 40 hour work week and on years of eligible state service. A commissioner is entitled to 16 hours per monthly pay period if he or she has less than two years of service; 18 hours per pay period for two to five years of service; 20 hours per pay period if he or she has more than five years but less than ten years of service; and 24 hours per pay period if he or she has more than ten years of service.

Thus, after two years of service, a commissioner is entitled to personal leave of 27 days per year and after five years, he or she is entitled to 30 days per year.

Once a commissioner terminates his or her service, accrued personal leave may be cashed out. If a commissioner transfers to another state position, the leave may also be transferred, although if the new position divides leave into sick and annual categories, the accrued personal time is allocated among the two.

4. Health Insurance

All executive branch employees are covered by the same basic health insurance plan which is available to general government employees. Also, like other state employees, they may also elect to receive additional health insurance coverage under the State's Supplemental Benefits System.

5. Leave Without Pay

In addition to personal leave, commissioners may take leave without pay. Permission to take such leave must be obtained from the Governor's chief of staff.

COMPARISON WITH OTHER STATES

A. SALARIES

State Officers' Compensation Commission staff contacted each state to determine the current salary of the chief executive. However, it is not practical to compare the salaries of lieutenant governors since their duties differ from state to state. Similarly, it is impractical to attempt to compare salaries of commissioners because the manner in which they attain office may be elective or appointive and very few states pay all commissioners at the same rate.

As indicated by Table 2, the salary of the Governor of the State of Alaska ranked 19th among the states in 1988.

B. BENEFITS

No attempt was made to compare the benefits accruing to top Alaska executive branch officials with those of other states except to note that provision of an official residence for the governor is a benefit common to all other states except Arizona, Massachusetts and Vermont. In general, however, it can be stated that the benefits available to executive branch employees in Alaska are superior to those available to such employees in many other states.

C. COST OF LIVING

Cost of living differentials are another factor to be taken into account when comparing Alaska salaries or benefits with those in other states. This topic is covered in Appendix A and Tables 19, 20 and 21.

COMPARISON WITH OTHER STATE EMPLOYEES

Table 3 indicates the salaries of the top officials of the executive branch, compared with those of chief executives of various independent state agencies and the University of Alaska. Table 4 lists the annual salaries of state employees within the various departments, including independent state agencies, which were greater than those of the commissioners as of the beginning of 1988^{*}.

In general, the salaries of state employees which exceed those of the governor and various commissioners are paid to persons having highly specialized levels of expertise. In addition, in the Department of Law, persons with salaries greater than that of the Attorney General have many years of state service.

The following observations can be made:

1. The base salary of \$81,648 paid to the Governor is less than the salary of \$85,728 which supreme court justices receive. The failure to raise the salaries of the Governor and Lieutenant Governor in 1985, which was earlier referenced, accounts for this difference. One non-salary benefit accruing to the Governor, housing, is not available to the judiciary. The salaries of other state judges are lower than that of the Governor.
2. The base salary of \$77,304 paid to commissioners is the same as that received by superior court judges.
3. The base salaries of chief executives of independent state agencies and corporations are highly variable. In 1987, the executive directors of four of these agencies and corporations, the Alaska Permanent Fund Corporation, the Alaska Power Authority, the Alaska Railroad Corporation and the Postsecondary Education Commission, received base salaries which exceeded that of the Governor. In two cases, those of the Alaska Permanent Fund Corporation and the Alaska Railroad Corporation, the salaries also exceeded that paid to state supreme court justices.
4. Base salaries paid to top officials of the University of Alaska exceed those paid to either the Governor or members of the Alaska judiciary. The same is true with respect to the salary paid to the Superintendent of the Anchorage School District.
5. Some state employees with long service, particularly in the Department of Law,

* These salary figures were current as of the period November 1987 through January 1988.

earn base salaries higher than that of their commissioners. In 1987, one Department of Law employee had a base salary in excess, not only of the Attorney General but also of that paid to Alaska Supreme Court justices. Another seven employees in the same Department had base salaries equal to or exceeding that paid to Court of Appeals judges. In 1988, two Department of Law employees had base salaries in excess of that paid to Alaska Supreme Court justices and another five had base salaries equal to or exceeding that paid to Court of Appeals judges.

6. The base compensation of the Administrative Director of the Court System is pegged at \$2,000 less than that received by supreme court justices, for a salary of \$83,728. Thus, he currently earns more than the Governor.

LEGISLATIVE HISTORY

The following is an outline of the major legislative events since statehood which have shaped and changed the Alaska executive branch. The basic character of the executive branch was established by the State Constitution and the State Organization Act of 1959. Changes since that time have been enacted through state statutes and executive orders. A history of changes in executive branch compensation, together with that for the judiciary, is contained in Table 1.

CONSTITUTIONAL PROVISIONS.

1959 — Article III of the State Constitution outlines the authority, powers, responsibilities and qualifications for office; establishes procedures for succession, plus declarations of martial law and executive clemency; and sets out guidelines for organization of the executive branch.

Specifically, the Constitution contains the following relevant provisions:

Governor:

The executive power of the state is vested in the Governor. (Section 1).

The Governor shall be at least 30 years of age and a qualified voter of the State. He shall have been a state resident for at least 7 years immediately preceding his filing for office and shall have been a U.S. citizen for at least 7 years. (Section 2).

The term of office of the Governor is 4 years. (Section 4). No person who has been elected governor for two full terms shall be eligible to again hold that office until one full term has intervened. (Section 5).

The Governor shall not hold any other office or position of profit under the United States, the State or its political subdivisions. (Section 6).

The Governor shall be responsible for the faithful execution of the laws. This authority shall not be construed to authorize any action or proceeding against the Legislature. (Section 16).

Whenever the Governor considers it in the public interest, he may convene the Legislature. (Section 17).

The Governor shall, at the beginning of each session, give the Legislature information concerning the affairs of the State and recommend the measures he considers necessary. (Section 18).

The Governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary

for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. The Legislature shall have sixty days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. (Section 23).

Lieutenant Governor:

The Lieutenant Governor was originally denominated Secretary of State but the title was changed by Constitutional amendment approved by the voters on August 25, 1970, becoming effective October 10, 1970. A candidate for this position must meet the same qualifications as those set for the office of governor and shall serve for the same term.

The Lieutenant Governor shall perform such duties as may be prescribed by law and as may be delegated to him by the Governor. (Section 7). In the temporary absence of the Governor from office, the Lieutenant Governor shall serve as acting governor. (Section 9).

In the case of a vacancy in the office of governor for any reason, the Lieutenant Governor shall succeed to the office for the remainder of the term. (Section 11).

The compensation of the Governor and Lieutenant Governor shall be prescribed by law and shall not be diminished during their terms of office, unless by general law applying to all salaried offices of the State. (Section 15).

Commissioners:

All executive and administrative 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 20 principal departments. Regulatory, quasi-judicial and temporary agencies need not be allocated within a principal department. (Section 22).

Each principal department shall be under the supervision of the Governor. (Section 24).

The head of each principal department shall be appointed by the Governor, subject to confirmation by the Legislature, and shall serve at the pleasure of the Governor. The heads of all principal departments shall be citizens of the United States. (Section 25).

When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be appointed by the Governor, subject to confirmation by the Legislature, and may be removed as provided by law. They shall be United States citizens. (Section 26).

1970 — SJR 2¹⁰

Changed the name of the Secretary of State to Lieutenant Governor.

¹⁰ The Constitutional provisions affected are Article III, ((7-11, 13-15 and 25; Article XI, ((2-6; and Article XIII, ((1-3.

LEGISLATIVE ENACTMENTS AND EXECUTIVE ORDERS

1959 — **State Organization Act of 1959** (Sections 1 and 2, Chapter 64, SLA 1959):
Section 2 created and established the following principal departments and offices: Office of the Governor, Department of Administration, Department of Law, Department of Revenue, Department of Education, Department of Health and Welfare, Department of Labor, Department of Commerce, Department of Military Affairs, Department of Natural Resources, Department of Fish and Game, Department of Public Safety, and Department of Public Works.

Section 4 specified that the head of every principal executive department shall be appointed by the Governor, subject to confirmation by a majority of the members of the Legislature in joint session, shall serve at the pleasure of the Governor, and shall receive such compensation as may be fixed by law.

