

San Bernardino County Sun

Legislature pay hike outrages activist groups

Critics say lawmakers don't merit raise in midst of debt

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Sunday, May 29, 2005 - SACRAMENTO - Approval of a 12 percent pay hike that will elevate the salaries of California legislators, already the nation's highest-paid state lawmakers, to \$110,880 annually has set off a new round of criticism that they are overpaid and underachieving.

The Citizens Compensation Commission voted this month to raise state Assembly and Senate salaries from \$99,000 as of Dec. 5. Outraged anti-tax advocates and government-watchdog groups said the work product of the Democrat-controlled Legislature doesn't merit a pay raise with major issues unresolved and California running massive budget deficits.

At least one legislator agrees.

"I think the Legislature has been dysfunctional," said Assemblyman Keith Richman, R-Granada Hills, a close ally of Gov. Arnold Schwarzenegger and a candidate for state treasurer. "If they paid us what we were worth, we would be giving taxpayers a refund back."

Jaime Court, spokesman for the Foundation for Taxpayer and Consumer Rights in Santa Monica, said, "I think this is a pretty outrageous salary increase, not only during these hard economic times but when legislators seem to be dodging hard decisions."

Court said his organization's research shows legislators fail to vote on a third of the bills that come before them, especially the controversial ones that stand to affect Californians the most. He suggested paying lawmakers according to how often they show up and vote.

Calls placed to Citizens Compensation Commission Chairman John Mack at his office at the Urban League and through the state Department of Personnel Administration were not returned.

Assembly Speaker Fabian Nunez, D-Los Angeles, said through a spokesman that he respects the "independent" decision made by the commission.

Cost of living has increased markedly since 1998, when legislators last received a raise, growing 18.7 percent nationally and 22.4 percent in California, according to the state Department of Finance. The commission awarded lawmakers a 12 percent raise.

The Citizens Compensation Commission, most of whose members were appointed by former Democratic Gov. Gray Davis, approved the raise on a 5-0 vote.

Beyond raising the pay of rank-and-file lawmakers, legislative leaders were also granted an increase, with the salaries of the Assembly speaker, Senate president pro tem and minority party leaders of both houses rising from \$113,850 to \$127,512.

All legislators currently receive a tax-free \$138 per diem reimbursement for living and travel expenses

for every day the Legislature is in session, worth around \$25,000 in many years. Per diem is not set by the commission, but by the California Victim Compensation and Government Claims Board.

Feelings about the raise were mixed among legislators of both political parties, with many expressing neither outrage nor disgust with the commission's vote.

"I did not run for public office for the pay, or for the long hours away from home, or for the challenge of maintaining a second, year-round residence in Sacramento for a few nights a week, several months a year," Assemblywoman Jenny Oropeza, D-Carson, said.

"I ran to make a difference in how this state is run, and to improve the state's transportation system, to fight pollution, (for) pay equity and to help the needy."

Critics, while recognizing the Legislature did not ask for a raise and had no say in whether one was approved or denied, are troubled that lawmakers would receive an increase in the midst of continuing budget deficits.

A spokesman for the California Taxpayers Association also pointed to the Legislature's failure to address major issues, saying that's why it has become so common for various activists and the governor to take their agenda directly to voters via the initiative process.

"Whenever there's a sticky decision to make over there, it doesn't happen until one side or the other qualifies an initiative for the ballot," said spokesman Ron Roach.

Created by voters in June of 1990 with the passage of Proposition 112, the seven-member Citizens Compensation Commission was designed to prevent lawmakers from voting themselves unwarranted pay raises. Two six-year appointments on the commission are currently empty because Schwarzenegger has failed to fill them.

{ENDHEADLINE} law, the commission meets once a year, no later than June 30, to decide if lawmakers should have their salary and benefits adjusted. Commissioners consider witness testimony, cost-of-living statistics and the salary levels of local government officials in California as well as those of lawmakers in the 12 most populous and six industrial states, as well as those of comparative private-sector jobs. Any changes the commission votes to make do not take effect until Dec. 5 of the year it votes to make the adjustment. Commissioners are not paid for their service on the board.

Schwarzenegger, a multimillionaire who has not accepted his \$175,000 annual salary since taking office in November 2003, was disappointed with the commission's vote, believing the state's fiscal condition, though improving, does not justify a pay raise. No other state elected officials were granted a raise by the commission.

"What have they accomplished since 1998?" the Republican governor asked. "Because that's what we do in the private sector, we will now analyze what have they accomplished: They have chased businesses out of the state and jobs out of the state. And they took the economy right down into the toilet."

"Yes, they deserve a raise, they deserve an increase. That's fair. Can you believe that?" he said, sarcastically. "I mean, under any normal circumstances, they would be fighting now to keep their salary and to keep their job. But no, not in government."

Many lawmakers feel uncomfortable accepting the raise, and say they would have voted against it had it been up to them. But they say what to do with it is not that simple.

Republicans like state Sen. Bob Dutton, R-Rancho Cucamonga, do not want to refuse the raise, as they are afraid the money will end up in the Assembly operating budget, which is controlled by Nunez and the majority Democratic caucus.

Dutton is considering using the money to set up a charitable foundation, and Nunez spokesman Steve Maviglio said many Democrats are also planning to give their raises to charity.

"If I don't take the raise, then that just gives the Democrats more money," Dutton said.

Only California, Michigan, New York and Pennsylvania have full-time legislatures, according to the National Conference of State Legislatures. Even with their current salary, California legislators earn significantly more than their counterparts.

Michigan lawmakers earn \$79,650 plus \$12,000 annually in per diem; New York lawmakers earn \$79,500 plus a per-diem rate that varies; and Pennsylvania lawmakers earn \$66,204 plus \$125 per day in per diem or a reimbursement for actual expenses. Members of the House of Representatives and U.S. senators earn \$158,100 annually, with those in leadership positions making more.

Steve Frates, a senior fellow at the Rose Institute of State and Local Government at Claremont McKenna College who monitors how governments spend money, said California legislators are already earning plenty when judging by the large number of people clamoring for the 120 seats.

"The question is whether or not you can attract candidates for office at the given salary level. And what the market tells us is, yes.

"For many of those people, they wouldn't make as much money in the open economy as they do in legislative positions, and this opens all kinds of doors for post-legislative employment."