

1 **ELECTED OFFICIAL AND JUDICIAL COMPENSATION**

2 **COMMISSION AMENDMENTS**

3 2020 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: V. Lowry Snow**

6 Senate Sponsor: Don L. Ipson

7
8 **LONG TITLE**

9 **General Description:**

10 This bill modifies provisions related to the Elected Official and Judicial Compensation
11 Commission.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ modifies the composition and duties of the Elected Official and Judicial
15 Compensation Commission by:
- 16 • removing the legislative fiscal analyst as an ex-officio, nonvoting member;
 - 17 • clarifying which individuals are eligible to serve as a member of the
18 commission; and
 - 19 • amending the deadline and contents of the commission's required annual report;
- 20 ▶ provides that a nonpartisan office of the Legislature shall staff the commission; and
21 ▶ makes technical and conforming changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:



28 **67-8-4**, as last amended by Laws of Utah 2010, Chapter 286
 29 **67-8-5**, as last amended by Laws of Utah 2019, Chapter 319
 30 **67-22-1**, as last amended by Laws of Utah 2015, Chapter 466

31 REPEALS:

32 **67-8-6**, as enacted by Laws of Utah 1981, Chapter 267



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

35 Section 1. Section **67-8-4** is amended to read:

36 **67-8-4. State Elected Official and Judicial Compensation Commission created --**
 37 **Composition -- Appointment -- Terms -- Organization -- Vacancies -- Quorum --**
 38 **Compensation -- Staff.**

39 (1) There is created a state Elected Official and Judicial Compensation Commission
 40 comprised of six members, not more than three of whom may be from the same political party,
 41 appointed as follows:

- 42 (a) one member appointed by the governor;
- 43 (b) one member appointed by the president of the Senate;
- 44 (c) one member appointed by the speaker of the House of Representatives;
- 45 (d) two members appointed by the other three appointed members; and
- 46 (e) one member appointed by the State Bar Commission.

47 (2) (a) Except as required by Subsection (2)(b), all persons appointed to the
 48 commission shall serve four-year terms or until their successors are duly appointed and
 49 qualified.

50 (b) Notwithstanding the requirements of Subsection (2)(a), the appointing authority
 51 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the
 52 terms of commission members are staggered so that approximately half of the commission is
 53 appointed every two years.

54 (3) (a) The commission shall select a chair and a vice chair from opposite political
 55 parties at its first meeting.

56 (b) Four members of the commission [~~shall~~] constitute a quorum.

57 [~~(c) The commission shall take no action nor make any determination without the~~
 58 ~~concurrence of a majority of its members being present.]~~

59 (c) The action of a majority of a quorum constitutes the action of the commission.

60 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
61 appointed for the unexpired term.

62 ~~[(5) No member or employee of the legislative, judicial, or executive branch of
63 government is eligible for appointment to the commission. The legislative fiscal analyst shall
64 serve as an ex officio, nonvoting secretary of the commission.]~~

65 (5) An individual may not serve as a member of the commission if the individual is a
66 member or employee of the legislative branch, judicial branch, or executive branch.

67 (6) A member may not receive compensation or benefits for the member's service, but
68 may receive per diem and travel expenses in accordance with:

69 (a) Section 63A-3-106;

70 (b) Section 63A-3-107; and

71 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
72 63A-3-107.

73 (7) A nonpartisan office of the Legislature, selected by the president of the Senate and
74 the speaker of the House of Representatives, shall staff the commission.

75 Section 2. Section 67-8-5 is amended to read:

76 **67-8-5. Duties of commission -- Salary recommendations.**

77 (1) The commission shall recommend to the Legislature:

78 (a) salaries for the governor, the lieutenant governor, the attorney general, the state
79 auditor, and the state treasurer; and

80 (b) salaries for justices of the Supreme Court and judges of the constitutional and
81 statutory courts of record.

