



# Wisconsin Briefs

from the Legislative Reference Bureau



Brief 08-13

Corrected May 2009\*

## SALARIES OF STATE ELECTED OFFICIALS Effective January 2009

### CONSTITUTIONAL OFFICERS

Governor .....	\$137,092
Lieutenant Governor .....	72,394
Secretary of State .....	65,079
State Treasurer .....	65,079
Attorney General .....	133,033
Superintendent of Public Instruction .....	109,587

The amounts listed above are the rates provided in the 2007-2009 Compensation Plan that remain in effect for officers whose terms began in January 2007. Constitutional officers may not receive a pay raise during their term of office. All officers, except the superintendent of public instruction, began serving 4-year terms in January 2007. Thus, they will continue to receive the salaries in effect at the time they began their terms. If an incumbent resigns, dies, or is removed, the officer assuming the office through appointment or election (or succession, in the case of the lieutenant governor assuming the office of the governor) will receive the salary provided in the compensation plan which is applicable at the time he or she takes office. The incumbent superintendent will continue to receive the salary in effect at the beginning of her 4-year term until it expires in July 2009. Her successor will then receive a salary of \$122,516.

### MEMBERS OF THE 2009-2010 LEGISLATURE ..... \$49,943

The salary for legislators serving in the 2009-10 Legislature will increase approximately 5.3% from the 2007-08 session rate (\$47,413). The 2007-08 rate was a 4% increase from the 2005-06 session rate (\$45,569). Salaries for legislators and constitutional officers had been unchanged from the 2003-04 to the 2005-06 biennium. The Speaker of the Assembly receives an additional stipend, which is currently \$25 per month.

**Per Diem.** Section 13.123 (1), Wisconsin Statutes, and legislative Joint Rule 85 authorize legislators to claim a “per diem” allowance for food and lodging expenses for each day spent in Madison on legislative business, not including Saturdays or Sundays unless the legislator is in Madison on one of those days attending a session of the legislature or a meeting of a standing committee as a member of the committee. Legislators who do not establish a temporary residence in Madison may receive half of the per diem rate. Members may also receive reimbursement for actual expenses incurred in attending committee meetings outside of Madison.

2001 Wisconsin Act 16 set the legislative per diem at 90% of the rate established by the U.S. General Services Administration for travel by federal employees to the city of Madison. However, under the Wisconsin Constitution’s (Article IV, Section 8) provision that each house of the legislature may determine the rules of its own proceedings, the organization committee of each house sets the actual maximum per diem rates that may be claimed by members. Despite subsequent adjustments in the federal travel allowance, the rates set by the committees have remained the same since 2001 at \$88 (\$44 for Dane County area members.)

\*Reflects incumbents’ salaries provided in compensation plan as of December 9, 2007, rather than as of January 2009.

**JUDICIAL BRANCH**

Supreme Court Chief Justice .....	<b>\$152,495</b>
Supreme Court Justice .....	<b>144,495</b>
Court of Appeals Judge .....	<b>136,316</b>
Circuit Court Judge .....	<b>128,600</b>

The salaries of **all** justices and judges are adjusted to the prevailing schedule in the state compensation plan whenever **any** member of the judicial branch takes office. The amounts in the chart are applicable for the period October 12, 2008, through June 6, 2009. Jurists will continue to receive the listed salaries until any justice or judge assumes office on or after June 7, 2009, at which time all salaries will be adjusted to the applicable amounts in the plan.

**District Attorneys.** The compensation plan also sets the salaries of district attorneys, who are elected in each prosecutorial district but are paid by the state. The salaries vary depending upon the population of the prosecutorial unit, and currently range from a high of \$129,010 in Milwaukee County to a low of \$93,662 in prosecutorial units with populations below 35,000. As with constitutional officers, salaries of district attorneys may not be increased during their 4-year terms of office. However, a district attorney who takes office by special election or appointment will receive the applicable rate of pay provided in the compensation plan.

**HOW SALARIES ARE DETERMINED**

**Salary Levels Set by Office of State Employment Relations.** Sections 20.923 and 230.12, Wisconsin Statutes, created by Chapter 90, Laws of 1973, and amended by 1983 Wisconsin Act 27 and 2003 Wisconsin Act 33, provide the current procedure for setting salaries of elected state officials.

The process requires the Director of the Office of State Employment Relations (OSER) to submit proposed changes in the compensation plan for elected officials to the legislature’s Joint Committee on Employment Relations. The biennial compensation plan is typically submitted in June of odd-numbered years. If approved by the committee, the plan goes into effect. The committee may modify the director’s proposal if it chooses. These modifications may be disapproved by the governor within 10 calendar days, but a vote of six members of the committee can set aside the governor’s action.

Previously, the administration of the compensation plan was performed by the Wisconsin Department of Employment Relations. 2003 Wisconsin Act 33 abolished the department and attached OSER (formerly named the Office of State Human Resources Management) to the Department of Administration.

**Salary May Not Be Increased During Terms of Office.** Article IV, Section 26 (2), Wisconsin Constitution, provides that “the compensation of a public officer may not be increased or diminished during the term of office.” Amendments have created two exceptions:

- An April 1992 constitutional amendment provides that all legislators, including those elected in special elections, will receive the same salary throughout the legislature’s biennial session. This allows holdover senators (those in the middle of a 4-year term) to receive an adjustment when the new legislature is inaugurated, so that their salary matches that of newly elected senators and representatives to the assembly.
- Since being amended in 1967, the constitution has provided that the salaries of the entire judicial branch will be adjusted to reflect the salary schedule in effect when any new justice or judge takes office.

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Source: State of Wisconsin Compensation Plan, 2007-2009, Section B. Available on the Internet at: <http://oser.state.wi.us/category.asp?linkcatid=647>