

State of Michigan



2023 Report of the State Officers Compensation Commission

Members: Robert Emerson, Chair
Joan Bauer
Amy Burton
Tom Cochran
Lawrence P. Nolan
Nancy Quarles
Paula K. Zelenko

Secretary: John Gnodtke, State Personnel Director
(ex officio)

Executive Summary of 2023 SOCC Determinations

The previously approved salaries and allowances for the elected state officers, which will continue in effect for 2025 and 2026 if the 2023 SOCC determination is not approved, are:

Salaries:

| | |
|--------------------|-----------|
| Governor | \$159,300 |
| Lt. Governor | \$111,510 |
| Justice | \$181,483 |
| Legislator | \$71,685 |
| Attorney General | \$112,410 |
| Secretary of State | \$112,410 |

Expense allowances:

| | Annual Expense Allowance |
|--------------|---------------------------------|
| Governor | \$54,000 |
| Lt. Governor | \$18,000 |
| Legislator | \$10,800 |

Legislative supplements:

| Leadership Position | Annual Supplement |
|--------------------------------|--------------------------|
| Speaker of the House | \$24,300 |
| Senate Majority Leader | \$23,400 |
| Minority Leader | \$19,800 |
| Majority Floor Leader | \$10,800 |
| Minority Floor Leader | \$9,000 |
| Appropriations Committee Chair | \$6,300 |
| House Speaker Pro Tempore | \$4,962 |
| Senate President Pro Tempore | \$4,962 |

The 2023 State Officers Compensation Commission recommends 7% increases to previously approved salaries for justices in both 2025 and 2026, and recommends justices receive a \$10,000 annual expense allowance. If a concurrent resolution were adopted by a majority of both houses accepting the 2023 determination, the salaries and expense allowances for 2025 and 2026 would be as provided below. Legislative supplements would be unchanged.

Salaries:

| | 2025 Salary | 2026 Salary |
|--------------------|--------------------|--------------------|
| Governor | \$159,300 | \$159,300 |
| Lt. Governor | \$111,510 | \$111,510 |
| Justice | \$194,187 | \$207,780 |
| Legislator | \$71,685 | \$71,685 |
| Attorney General | \$112,410 | \$112,410 |
| Secretary of State | \$112,410 | \$112,410 |

Expense allowances:

| | Annual Expense Allowance |
|--------------|---------------------------------|
| Governor | \$54,000 |
| Justice | \$10,000 |
| Lt. Governor | \$18,000 |
| Legislator | \$10,800 |

Introduction

The State Officers Compensation Commission (SOCC) met to fulfill its constitutional mandate to make determinations for salaries and expense allowances of the legislature, governor, lieutenant governor, attorney general, secretary of state, and justices.

Enabling legislation permits the commission to meet for up to 15 session days after January 31 each odd-numbered year. SOCC determinations must be filed with both houses of the legislature and the director of the Department of Technology, Management and Budget by June 15.

SOCC determinations become the salaries and expense allowances only if approved by a concurrent resolution adopted by a majority of each house. The resolution may amend SOCC determinations to reduce the salary and expense allowance by the same proportion for all offices, but it cannot be amended to reduce the determinations below the amounts in place when the determinations were made. If approved by the legislature, salaries and expense allowances become effective for the legislative session after the next general election.

The commission's authority has been addressed by the attorney general and court decisions clarifying that the SOCC is limited to determining salaries and expense allowances. It has no authority to determine other fringe benefits, but it may consider the value of such benefits in considering compensation adjustments. Expense allowances determinable by the commission have been defined to mean normal, reimbursable personal expenses such as food, lodging, and travel costs incurred by the officer in carrying out the responsibilities of state office.

Criteria historically used by the SOCC in its determinations include the jobs' responsibility levels, the compensation's effectiveness to attract individuals with the education and experience required, comparison with similar positions in other states and with positions of similar responsibility in the private and public sectors, the public sentiment, the financial condition of the state and outlook for the state's economy, and the cost of living.

2023 Process and Determinations

The 2023 State Officers Compensation Commission met in Lansing on May 24, 2023.