Section 6 established standards for members of boards appointed by the Governor, subject to confirmation by a majority of the members of the Legislature in joint session.

Subsequent sections of the State Organization Act related to the organization of the various departments and offices; to the establishment of interim boards; and to the abolition of previously existing agencies and offices.

— **Section 1, Chapter 105, SLA 1959:**

Established maximum annual salaries for the heads of twelve principal executive departments:

Commissioner of Administration	\$17,000
Attorney General	17,000
Commissioner of Education	17,000
Commissioner of Health & Welfare	17,000
Commissioner of Natural Resources	17,000
Commissioner of Fish and Game	17,000
Commissioner of Public Works	17,000
Commissioner of Commerce	15,000
Commissioner of Revenue	15,000
Commissioner of Labor	15,000
Commissioner of Public Safety	15,000
Adjutant General	12,000

1962 — **Section 1, Chapter 159, SLA 1962:**

Created the Department of Economic Development and Planning.

— **Section 2, Chapter 128, SLA 1962:**

Department heads to receive a salary not to exceed the following:

Commissioner of Highways	\$19,000
Commissioner of Administration	18,000
Attorney General	18,000
Commissioner of Education	17,000
Commissioner of Health & Welfare	17,000

Commissioner of Natural Resources	17,000
Commissioner of Fish and Game	17,000
Commissioner of Public Works	17,000
Commissioner of Revenue	17,000
Commissioner of Labor.....	17,000
Commissioner of Public Safety	17,000
Commissioner of Commerce.....	17,000
Commissioner of Economic Development	17,000

1963 — Sections 1 and 2, Chapter 49, SLA 1963:

Section 1 listed the following principal offices and departments in state government:

- (1) Office of the Governor;
- (2) Department of Administration;
- (3) Department of Law;
- (4) Department of Revenue;
- (5) Department of Education;
- (6) Department of Health and Welfare;
- (7) Department of Labor;
- (8) Department of Commerce;
- (9) Department of Military Affairs;
- (10) Department of Natural Resources;
- (11) Department of Fish and Game;
- (12) Department of Public Safety;
- (13) Department of Public Works;
- (14) Department of Economic Development and Planning;
- (15) Department of Highways.

Section 2 established the Department of Highways.

1965 — Section 1, Chapter 115, SLA 1965:

Section 1 set the annual salary of the Governor at \$27,500.

Section 2 set the annual salary of the Lieutenant Governor at \$21,000.

Section 3 set the annual salaries of commissioners at \$20,000 except for that of the Adjutant General which was set at \$17,000.

1966 — Section 1, Chapter 156, SLA 1966:

Provided for uniformity in the salaries of all commissioners, effective July 1, 1966. At that date, all commissioners were entitled to an annual salary of \$20,000.

1971 — Section 1, Chapter 120, SLA 1971:

Section 1 created the Department of Environmental Conservation.

1972 — Section 1, Chapter 20, SLA 1972:

Section 1 created the Department of Community and Regional Affairs.

- 1975 — **Section 1, Chapter 207, SLA 1975:**
Abolished the Department of Economic Development and Planning.
- 1977 — **Executive Order No. 39:**
Created the Department of Transportation and Public Facilities.
- 1984 — **Executive Order No. 55:**
Created the Department of Corrections.
- 1986 — **Section 1, Chapter 87, SLA 1986:**
Adopted the Alaska Executive Branch Ethics Act which provides a code of ethics for public officers in the executive branch, and establishes procedures for the hearing of complaints, and for enforcement of the Code.

RECOMMENDATIONS

A. THE BASE SALARIES

The Commission makes the following salary recommendations for the Governor, Lieutenant Governor and commissioners:

Governor.....	\$100,000 per year
Lieutenant Governor	76,188 per year
Cabinet officers	92,000 per year

The Commission also recommends that commissioners be allowed 12 weeks of maternity leave.

B. RATIONALE

First, it should be noted that, as with the federal system, there are three co-equal branches of government in Alaska; the executive, the judicial and the legislative. Thus, as nearly as possible, given the divergent responsibilities, lengths of service and hours expended, the compensation of the responsible leaders should also be co-equal.

That fact was apparently first recognized in 1979 when the salaries of the governor and supreme court justices, both full-time positions, first reached parity!¹ And that equality was maintained until 1985 when, for whatever reason, the justices were accorded a raise while the gubernatorial salary was maintained at the 1983 level. In 1985, the justices were raised to a salary level of \$85,728, elevating them above the amount paid to the Governor who remained at a salary of \$81,648. There has been no increase, for either branch, since that date.

It should furthermore be recognized that, since 1985, when Alaska's governor was ranked seventh in the nation, he now occupies nineteenth position!²

Apart from the foregoing, the Commission also recognized that the Consumer Price Index in Alaska (Anchorage) increased 7.1 percent between 1985 and July 1988. If that percentage alone were to be applied to what should have been a 1985 gubernatorial salary of \$85,728, it would mean that the Governor of the State of Alaska would be entitled to base compensation of \$91,815, solely as the result of inflation!³

The recommended salary for the Governor is based on a longer term review of changes in the Consumer Price Index for Alaska (Anchorage) since 1975. If im-

¹. Table 1.

². Table 2.

³. See Appendix A and Table 19.

plemented, it would place Alaska's governor fourth in the nation!⁶ Given the difficulties which our State faces, and with which its chief executive must deal, the Commission believes that the recommended salary is both prudent and fair.

The Commission recommended no salary increase for the Lieutenant Governor. It noted that higher utilization of the Lieutenant Governor beyond the present responsibilities of overseeing the currently assigned duties should be achieved before additional compensation is warranted. The Commission recognized that individuals holding the office may undertake more or fewer duties but felt that additional statutory duties for the office should be assigned in order to justify any further increase in salary.⁷

In recommending the salaries of the commissioners of the State of Alaska, the Commission relied heavily on a tier system. In their minds, albeit recognizing the differences between the longtime service of superior court judges and the appointed executive branch positions, the two could be most closely juxtaposed. Thus, for both, identical salaries were recommended.

The issue of maternity leave has received increased attention during the past few years, including the introduction in Congress of the Family and Medical Leave Act of 1987 and the Parental and Medical Leave Act of 1988!⁸ In support of this type of legislation, Dr. T. Berry Brazelton testified that a period of at least three months of prolonged intimate contact between parent and newborn child is necessary to facilitate their "bonding" or attachment and identification with each other.⁹ Other studies and opinions support that statement!¹⁰

The Commission unanimously agrees that maternity leave, in conformity with the foregoing, is an important aspect of any worker's life and that, at a minimum, 12 weeks' leave should be accorded.

⁶. See Table 2.

⁷. A similar conclusion was reached by the Hawaii Public Officers and Employees Compensation Review Commission in its Report presented to the 12th Hawaii State Legislature on February 28, 1983.

