

OFFICE OF THE
LEGISLATIVE
FISCAL
ANALYST

JONATHAN C. BALL
DIRECTOR

MEMORANDUM FOR EXECUTIVE APPROPRIATIONS COMMITTEE

FROM: Gary Syphus, Analyst
DATE: November 6, 2011
SUBJECT: Executive and Judicial Compensation Commission Update

Per UCA 67-8-5, the Executive and Judicial Compensation Commission studies and makes recommendations on wages and salaries for both elected executives and judicial positions in the state. The commission is required to report on its activities each year, submit a report every other year, and make any updates in alternating years. This year the commission is required to report on its activities and make any updates to its previous report.

Enclosed is a copy of last year's report. The commission did not make any updates.

After one remaining re-appointment of a commission member is finalized, the commission plans to meet after January 2012 and submit a report as outlined in statute sixty days prior to the 2013 General Session.

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STATE OF UTAH
ELECTED OFFICIAL AND JUDICIAL COMPENSATION COMMISSION

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2010 Report of the Elected Official and Judicial Compensation Commission

Background

Utah law (UCA 67-8-5) requires the Elected Official and Judicial Compensation Commission to make recommendations for the salaries of Utah’s judges and the five statewide elected officials. These recommendations are to be communicated to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the Legislature by November 1, prior to the general session of the Legislature that convenes in each odd-numbered year. The Commission recommendations are to be submitted to the Executive Appropriations Committee no later than 60 days prior to the beginning of the General Session. The Commission met between November 2008 and October 2010 to study and make recommendations. The Commission met on Thursday, October 28, 2010 to finalize our recommendations.

Recommendations/Factors Considered

We, the Utah State Elected Official and Judicial Compensation Commission recommend that salaries for judges and elected officials remain unchanged.

We considered various factors including all factors outlined in statute and others. The factors considered for elected official and judicial salary recommendations include:

1. Current salaries of Elected Officials and Judges
2. Educational Requirements/Experience
3. Responsibility
4. Accountability for Funds and Staff
5. Wages of Comparable Public and Private Positions (in-state and out-of-state)
6. Consumer Price Index (CPI)
7. Judicial Council information

Judicial Salaries

In November 2006, the Commission recommended that, “The salary for District Court Judge be increased by eleven percent for FY 2008 and then by 7 percent in the two following years...Other judges’ salaries would be adjusted according to their percentage relationship to the District Court level as provided by law.” The Legislature effectively supported and funded the first two years of this multi-year recommendation with a ten percent increase in FY 2008 followed by a five percent increase in FY 2009. For FY 2010 and FY 2011 there were no adjustments to executive or judicial salaries.

The following table delineates the judicial salaries for FY 2011:

Judicial Salaries FY 2011		
Judge	Salary	Number of Judges
District Court Judge	\$132,150	71
Juvenile Court Judge (100%)	\$132,150	29
Appellate Court Judge (105%)	\$138,750	7
Supreme Court Justice (110%)	\$145,350	5

Based on information including current salaries, a survey of salaries in other Western States, and other economic data, we believe that Utah is now competitively positioned with other Western States for judicial salaries. As such, the basic objectives of the Commission's multi-year salary adjustment recommendations have been substantially met.

The Commission is very aware that the current state budget situation will impact salary increases for FY 2012. In addition, the Commission is cognizant that judicial retirement obligations will require additional funding. The Commission therefore recommends that the judicial salary levels be maintained as currently authorized. The Commission would hope that if across-the-board salary adjustments are afforded all state employees a similar adjustment would be made for the judiciary.

The significant increases required in the past few years resulted partially from the fact that judicial salaries did not receive any increase for extended periods. As such, these incremental adjustments will hopefully help mitigate the need for much larger future increases. For the long term, the Commission believes that it is in the State's best interests to continue a competitive salary offering to attract the best and most qualified candidates to the bench.

Elected Officials

In 2006, the Commission also recommended and the Legislature adopted a new formula for determining the salaries of Utah's statewide elected officials. Now the salaries are based on the salary of the Governor with the other officials receiving a salary equal to 95% of the Governor's salary.

The following table delineates the statewide elected officials' salaries for FY 2011:

Elected Officials Salaries FY 2011	
Official	Salary
Governor	\$109,900
Lt. Governor (95%)	\$104,400
Attorney General (95%)	\$104,400
State Auditor (95%)	\$104,400
State Treasurer (95%)	\$104,400

For the above stated reasons, the Commission recommends that the existing salary structure be maintained. However, for the same reasons as outlined for judicial salaries, the Commission feels that

regular salary adjustments equal to those granted other state employees is appropriate. For your information we have attached a national survey of elected official and judicial salaries.