The commission received testimony on Michigan's economic forecast from the Department of Treasury and State Budget Office. The commission was also briefed on the SOCC process and on a salary-and-benefits survey comparing compensation of Michigan's officers to that of counterparts in other states. The survey included data on the national ranking of salaries for Michigan's governor (19th), lieutenant governor (21st), justices (34th), legislators (4th among 10 full-time legislatures), attorney general (39th), and secretary of state (23rd).

Staff reported on the lack of legislative approval on last cycle's recommendation, which included 2% raises in 2023 and 2024 for all officers.

Chief Justice Elizabeth T. Clement submitted written materials to the commission requesting 7% raises for 2025 and 2026 for justices. Chief Justice Clement and Justice Brian Zahra also appeared before the commission. Chief Justice Clement asked the commission to consider each covered office separately, as was done in the commission's 2019 determination. The determination should also consider the possibility of delayed legislative action in setting justices' pay. The justices urged the commission include another statement of support to the legislature to reform the constitutional process for setting covered officials' pay, as the commission did in 2019.

For justices' salaries to keep up with actual inflation from 2002 through 2022, and with a conservative estimate of inflation through 2026, would require a 48.5% pay increase to \$269,583. Since 2016, Michigan Court of Appeals judges have received cost-of-living adjustments while justices have not. Michigan Court of Appeals judges' salaries exceed those of the justices. This gap will reach an estimated 8.9% by 2026. The average pay for justices in nearby states is 18% higher than Michigan's justices' and is estimated by the National Center for State Courts to be 35% higher than Michigan's justices' by 2026. While in 2002 federal circuit judges made \$5,510 less than Michigan justices, they now make \$65,117 more. Finally, the national average pay for first-year associates at big law firms is estimated at \$235,000 this year. While justices do not serve for the pay, having pay that substantially lags virtually every comparable salary will discourage the best and brightest in the field from seeking the post.

Chief Deputy Attorney General Fadwa Hammoud submitted written materials and Bureau Chief Bryant Osikowicz appeared before the commission requesting an appropriate but significant increase in pay for the office of attorney general, and an expense allowance to aid the attorney general's community engagement efforts. Compared to other states' attorneys general, Michigan ranks in the bottom 20% in salary despite being the tenth largest state. The attorney general makes less than 80% of the attorneys in the Department of Attorney General. Only two of ten attorney classes in the department have maximum salaries below the attorney general's. A survey by the Prosecuting Attorneys Coordinating Council shows the attorney general's salary was below the average salary for elected prosecuting attorneys, despite the attorney general having supervisory authority over county prosecutors. Given the broad and important work of the office and the extended period with no change in pay, an increase would be appropriate under the standards previously relied upon by the commission.

No other officials presented materials or appeared to address the commission. There was no other public comment.

After a discussion of the political realities that have resulted in the legislature's repeated failure to consider commission determinations making across-the-board or targeted recommendations for salary increases for all state officers, commissioners asked staff to clarify their ability to structure recommendations to increase opportunities for legislative adoption. Staff summarized constitutional and statutory language, and division-level attorney-general advice indicated that while the commission could structure its determinations between years and officers as it saw fit, any action by the legislature adopting or modifying the determinations would need to either adopt the entire proposal or implement any modification of recommended increases in a way that affected all offices equally and proportionally. Staff also clarified the commission's constitutional and statutory requirements to biennially recommend state officers' compensation, and that in 2019 the commission further discussed its desire for the chair to highlight commissioners' unanimous concerns about the current process in the transmittal letter for the determination to the legislature.

A motion to recommend a 25% increase for all officers was made and received no support.

Additional discussion among the commissioners indicated support for the chair to offer a stronger indication of support for legislative reforms to the current process in his transmittal letter.

After discussion among the commission, a motion was adopted to recommend justices' salaries be increased by 7% in each of 2025 and 2026, and for justices to receive a \$10,000 expense allowance. These levels are reflected in the executive summary above. The commission approved this recommendation by a vote of 5 to 2, with Commissioners Cochran and Nolan voting against.