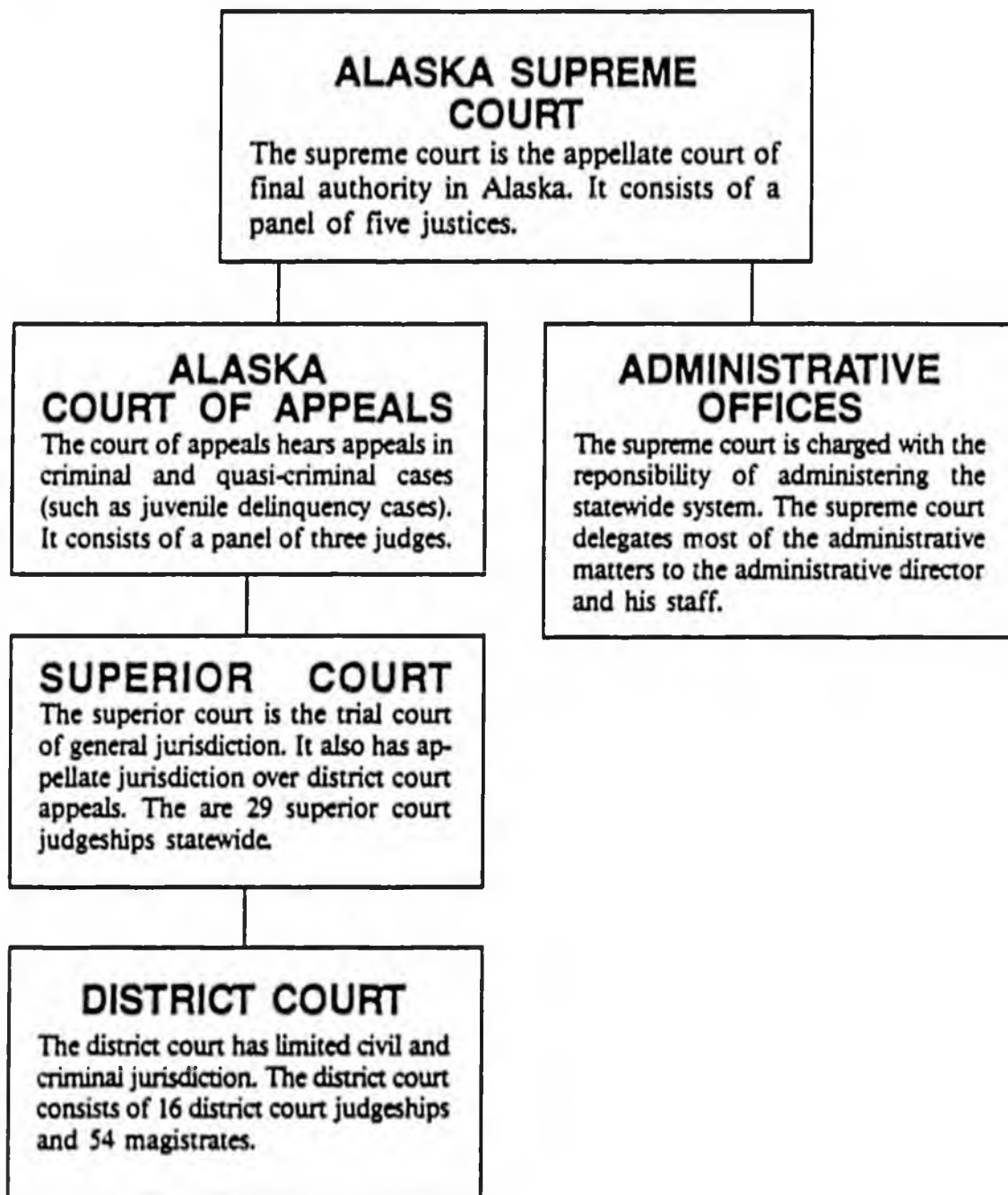
⁸. H.R. 4300, the 1987 bill, in its introduction, states, in pertinent part: "The Congress finds that (1) the number of single-parent households and two-parent households in which the single parent or both parents work is increasing significantly, (2) it is important to the development of the child and to the family unit that fathers and mothers be able to participate in early childrearing and the care of their children who have serious health problems, (3) the lack of employment opportunities to accommodate working parents can force individuals to choose between job security and parenting. . . ." The Senate version of the 1988 Act is designated S.2488 while the House version carries the number H.R. 925.

⁹. Colvin, *New Perspectives in Parental Leave: The Family and Medical Leave Act of 1987*, 12 *Employee Relations Law Journal* 546, 553 (1987). Dr. Brazelton is associate professor of pediatrics at Harvard Medical School and chief of the Child Development Unit of the Children's Hospital.

¹⁰. See Catalyst, *Report on a National Study of Parental Leaves* (1986); Note, F.L.R. 4300, *The Family and Medical Leave Act of 1986: Congress' Response To the Changing American Family*, 35 *Clev. St. L. Rev.* 455 (1987); Note, *Maternity Leave Policies: an International Survey*, 11 *Har. Women's L.J.* 171 (1988); Note, *An Overview of Federal and State Protections for Pregnant Workers*, 36 *Cincinnati L. Rev.* 757 (1987); and Staff Report, Subcommittee on Civil Service Committee on Post Office and Civil Service, *Federal Agency Parental Leave Policies*, 83 (1988).

JUDICIAL
BRANCH

ALASKA COURT SYSTEM ORGANIZATION



The Alaska judiciary has a unified, centrally administered, and totally state funded judicial system. County and municipal governments do not maintain a separate court system.

JUDICIAL QUALIFICATIONS

According to the American Bar Association, "the quality of a court system is determined chiefly by the quality of its judges. Judges should be selected on the basis of ability, character, training and experience, by a procedure that assures that selection is made on a merit basis."¹⁹

In August of 1983, the American Bar Association approved guidelines for reviewing qualifications of candidates for state judicial office in the following areas: integrity, legal knowledge and ability, professional experience, judicial temperament, diligence, health, financial responsibility, and public service.

Although prescribed judicial qualifications in Alaska appear, at first glance, to be relatively straightforward, candidates for judicial office are closely screened and evaluated. The performance of Alaska judges is subject to evaluation by the Alaska Judicial Council and is ultimately judged by the voters in retention elections.²⁰ In order to become and remain a Supreme, Appellate, Superior or District Court judge in Alaska, one must:

1. Possess the minimum qualifications prescribed by the State Constitution and general law;
2. Be considered one of two or more candidates deemed "most qualified" for the judicial vacancy when nominated; and
3. Perform his or her judicial duties to the satisfaction of the electorate.

A. LEGISLATIVE REQUIREMENTS

As prescribed by Title 22 of the Alaska Statutes and/or the Alaska Rules of Court, the following minimum qualifications must be met in order for a person to be considered by the Alaska Judicial Council for nomination to a judgeship:

Supreme Court

1. Be a U.S. citizen;
2. Have been an Alaska resident for 5 years immediately before appointment;
3. Have been engaged in the active practice of law for at least 8 years immediately prior to appointment;
4. Be licensed to practice law in Alaska at the time of appointment.²¹

¹⁹. American Bar Association, *Standards Relating to Court Organization*, (1984).

²⁰. Alaska Constitution, Article IV, Section 6.

²¹. AS 22.05.070.

Court of Appeals

Same qualifications as for the Supreme Court.²²

Superior Court

Same qualifications as for Supreme Court and Court of Appeals except that the candidate must have engaged in the active practice of law for not less than 5 years prior to appointment.²³

District Court

1. Be a U.S. citizen;
2. Have been an Alaska resident for at least 5 years immediately prior to appointment;
3. Have been engaged in the active practice of law for not less than 3 years immediately prior to appointment or have served at least 7 years as a magistrate in the State;
4. Be at least 21 years of age.²⁴

In addition, Rule 19 of the Administrative Rules of Court mandates that district court judges have a law degree.²⁵

B. EDUCATION AND QUALIFICATIONS_____

As set forth in the applicable statutes and rules, the members of the Alaska judiciary must be members of the Alaska Bar Association. Implicit in that requirement is the necessity for a formal post high school education which generally means acquisition of a four year undergraduate degree and subsequent graduation from the three year program of an American Bar Association accredited law school. Thus, most attorneys have seven years of higher education.

After graduating from law school, in order to practice law, each prospective attorney must take and pass a rigorous two and one-half day examination administered by the state in which he or she intends to practice. Upon passage of the written exam, and after demonstrating good moral character, the candidate is admitted to the Bar. Every applicant for the bench in Alaska must have completed these requisites.

C. ALASKA JUDICIAL COUNCIL EVALUATION_____

The Alaska Judicial Council operates independently of the court system. It was created by the State Constitution to perform two primary functions. They are to solicit, screen and nominate applicants for gubernatorial appointments to vacant judgeship positions and conduct studies for improvement in the administration of justice and to make recommendations to the Legislature and the Supreme Court.²⁶

²². AS 22.07.040.

²³. AS 22.10.090.

²⁴. AS 22.15.160.

²⁵. The currently authorized judgeships in the State of Alaska are set forth in Table 5.

²⁶. Alaska Constitution, Article IV, Section 8.

The Council is comprised of the Chief Justice of the Alaska Supreme Court who serves as chair and *ex officio* member; three attorney members appointed by the Board of Governors of the Alaska Bar Association; and three non-attorney members appointed by the Governor and subject to confirmation by the majority of members of the Legislature sitting in joint session. These six members serve for six year terms.

