

Transcript Prepared by Clerk of the Legislature Transcribers Office
Executive Board May 31, 2023

BRIESE: OK. Thank you. Welcome, everyone, to the meeting of the Executive Board. We'll go ahead and get started here. I'm Tom Briese, Chair of the Executive Board. Let's do self-introductions starting on the far end, Senator Clements.

CLEMENTS: Rob Clements, District 2.

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.

BALLARD: Beau Ballard, District 21.

BRIESE: Thank you. And with that, everyone has an agenda in front of them. And the first item is to authorize employee salary increases for the biennium. Trevor, do you want to give a brief update on that and we'll give folks a little more time to get here?

TREVOR FITZGERALD: Yes. So every year following the passage of the budget, the Executive Board will authorize the salary increases that are provided for in the budget. Just as a reminder, we have both the across-the-board salary increases that would be in each July of the biennium. And then the original budget request called for a 1 percent pay advancement. With the approval of the Executive Board, Senator Briese had asked Appropriations for two-- for a 2 percent pay advancement. And the committee did approve that 2 percent pay advancement. But that, per policy, the pay advancement still has to be approved by the Executive Board. This traditionally, I think, is a motion that's been approved kind of as one motion, but it could also be approved as separate motions as well.

VARGAS: I'll move both items.

AGUILAR: Second.

RIEPE: Second.

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BRIESE: We have a motion by Senator Vargas to approve both items under 1A. Is that correct?

VARGAS: Correct.

BRIESE: OK. And a second by Senator--

TREVOR FITZGERALD: Aguilar.

BRIESE: --Aguilar.

ARCH: Could I talk for a second? I just you know, I think that there is some confusion and I think it'll have to be kind of cleared up on the floor but regarding the veto override this morning and, and how this-- how this gets funded. But separate issues, correct? In other words, this is us approving. And that veto override is what pot of money it comes from. So I, I think that's going to be important when, when we get to that on the floor that that be clearly explained.

BRIESE: Very good. Thank you, Senator Arch. Senator Vargas.

VARGAS: We're discussing it right now. That's got a motion and a second?

BRIESE: Yeah, go ahead.

VARGAS: I think that's right, Speaker. You know, my only sort of caveat to that is, you know, one of the reasons-- I'm not speaking for the members of the Appropriations Committee. Otherwise Clements will-- I'll have words with Clements. But for myself, like every single time, you know, there is-- there is an excess of funds, that's the best way I can explain it-- in different departments and within, within Legislative Council, within our branch. And my concern is, while there is the carryover that is needed to cover the salaries within the biennium, each of them have operated in their own different way, either through-- either FTEs opening up or, you know, from cost savings from year to year. And, and they rely on that to be able to make the types of decisions where it doesn't cost us on the back end when they request and ask us to do something. We're not requesting more from, from the Appropriations Committee. You know, the concern I have and we'll have the debate on the floor, I motion for this. I support this, but not as a replacement for increase in the salaries. Some of the supports on the floor is we sent a message in our committee that there is-- that we support creating these salary increases and that we're going to fund it and not have it be on the backs of the savings that have been made for years and years, but

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instead give the General Funds to support the salary increase. I am worried that if there is not enough funds in the future that this can be on the chopping block in the future. And I think that sets a bad precedent, a bad message to the rest of our staff. Just wanted that to be made clear. I'm supporting this not as a replacement for the Governor's override, but to make sure that there's a fail-safe on the back end. But I still think we need to do it. So just wanted that to be out there.

BRIESE: OK. Thank you, Senator Vargas. Anyone else? Seeing no other discussion, roll call vote on that motion, Sally.

SALLY SCHULTZ: Starting with Senator Vargas.

VARGAS: Yes.

SALLY SCHULTZ: Senator Aguilar.

AGUILAR: Yes.

SALLY SCHULTZ: Speaker Arch.

ARCH: Yes.

SALLY SCHULTZ: Senator Ballard.

BALLARD: Yes.

SALLY SCHULTZ: Senator Briese.

BRIESE: Yes.

SALLY SCHULTZ: Senator Lowe.

LOWE: Yes.

SALLY SCHULTZ: Senator Riepe.

RIEPE: Yes.

SALLY SCHULTZ: Motion is carried 7-0-2.

BRIESE: OK. Next item is item 1B, it would be a similar motion for FY '24-25. That is the year that is subject to the Governor's veto, but be the same, same motion in this situation to approve the pay advance for [INAUDIBLE]

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VARGAS: So moved for both items.

AGUILAR: Second.

BRIESE: Motion by Senator Vargas. Second by Senator Aguilar. Any discussion? Seeing none, excuse me, Senator Clements.

CLEMENTS: I support that. I was given from the Governor's Budget Office, agency appropriations for the Legislative Council in 19-- in 2020, we spent 92 percent of our budget; 2021, 99 percent; 2022, 85 percent; 2023, 96 percent. With the projected carryover of \$10 million, the increase, the standard rate-- pay increase for state employees is 5 percent in the second year, and this would add 10 percent to that. That's \$2,170,000. Right now, there's \$10 million available. The Fiscal Office told me that at the start of that fiscal year, they're expecting, even with buying laptops and some expenses, they expect us to have at least \$4.5 million available to spend that \$2.1 million. So I think it's sustainable to do this without overriding the Governor's veto.

