

ARIZONA STATE LEGISLATURE
Forty-seventh Legislature – Second Regular Session

COMMISSION ON SALARIES FOR ELECTIVE STATE OFFICERS

Minutes of Meeting
Monday, October 23, 2006
House Hearing Room 5 -- 2:00 p.m.

Chairman Sal Rivera called the meeting to order at 2:08 P.M. and attendance was noted by the secretary.

Members Present

Betsy Bolding
C. Webb Crockett

Randie Stein
Lonnie J. Williams, Jr.

Sal Rivera, Chairman

Members Absent

Chairman Rivera stated that as the author of the draft of the final report, a copy of which was distributed to everyone (Attachment 1), he concedes that some of the issues, especially as they relate to the conflict between the charge of the Commission and the statutes and constitutional provisions that are applicable, are a little confusing. He asked if anyone had any comments about the report.

Mr. Crockett made the following observations:

1. Beginning on page 2, with the first full paragraph, the word “tension” previously was changed to “conflict.” The word “tension” appears again on the third line and he prefers it also be changed to “conflict.”
2. Also on page 2, the paragraph marked by the fifth bullet, has three periods after the word “recommendation” and it should be one period.
3. On page 3, paragraph B, line 3, add the “Company” after “Tucson Electric,” and “Stone & Youngberg, LLC” after “Randie Stein.”
4. The order of the officers, e.g., Governor, Secretary of State, etc. should be in the same order as they are in the Constitution.
5. Since the phrase at the end of paragraph 2, section C, page 3 “effective for sometime” leaves a person hanging, he suggested in its place referencing the time periods that the pay increases would become effective.

6. The results of the six percent increases should be spelled out in actual amounts so comparisons could more easily be made.

Ms. Bolding suggested that where “would become effective” is used, it be changed to “could become effective” to account for those times when the recommendation of the Commission would have no effect because of terms of office, officers not being able to receive a raise while in office, etc.

Mr. Williams suggested that page 9, section VI, paragraph 2, where it says “assuming that the Legislature approves the recommendation,” be changed, since this is not the procedure. He said the Legislature can modify or do away with it, but does not approve it.

The commissioners had a discussion clarifying that the six percent increase was based on the 2004 figures, but noted that in using amounts rather than percentages and in rounding out the figures, it will work out to less than six percent. Mr. Williams stated that they should probably restate the 2004 recommendations, some of which are from the 2002 recommendations. Also, it should be noted that the 2004 recommendations were not implemented; that no Arizona State Officer has received a salary increase, excepting judges, and that can be said in a footnote.

Joanne Carew, Member Services Manager, Department of Administration, Human Resources, stated that the Clerks of the Court did receive an increase by a direct act of the Senate and their salaries will be changing January 1, 2007.

Chairman Rivera stated that with regard to the judges, the Commission decided that their recommendation in 2009 is that the Chief Justice salary should be \$169,600 and the Justice of the Supreme Court should be \$164,300; the Court of Appeals judges \$159,000 and Superior Court judges \$153,700. He said they can go back and determine how they decided those figures, but those are the figures agreed upon. He asked for comments, disagreements or discussion on this point. Ms. Bolding asked if it would be clearer to separate the elected officers from the judges since there seems to be a lot of trouble separating them. Mr. Williams suggested that in the last sentence of paragraph 2, page 1, the word “majority” not be used and the judges and the courts mentioned or keep the sentence as is and refer to the judges in a footnote.

Chairman Rivera said when he revises the draft of the final report, he can add “as defined by statute” where necessary to answer some of the concerns raised by Ms. Bolton and Mr. Crockett, e.g., in the 3d bullet on page 2 referring to “elected state officers.” Mr. Williams agreed that would take care of the problem.

Mr. Rivera suggested that instead of using the term “six percent,” drop it in as a footnote and just talk about the actual numbers. Mr. Williams said he preferred leaving in the words “six percent” since it is an acknowledgment of the stagnant nature of the salaries. Mr. Crockett said he also favors leaving in the “six percent” because of the period of time covered when there was no increase.

Ms. Stein recommended the following language in place of the second paragraph on page 9, section VI:

For example, the 2006 Commission has recommended a six percent increase in the salaries of officials subject to the Commission's jurisdiction (other than legislators). This recommendation will be sent to the Governor for consideration during the 2007 Legislative Session. The salary changes are accepted for the 2007 legislative process. The changes are technically available for elected officials' terms beginning in January 2008. The issue, though, is that elected officials' terms only begin in January of odd-numbered years, and for four-year terms, the terms begin January of every other odd-numbered year. Consequently, the current timing of the Commission process limits Arizona from setting meaningful salaries, remaining competitive and responding to market forces.

Mr. Williams commented that the paragraph Ms. Stein proposed explains the situation well; his only comment is to modify the phrase "six-percent increase" in the first sentence as discussed earlier. In response to Mr. Williams' comment on the effect on the Commission of the elimination of the two-year budgets, Mr. Rivera suggested adding as a last sentence, "Based on these issues, the Commission also recommends that the Legislature and Governor adopt the Commission's proposed technical amendments to A.R.S. that would bring it back into conformance." Ms. Bolding said that in stating the recommendations, the technically effective dates need to be stated clearly. Ms. Stein suggested the phrase, "the earliest possible applicable date" could be incorporated into the table. Mr. Crockett said that putting a date in might help the Legislature be more sympathetic. Mr. Rivera said he could add that many of these salaries will not be effective for several years, e.g., the salaries were recommended in 2002 and 2004 and are based on the economic situation then, but because of the conflict described, will not go into effect for several more years.

Chairman Rivera said he understands the Commission has to meet again to approve the final document, which will be circulated ahead of the meeting. It could be a five-minute meeting and the present time could be used to discuss an implementation plan. Ms. Stein said a sponsor needs to be identified, and once that happens, it should be non-controversial enough that it will only take a few phone calls to get the process moving. Probable sponsors would be the Chairmen of the Government Committees. Mr. Rivera said the Commission needs to agree to do what it can to get this introduced as a bill. Ms. Stein said the first thing is to have a sponsor and a bill folder opened; at that time Legislative Council will put it in proper form.

Mr. Crockett moved that the Commission and/or one of its Members be empowered to contact the Chairmen of the appropriate Government Committees to introduce a bi-partisan bill to address this issue. The motion carried.

Ms. Bolding moved that the proposed statutory changes, as presented (Attachment 2) and discussed at this meeting, be approved. The motion carried.

It was agreed that the next meeting would be held Friday, November 10, 2006, at 8:30 a.m., place to be determined.

Without objection, the meeting adjourned at 3:17 p.m.

Pat Hudock, Committee Secretary
October 25, 2006

(Original minutes, attachments and tape on file in the Office of the Chief Clerk)