The Commission and its staff are very happy to respond to any questions or concerns you may have.

Sincerely,

The Utah Elected Official and Judicial Compensation Commission

Roger Tew, Chair

David Bird, Vice-Chair

David Jones

John Mathews

Karen Hale

David Broadbent

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Appendix

SELECTED WESTERN STATES ELECTED OFFICES AND JUDICIAL ANNUAL SALARIES						
<i>State or other jurisdiction</i>	<i>Governor</i>	<i>Lieutenant governor</i>	<i>Attorney general</i>	<i>Treasurer</i>	<i>Auditor</i>	<i>District Court Judges</i>
Alaska	125,000	100,000	135,000	123,500	119,000	171,000
Arizona	95,000	---	90,000	70,000	128,800	145,000
California	174,000	130,500	151,100	139,200	175,000	175,000
Colorado	90,000	68,500	80,000	68,500	145,100	128,600
Hawaii	117,300	114,400	114,400	109,000	120,400	136,100
Idaho	115,300	30,400	104,000	93,800	---	112,000
Montana	100,100	79,000	89,600	---	82,400	106,900
Nevada	141,000	60,000	133,000	97,000	---	160,000
New Mexico	110,000	85,000	95,000	85,000	85,000	111,600
North Dakota	105,036	81,540	91,716	78,900	83,556	113,648
Oklahoma	147,000	114,713	132,850	114,713	114,713	124,373
Oregon	93,600	---	77,200	72,000	141,000	114,500
South Dakota	115,331	17,699	97,928	78,363	98,345	110,377
Utah	109,900	104,400	104,400	104,400	104,400	132,200
Washington	166,900	93,900	151,700	117,000	117,000	148,800
Wyoming	105,000	---	137,200	92,000	92,000	120,400
Average	119,404	83,081	111,568	96,225	114,765	131,906
Median	112,650	85,000	104,200	93,800	115,857	126,487
High	174,000	130,500	151,700	139,200	175,000	175,000
Low	90,000	17,699	77,200	68,500	82,400	106,900
Range	84,000	112,801	74,500	70,700	92,600	68,100
Utah % difference from average	-8.0%	25.7%	-6.4%	8.5%	-9.0%	0.2%

STATE ELECTED OFFICIALS: ANNUAL SALARIES					
<i>State or other jurisdiction</i>	<i>Governor</i>	<i>Lieutenant governor</i>	<i>Attorney general</i>	<i>Treasurer</i>	<i>Auditor</i>
Alabama	112,895	73,488	168,003	79,580	79,580
Alaska	125,000	100,000	135,000	123,456	118,992
Arizona	95,000	---	90,000	70,000	128,785
Arkansas	87,352	42,219	72,794	54,594	54,594
California	173,987 (o)	130,490	151,127	139,189	175,000
Colorado	90,000	68,500	80,000	68,500	145,147
Connecticut	\$150,000	\$110,000	\$110,000	\$110,000	---
Delaware (e)	171,000	74,345	137,425	107,300	102,715
Florida	130,273	124,851	128,972	128,972	135,000
Georgia	139,339	91,609	137,791	130,927	152,160
Hawaii	117,312	114,420	114,420	108,972	120,444
Idaho	115,348	30,400	103,984	93,756	---
Illinois	177,500	135,700	156,600	130,800	139,800
Indiana	95,000	79,192	82,734	68,772	68,772
Iowa	130,000	103,212	123,669	103,212	103,212
Kansas	110,707	100,000	98,901	82,563	---
Kentucky (k)	145,885*	108,720*	108,720	108,720	108,720
Louisiana	130,000	115,000	115,000	115,000	132,620
Maine	70,000	---	92,248	83,844	96,782
Maryland (f)	150,000	125,000	125,000	125,000	---
Massachusetts	140,535	124,920	133,644	130,916	138,117
Michigan	177,000	123,900	124,900	174,204	152,274
Minnesota	120,303	78,197	114,288	---	102,257
Mississippi	122,160	61,714	108,960	90,000	90,000
Missouri	133,821	86,484	116,437	107,746	107,744
Montana	100,121	79,007	89,602	---	82,420
Nebraska	105,000	75,000	95,000	85,000	85,000
Nevada**	141,000	60,000	133,000	97,000	---
New Hampshire**	113,834	---	110,114	104,364	---
New Jersey	175,000	141,000	141,000	141,000	139,000
New Mexico	110,000	85,000	95,000	85,000	85,000
New York**	179,000	151,500	151,500	127,000	151,500
North Carolina	139,590	123,198	123,198	123,198	123,198
North Dakota	105,036	81,540	91,716	78,900	83,556
Ohio	144,269	142,501	109,554	109,554	109,554
Oklahoma	147,000	114,713	132,850	114,713	114,713
Oregon	93,600	---	77,200	72,000	140,964
Pennsylvania (g)	174,914	146,926	145,529	145,529	145,529
Rhode Island (h)	117,817	99,214	105,416	99,214	196,124
South Carolina	106,078	100,000	92,007	92,007	---
South Dakota	115,331	17,699	97,928	78,363	98,345
Tennessee	170,340	57,027	165,336	180,000	180,000
Texas	150,000	7,200	150,000	---	198,000
Utah	109,900	104,405	104,405	104,405	104,405
Vermont (i)	142,542	60,507	108,202	90,376	90,376
Virginia	175,000	36,321	150,000	149,761	159,907
Washington	166,891	93,948	151,718	116,950	116,950
West Virginia	150,000	---	95,000	95,000	95,000
Wisconsin	137,092	72,394	133,033	65,079	121,973
Wyoming	105,000	---	137,150	92,000	92,000

