

**MINUTES
CITIZENS' COMMITTEE ON LEGISLATIVE COMPENSATION
IDAHO STATE CAPITOL, ROOM C110
BOISE, IDAHO
SEPTEMBER 15, 2010**

(Subject to Approval)

In attendance were Chairman Richard Jackson and Committee members Bill Daniels, “Bud” Yost, Debora Kristensen, Don Burtenshaw and Katherine Moriarty (participating via telephone). Paige Alan Parker from Legislative Services Office was present as staff. Also present were Jessie Bonner, representing the Associated Press, Brad Iverson-Long, representing IdahoReporter.com, and Sue Frieders, representing Speaker Lawrence Denney’s office.

Chairman Richard Jackson called the meeting to order at 10:00 a.m. Chairman Jackson announced that the first order of business was to elect a chairperson. Chairman Jackson stated that he has served as chair for a number of years but is willing to continue in that position.

Mr. Yost moved that Mr. Jackson serve as the Committee’s Chairman. Ms. Kristensen seconded the motion. By unanimous vote, the Committee members elected Mr. Jackson as Chairman.

Chairman Jackson began discussion by referencing the information contained in the letter provided by Wayne Hoffman, Executive Director of the Idaho Freedom Foundation. Mr. Hoffman was unable to attend the meeting. Chairman Jackson noted that he disputed some of the information contained in the Hoffman letter. Legislators have not received a pay increase since the 2007-2008 session, having rejected the increases recommended by the Committee for the 2009-2010 session. In 2007-2008, the salary was increased to the current \$16,116 per year, representing a three percent increase and the first increase since the 2001-2002 session. State employees did not receive a cut in pay as a result of the 2010 legislative session. The budget shortfalls have been dealt with in a number of ways by the individual agencies, including layoffs, furloughs and leaving vacancies unfilled. State employees have experienced higher health insurance cost, especially part-time employees, and retirement contributions. Constitutional officers are taking a four percent pay cut for the current fiscal year, which will be restored over the following three years.

The Committee discussed whether Idaho Legislators serve on a full-time or part-time basis. Ms. Moriarty noted that currently members of the House and Senate are viewed as full time for benefit purposes. Ms. Kristensen asked who makes the full-time versus part-time designation for legislators. Chairman Jackson stated that such a determination is up to the Legislature. Ms. Kristensen stated that semantics matter and that there is a perception that the Idaho Legislature is part-time. However, teachers are not in school all the time either, and they are not considered “part-time.” Mr. Burtenshaw stated that legislators are elected for a two-year term, are paid more on a salary than a per-hour basis and are doing something related to their

status as legislators two or three days per week when the Legislature is not in session. Mr. Daniels expressed the view that legislators are full-time. Mr. Jackson stated that rather than calling the Idaho Legislature a “part-time legislature,” the better description would be a “lay legislature.”

The Committee discussed whether it should recommend a salary decrease for Idaho Legislators. Chairman Jackson noted that with reapportionment, the rural legislative districts will increase in geographical size as the urban districts increase in population. The Committee needs to look into the future and consider what it will take to get people to serve in the Legislature. Mr. Daniels said the issue is getting good people to run. Mr. Burtenshaw recalled that the Legislature rejected the increases recommended by the Committee the last time it met in 2008, since it wanted to take its medicine along with everyone else. If a decrease is to be recommended, Mr. Burtenshaw asked the Committee to look at the unvouchered constituent service allowance. Ms. Kristensen stated that the purpose of the Committee is not to please the Legislature but to do what is right for the state. She suggested that the Committee recommend a legislative salary cut of around two or four percent. Chairman Jackson reminded the Committee that its recommendations are for a two-year period and that the Attorney General has opined that the Committee does not have the constitutional or statutory authority to recommend different salary and expense levels for each of those two years. Mr. Daniels noted that since the Legislature turned down the Committee’s recommended 2009-2010 salary increase, legislators have stayed at the same salary rate for the last four years. Ms. Kristensen commented that the state agencies have addressed the budget problems through layoffs and furloughs, but these options are not available for the Legislature. She stated that the Committee needs to cut something and that a two percent cut in salary, resulting in a salary decrease of \$322 would be fair.

Ms. Kristensen moved that the Committee recommend a salary decrease for Idaho legislators of two percent from the current \$16,116 per year for the Sixty-First Legislative Session. Ms. Moriarty seconded the motion. In discussion on the motion, Mr. Yost commented that legislators give up the opportunity for other income by serving in the Legislature. He felt that the Legislature did the right thing by rejecting the Committee’s 2008 recommended increases, but believes that this year the Committee should either recommend no increase or the 2008 recommended increases. **Mr. Burtenshaw moved a substitute motion that the Committee recommend no salary increase for Idaho legislators for the Sixty-First Legislative session, leaving the salary at \$16,116 per year. Mr. Daniels seconded the motion.** In discussion on the substitute motion, Ms. Kristensen commented that it sends the wrong message. Ms. Moriarty opined that a cut in the unvouchered constituent service could be an alternative place to make cuts if cuts are not made in salary. **By voice vote, the Committee approved the substitute motion with one nay (Ms. Kristensen) and two abstentions (Ms. Moriarty and Chairman Jackson).** Following the vote, Chairman Jackson noted that while he abstained, he would have voted in favor of the motion in the event there had been a tie. Ms. Kristensen reiterated that failure to recommend a salary decrease sends the wrong message. Mr. Daniels noted that the Committee’s recommendation will leave Idaho Legislator salaries at the same rate for six years.

