

1 **COMPENSATION OF LIEUTENANT GOVERNOR**
2 **AND OTHER STATE OFFICERS**

3 2005 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Mark B. Madsen**

7 **LONG TITLE**

8 **General Description:**

9 This bill increases the salary of the lieutenant governor and increases the salary ranges
10 for several state department heads.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ increases the lieutenant governor's salary so that it equals 95% of the governor's
14 salary; and

15 ▶ increases salary ranges for:

- 16 • the Commissioner of Agriculture and Food;
- 17 • the Commissioner of Insurance;
- 18 • the Commissioner of the Department of Financial Institutions;
- 19 • the Executive Director of the Department of Commerce;
- 20 • the Executive Director of the Department of Community and Economic
21 Development;
- 22 • the Executive Director of the Department of Corrections;
- 23 • the Commissioner of the Department of Public Safety;
- 24 • the Executive Director of the Department of Natural Resources;
- 25 • the Director of the Governor's Office of Planning and Budget;
- 26 • the Executive Director of the Department of Administrative Services; and
- 27 • the Executive Director of the Department of Environmental Quality.



28 **Monies Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 This bill provides retrospective operation to January 3, 2005.

32 This bill provides a coordination clause.

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **67-22-1**, as last amended by Chapter 306, Laws of Utah 2004

36 **67-22-2**, as last amended by Chapters 156 and 306, Laws of Utah 2004



38 *Be it enacted by the Legislature of the state of Utah:*

39 Section 1. Section **67-22-1** is amended to read:

40 **67-22-1. Compensation -- Constitutional offices.**

41 (1) The Legislature fixes salaries for the constitutional offices as follows:

- 42 (a) Governor \$101,600;
- 43 (b) Lieutenant Governor [~~\$79,000~~] 95% of the governor's salary;
- 44 (c) Attorney General \$85,400;
- 45 (d) State Auditor \$81,500; and
- 46 (e) State Treasurer \$79,000.

47 (2) The Legislature fixes benefits for the constitutional offices as follows:

- 48 (a) Governor:
 - 49 (i) a vehicle for official and personal use;
 - 50 (ii) housing;
 - 51 (iii) household and security staff;
 - 52 (iv) household expenses;
 - 53 (v) retirement benefits as provided in Title 49;
 - 54 (vi) health insurance;
 - 55 (vii) dental insurance;
 - 56 (viii) basic life insurance;
 - 57 (ix) workers' compensation;
 - 58 (x) required employer contribution to Social Security;

59 (xi) long-term disability income insurance; and
 60 (xii) the same additional state paid life insurance available to other noncareer service
 61 employees.

62 (b) Lieutenant governor, attorney general, state auditor, and state treasurer:

63 (i) a vehicle for official and personal use;

64 (ii) the option of participating in a state retirement system established by Title 49,
 65 Chapter 12, Public Employees' Contributory Retirement Act, or Chapter 13, Public Employees'
 66 Noncontributory Retirement Act, or in a deferred compensation plan administered by the State
 67 Retirement Office, in accordance with the Internal Revenue Code and its accompanying rules
 68 and regulations;

69 (iii) health insurance;

70 (iv) dental insurance;

71 (v) basic life insurance;

72 (vi) workers' compensation;

73 (vii) required employer contribution to Social Security;

74 (viii) long-term disability income insurance; and

75 (ix) the same additional state paid life insurance available to other noncareer service
 76 employees.

77 (c) Each constitutional office shall pay the cost of the additional state-paid life
 78 insurance for its constitutional officer from its existing budget.

79 Section 2. Section **67-22-2** is amended to read:

80 **67-22-2. Compensation -- Other state officers.**

81 (1) The governor shall establish salaries for the following state officers within the
 82 following salary ranges fixed by the Legislature:

State Officer	Salary Range
[Commissioner of Agriculture and Food]	[\$65,200 - \$88,400]
[Commissioner of Insurance]	[\$65,200 - \$88,400]
Commissioner of the Labor Commission	\$65,200 - \$88,400
Director, Alcoholic Beverage Control	
Commission	\$65,200 - \$88,400
[Commissioner, Department of]	