With regard to the Council's primary function, nomination of judicial candidates, applicants for gubernatorial appointments to vacant judgeships must undergo a comprehensive review process. They must first complete the Council's "Application for Judicial Appointment" questionnaire, together with appendices, provide a physician's certification of the applicant's health and submit a legal writing sample. Each applicant is then evaluated by the following means:

1. **The Bar Survey.** All active members of the Alaska Bar Association are asked, by an independent firm, to rate each candidate on a 5-point scale in five areas: professional competence, judicial temperament, integrity, suitability of experience for the position, and fairness. Members are asked to indicate whether their ratings are based on direct professional experience, other personal contacts or reputation.¹⁷
2. **Letters of Reference.** Confidential letters of reference are solicited by the Council as part of its evaluation process.
3. **Investigation of Applicants.** The Council is empowered to conduct such investigations as may be necessary or desirable into the applicants' background for the purpose of evaluating fitness for judicial appointment.
4. **Screening.** Following its review of the applications, investigative and survey data, the Council screens the various candidates for formal interviews.
5. **Interviews.** As the final stage of the evaluation process, applicants are invited to a one-half hour interview with the full Alaska Judicial Council where they are asked about their judicial philosophy and are given an opportunity to respond to or explain any information of importance gathered during the investigation.

Following the interviews, the Alaska Judicial Council submits a list of nominees to the Governor of those candidates deemed to be the "most qualified." This list must include at least two names.

D. SELECTION BY THE GOVERNOR

The Governor has 45 days to appoint a nominee from the list submitted by the Alaska Judicial Council to fill a particular judicial vacancy.

¹⁷ The Alaska Bar Association is comprised mainly of attorneys living and practicing law in the State of Alaska and state court judges.

E. RETENTION BY VOTERS

As provided by Alaska law, judges are periodically required to stand for retention by the voters. They do not run against other candidates — the voters merely vote to either retain or not retain particular judges or justices. District Court judges must stand for retention in the first general election held not sooner than one year after appointment and every four years thereafter. Supreme Court, Court of Appeals and Superior Court justices and judges stand in the first general election held not sooner than three years after initial appointment and ten, eight and six years respectively thereafter.

As part of the retention election process, the Alaska Judicial Council is responsible for conducting retention evaluations. The Council uses a three-part plan to evaluate all judges eligible for retention in a given election year, as follows:

1. The Council surveys all active members of the Alaska Bar Association and all State peace officers and probation officers. Bar Association members are asked to rate each appellate judge or justice on a 5-point scale in twelve categories and each trial court judge on the same scale in 21 categories. Peace and probation officers do not rate appellate judges but rate all trial court judges in 16 categories. All survey respondents indicate the amount and nature of their experience before each judge. Peace and probation officers evaluate trial judges using the same criteria except for those relating to the judge's legal reasoning, knowledge of civil and criminal law, and settlement skills. Following the Council's review, quantitative evaluations of all judges who have filed for retention are made public.
2. Brief narrative questionnaires are completed by selected counsel who have appeared before each judge or justice during the current term. The purpose of these questionnaires is to validate the results of initial survey findings and to obtain further information on aspects of judicial performance. Council questionnaire results are summarized and submitted to the Council for review.
3. Each justice or judge seeking retention is asked to complete a personal questionnaire regarding his or her judicial performance, health and judicial and non-judicial activities during the current term of office.

Following a review of these and other appropriate data, the Alaska Judicial Council votes to recommend either for or against each judge up for retention. These findings are made public for consideration by the voters.

Since Statehood, one Supreme Court justice and two District Court judges have been rejected by the voters, the latter on the recommendation of the Alaska Judicial Council.

The Alaska Judicial Council believes that its extensive review of potential candidates and monitoring of judicial performance have contributed to the quality of persons seeking judicial office. This belief is bolstered by higher Bar ratings for more recently appointed justices and judges, for example those appointed using the above conditions of review by the Council.¹⁹ The Council also considers that the high proportion of justices and judges who make the judiciary a lifetime career is an indication of their commitment to the office.²⁰

¹⁹. See Table 6.

²⁰. See Table 7.

JUDICIAL RESPONSIBILITIES

The four levels of state courts in Alaska are Supreme, Appeals, Superior and District, each with different powers, duties and responsibilities. The Supreme Court and the Court of Appeals are referred to as appellate courts, while the Superior and District Courts are referred to as trial courts. Unlike many other states, Alaska has no municipal courts.

A. DIVISION OF RESPONSIBILITY

The responsibilities of the state courts are set out in Title 22, Alaska Statutes. In general, they can be summarized as follows:

1. Supreme Court

The five member Supreme Court is the highest court in Alaska.

The Supreme Court is empowered by the Alaska Constitution to establish rules governing the administration of all state courts and those governing practice and procedure in civil and criminal cases.

The Supreme Court hears cases on appeal from throughout the State.

- An appeal may be taken to the Supreme Court from any final judgment entered by the Superior Court in a civil action or proceeding;
- In criminal and certain quasi-criminal actions, the Supreme Court has the discretion to accept or deny a litigant's request that it review decisions made by the Court of Appeals; and¹⁹
- The Supreme Court may take jurisdiction of a case pending before the Court of Appeals if the latter court certifies that the case involves a significant question of constitutional law or an issue of substantial public interest.

2. Court of Appeals

The three member Court of Appeals has the authority to hear appeals from judgments in criminal and certain quasi-criminal cases in which prisoners are challenging the legality of their confinement and cases involving probation and parole decisions.

- Criminal appeals from the District Court can be taken to the Superior Court or the Court of Appeals, at the option of the defendant; and

¹⁹. Quasi-criminal actions are defined as infractions with minimal fines and no jail time or loss of license.

- A defendant who appeals from District Court to Superior Court may ask the Court of Appeals to review the Superior Court decision, although the Court of Appeals may refuse such requests.

3. Superior Court

The Superior Court currently has 29 members allocated among four judicial districts. It is the trial court of general jurisdiction, with original jurisdiction in all civil and criminal matters. The jurisdiction of the Superior Court is summarized by the Alaska Court System as follows:

- It handles all felony criminal trials and all civil matters where the amount in controversy exceeds \$35,000;
- It serves as an appellate court of appeals from the District Court;
- It hears cases involving children who have committed crimes or who are abused or neglected;
- It hears cases involving the property of deceased or incompetent persons;
- It hears cases involving the involuntary commitment of persons to institutions for the mentally ill; and
- It handles domestic relations matters.

4. District Court

The District Court currently has 17 members allocated among four judicial districts. The Supreme Court has the power to increase or decrease the number of District Court judges within each division through changes in Rule 19 of the Administrative Rules of Court. The jurisdiction of the District Court is summarized by the Alaska Court System as follows:

- It hears State misdemeanors and violations of city and borough ordinances;
- It issues summonses, arrest warrants and search warrants;
- It hears first appearances and preliminary hearings in felony cases;
- It issues absentee ballots and records vital statistics in some areas of the State;
- It serves as coroner, holds inquests and acts as temporary caretaker of property of decedents;
- It hears civil cases valued up to \$35,000;
- It hears small claims cases to a maximum amount of \$5,000;
- It handles cases involving children on an emergency basis; and
- It hears domestic violence cases.

B. CASELOADS

Alaska Court System caseload statistics from Fiscal Year 1982 through Fiscal Year 1988 were examined.¹¹ In general, the number of filings in the Supreme and Appeals Courts increased significantly between FY 1982 and FY 1984 and again between FY 1985 and FY 1986. Filings in the Superior Court increased through

¹¹ See Tables 8 and 9.

FY 1985 but have declined since that time. For example, the number of filings in State Superior Court rose 26.9 percent between FY 1982 and FY 1985 but fell by 13.8 percent between FY 1985 and FY 1988.

A similar trend is observable in the number of dispositions although the overall decline in caseloads is not marked. The Court of Appeals did not commence operation until mid-September 1980 which is the primary reason for the apparent major increase in disposition caseloads for the Supreme Court between FY 1982 and FY 1983.

It is assumed that the recent decline in court filings mirrors the general decline in other sectors of the Alaska economy.

RESTRICTIONS ON JUDICIAL ACTIVITIES

An analysis of judicial compensation should include consideration of the restrictions applicable to the men and women of the judiciary. Judges are subject to rigid standards of conduct which require them to curtail their social, political and financial activities to a greater degree than other public officials.