Chairman Jackson stated that the Committee's 2008 recommendations provided that no person appointed to the Legislature as a temporary replacement receive a salary and that the President Pro Tem of the Senate and the Speaker of the House of Representatives each be paid an additional salary of \$4,000 per year. The Committee's 2008 recommendation was that Pro Tem and Speaker salaries were unchanged from the Committee's 2006 recommendations.

Mr. Daniels moved that the Committee recommend that no person appointed to the Legislature as a temporary replacement receive a salary and that the President Pro Tem of the Senate and the Speaker of the House of Representatives each be paid an additional salary of \$4,000 per year for the Sixty-First Legislative Session. Mr. Burtenshaw seconded the motion. By voice vote, the motion passed with one abstention (Ms. Kristensen).

The Committee proceeded to discuss the unvouchered expenses. Chairman Jackson noted that the \$134 per day unvouchered expense rate recommended by the Committee in 2008 for Legislators maintaining a second residence in Ada County during a regular session was based on the federal rate. The \$49 per day unvouchered expense for Legislators who do not maintain a second residence within 50 miles of the Statehouse in Boise during the regular session, as recommended in 2008, was unchanged from the Committee's 2006 recommendations. The Legislature rejected the \$134 rate in 2009, and thus the current rate for those Legislators is \$122. In response to Ms. Moriarty, Chairman Jackson stated that the federal rate may have gone up since 2008. Ms. Moriarty observed that the Hoffman letter stated that most Legislators were unaware of or taking the \$2,200 unvouchered constituent service allowance.

Ms. Moriarty moved that the Committee recommend unvouchered expenses for the Sixty-First Legislative Session of: \$122 per day for legislators maintaining a second residence in Ada County during a regular session; \$49 per day for Legislators who do not maintain a second residence within 50 miles of the Statehouse in Boise during the regular session; and \$1,875 per year for constituent service. Ms. Kristensen seconded the motion. In discussion on the motion, Mr. Burtenshaw commented that he could support an even greater cut in the unvouchered constituent service allowance and that the Hoffman letter may have validity on this point. Chairman Jackson stated that legislators get a separate check for their unvouchered expenses at the end of the legislative session. The complaints that he hears are that the per diem expense rates for the regular session are too low, given the cost of housing and food in Boise. Ms. Moriarty commented that the unvouchered constituent service allowance is the best place to cut, even though these cuts may impact the geographically larger districts. **By voice vote, the Committee approved the motion without objection.**

Ms. Kristensen moved that the Committee recommend that each member of the Idaho Legislature receive the same vouchered expenses for the Sixty-First Legislative Session, as recommended by the Committee in 2008, with the exception of recommendation at III.6, regarding mileage reimbursement for actual mileage greater than 50 miles one way from the member's residence to a destination that is within the member's district for constituent service. Mr. Daniels seconded the motion. The motion passed by voice vote without objection.

Mr. Burtenshaw moved that the requirements for payment as contained in the Committee's 2008 recommendations serve as the Committee's recommendations for the Sixty-First Legislative Session. Ms. Kristensen seconded the motion. The motion passed by voice vote without objection.

Chairman Jackson noted that the Hoffman letter recommended that the Committee continue the system of medical, dental and life insurance and retirement benefits as provided for other part-time state employees. Chairman Jackson questioned whether the Committee has the authority to determine whether members of the Idaho Legislature are full-time or part-time employees and suggested that the consensus of the Committee be that this matter be addressed by a separate letter from the Committee to the Legislature suggesting that the Legislature make this determination. Chairman Jackson suggested that this separate letter note that whether state Legislators are full or part time is a matter of public discussion and recommended that state officeholders be treated consistently. The Committee concurred with this recommendation.

Ms. Moriarty moved that the additional benefits of retirement, medical, dental and life insurance as recommended by the Committee in 2008, with the substitution of "Sixtieth," serve as the Committee's recommendation for the Sixty-First Legislative Session. Mr. Daniels seconded the motion. The motion passed by voice vote without objection.

The meeting adjourned at 11:45 a.m.

Also distributed to the members of the Committee and available in the Legislative Services Office are the following documents:

June 25, 2008 report of the Committee on Legislative Compensation to Secretary of State Ben Ysursa and State Controller Donna M. Jones;
September 10, 2010, letter from Wayne Hoffman, Executive Director, Idaho Freedom Foundation to Richard Jackson, Chairman, Legislative Compensation Committee;
"Legislator Compensation 2009" prepared by the National Council on State Legislatures;
"Legislative Compensation History" from 1977-78 to 2009-2010;
"Changes in Employee Compensation (CEC) Legislative History;"
"Furlough Hours Taken by Agency by Fiscal Year" 2009 to 2011;
"Summary of Statewide Payroll Costs - FY 2001 - FY 2010" (State Controller's Office);
"10 Year Employee Pay Range, Historical Report as of 01.01.10" (State Controller's Office).