BRIESE: OK. Thank you, Senator Clements. Anyone else? No other discussion, roll call vote, please.

SALLY SCHULTZ: Starting with Senator Vargas.

VARGAS: Yes.

SALLY SCHULTZ: Senator Aguilar.

AGUILAR: Yes.

SALLY SCHULTZ: Speaker Arch.

ARCH: Yes.

SALLY SCHULTZ: Senator Ballard.

BALLARD: Yes.

SALLY SCHULTZ: Skipping Bostar. Senator Briese.

BRIESE: Yes.

RIEPE: Yes. Briese or Riepe?

SALLY SCHULTZ: Briese. Senator Lowe.

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LOWE: Is that Lowe or Ballard?

SALLY SCHULTZ: Lowe.

LOWE: Yes.

_____ : [INAUDIBLE] I'm sorry.

SALLY SCHULTZ: Senator Riepe.

RIEPE: Yes.

SALLY SCHULTZ: The motion is carried 7-0-0-2.

BRIESE: We will leave the votes open for the others. Item number 2, the NCSL pay classification study. Trevor.

TREVOR FITZGERALD: Yes. As members will remember, a few months ago, we received a proposal from the National Council of State Legislatures to do an update to our pay and classification study. Our current classification structure is based off a similar study that was conducted with NCSL in 2000. Now that the budget has, has passed, we are able to accept that because there is money in the budget for that study. So if the Exec Board would approve accepting that proposal, then our office can reach out to NCSL and get the process moving.

VARGAS: So moved.

AGUILAR: Second.

BRIESE: Motion by Senator Vargas, second by Senator Aguilar to approve it, to approve that. Any discussion? Speaker Arch.

ARCH: This is probably stating the obvious, but I'm assuming that they'll factor these increases into the study.

TREVOR FITZGERALD: Yeah. And I spoke with NCSL a few weeks ago and gave them a heads up that that was an item that was in the budget that could be a factor.

ARCH: Right.

BRIESE: Thank you, Speaker Arch. Senator Clements.

CLEMENTS: Thank you, Mr. Chair. And I'm assuming this is to approve \$47,342 on this page? All right. Thank you.

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BRIESE: Senator Clements, thank you. Anyone else? Seeing no other discussion, roll call vote, please.

SALLY SCHULTZ: Starting with Senator Aguilar.

AGUILAR: Yes.

SALLY SCHULTZ: Speaker Arch.

ARCH: Yes.

SALLY SCHULTZ: Senator Ballard.

BALLARD: Yes.

SALLY SCHULTZ: Senator Briese.

BRIESE: Yes.

SALLY SCHULTZ: Senator Lowe.

LOWE: Yes.

SALLY SCHULTZ: Senator Riepe.

RIEPE: Yes.

SALLY SCHULTZ: Senator Vargas.

VARGAS: Yes.

SALLY SCHULTZ: Motion carries.

BRIESE: OK. Item number 3, appoint members to the LR135 Select Interim Study Committee. That is the interim study on legislative technology, correct?

TREVOR FITZGERALD: Correct. Right. And there were-- so that select committee, there were-- per the resolution it's supposed to be a five-member select committee. We have five nominees for those positions: Senators Blood, Brandt, Dover, Hughes, and Moser.

LOWE: I move five.

BALLARD: I'll second.

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BRIESE: Motion by Senator Lowe, second by Senator Ballard to approve those nominees for appointment to the LR135 Committee. Any discussion? Roll call vote, please.

SALLY SCHULTZ: Starting with Senator Lowe.

LOWE: Yes.

SALLY SCHULTZ: Senator Riepe.

RIEPE: Yes.

SALLY SCHULTZ: Senator Vargas.

VARGAS: Yes.

SALLY SCHULTZ: Senator Aguilar.

AGUILAR: Yes.

SALLY SCHULTZ: Speaker Arch.

ARCH: Yes.

SALLY SCHULTZ: Senator Ballard.

BALLARD: Yes.

SALLY SCHULTZ: Senator Briese.

BRIESE: Yes.

SALLY SCHULTZ: Motion is carried.

BRIESE: OK. Next item, update on Legislative Auditor vacancy. Trevor.

TREVOR FITZGERALD: Yeah, just real quickly for the members. So we are in the process of having interviews conducted for candidates for the Legislative Auditor position. The, the hiring committee interviewed two candidates last week, has one more candidate to interview this week. As far as a time frame, once those interviews are concluded, the committee will have to make a-- the hiring committee will have to make a full recommendation to the Performance Audit Committee. Then the Performance Audit Committee must make a formal recommendation to the Executive Board before the Executive Board has the final action to hire a new Legislative Auditor. So I think I've hinted at this at some point, but there will be a need for the Exec Board to meet, most

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likely sometime in July or maybe early August, for at a minimum to take care of hiring that position. So I'll be reaching out to you-- Sally and I will be reaching out to your offices to get your summer schedule pretty soon.

BRIESE: OK. Thank you, Trevor. Any comments? OK. Thank you. And that should wrap up everything for the Executive Board meeting. We'll close that meeting.