

Transcript Prepared by Clerk of the Legislature Transcribers Office
Executive Board February 14, 2023

BRIESE: Yeah. Okay, let's go ahead and get started. Welcome, everyone. I'm Tom Briese, Chair of the Executive Board. I'd like to start with introductions on my right.

SLAMA: Julie Slama, District 1.

ARCH: John Arch, District 14.

TREVOR FITZGERALD: Trevor Fitzgerald, committee legal counsel.

AGUILAR: Ray Aguilar, District 35.

LOWE: John Lowe, District 37.

VARGAS: Tony Vargas, District 7.

RIEPE: Merv Riepe, District 12.

BRIESE: Very good. Thank you. We're here first for discussion relative to the budget for the Executive Board. And I'm going to turn it over to my legal counsel, Trevor Fitzgerald, to lead us on that.

TREVOR FITZGERALD: Members should have received both the email and there's hard copies as well, two documents, the first which says Legislative Council Budget Request. That is the budget request that the previous Exec Board approved in September of last year that was submitted to the Appropriations Committee. And then the second document, at the top of the first page of which says Program 1 Salary State Senators. That is basically a, a document prepared by the Fiscal Office that looks program by program through the Legislative Council budget and lists those items that were included or not included as part of the Legislative Council's preliminary budget from the Appropriations Committee. That's just information so members have that in advance. As we discussed on Friday, the Legislative Council budget hearing is on, is on Wednesday, which is tomorrow. And Senator Briese, as Chair of the Executive Board, will introduce that budget on behalf of the Council. Also wanted to go over really briefly the-- because we had a discussion about kind of the distinction between salary increases versus pay enhancement. I think there was some confusion on Friday. So the salary increases are traditionally in the Legislature matched at the salary increases that are agreed to as part of the union contracts that are given union employees. There was some question as to whether we got the same rates as everyone else. We do in the preliminary budget. So the Legislative Council would see July 1 of 2024 a 7 percent increase and July 1, 2025 a 5 percent increase. I

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see Keisha nodding so I didn't reverse those numbers. The pay advancement has been a provision since 2001 that is in our legislative pay plan and classification that provides that the Executive Board has the option basically on a year-to-year basis to provide a, a, a increase in the pay for legislative employees who have been with the Legislature in their current position for more than one year. The amount of the pay advancement is set at the discretion of the Executive Board, and some years the board will do it on a year-to-year basis. Other times the board will set a kind of both year bienniums in one vote at the start of the biennium. And if you actually look on page 3 of the council budget request, there's actually a good chart that shows the history of those pay advancements since they were enacted in 2001-2002. There have been some years where we've held those flat and not included a pay advancement, and there are other years where that has been as high as 3 or 4 percent. The most recent years, fiscal '21-22 and '22-23, the previous Executive Board provided for a 3 percent pay advancement each of those two fiscal years. And I'm happy to answer any questions.

BRIESE: Senator Arch.

ARCH: This may be more detail than you, you have at hand.

TREVOR FITZGERALD: Sure.

ARCH: But in the years that there was a pay advancement of 3 percent, '21-22 and '22-23, do you happen to know what the, what the salary increases were those years?

TREVOR FITZGERALD: I don't.

ARCH: I know it said.

TREVOR FITZGERALD: [INAUDIBLE].

ARCH: I thought maybe this was, this was more--

TREVOR FITZGERALD: [INAUDIBLE] in the audience would.

ARCH: Anyway.

KEISHA PATENT: I might [INAUDIBLE]

TREVOR FITZGERALD: OK. We'll give, we'll give Keisha a minute to find that.

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ARCH: I just didn't know if that was--

TREVOR FITZGERALD: Right.

ARCH: --because they felt those were low, then they did this in addition or, you know, I, I don't know.

TREVOR FITZGERALD: Having-- having not been in this position during those years, unfortunately, I don't have the history on that.

ARCH: Yeah.

TREVOR FITZGERALD: I, I will say that, and I think we discussed this briefly on Friday, the Legislative Council budget is fairly unique, both our agency as well as the Supreme Court are kind of the two agencies where traditionally Appropriations has reappropriated our unexpended funds from the previous biennium to the Legislative Council. And so we are often using reappropriated funds as opposed to new General Fund dollars for items in our budget, so.

ARCH: OK.

TREVOR FITZGERALD: And the preliminary budget from the Appropriations Committee does provide for a reappropriation of all unexpended funds, so.

BRIESE: Very good. Anyone else? Any comments or questions?