82 ~~[(2) The commission shall:]~~

83 ~~[(a) in making recommendations on salaries described in Subsections (1)(a) and (b):]~~

84 ~~[(i) make studies and formulate recommendations concerning the wage and salary
85 classification plan based upon factors such as educational requirements, experience,
86 responsibility, accountability for funds and staff, comparisons with wages paid in other
87 comparable public and private employment within this state, and other states similarly situated,
88 and any other factors generally used in similar comprehensive wage and salary classification
89 plans so that the plan and its administration reflect current conditions at all times; and]~~

90 ~~[(ii) consult and advise with, and make recommendation to, the Department of Human~~
91 ~~Resource Management regarding the plan, its administration, and the position of any elected~~
92 ~~official and judge covered by the plan;]~~

93 ~~[(b) in making recommendations on compensation described in Subsection (1)(c),~~
94 ~~make studies and formulate recommendations concerning compensation of members of state~~
95 ~~boards of education in other states and other factors the commission determines to be relevant~~
96 ~~so that the compensation reflects current conditions at all times;]~~

97 ~~[(c) submit to the Executive Appropriations Committee not later than 60 days before~~
98 ~~commencement of each annual general session:]~~

99 ~~[(i) a report briefly summarizing its activities during the calendar year immediately~~
100 ~~preceding the session;]~~

101 ~~[(ii) recommendations concerning revisions, modifications, or changes, if any, that~~
102 ~~should be made in the plan, its administration, the classification of any elected official or judge~~
103 ~~under the plan, or the compensation of members of the State Board of Education; and]~~

104 ~~[(iii) specific recommendations regarding the office of governor, lieutenant governor,~~
105 ~~attorney general, state auditor, and state treasurer concerning adjustments, if any, that should be~~
106 ~~made in the salary or other emoluments of office so that all elected and judicial officials receive~~
107 ~~equitable and consistent treatment regardless of whether salaries are fixed by the Legislature or~~
108 ~~by the Department of Human Resource Management; and]~~

109 ~~[(d) conduct a comprehensive review of judicial salary levels and make~~
110 ~~recommendations for judicial salaries in a report to the president of the Senate, the speaker of~~
111 ~~the House of Representatives, and the governor by November 1, prior to the convening of the~~
112 ~~general session of the Legislature in each odd-numbered year:]~~

113 ~~[(3) (a) The recommendation under Subsection (2)(d) shall be based upon consultation~~
114 ~~with the Judicial Council and upon consideration for the career status of judges. It shall be~~
115 ~~based upon comparisons with salaries paid in other states and in comparable public and private~~
116 ~~employment within this state.]~~

117 ~~[(b) In even-numbered years, the commission shall update its prior report, based upon~~
118 ~~the Consumer Price Index and other relevant factors, and shall forward its updated~~
119 ~~recommendations as prescribed in this section.]~~

120 (2) In making the salary recommendations described in Subsection (1), the commission

121 shall:

122 (a) consider:

123 (i) the education and experience required for the position;

124 (ii) the responsibility required of the position;

125 (iii) whether the position requires accountability for funds or staff;

126 (iv) wages paid for other comparable public and private employment in the state and in

127 other similarly situated states;

128 (v) any increase in the Consumer Price Index since the commission's last

129 recommendations; and

130 (vi) any other factors typically used to make similar recommendations;

131 (b) consult with the Department of Human Resource Management; and

132 (c) for the salary recommendations described in Subsection (1)(b), consult with the

133 Judicial Council.

134 (3) No later than January 2, the commission shall submit an annual electronic report to

135 the Executive Appropriations Committee, the president of the Senate, the speaker of the House

136 of Representatives, and the governor that:

137 (a) briefly summarizes the commission's activities during the previous calendar year;

138 and

139 (b) provides any recommendations to modify the salaries of:

140 (i) the governor, lieutenant governor, attorney general, state auditor, or state treasurer;

141 or

142 (ii) the justices of the Supreme Court or judges of the constitutional and statutory

143 courts of record.

