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CONSTITUTIONAL PROVISIONS REGARDING SALARIES OF PUBLIC OFFICERS

This brief is a survey of the constitutional provisions for increasing and decreasing salaries of public officers in each of the 50 states. The following table contains descriptive statements from the constitutions of each state. These statements pertain to the executive, legislative, and judicial branches and to public officers.

If it appeared that a state did not have a pertinent constitutional section for one of the four subject areas, a blank appears in the column of the table. Five states (Florida, Massachusetts, New Hampshire, Texas and Vermont) appear to have no constitutional section for any of the four areas.

In all instances, the column designated "executive branch" refers at a minimum to the governor. It may also include other executive branch officials. Certain states, however, have separate provisions for the other constitutional officers and public officers.

The following summary may be of assistance while reviewing the table. You will note that some of these constitutional provisions are essentially the same, but are worded somewhat differently.

Executive

Seven variations in provisions appear in the constitutions. They are, with the number of states noted: no increase or decrease permitted during term (15); no increase or decrease during continuance in office (1); no increase or decrease during term unless general law passed (1); no decrease during term (2); no decrease unless general law passed (2); change to take effect after next election (1); and no change during term (2).

There are 24 states that have a relevant provision. Although the exact constitutional language varies, 18 states do not permit an increase or decrease in salary during an executive officer's term.

Public Officers

There are 11 separate variations in constitutional provisions regarding public officers. They are: no increase or decrease during term (9); no increase or decrease during term elected (2); no increase or decrease during term elected or appointed (3); no increase or decrease after election or appointment (2); no change during term elected (2); no decrease during term elected (1); may change

for all elective officers (1); no decrease unless general law passed (1); no increase during term of office (1); may be increased or decreased by law (1); and no increase during continuance in office (1).

There are 24 states with pertinent provisions. The constitutional provisions of 18 states do not permit a salary increase or decrease during the term of a public officer. However, the constitutional language varies with references to the term of such officers, the term for which such an officer was elected, and the term for which such officers were either elected or appointed.

Legislative

Twelve different variations in provisions appear regarding the legislative branch. These are: no change during term (3); no change during same session (3); no increase or decrease during term (1); no increase during term (4); no increase during same session (3); no increase or decrease until after next general election (2); no increase until after next general election (1); no adjustment until next general election after change (1); no legislature shall fix its own salary (2); any change applies to next legislature (2); and no increase, but may decrease (1).

There are 23 states with pertinent constitutional sections. A review of the various constitutional provisions seems to indicate that 14 states do not permit an increase or decrease in salary during a legislative session.

Judicial

There are 10 variations in constitutional sections concerning the judicial branch. They are: no decrease during term (17); no increase or decrease during term (2); no decrease during term unless general law passed (2); no decrease unless general law passed (2); can increase, but no decrease during term (2); can be an increase but no decrease during term unless general law passed (1); no decrease during continuance in office (4); no increase or decrease during continuance in office (1); no increase during term (1); and any increase or decrease effective for all justices or judges (1).

~~There were 33 states with pertinent provisions. The constitutions of 19 of these states permit no decrease in salary during a judge's term on the bench.~~

State	Executive	Public Officers	Legislative	Judicial
Alabama	No increase or decrease during term	No increase or decrease during term elected or appointed ^{2/}		No decrease during term
Alaska	No decrease unless general law passed ^{1/}			No decrease unless general law passed
Arizona		No increase or decrease during term (except justice of peace)		No decrease during term
Arkansas		^{3/}		No decrease during term
California	No increase or decrease during term		No adjustment until next general election after change	
Colorado	No increase or decrease during term		No legislature shall fix its own salary	Can increase, but no decrease during term
Connecticut	Change to take effect after next election	No increase during continuance in office		
Delaware	No increase or decrease during term			
Florida				
Georgia		May change for all elective officers	No change during term	

State	Executive	Public Officers	Legislative	Judicial
Hawaii	No increase or decrease during term unless general law passed		Any change applies to next legislature	No decrease during term unless general law passed
Idaho	No increase or decrease during term	No increase or decrease during term	Any change applies to next legislature	
Illinois	No change during term		No change during term	No decrease during term
Indiana	No increase or decrease during term		No increase during same session	No decrease during continuance in office
Iowa			No increase during same session	
Kansas	No decrease unless general law passed	No decrease unless general law passed ^{4/}		No decrease unless general law passed
Kentucky		No change during term elected	No change during same session	No decrease during term
Louisiana		No decrease during term elected		No decrease during term
Maine	No increase or decrease during continuance in office		No increase during same session	No decrease during continuance in office

State	Executive	Public Officers	Legislative	Judicial
Maryland		No increase or decrease during term <u>5/</u>		
Massachusetts				
Michigan	No change during term			Can be increase, but no decrease during term unless general law passed
Minnesota			No increase during term	No decrease during term
Mississippi	No increase or decrease during term		No change during same session	No increase or decrease during continuance in office
Missouri	No increase or decrease during term	No increase during term of office	No change during same session	No decrease during term
Montana			No legislature may fix its own compensation	No decrease during term
Nebraska		No increase or decrease during term <u>6/</u>		
Nevada		No change during term elected		No increase or decrease during term
New Hampshire				

State	Executive	Public Officers	Legislative	Judicial
New Jersey	No increase or decrease during term		No increase or decrease until after next general election (General Assembly)	No decrease during term
New Mexico		May be increased or decreased by law		
New York		No increase or decrease during term elected or appointed	No increase or decrease during term	No decrease during term
North Carolina	No decrease during term		No increase until after next general election	No decrease during continuance in office
North Dakota		No increase or decrease during term elected		No decrease during term
Ohio	No increase or decrease during term		No change during term	No decrease during term
Oklahoma	No increase or decrease during term	No increase or decrease during term		May increase, but no decrease during term
Oregon				No decrease during term
Pennsylvania		No increase or decrease after election or appointment	No increase during term	No decrease during term unless general law passed

State	Executive	Public Officers	Legislative	Judicial
Rhode Island	No decrease during term			No decrease during continuance in office
South Carolina	No increase or decrease during term	No increase or decrease during term elected		No decrease during term
South Dakota		No increase or decrease during term		
Tennessee	No increase or decrease during term		No increase or decrease until after next general election (Representatives)	No increase or decrease during term
Texas				
Utah				No decrease during term
Vermont				
Virginia		No increase or decrease during term elected or appointed	No increase during term	No decrease during term
Washington		No increase or decrease during term ^{7/}		No increase during term
West Virginia	No increase or decrease during term	No increase or decrease during term	No increase, but may decrease	

State	Executive	Public Officers	Legislative	Judicial
Wisconsin		No increase or decrease during term		Any increase or decrease effective for all justices or judges
Wyoming	No increase or decrease during term	No increase or decrease after election or appointment	No increase during term	

1/ The phrase "unless general law passed" appears throughout this table. A review of the various state constitutions indicates that the phrase may be variously interpreted. However, the phrase is commonly used with reference to all salaried officers in the state.

2/ Provision allows for deductions for neglect of duty.

3/ Provision allows for deductions for neglect of duty.

4/ Provision allows for deductions for neglect of duty.

5/ May be increase or decrease of salary of public officer whose term is fixed in excess of 4 years.

6/ Compensation of all members of legislature, court, board or commission may be increased or diminished at the beginning of the full term of any member.

7/ Public officers and judges shall receive compensation in accordance with the law in effect at the time.

Source: the constitutions of the 50 states as found in pamphlets, blue books and manuals from the states.