Public confidence in the judiciary can only be expected in a system in which the judiciary is seen as scrupulously unbiased and free of conflicts of interest. The Code of Judicial Conduct, which is incorporated in the Alaska Rules of Court, contains seven canons derived from model canons developed by the Alaska Bar Association. These canons are:

- Canon 1: A judge should uphold the integrity and independence of the judiciary.
- Canon 2: A judge should avoid impropriety and the appearance of impropriety in all his activities.
- Canon 3: A judge should perform the duties of his office impartially and diligently.
- Canon 4: A judge may engage in activities to improve the law, the legal system and the administration of justice.
- Canon 5: A judge should regulate his extra-judicial activities to minimize the risk of conflict with his judicial duties.
- Canon 6: A judge should regularly file reports of compensation received for quasi-judicial and extra-judicial activities.
- Canon 7: A judge should refrain from political activity inappropriate to his judicial office.

Specific activities prohibited under these canons include the following:

1. Judges must refrain from engaging in political activities. [Canon 7].
2. Judges cannot practice law, or act as arbitrator or mediator for compensation. [Canon 5].
3. A judge can participate in some charitable activities but cannot solicit funds for such organizations or maintain an association with an organization which would regularly come before him in court. [Canon 5].
4. A judge cannot engage in "financial and business dealings that tend to reflect adversely on his impartiality, interfere with the proper performance of his judicial duties, exploit his judicial position, or involve him in frequent transactions with

lawyers or persons likely to come before the court on which he serves" [Canon 5c(1)].

5. A judge is required to divest himself or herself of investments or other financial interests that might result in frequent disqualifications. [Canon 5c(3)]. A judge must make public disclosure of his or her financial activities. [Canon 6].
6. A judge must not act in any manner that would convey the impression that family, social or other relationships might be influencing his or her judicial conduct or judgment. [Canon 2].
7. The judicial duties of a judge take precedence over all of the judge's other activities. [Canon 3].

The imposition of this strict code, some of the requisites of which are also contained in Title 22 of the Alaska Statutes, may have a profound impact on the life of a judge. The canons clearly indicate that the judge's mantle of responsibility does not disappear when a judge leaves the courthouse.

Failure of justices or judges to adhere to the requirements of the canons can lead to serious consequences. These include investigations and recommendations as to discipline by the Commission on Judicial Conduct, discipline by the Alaska Bar Association, impeachment proceedings originating in the State Senate leading to possible removal from office, and possible criminal prosecution.

Aside from adherence to the judicial canons, justices and judges are also required to file detailed financial statements with the Alaska Public Offices Commission, as required by the Conflict of Interest Law.¹¹ The reporting requirements for the judicial branch are the same as those for senior members of the executive branch.

Commission on Judicial Conduct

The Commission on Judicial Conduct, formerly called the Commission on Judicial Qualifications, was created as a result of a 1968 amendment to the State Constitution and operates independent of the Alaska Court System.

As specified by AS 22.30.010, the Commission consists of nine members: three state court judges or justices elected by their peers; three lawyers, with at least ten years' experience, nominated by the Alaska Bar Association and appointed by the Governor; and three lay persons appointed by the Governor. The gubernatorial appointees are subject to confirmation by a majority of the members of the Legislature in a joint session.

The Commission is empowered to investigate complaints against state judges and justices or may itself instigate such investigations. It may refer matters to the Supreme Court with a recommendation that a judge be reprimanded, suspended, removed or retired from office or publicly or privately censured by the Supreme Court.

¹¹. AS 39.50 *et seq.*

In 1987, the Commission reported receiving fifty enquiries and making eighty-five dispositions. Of those dispositions, four dated from 1983, three from 1984, sixteen from 1985, thirty-nine from 1986 and twenty-three from 1987. At the end of 1987, twenty-seven enquiries remained unresolved and two formal proceedings were carried over to 1988. The reason for any perceived laxity in complaint dispositions is the lack of full funding for the Commission.

JUDICIAL SALARIES AND BENEFITS

A. SALARIES

The current base salaries for justices and judges in the State Supreme, Appeals, Superior and District Courts have been in effect since 1985. They are as follows:

1. Supreme Court Justice\$85,728
equivalent to Step F, Range 30 of the salary schedule in AS 39.27.011(a) for Juneau.
2. Court of Appeals Judge\$79,992
equivalent to Step E, Range 29 of the salary schedule in AS 39.27.011(a) for Juneau.
3. Superior Court Judge\$77,304
equivalent to Step E, Range 28 of the salary schedule in AS 39.27.011(a) for Juneau.
4. District Court Judge.....\$66,816
equivalent to Step C, Range 26 of the salary schedule in AS 39.27.011(a) for Juneau.

Pursuant to Title 22 of the Alaska Statutes, performance requirements are made a condition for judicial compensation.¹³ No salary warrant may be issued to any state justice or judge until he or she has filed an affidavit that no matter referred to him or her has been uncompleted or undecided for a period of more than six months.

In addition to base salary, justices and judges receive geographic cost of living adjustments similar to those received by other state employees except that judicial geographic cost of living adjustments use a base and 5 tiers rather than the base and 9 tiers used for state general government employees.¹⁴

By location, current judicial geographic cost of living adjustments are calculated as follows:

1. Base area — Anchorage34 judges
(0%) Juneau
 Ketchikan
2. Tier 1 — Wrangell-Petersburg4 judges
(3.5%) Palmer
 Sitka

¹³. Section 14, Chapter 50, SLA 1959; Section 30, Chapter 50, SLA 1959; Section 17, Chapter 184, SLA 1959; and Section 1, Chapter 12, SLA 1980.

¹⁴. Section 4, Chapter 80, SLA 1978.

- 3. Tier 2 — Kenai2 judges
(7%) Homer
- 4. Tier 3 — Kodiak1 judge
(10.5%)
- 5. Tier 4 — Fairbanks9 judges
(14%)
- 6. Tier 5 — Kotzebue5 judges
(17.5%) Nome
Barrow
Bethel
Valdez

A number of proposals were promulgated during the 1988 legislative session which were designed to change the geographic cost of living adjustments for all state employees, none of which passed.

B. BENEFITS

Some of the employee benefits available to Alaska justices and judges are identical to those for state general government employees. In addition, benefits for district court judges are not always the same as those for justices and judges of the higher courts.

Benefits available to the Alaska judiciary which are different from those for general government employees include provisions for retirement, vacation leave, sick leave, leave without pay, administrative leave, leave of absence and unwritten provisions for training. Benefits which are the same for both members of the Alaska judiciary and general government employees include supplemental benefits, health insurance and military leave.

1. Retirement

All state justices and judges with at least five years of service and who are at least sixty years of age are entitled to a retirement benefit of five percent of the currently effective salary, excluding geographic cost of living adjustments, of the office from which the justice or judge retires, multiplied by the number of years of service up to a maximum of seventy-five percent of the current salary for that office. Justices or judges who retire at age fifty-five are entitled to an actuarially equivalent program.

Justices and judges in office on or since July 1, 1978 contribute seven percent of their salary to the retirement program for their first fifteen years of service. Justices and judges appointed before July 1, 1978, and those with more than fifteen years of service, make no contributions.

2. Supplemental Benefits

Judges also contribute 6.13 percent of their salary to Alaska's Supplemental Benefits System (SBS), with the State contributing an equal amount. The benefits available

to the judiciary under the SBS program are the same as those available to the executive branch.

3. Vacation Leave

Supreme court justices, court of appeals and superior court judges are entitled to an annual vacation of not more than thirty working days. No more than fifteen working days of unused vacation time in any one year or a total of no more than thirty working days can be accumulated. Requests for vacation leave of one week or more must be submitted to the chief justice or presiding judge of the respective court at least four months in advance.

District court judges and full-time magistrates have the same annual vacation entitlement as other state employees.¹⁵ Senate Bill 285, introduced in 1987, attempted to make leave provisions for district court judges the same as other levels of the judiciary. However, the bill did not pass.

4. Sick Leave

Supreme court justices, court of appeals and superior court judges are entitled to unlimited sick leave except that maternity leave, although counted as sick leave, is limited to nine weeks unless there are extenuating medical circumstances.

District court judges and full-time magistrates have the same sick leave entitlement as other state employees.¹⁶

5. Leave Without Pay

Supreme court justices, court of appeals and superior court and district court judges may be granted leave without pay under the same conditions as other court system employees, namely if all annual leave has been utilized and more is needed. Periods of up to five working days without pay may be granted at the discretion of the chief justice or the presiding judge of the respective court. Leave without pay for more than five working days must also be approved by the administrative director of the court system.

