

Mark Shepard, Legislative Analyst  
651-296-5051

---

## State Elected Officials' Salaries

This information brief lists salaries for state elected officials and describes the process for establishing these salaries.

---

### Salaries of State Elected Officials

<u>Constitutional Officers</u>	<u>Current Salary</u>
Governor	\$120,303
Attorney General	\$ 93,983
State Auditor	\$ 72,187
Secretary of State	\$ 66,168
Lieutenant Governor	\$ 66,168
Treasurer	\$ 66,168

The 2001 Legislature established new salaries for constitutional officers, other than the governor, effective in January 2003. [Laws 2001, 1st spec. sess., ch. 10, art. 1, § 2](#). Under the 2001 law, salaries for constitutional officers are set as a percentage of the governor's salary.

<u>Officer</u>	<u>% of Governor's Salary</u>	<u>January 2003 Salary</u>
Governor	-----	\$120,303
Attorney General	95%	\$114,288
State Auditor	85%	\$102,258
Secretary of State	75%	\$ 90,227
Lieutenant Governor	65%	\$ 78,197
Treasurer	Office abolished in January 2003	

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Many House Research Department publications are also available on the Internet at: [www.house.leg.state.mn.us/hrd/hrd.htm](http://www.house.leg.state.mn.us/hrd/hrd.htm).

### Judges

The 2001 Legislature provided salary increases for judges. [Laws 2001, 1st spec. sess., ch. 8, art. 5, § 22](#). Salaries were increased by 6.5 percent on July 1, 2001, 6.5 percent on April 1, 2002, 3 percent on January 1, 2003, and 3 percent on January 1, 2004. The table below shows the new salaries.

	<b>July 2001</b>	<b>April 2002</b>	<b>January 2003</b>	<b>January 2004</b>
Supreme Court Chief Justice	\$130,034	\$138,487	\$142,641	\$146,920
Supreme Court Associate Justice	\$118,213	\$125,897	\$129,674	\$133,564
Court of Appeals Chief Judge	\$116,956	\$124,558	\$128,295	\$132,144
Court of Appeals Judge	\$111,387	\$118,627	\$122,186	\$125,852
District Court Chief Judge	\$109,790	\$116,926	\$120,434	\$124,047
District Court Judge	\$104,562	\$111,359	\$114,700	\$118,141

### Legislators

Representatives and Senators                      \$31,140

The most recent salary increase for legislators was 5 percent in January 1999. The House and Senate rules committees may each designate up to three leadership positions to receive up to 140 percent of the compensation of other members of the legislature.

## **Process for Establishing Salaries of State Elected Officials**

### **Constitutional provisions**

The Minnesota Constitution provides that:

- the duties and salaries of the executive officers shall be prescribed by law ([Art. V, § 4](#))
- the compensation of all judges shall be prescribed by the legislature and shall not be diminished during the term of office ([Art. VI, § 5](#))
- the compensation of senators and representatives shall be prescribed by law. No increase of compensation shall take effect during the period for which the members of the existing House of Representatives may have been elected ([Art. IV, § 9](#))

The constitutional provision governing judges (“prescribed by the legislature”) has been interpreted to mean that the governor may not veto a provision dealing with judicial compensation (*Gardner v. Holm*, 241 Minn. 125, 62 N.W.2d 52 (1954)). The governor does have veto power over legislation establishing compensation for legislators and executive officers because compensation for these officials must be prescribed “by law.”

**The legislature has established a compensation council to assist it in establishing the compensation of constitutional officers, judges, and legislators. Minn. Stat. § 15A.082.**

The 16-member council includes:

- three members of the House of Representatives and three senators;
- two nonjudges appointed by the chief justice of the Minnesota Supreme Court; and
- one person from each congressional district, appointed by the governor.

There is a new compensation council appointed by October 1 of each even-numbered year.

**The council must make salary recommendations by May 1 of each odd-numbered year.**

The recommended salary for each office must take effect in January of the *next* odd-numbered year, with no more than one adjustment to take effect on January 1 of the year after that (e.g., the council that meets in 2002-2003 will make recommendations to take effect in January 2005, with a possible adjustment in January 2006). The statute provides that in making recommendations the council shall consider:

- the amount of compensation paid in government service and the private sector to persons with similar qualifications;
- the amount of compensation needed to attract and retain experienced and competent persons; and
- the ability of the state to pay the recommended compensation.

For legislators, the council also must consider the average length of a legislative session, the amount of work required of legislators during interim periods, and opportunities to earn income from other sources without neglecting legislative duties.

**The recommendations of the compensation council are not binding on the legislature.**

The statute creating the council provides that the salary recommendations take effect if an appropriation of money to pay the recommended salaries is enacted after the recommendations are submitted and before their effective date. As a practical matter, when the legislature has increased salaries, it generally has done so either by expressly adopting or modifying compensation council recommendations or by establishing percentage increases in law without reference to compensation council recommendations. The salary increase recommendations of the last compensation council, in 2001, were not implemented by the legislature. Rather, the 2001 Legislature provided different increases for judges and constitutional officers, and no increases for legislators.