

## Commentary on Article II, Section 7

### *Alaska's Constitution; A Citizen's Guide*

#### **Section 7. Salary and Expenses**

**Legislators shall receive annual salaries. They may receive a per diem allowance for expenses while in session and are entitled to travel expenses going to and from sessions. Presiding officers may receive additional compensation.**

How legislators should be compensated, and how much this compensation should be, are questions that vexed Congress when it authorized a legislature for Alaska in 1912, as well as delegates to the state constitutional convention more than 50 years later. The questions are no less vexatious today. The difficulty is not simply one of placing the proper value on legislative service; instead, it concerns the effect of legislative pay on the composition and performance of the legislature. While most people agree that legislative membership should represent something of a public service contribution by citizens, they also are reluctant to make it a wholly volunteer affair, for then legislative service would devolve to the rich and privileged. Thus, pay should be sufficient to attract to office qualified, capable men and women from all walks of life, yet it should not be such that it becomes the primary motivation for seeking and retaining office.

The question of how compensation might affect the length and efficiency of legislative sessions has dominated debate about whether to pay legislators for the actual number of days the assembly sits, or to pay them an annual salary: the former method is seen to create an incentive for unduly long sessions and the latter for unduly short sessions. After considerable discussion in 1912, Congress opted for per diem payments for Alaska's territorial legislators. In 1956, the constitutional convention opted for an annual salary, considered the progressive approach (for example, the Model State Constitution called for annual salaries). The convention delegates declined to establish the salary level in the constitution, either as an amount or as a formula (such as a percentage of the governor's salary), and authorized the legislature to set its own salary.

Public opinion is not indifferent to legislative salaries, however, and works to keep them depressed. Public reaction has twice thwarted efforts by legislators to increase their pay. In 1975, the legislature enacted a pay bill that increased salaries and retirement benefits for legislators, judges and the heads of principal departments (ch 205 SLA 1975). A referendum petition to reject the measure was certified for the ballot, and it passed by an overwhelming majority of the voters at the primary election in August 1976

(see additional commentary on this matter under Article XII, Section 7). In 1983, the legislature again increased its pay (ch 83 SLA 1983), this time substantially increasing the annual salary and eliminating the payment for daily living expenses. Opponents of the measure circulated an initiative petition that reduced legislators' pay to pre-1983 levels. It was certified for the ballot, but before the election in 1986, the legislature enacted a law substantially the same as the initiative (ch 124 SLA 1986) and the lieutenant governor withdrew the initiative from the ballot (see Article XI, Section 4).

In 2002, Alaska legislators received \$24,012 per year, an annual salary that has not changed for over a decade. Presiding officers receive \$500 more per year. In addition to their annual salaries, representatives receive an allowance for office expenses of \$8,000 per year, and senators \$10,000. Legislators receive a daily living allowance during session that is tied to the federal per diem rate (in 2002 it was approximately \$200 per day), and they may be reimbursed for relocation expenses to and from the capital for sessions. Also, they may claim \$65 per day for each day engaged in legislative business during the interim. The Legislative Council sets the per diem rates and other expense allowances (AS 24.10.130).