6. Administrative Leave

In consultation with the presiding judge of the respective court, the Chief Justice of the Supreme Court may assign one or more justices, judges or magistrates to attend conferences, seminars or schools to further legal education or professional qualifications. Travel expenses and per diem may be provided. In addition, a justice, judge or magistrate not so assigned during a calendar year may receive administrative leave not to exceed five working days to attend conferences, seminars or schools when authorized by the administrative director. Administrative leave may not be accrued.

¹⁵. AS 39.20.200 — 39.20.330.

¹⁶. *Id.*

The Alaska Court System has no written regulations pertaining specifically to training. However, one training program which the Court System encourages justices and judges to attend is the National Judicial College in Reno, Nevada. Each year, the Court System attempts to send one-quarter of the members of the Alaska judiciary to this program, with the course for new judges taking three to four weeks and subsequent courses taking one to two weeks. The Court System reviews the course content to ensure its relevance. During the training period, justices and judges receive full salary and all benefits. The time taken counts as administrative leave.

7. Leave of Absence

Upon approval by the Supreme Court, a justice or judge may take a leave of absence without salary of up to one year to pursue "appropriate" activities such as formal educational programs for professional self-improvement or teaching at educational institutions. During any leave of absence, a justice or judge receives no salary and does not accrue vacation or personal leave. In addition, no payments into the retirement or supplemental benefits funds are made during the justice or judge's leave of absence, nor do retirement or supplemental benefits accrue. However, the Alaska Court System does continue to maintain the state group health care and basic life insurance benefits for the justice or judge and his dependents during the leave of absence period.

8. Health Insurance

Justices and judges are covered by the same basic health insurance plan which is available to other State employees. Like other state employees, they may also elect to receive additional health insurance coverage under the State's Supplemental Benefits System.

9. Sabbaticals

Alaska currently has no formal sabbatical program for members of the judiciary. Individual judges have been granted a one year leave of absence by the Supreme Court as discussed above in Section 7.

COMPARISON WITH OTHER STATES

A. SALARIES

The National Center for State Courts conducts periodic surveys of judicial salaries. The most recent data available for state and federal court systems are current as of November 1988 and are shown in Table 10.

As indicated by Table 10, the salaries of Alaska Supreme Court justices ranked 11th among the states, and were also exceeded by the District of Columbia. Salaries of Alaska Court of Appeals judges ranked 14th among those states with separate appellate courts; while salaries of Alaska Superior Court judges ranked 14th among state general jurisdiction trial courts, and were also exceeded by the District of Columbia.

B. BENEFITS

The American Bar Association's Judicial Administration Division conducted a survey of judicial benefits in all 50 states plus the District of Columbia, Guam and Puerto Rico between November 1986 and October 1987. The data compiled generally reflect benefits as of early 1987.

The following "ideal" criteria were developed to serve as a means of evaluating and comparing the fringe benefits of the various judicial jurisdictions:

1. Judges who are at least age 65, with at least 15 years of service, should be eligible to receive a pension equal to 75 percent of the currently effective salary of the office from which he or she retired, thus, providing for COLA;
2. Judges should not have to contribute to the judicial retirement fund. The fund should be underwritten by the state;
3. Regardless of existing mandatory retirement laws, judges should be allowed, if deemed able, the opportunity to serve after retirement. Retired judges should be compensated for their actual hours of service at a rate equal to that paid to current sitting judges;
4. Judges who become permanently disabled while in service, and who have completed at least 2 years of judicial service, should be eligible to receive disability benefits, taking into consideration the judge's years of service, and the impact of the disability on his or her future earning capacity;

5. The surviving spouse and dependent children of a judge should be eligible to receive a benefit equal to 50 percent of the currently effective salary of the office held by the judge at the time of death, or from which the deceased judge retired;
6. The State should provide basic health and major medical insurance coverage for judges and their families, involving at most a \$100 deductible per person, and requiring minimal or no contributions by judges;
7. The State should provide basic dental coverage for judges and their families, involving at most a \$50 deductible per person, and requiring minimal or no contributions by judges;
8. State statutes should grant immunity to judges from liability for damages arising out of acts performed in the discharge of official duties which are not wanton, reckless or malicious;
9. The State should represent judges, or provide for reimbursement of fees of private counsel in such actions;
10. The State should pay any plaintiff's attorney fees assessed against judges in such actions;
11. The State should pay for attorney fees for judges involved in disciplinary or ethics proceedings;
12. Judges should be reimbursed for reasonable expenses incurred in attending educational conferences and in job-related travel; and
13. Judges should be authorized to take:
 - 20 vacation days per year;
 - 12 sick days per year;
 - 12 weeks of maternity leave;
 - 5 days, equalling 40 hours, of educational leave per year;
 - 10 holidays per year;
 - periodic paid sabbatical leave.

Tables 11, 12 and 13 summarize the results of the above survey. Although actuarial comparisons of judicial benefits in the various states are beyond the scope of this report, it is apparent that benefits available to Alaska judges are equal to, if not superior, to those of almost all other states. The only criteria which Alaska did not meet were contributions to the judicial retirement fund, survivor's benefits, the lack of a judicial immunity statute and provisions for sick leave, maternity leave and sabbatical leave.

C. COST OF LIVING

Cost of living differentials are another factor to be taken into account when comparing Alaska salaries or benefits with those in other states. This topic is covered in Appendix A and Tables 19, 20 and 21.

COMPARISON WITH PRIVATE ATTORNEYS

Little reliable information is available on which to base comparisons of judicial salaries with those of private attorneys. A survey of Alaska attorneys proposed to be undertaken by the Alaska Judicial Council is still in the planning stage.

Altman & Weil, Inc., as reported in The 1988 Survey of Law Firm Economics, found the average 1987 income for lawyers in the Western states (excluding California) to be \$95,971. The same survey listed the average income for lawyers in California as \$101,762, Southwestern states as \$119,117, West Central states as \$96,437, East Central states as \$100,634, Southern states as \$93,293 and Northeastern states as \$89,031. It listed the average income for lawyers nationally as \$105,572.

Since judicial candidates are expected to have higher than "average" qualifications, Altman & Weil's findings for total compensation (a definition which includes salary, medical benefits, group insurance benefits, employer's share of social security, worker's compensation and unemployment compensation, and dividends paid by a professional corporation) received by law firm partners and shareholders based on years of experience were also reviewed. These findings can be summarized as follows:

Length of Service in Years	Total Compensation (Salary & Benefits)		
	All Firm Average	Calif. Average	West Average
31 — 35.....	\$183,815	\$204,407	\$171,426
26 — 30.....	182,113	174,408	159,768
21 — 25.....	168,958	193,375	153,193
16 — 20.....	153,262	155,271	151,736
11 — 15.....	127,710	141,040	125,320

Testimony before the Commission by senior partners in both large and small law firms practicing in Alaska indicated that the above figures were conservative in relation to what a successful, experienced lawyer in the private sector could expect to earn in this State.

In general, the Commission recognizes the following:

1. It is extremely difficult to obtain an accurate idea of the current salaries of attorneys in private practice in Alaska;
2. The salaries paid to the Alaska judiciary are seen as an impediment to some private attorneys who might otherwise be interested in a judicial career; and
3. The benefits accruing to those who do pursue a judicial career, particularly the provisions for retirement, may be an offsetting factor in some cases.

COMPARISON WITH OTHER STATE EMPLOYEES AND GOVERNMENT ATTORNEYS

Alaska judicial salaries were compared with those of top officials in the state executive branch: the Governor, Lieutenant Governor, commissioners and selected officials in independent state agencies; the University of Alaska and Municipality of Anchorage officials.¹⁷ They were also compared with those of Alaska-based federal district court judges, with federal, state and municipal attorneys, and with state administrative, legal and judicial officials.¹⁸

In addition to observations included in the analysis of executive branch salaries, the following conclusions were reached:

1. Alaska federal district court judges, who are not eligible to receive the federal Cost of Living Allowance (COLA), are paid annual salaries of \$89,500, some \$4,000 more than that received by a state supreme court justice. Furthermore, a state superior court judge receives over \$12,000 less than his federal district court counterpart although the position and responsibilities are similar.
2. Alaska-based federal claims court judges receive an annual salary approximately midway between that received by a state appeals court judge and a state supreme court justice while federal bankruptcy court judges and U.S. Magistrates receive salaries approximately midway between that received by a state district court judge and a state superior court judge.
3. Top federal attorneys based in Alaska are eligible to receive COLA. As a result, the U.S. Attorney and top legal officials in the Department of the Interior and the Department of Transportation each receive annual salaries greater than any member of the Alaska judiciary.