COMPENSATION OF JUDGES OF APPELLATE COURTS AND GENERAL TRIAL COURTS

<i>State or other jurisdiction</i>	<i>Court of last resort</i>		<i>Intermediate appellate court</i>		<i>General trial courts</i>
	<i>Chief Justice salaries</i>	<i>Associate Justice salaries</i>	<i>Chief/Presiding salaries</i>	<i>Judges salaries</i>	<i>Salary</i>
Eastern Region					
Connecticut	\$175,645	\$162,520	\$160,722	\$152,637	\$146,780
Delaware	194,750	185,050	...	...	168,850
Maine	138,138	114,465	...	...	111,969
Maryland	181,352	162,352	152,552	149,552	140,352
Massachusetts	145,984	145,984	140,358	135,087	129,694
New Hampshire	151,239	146,917	...	...	137,084
New Jersey	192,795	185,482	175,534	175,534	165,000
New York	156,000	151,200	148,000	144,000	136,700
Pennsylvania	191,876	186,450	181,349	175,923	161,850
Rhode Island	171,835	156,213	...	...	140,642
Vermont	135,421	129,245	...	...	122,867
Regional average	166,821	156,898	159,753	155,456	141,981
Midwestern Region					
Illinois	201,819	201,819	189,949	189,949	174,303
Indiana	151,328	151,328	147,103	147,103	125,647
Iowa	170,850	163,200	153,000	147,900	137,700
Kansas	139,310	135,905	134,750	131,518	120,037
Michigan	164,610	164,610	151,441	151,441	139,919
Minnesota	160,579	145,981	144,429	137,552	129,124
Nebraska	139,278	139,278	132,314	132,314	128,832
North Dakota	127,589	124,027	...	...	113,648
Ohio	150,850	141,600	132,000	132,000	121,350
South Dakota	120,173	118,173	...	...	110,377
Wisconsin	152,495	144,495	136,316	136,316	128,600
Regional averages	152,626	148,220	146,811	145,121	129,958
Southern Region					
Alabama	(a)	(b)	(c)	(d)	(e)
Arkansas	156,864	145,204	142,969	140,732	136,257
Florida	157,976	157,976	150,077	150,077	142,178
Georgia	167,210	167,210	166,186	166,186	(f)
Kentucky	140,504	135,504	133,044	130,044	124,620
Louisiana	143,815	136,967	136,704	130,194	124,085
Mississippi	115,390	112,530	108,130	105,050	104,170
Missouri	139,534	137,034	128,207	128,207	120,484
North Carolina	140,932	137,249	135,061	131,531	127,957
Oklahoma	147,000	137,655	142,485	130,410	124,373
South Carolina	144,029	137,171	135,799	133,741	130,312
Tennessee	164,292	159,288	156,480	153,984	148,668
Texas	152,500	150,000	(e)	(g)	(h)
Virginia	183,839	178,043	168,322	161,650	158,134
West Virginia	121,000	121,000	...	...	116,000
Regional averages	148,206	143,774	141,955	138,484	129,770
Western Region					
Alaska	185,448	184,908	174,696	174,696	170,976
Arizona	160,000	155,000	150,000	150,000	145,000
California	228,856	218,237	...	204,599	178,789
Colorado	142,708	139,660	137,201	134,128	128,598
Hawaii	156,727	151,118	145,532	139,924	136,127
Idaho	121,006	119,506	118,506	118,506	112,043
Montana	115,160	113,964	...	...	106,870
Nevada	170,000	170,000	...	...	160,000
New Mexico	125,691	123,691	119,406	117,506	111,631
Oregon	128,556	125,688	125,688	122,820	114,468
Utah	147,350	145,350	140,750	138,750	132,150
Washington	164,221	164,221	156,328	156,328	148,832
Wyoming	126,500	126,500	...	...	120,400