144 (4) The Judicial Council shall cooperate with the commission in providing information

145 [~~on the judicial branch of government and on the individual levels of court as requested. The~~

146 ~~director of personnel from the Administrative Office of the Courts shall provide the salary~~

147 ~~comparison data referred to in this section to the legislative fiscal analyst and shall provide~~

148 ~~other staff assistance and support as requested by the legislative fiscal analyst.] relevant to the~~

149 duties of the commission.

150 Section 3. Section **67-22-1** is amended to read:

151 **67-22-1. Compensation -- Constitutional offices.**

152 ~~[(1) (a) Beginning on June 28, 2008, and ending on December 31, 2016, the Legislature~~
 153 ~~fixes salaries for the constitutional offices as follows:]~~

154 ~~[(i) governor: _____ \$109,900;]~~

155 ~~[(ii) lieutenant governor: _____ 95% of the governor's salary;]~~

156 ~~[(iii) attorney general: _____ 95% of the governor's salary;]~~

157 ~~[(iv) state auditor: _____ 95% of the governor's salary; and]~~

158 ~~[(v) state treasurer: _____ 95% of the governor's salary.]~~

159 ~~[(b) (i) Subject to Subsection (1)(b)(iii), beginning on January 1, 2017, the]~~

160 ~~(1) (a) The salary for the governor shall be set annually by the Legislature in an~~
 161 ~~appropriations act.~~

162 ~~[(ii) Beginning on January 1, 2017, constitutional]~~

163 ~~(b) Constitutional office salaries shall be based on the following percentages of the~~
 164 ~~salary of the governor:~~

165 ~~[(A) (i) lieutenant governor: 90% of the governor's salary;~~

166 ~~[(B) (ii) attorney general: 95% of the governor's salary;~~

167 ~~[(C) (iii) state auditor: 90% of the governor's salary; and~~

168 ~~[(D) (iv) state treasurer: 90% of the governor's salary.~~

169 ~~[(iii) Beginning on January 1, 2017, until the Legislature sets the salary of the governor~~
 170 ~~in an appropriations act, the governor's salary is \$150,000 per year.]~~

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

172 (a) governor:

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

174 (ii) housing;

175 (iii) household and security staff;

176 (iv) household expenses;

177 (v) retirement benefits as provided in Title 49, Utah State Retirement and Insurance
 178 Benefit Act;

179 (vi) health insurance;

180 (vii) dental insurance;

181 (viii) basic life insurance;

182 (ix) workers' compensation;

- 183 (x) required employer contribution to Social Security;
- 184 (xi) long-term disability income insurance; and
- 185 (xii) the same additional state paid life insurance available to other noncareer service
- 186 employees; and
- 187 (b) lieutenant governor, attorney general, state auditor, and state treasurer:
- 188 (i) a vehicle for official and personal use;
- 189 (ii) the option of participating in a:
- 190 (A) state retirement system in accordance with Title 49, Utah State Retirement and
- 191 Insurance Benefit Act:
- 192 (I) Chapter 12, Public Employees' Contributory Retirement Act;
- 193 (II) Chapter 13, Public Employees' Noncontributory Retirement Act; or
- 194 (III) Chapter 22, New Public Employees' Tier II Contributory Retirement Act; or
- 195 (B) deferred compensation plan administered by the State Retirement Office, in
- 196 accordance with the Internal Revenue Code and its accompanying rules and regulations;
- 197 (iii) health insurance;
- 198 (iv) dental insurance;
- 199 (v) basic life insurance;
- 200 (vi) workers' compensation;
- 201 (vii) required employer contribution to Social Security;
- 202 (viii) long-term disability income insurance; and
- 203 (ix) the same additional state paid life insurance available to other noncareer service
- 204 employees.

205 (3) Each constitutional office shall pay the cost of the additional state-paid life
206 insurance for its constitutional officer from its existing budget.

207 **Section 4. Repealer.**

208 This bill repeals:

209 Section **67-8-6, Legislative fiscal analyst performing administrative functions for**
210 **commission -- Employment of professional assistance -- Assistance of state agencies --**
211 **Publication of reports.**

212