¹⁷. See Table 3.

¹⁸. See Table 14.

LEGISLATIVE HISTORY

The following is an outline of the major legislative events since Statehood which have shaped and changed the Alaska judiciary. Statutes pertaining to the judicial branch are contained in Title 22 of the Alaska Statutes and the Alaska Court Rules.¹⁹ It should be noted that changes in the number of district court judges are normally made by rule rather than legislative enactment. In addition, a history of changes in judicial and executive branch compensation is contained in Table 1 and a summary of the currently authorized number of justices and judges in the four state court divisions is shown in Table 5.

CONSTITUTIONAL PROVISIONS

1959 — Article IV of the State Constitution provides for a unified judicial system with judicial power to be “vested in a supreme court, a superior court and the courts established by the legislature”. The jurisdiction of the courts and boundaries of judicial districts were to be established by law.

The Supreme Court was to consist of three justices, one of whom was to serve as Chief Justice. The number of justices could be increased by law at the request of the Supreme Court.

The Superior Court was to consist of five judges. The number of judges could be increased by law.

In addition, the Constitution established the Alaska Judicial Council to solicit, screen and nominate applicants for vacant judgeships; to conduct studies for the improvement in the administration of justice; and to make reports and recommendations to the Legislature and the Supreme Court.

Other provisions relating to the judiciary, which are incorporated in the State Constitution, are those relating to minimum judicial qualifications; mandatory retirement at the age of 70, except for special assignments; judicial impeachment procedures; and restrictions on non-judicial activities of judges. Finally the Constitution specified that justices, judges and members of the Alaska Judicial Council shall be compensated as prescribed by law. However, the compensation of justices and judges cannot be diminished during their terms of office unless by general law applying to all salaried state officials.

¹⁹. Title 22 of the Alaska Statutes contains the following chapters: 05 — The Supreme Court; 07 — The Court of Appeals; 10 — The Superior Court; 15 — The District Courts; 20 — Officers and Employees; 25 — Retirement and Death Benefits; and 30 — Judicial Qualifications.

1968 — 2d FCCS SCS CSHJR 74:⁴⁰

Provided for the disqualification, suspension, removal from office, retirement and censure of judges and justices; and provided for a Commission on Judicial Qualifications.

1970 — FCCS SCS CSHJR 11:⁴¹

Eliminated the separate appointment of the Chief Justice of the Supreme Court.

LEGISLATIVE ENACTMENTS AND COURT RULES_____

1959 — Section 1, Chapter 50, SLA 1959 and Section 16, Chapter 50, SLA 1959:

Established and set qualifications and compensation for a three-member Supreme Court and an eightmember Superior Court:

- First judicial district..... 2 judges
- Second judicial district..... 1 judge
- Third judicial district 3 judges
- Fourth judicial district..... 2 judges

In addition, the legislation required that in order for justices and judges to be issued salary warrants, they had to certify that no matters referred to them for opinion or decision were outstanding for more than 6 months.

— Section 1, Chapter 184, SLA 1959:

Established district magistrate courts in each of the four judicial districts of the Superior Court with limited jurisdiction in civil and criminal cases. Under this legislation, a total of 11 district magistrate positions were established:

- First judicial district..... 3
- Second judicial district..... 1
- Third judicial district 4
- Fourth judicial district 3

Provided for 53 deputy magistrates:

- First judicial district10
- Second judicial district 7
- Third judicial district.....19
- Fourth judicial district17

In addition, the legislation imposed the same six month rule requirement for compensation of district court judges as required of supreme court justices and superior court judges.

The new law further provided that the number of district magistrates and deputy magistrates within each judicial district could be increased or decreased by rule of the Supreme Court.

*. The Constitutional provisions affected were Article IV, §§ 10 and 13.

*. Constitutional provisions affected were Article IV, §§ 182 and 16.

1962 — Section 1, Chapter 119, SLA 1962:

Amended Sec. 25(1), Chapter 50, SLA 1959 by increasing the number of superior court judges to 9, allocated as follows:

- First judicial district..... 2
- Second judicial district..... 1
- Third judicial district 4
- Fourth judicial district 2

The legislation became effective January 1, 1963.

1966 — Section 3, Chapter 24, SLA 1966:

Renamed the District Magistrate Court as the District Court and district magistrates as district judges.

Assigned district court judges by judicial district as follows:

- First judicial district 3
- Second judicial district..... 1
- Third judicial district 4
- Fourth judicial district 2

1967 — Section 1, Chapter 83, SLA 1967:

Expanded the Supreme Court to 5 justices.

Expanded the Superior Court to 11 judges:

- First judicial district 2
- Second judicial district..... 1
- Third judicial district 6
- Fourth judicial district 2

1968 — Section 1, Chapter 162, SLA 1968:

Related to the appointment of acting district court judges and established minimum qualifications for such acting appointees.

— Section 1, Chapter 164, SLA 1968:

Made district court judges subject to approval or rejection by the voters under the provisions of AS 22.15.170.

1970 — Section 1, Chapter 44, SLA 1970:

Expanded superior court to 16 judges:

- First judicial district 3
- Second judicial district..... 1
- Third judicial district 9
- Fourth judicial district 3

The legislation became effective July 1, 1970.

1972 — Section 1, Chapter 36, SLA 1972:

Increased jurisdiction of district court from \$3,000 to \$10,000 in cases involving the recovery of money or damages; and to \$15,000 for the recovery of money or damages in motor vehicle tort cases exclusive of costs, interest and attorney fees.

The same legislation extended the civil and criminal jurisdiction of the district courts statewide.

1975 — Section 1, Chapter 166, SLA 1975:

Superior court expanded to 17 judges:

- First judicial district..... 3
- Second judicial district..... 1
- Third judicial district.....10
- Fourth judicial district..... 3

Legislation effective immediately.

1976 — Section 1, Chapter 193, SLA 1976:

Expanded superior court to 20 judges:

- First judicial district..... 4
- Second judicial district..... 1
- Third judicial district.....10
- Fourth judicial district..... 5

Upgraded Bethel district court judgeship in the Fourth judicial district to a superior court position.

Established two new superior court judgeships, one in the First judicial district at Sitka and one in the Fourth judicial district at Fairbanks.

Legislation effective immediately.

1978 — Sections 2 and 4-8, Chapter 80, SLA 1978:

Entitled judicial branch employees to receive a geographic cost of living adjustment to salaries equal to 3.5 percent of annual salary, times the number of pay step increases for a state employee working in the same election district where AS 39.27.020 specifies zero to five pay step increases.

In an election district where AS 39.27.020 specifies more than five pay steps, the number of pay step increases for judicial branch employees is limited to five.

Any retirement benefits to which justices or judges may be entitled are computed only on annual salary, for example pre-geographic cost of living adjustments.

— Section 1, Chapter 23, SLA 1978:

Increased small claims jurisdiction of district courts to \$2,000.

1980 — Section 1, Chapter 12, SLA 1980:

Established three member criminal Court of Appeals.

— Sections 5-9, Chapter 12, SLA 1980:

Changed residency requirement for supreme court justices and superior court judges from three to five years immediately prior to appointment.

— Section 12, Chapter 12, SLA 1980:

Changed qualifications of district court judges to specify residence in Alaska for at least five years immediately preceding appointment and to (1) have been engaged in the active practice of law for not less than three years immediately preceding appointment or (2) to have served at least seven years as a magistrate in the State of Alaska. The same legislation indicated that the Supreme Court may prescribe additional qualifications.

— Section 1, Chapter 34, SLA 1980:

Expanded superior court to 23 judges:

- First judicial district..... 4
- Second judicial district 2
- Third judicial district.....12
- Fourth judicial district 5

Legislation effective July 1, 1980.