90	[Financial Institutions]	[\$65,200 - \$88,400]
91	Members, Board of Pardons and Parole	\$65,200 - \$88,400
92	[Executive Director, Department]	
93	[of Commerce]	[\$65,200 - \$88,400]
94	Executive Director, Commission on	
95	Criminal and Juvenile Justice	\$65,200 - \$88,400
96	Adjutant General	\$65,200 - \$88,400
97	Chair, Tax Commission	\$70,600 - \$95,200
98	Commissioners, Tax Commission	\$70,600 - \$95,200
99	[Executive Director, Department of]	
100	[Community and Economic]	
101	[Development]	[\$70,600 - \$95,200]
102	Executive Director, Tax Commission	\$70,600 - \$95,200
103	Chair, Public Service Commission	\$70,600 - \$95,200
104	Commissioners, Public Service	
105	Commission	\$70,600 - \$95,200
106	[Executive Director, Department]	
107	[of Corrections]	[\$76,800 - \$103,600]
108	[Commissioner, Department of Public Safety]	[\$76,800 - \$103,600]
109	[Executive Director, Department of]	
110	[Natural Resources]	[\$76,800 - \$103,600]
111	[Director, Governor's Office of Planning]	
112	[and Budget]	[\$76,800 - \$103,600]
113	[Executive Director, Department of]	
114	[Administrative Services]	[\$76,800 - \$103,600]
115	Executive Director, Department of	
116	Human Resource Management	\$76,800 - \$103,600
117	[Executive Director, Department of]	
118	[Environmental Quality]	[\$76,800 - \$103,600]
119	Executive Director, Department of	
120	Workforce Services	\$83,600 - \$112,900

121	Executive Director, Department of	
122	Health	\$83,600 - \$112,900
123	Executive Director, Department	
124	of Human Services	\$83,600 - \$112,900
125	Executive Director, Department	
126	of Transportation	\$83,600 - \$112,900
127	Chief Information Officer	\$83,600 - \$112,900
128	<u>Commissioner of Agriculture</u>	
129	<u>and Food</u>	<u>\$83,600 - \$112,900</u>
130	<u>Commissioner of Insurance</u>	<u>\$83,600 - \$112,900</u>
131	<u>Commissioner, Department of</u>	
132	<u>Financial Institutions</u>	<u>\$83,600 - \$112,900</u>
133	<u>Executive Director, Department</u>	
134	<u>of Commerce</u>	<u>\$83,600 - \$112,900</u>
135	<u>Executive Director, Department of</u>	
136	<u>Community and Economic</u>	
137	<u>Development</u>	<u>\$83,600 - \$112,900</u>
138	<u>Director, Department of Corrections</u>	<u>\$83,600 - \$112,900</u>
139	<u>Commissioner, Department of</u>	
140	<u>Public Safety</u>	<u>\$83,600 - \$112,900</u>
141	<u>Executive Director, Department of</u>	
142	<u>Natural Resources</u>	<u>\$83,600 - \$112,900</u>
143	<u>Director, Governor's Office of</u>	
144	<u>Planning and Budget</u>	<u>\$83,600 - \$112,900</u>
145	<u>Executive Director, Department of</u>	
146	<u>Administrative Services</u>	<u>\$83,600 - \$112,900</u>
147	<u>Executive Director, Department of</u>	
148	<u>Environmental Quality</u>	<u>\$83,600 - \$112,900</u>

149 (2) (a) The Legislature fixes benefits for the state offices outlined in Subsection (1) as
150 follows:

151 (i) the option of participating in a state retirement system established by Title 49, Utah

152 State Retirement and Insurance Benefit Act, or in a deferred compensation plan administered
153 by the State Retirement Office in accordance with the Internal Revenue Code and its
154 accompanying rules and regulations;

155 (ii) health insurance;

156 (iii) dental insurance;

157 (iv) basic life insurance;

158 (v) unemployment compensation;

159 (vi) workers' compensation;

160 (vii) required employer contribution to Social Security;

161 (viii) long-term disability income insurance;

162 (ix) the same additional state-paid life insurance available to other noncareer service
163 employees;

164 (x) the same severance pay available to other noncareer service employees;

165 (xi) the same sick leave, converted sick leave, educational allowances, and holidays
166 granted to Schedule B state employees, and the same annual leave granted to Schedule B state
167 employees with more than ten years of state service;

168 (xii) the option to convert accumulated sick leave to cash or insurance benefits as
169 provided by law or rule upon resignation or retirement according to the same criteria and
170 procedures applied to Schedule B state employees;

171 (xiii) the option to purchase additional life insurance at group insurance rates according
172 to the same criteria and procedures applied to Schedule B state employees; and

173 (xiv) professional memberships if being a member of the professional organization is a
174 requirement of the position.

175 (b) Each department shall pay the cost of additional state-paid life insurance for its
176 executive director from its existing budget.