VARGAS: Do you need a motion or are we just discussing?

TREVOR FITZGERALD: I think the question is so because when we met on Friday, we kind of met informally, I think it would be appropriate to take a motion to reaffirm the motion that we adopted on Friday. That motion was a, a, a authorization by the Exec Board to allow Senator Briesse to request the-- let me take a step back. So within the proposed budget request, the budget request provided for a 1 percent pay advancement each of those two fiscal years. The request was made to use the General Fund dollars for that. The preliminary budget does not provide new General Fund dollars, but does basically contain language indicating that there the committee is fine with us using reappropriated funds for that 1 percent. The motion that was taken on Friday was to authorize Senator Biese on behalf of the Exec Board to ask for a 2 percent pay advancement as opposed to the 1 percent each of those two years, as well as funds to have a new pay study potentially done through NCSL or another similar entity.

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VARGAS: I would move that.

SLAMA: Second.

BRIESE: Any discussion? Senator Vargas.

VARGAS: The preliminary report, and I'll look at Kiesha-- so just for the preliminary report that we put out, I don't know if it is an indication of whether or not we do or do not support it. It's just the preliminary recommendation to use the carryover. That might change still. It could change where we say use General Funds, but I just want to put that out there.

BRIESE: OK. Very good.

TREVOR FITZGERALD: Keisha has--

KEISHA PATENT: I, I did look up the salary. So the, the-- for nonbargaining employees [INAUDIBLE] for the current biennium that we're in [INAUDIBLE] 2 percent increase the second fiscal year originally. But then last session it had 2 percent to [INAUDIBLE]. So it ended up being 4 percent on the regular salary. And that was in the July 1.

ARCH: So just for clarification, can I ask a question?

BRIESE: Um-hum.

ARCH: Just for clarification then, so '21-22--

TREVOR FITZGERALD: Microphone.

ARCH: '21-22 was--

TREVOR FITZGERALD: --into the mic, sorry.

ARCH: Probably a quick question. '21-22 then was a 3 percent pay advancement and a 2 percent salary adjustment.

KEISHA PATENT: Yes, the--

ARCH: For a total of 5 then.

KEISHA PATENT: Right. There was the, the 2 percent on July 1 happened first and then the one-- the 3 percent pay advancement on January 1.

ARCH: Right.

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KEISHA PATENT: And then there was an additional--

ARCH: Then the next year, it was 3 percent plus 2 percent and 2 percent so 4 percent.

KEISHA PATENT: Right, 4 percent.

ARCH: So a total of 7 percent then that next year.

KEISHA PATENT: Yes.

ARCH: Not all at the same time, but equating to 7 percent. So we did a 5 percent in '21-22. We did a-- we did a 7 percent in '22-23. And what we're looking at for this year is 7 plus 2 and next year, 5 plus 2. Right? So a 9 percent and a 7 percent in total.

BRIESE: Yeah.

_____: Right.

ARCH: Prior to when we will bring somebody in to do a salary survey. So those will-- well, the second year may not have taken effect, but, yeah.

TREVOR FITZGERALD: It just depends on how long it takes us to get the study done and when that could go into effect.

ARCH: OK. That's all.

BRIESE: Do you have the salary increases for the previous biennium? And if not, that's fine.

KEISHA PATENT: I'm--

BRIESE: That's fine.

KEISHA PATENT: Not, not handy.

ARCH: The '19 through '21.

BRIESE: Right.

KEISHA PATENT: I believe it was lower that previous biennium.

BRIESE: OK. OK. Very good. Thank you. Thank you for your answers, very helpful. Any other, any other discussion? Have a motion before us to authorize me to essentially request a 2 and a 2 on the pay advancement

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of the Appropriations Committee, motion by Senator Vargas, second by Senator Slama. Do a roll call vote.

SALLY SCHULTZ: Senator Vargas.

VARGAS: Yes.

SALLY SCHULTZ: Senator Briese.

BRIESE: Yes.

SALLY SCHULTZ: Senator Aguilar.

AGUILAR: Yes.

SALLY SCHULTZ: Speaker Arch.

ARCH: Yes.

SALLY SCHULTZ: Senator Lowe.

LOWE: Yes.

SALLY SCHULTZ: Senator Riepe.

RIEPE: Yes.

SALLY SCHULTZ: Senator Slama.

SLAMA: Yes.

SALLY SCHULTZ: Motion carried.

BRIESE: OK. That takes care of that portion of the meeting. I think at this point we'll go into Executive Session.