— Alaska Court Rules

Changed Rule 19 of the Administrative Rules with respect to the number of district court judges and magistrates:

- First judicial district..... 3 judges and 12 magistrates
- Second judicial district..... 1 judge and 18 magistrates
- Third judicial district 9 judges and 18 magistrates
- Fourth judicial district 5 judges and 16 magistrates

1982 — Section 1, Chapter 70, SLA 1982:

Increased number of superior court judges from 23 to 26 through the upgrading of district court to superior court judgeships in the First judicial district at Wrangell-Petersburg and the Second judicial district at Barrow and the addition of one new superior court judgeship in the Third judicial district at Palmer. The new allocation of superior court judgeships by judicial district:

- First judicial district..... 5
- Second judicial district 3
- Third judicial district.....13
- Fourth judicial district 5

1983 — Section 1, Chapter 65, SLA 1983:

Expanded superior court to 27 judges, allocated as follows:

- First judicial district..... 5
- Second judicial district 3
- Third judicial district.....14
- Fourth judicial district 5

Legislation effective immediately.

1984 — Section 2, Chapter 137, SLA 1984:

Increased superior court to 29 judges with the following allocation:

- First judicial district..... 5
- Second judicial district 3
- Third judicial district.....16
- Fourth judicial district 5

Section 3 of the same legislation changed the number of district court judges to the following:

- First judicial district..... 3
- Second judicial district..... 1
- Third judicial district.....12
- Fourth judicial district 4

— Sections 77-78, Chapter 6, SLA 1984:

Restated the composition and general powers of the Supreme Court and the jurisdiction of the Superior Court.

— Alaska Court Rules

Changed Rule 19 of the Administrative Rules with respect to the number of district court judges and magistrates.

- First judicial district..... 2 judges and 12 magistrates
- Second judicial district 0 judges and 18 magistrates
- Third judicial district.....11 judges and 18 magistrates
- Fourth judicial district 4 judges and 16 magistrates

1985 — Section 3, Chapter 17, SLA 1985:

Increased jurisdiction of the district court to \$25,000 for all types of civil cases. All types of actions within these monetary limits required to be filed in District Court except where provided by Supreme Court rule.

Gave district court authorization over domestic violence cases.

1987 — Section 7, Chapter 38, SLA 1987:

Increased civil jurisdiction of the district court to \$35,000.

RECOMMENDATIONS

A. THE BASE SALARIES

The Commission makes the following salary recommendations for the judicial branch:

Chief Justice, Supreme Court	\$100,000 per year
Supreme Court Justices	\$ 99,500 per year
Appeals Court Judges	\$ 94,000 per year
Superior Court Judges.....	\$ 92,000 per year
District Court Judges	\$ 78,000 per year

The Commission also makes the following recommendations:

1. **Sabbatical Leave:** Leave of absence provisions should be revised to include provision for up to one year of sabbatical leave for justices and judges at one-half salary. Eligibility for sabbaticals should accrue after 7 years of service with a requirement for a minimum of 2 years of service following a sabbatical. The Commission believes that the specific criteria for sabbaticals should be left to the discretion of the Chief Justice and the Supreme Court.
2. **Maternity Leave:** Justices and judges should be allowed 12 weeks of maternity leave for the same reasons set forth in the section on executive salary recommendations.
3. **Other Leave:** The Chief Justice and the Supreme Court should review current leave policies which include vacation leave, sick leave, leave without pay, administrative leave and leave of absence, and establish a more cohesive leave policy for all justices and judges.
4. **Geographic Cost of Living Adjustments:** The current cost of living adjustment system, as it applies to the judiciary, should be modified as follows:
 - 0 percent: Anchorage, Juneau, Ketchikan, Wrangell-Petersburg, Sitka, Palmer, Kenai and Homer
 - 3.5 percent: Fairbanks
 - 10.5 percent: Kodiak, Valdez
 - 17.5 percent: Kotzebue, Nome, Barrow and Bethel

Furthermore, it is the Commission's recommendation that the foregoing percentages be applied only to the first \$40,000 of base salary, representing the basic cost of food, shelter and associated amenities.⁴³

5. **District Court Legislation.** Legislation should be enacted to bring the benefits accruing to district court judges in line with those of other members of the state judiciary.

The Commission also observed that a number of district court judges are acting as superior court judges. It is the Commission's recommendation that, when district court judges act in the capacity of superior court judges, they should be paid as such and that the Alaska Court System should provide for the added expense in its budget.

6. **Administrative Director of Court System and Deputy.** The salary of the Administrative Director should be no more than the base salary of a superior court judge and should be increased only when the salaries of superior court judges are increased.

The salary of the Deputy Administrative Director should be no more than that of deputy commissioners in the executive branch and should be increased only when the salaries of deputy commissioners are increased.⁴³

B. RATIONALE

As the Appendices indicate, the Commission made an extensive study of the subject of judicial compensation. In doing so it discovered that, while the Alaska judiciary, in 1984, was ranked first in the nation with respect to base salary amounts, by November of 1986, it had fallen to fifth position and, as of this date, it is ranked at the following levels:

Supreme Court	Eleventh
Court of Appeals	Fourteenth
Superior Court	Fourteenth ⁴⁴

- ⁴³. The Commission also supports the changes which have been proposed with respect to all other state government employees. In this regard, the Commission agrees with the Opinion and Decision of Arbitrator In Arbitration Between Alaska Public Employees Association and State of Alaska, October 20, 1986.
- ⁴⁴. The Commission recognizes that the salaries of the Administrative Director and the Deputy Administrative Director are without the scope of its legislative mandate. However, it was the consensus of the Commissioners that such personnel should not, under any circumstances, be paid salaries which are higher than that of superior and appellate court judges, not to mention higher than the Governor of the State of Alaska. In the event that the proposed judicial salaries are not enacted or are enacted at a lower level, the salaries of the administrative director and the deputy administrative director should remain frozen until such time as they reach parity with superior court judges and deputy commissioners respectively.
- ⁴⁵. Table 10. No comparisons could be made with respect to the district court level because of the dramatic variations in jurisdiction of those courts from state to state. However, it is worthy of note that Alaska's district court judges have a broader, more extensive jurisdiction than most similar courts.

Moreover, the Alaskan position will suffer further erosion when pay raises already approved in Connecticut, Idaho, Kentucky, Minnesota, Mississippi, Nebraska and Tennessee become effective in 1989 and 1990.

The Commission further recognized, as it did with respect to executive salaries, that inflation has eroded judicial compensation. From 1985 to July 1988 alone, the Anchorage Consumer Price Index has risen 7.1 percent.

In addition, the testimony presented to the Commission made it clear that the gap between income earned by private attorneys and the salaries of the judiciary was continuing to grow. Most alarming was evidence that the most highly qualified private practitioners were not applying for the bench because of the great disparity in salaries and the fact that experienced members of the judiciary were leaving public service to return to private practice. It is further noted that the trend perceived by the Commission is one of nationwide proportions. Given the foregoing, and in the interests of preserving an experienced, well qualified judiciary, the Commission had little hesitation in making its salary recommendations.⁴³

With respect to the recommendation for a formal sabbatical leave policy, the Commission noted that several factors support it, not the least of which are the incentive which it provides for qualified persons both to seek judicial appointment and to remain in such a position and the necessity to minimize the stress which is a natural outgrowth of the position.⁴⁴

Sabbatical leaves are more and more being viewed as a method both of additional compensation and of ensuring a healthy, permanent judiciary. Thus, in 1988, at its midwinter meeting, the House of Delegates of the American Bar Association overwhelmingly voted in favor of a resolution urging that the states adopt programs providing for sabbaticals.

The Commission believes that such a program will prove beneficial to Alaska's judiciary and hence should be adopted.

⁴³. The court system contends that, with appropriate cost of living adjustments, "supreme court salaries rank 37th of the 45 states which can be ranked by available cost of living indices in 1988. Similarly, court of appeals salaries rank 33rd of 35 ranked states and superior court salaries rank 33rd of 45 ranked states in 1986." *Judicial Salary Paper* at 9 (October, 1988).

⁴⁴. Robbins, *Has The Time Come for Judicial Sabbaticals?*, 71 *Judicature*, No. 6 at 306 (1988).

LEGISLATIVE
BRANCH

LEGISLATIVE BRANCH ORGANIZATION

1988

President of Senate



Senate
(20 members)



Committees

Speaker



House
(40 members)



Committees

Legislative Affairs Agency

Office of the Ombudsman

INTRODUCTION

The Alaska State Officers' Compensation Commission last submitted its recommendations for compensation of the legislative branch on April 6, 1987. The findings and recommendations contained in this Report should be viewed as a supplement to the earlier Report, together with an update of previously submitted information.