177 (3) The Legislature fixes the following additional benefits:

178 (a) for the executive director of the State Tax Commission a vehicle for official and
179 personal use;

180 (b) for the executive director of the Department of Transportation a vehicle for official
181 and personal use;

182 (c) for the executive director of the Department of Natural Resources a vehicle for

183 commute and official use;

184 (d) for the Commissioner of Public Safety:

185 (i) an accidental death insurance policy if POST certified; and

186 (ii) a public safety vehicle for official and personal use;

187 (e) for the executive director of the Department of Corrections:

188 (i) an accidental death insurance policy if POST certified; and

189 (ii) a public safety vehicle for official and personal use;

190 (f) for the Adjutant General a vehicle for official and personal use; and

191 (g) for each member of the Board of Pardons and Parole a vehicle for commute and
192 official use.

193 (4) (a) The governor has the discretion to establish a specific salary for each office
194 listed in Subsection (1), and, within that discretion, may provide salary increases within the
195 range fixed by the Legislature.

196 (b) The governor shall apply the same overtime regulations applicable to other FLSA
197 exempt positions.

198 (c) The governor may develop standards and criteria for reviewing the performance of
199 the state officers listed in Subsection (1).

200 (5) Salaries for other Schedule A employees, as defined in Section 67-19-15, which are
201 not provided for in this chapter, or in Title 67, Chapter 8, Utah Executive and Judicial Salary
202 Act, shall be established as provided in Section 67-19-15.

203 Section 3. **Retrospective operation.**

204 This bill has retrospective operation to January 3, 2005.

205 Section 4. **Coordinating S.B. 231 with H.B. 288.**

206 If this S.B. 231 and H.B. 288, Executive Compensation Amendments, both pass, it is
207 the intent of the Legislature that:

208 (1) from January 3, 2005 through June 30, 2005, the lieutenant governor receive a
209 salary equal to 95% of the governor's salary;

210 (2) from January 3, 2005 through June 30, 2005, the governor shall set a salary within
211 the salary ranges established in this bill for the Commissioner of Agriculture and Food, the
212 Commissioner of Insurance, the Commissioner of the Department of Financial Institutions, the
213 Executive Director of the Department of Commerce, the Executive Director of the Department

214 of Community and Economic Development, the Executive Director of the Department of
215 Corrections, the Commissioner of the Department of Public Safety, the Executive Director of
216 the Department of Natural Resources, the Director of the Governor's Office of Planning and
217 Budget, the Executive Director of the Department of Administrative Services, and the
218 Executive Director of the Department of Environmental Quality;

219 (3) from July 1, 2005 until further modified by the Legislature by providing an increase
220 in the governor's salary, the lieutenant governor receive a salary equal to 95% of the salary
221 established for the governor in H.B. 288;

222 (4) from July 1, 2005 until further modified by the Legislature, the governor shall set a
223 salary within the salary ranges established in H.B. 288 for the Executive Director of the
224 Department of Workforce Services for: the Commissioner of Agriculture and Food; the
225 Commissioner of Insurance; the Commissioner of the Department of Financial Institutions; the
226 Executive Director of the Department of Commerce; the Executive Director of the Department
227 of Community and Economic Development; the Executive Director of the Department of
228 Corrections; the Commissioner of the Department of Public Safety; the Executive Director of
229 the Department of Natural Resources; the Director of the Governor's Office of Planning and
230 Budget; the Executive Director of the Department of Administrative Services; and the
231 Executive Director of the Department of Environmental Quality; and

232 (5) the Office of Legislative Research and General Counsel, in preparing the data base
233 for publication, ensure that the dollar amount of the salary range for the Commissioner of
234 Agriculture and Food, the Commissioner of Insurance, the Commissioner of the Department of
235 Financial Institutions, the Executive Director of the Department of Commerce, the Executive
236 Director of the Department of Community and Economic Development, the Executive Director
237 of the Department of Corrections, the Commissioner of the Department of Public Safety, the
238 Executive Director of the Department of Natural Resources, the Director of the Governor's
239 Office of Planning and Budget, the Executive Director of the Department of Administrative
240 Services, and the Executive Director of the Department of Environmental Quality is identical
241 to the salary range provided for the Executive Director of the Department of Workforce
242 Services in H.B. 288.

Legislative Review Note

as of 2-14-05 5:17 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

State Impact

Passage of this bill will increase the salary level for the Lieutenant Governor and the salary ranges for certain appointed officials within the Executive Branch. The adjustment to the salary levels is retroactive to January 3, 2005. Adjustments for FY 2005 and FY 2006 will be absorbed within existing budgets in the Governor's office and the respective executive branch departments. The fiscal impact within the affected departments will be dependant on the level of the increases authorized by the Governor. If all of the affected individuals are moved to the top of the new salary ranges, the departments would need to absorb a cumulative \$217,300.

Individual and Business Impact

The incumbents in the positions identified in the bill would benefit from an increase in their salary.

Office of the Legislative Fiscal Analyst