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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 3169

03/17/2014 Authored by Metsa

The bill was read for the first time and referred to the Committee on Government Operations

04/01/2014 Adoption of Report: Amended and re-referred to the Committee on Rules and Legislative Administration

05/01/2014 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

05/06/2014 Adoption of Report: Amended and Placed on the General Register

Read Second Time

05/08/2014 Calendar for the Day, Amended

Read Third Time as Amended

Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

05/15/2014 Returned to the House as Amended by the Senate

Read Third Time as Amended by the Senate

Repassed by the House

1.1 A bill for an act

1.2 relating to state government; establishing a legislative salary council; modifying

1.3 a proposed constitutional amendment to remove lawmakers' power to set their

1.4 own pay; amending Laws 2013, chapter 124, sections 1; 2; proposing coding for

1.5 new law in Minnesota Statutes, chapter 15A.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. **[15A.0825] LEGISLATIVE SALARY COUNCIL.**

1.8 Subdivision 1. **Membership.** (a) The Legislative Salary Council consists of the

1.9 following members:

1.10 (1) one person, who is not a judge, from each congressional district, appointed by

1.11 the chief justice of the Supreme Court; and

1.12 (2) one person from each congressional district, appointed by the governor.

1.13 (b) If Minnesota has an odd number of congressional districts, the governor and the

1.14 chief justice must each appoint an at-large member, in addition to a member from each

1.15 congressional district.

1.16 (c) One-half of the members appointed by the governor and one-half of the members

1.17 appointed by the chief justice must belong to the political party that has the most members

1.18 in the legislature. One-half of the members appointed by the governor and one-half of

1.19 the members appointed by the chief justice must belong to the political party that has the

1.20 second most members in the legislature.

1.21 (d) None of the members of the council may be:

1.22 (1) a current or former legislator, or the spouse of a current legislator;

1.23 (2) a current or former lobbyist registered under Minnesota law;

1.24 (3) a current employee of the legislature;

1.25 (4) a current or former judge; or

2.1 (5) a current or former governor, lieutenant governor, attorney general, secretary
2.2 of state, or state auditor.

2.3 Subd. 2. **Initial appointment; convening authority; first meeting.** Appointing
2.4 authorities must make their initial appointments by January 2, 2017. The governor shall
2.5 designate one member to convene and chair the first meeting of the council. The first
2.6 meeting must be before January 15, 2017. At its first meeting, the council must elect a
2.7 chair from among its members. Members that reside in an even-numbered congressional
2.8 district serve a first term ending January 15, 2019. Members residing in an odd-numbered
2.9 congressional district serve a first term ending January 15, 2021.

2.10 Subd. 3. **Terms.** (a) Except for initial terms and for the first term following
2.11 redistricting, a term is four years or until new appointments are made after congressional
2.12 redistricting as provided in subdivision 4. Members may serve no more than two full
2.13 terms or portions of two consecutive terms.

2.14 (b) If a member ceases to reside in the congressional district that the member
2.15 resided in at the time of appointment as a result of moving or redistricting, the appointing
2.16 authority who appointed the member must appoint a replacement who resides in the
2.17 congressional district to serve the unexpired term.

2.18 Subd. 4. **Appointments following redistricting.** Appointing authorities shall make
2.19 appointments within three months after a congressional redistricting plan is adopted.
2.20 Members that reside in an even-numbered district shall be appointed to a term of two
2.21 years following redistricting. Members that reside in an odd-numbered district shall be
2.22 appointed to a term of four years following redistricting.

2.23 Subd. 5. **Removal; vacancies.** Members may be removed only for cause, after
2.24 notice and a hearing, for missing three consecutive meetings, or as a result of redistricting.
2.25 The chair of the council or a designee shall inform the appointing authority of a member
2.26 missing three consecutive meetings. After the second consecutively missed meeting and
2.27 before the next meeting, the chair or a designee shall notify the member in writing that
2.28 the member may be removed for missing the next meeting. In the case of a vacancy on
2.29 the council, the appointing authority shall appoint a person to fill the vacancy for the
2.30 remainder of the unexpired term.

2.31 Subd. 6. **Compensation.** Members shall be compensated under section 15.059,
2.32 subdivision 3.

2.33 Subd. 7. **Duties.** By March 31 of each odd-numbered year, the council must
2.34 prescribe salaries for legislators to take effect July 1 of that year. In setting salaries,
2.35 the council must take into account any other legislative compensation provided to the
2.36 legislators by the state and the most recent budget forecast. The council must submit

a report by March 31 of each odd-numbered year with the prescribed salaries to the governor, the majority and minority leaders of the senate and the house of representatives, the chairs of the committees in the senate and the house of representatives with jurisdiction over the legislature's budget, and the chairs of the committees in the senate and house of representatives with jurisdiction over finance. The report must describe the council's rationale for selecting the prescribed salaries.

Subd. 8. **Chair.** The commission shall elect a chair from among its members.

Subd. 9. **Staffing.** The Legislative Coordinating Commission shall provide administrative and support services for the council.

Subd. 10. **No ex parte communications.** Members may not have any communication with a member of the legislature during the period after the first meeting is convened under subdivision 2 and the date the legislator salaries are submitted under subdivision 7.

EFFECTIVE DATE. This section is effective upon adoption of the constitutional amendment proposed under Laws 2013, chapter 124.

Sec. 2. Laws 2013, chapter 124, section 1, is amended to read:

Section 1. **CONSTITUTIONAL AMENDMENT PROPOSED.**

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, article IV, section 9, will read:

Sec. 9. The salary of senators and representatives shall be prescribed by a council consisting of the following members: one person who is not a judge from each congressional district appointed by the chief justice of the Supreme Court, and one member from each congressional district appointed by the governor. If Minnesota has an odd number of congressional districts, the governor and the chief justice must each appoint an at-large member in addition to a member from each congressional district. One-half of the members appointed by the governor and one-half of the members appointed by the chief justice must belong to the political party that has the most members in the legislature. One-half of the members appointed by the governor and one-half of the members appointed by the chief justice must belong to the political party that has the second-most members in the legislature. None of the members of the council may be current or former legislators, or the spouse of a current legislator. None of the members of the council may be current or former lobbyists registered under Minnesota law. None of the members of the council may be a current employee of the legislature. None of the members of the council may be a current or former judge. None of the members of

4.1 the council may be a current or former governor, lieutenant governor, attorney general,
4.2 secretary of state, or state auditor. None of the members of the council may be a current
4.3 employee of an entity in the executive or judicial branch. Membership terms, removal,
4.4 and compensation of members shall be as provided by law. The council must prescribe
4.5 salaries by March 31 of each odd-numbered year, taking into account any other legislative
4.6 compensation provided to legislators by the state of Minnesota, with any changes in salary
4.7 to take effect on July 1 of that year. Any salary increase for legislators authorized in law
4.8 by the legislature after January 5, 2015, is repealed.

4.9 Sec. 3. Laws 2013, chapter 124, section 2, is amended to read:

4.10 Sec. 2. **SCHEDULE AND QUESTION.**

4.11 (a) The proposed amendment must be submitted to the people at the 2016 general
4.12 election. The question submitted must be:

4.13 "Shall the Minnesota Constitution be amended to remove ~~legislators' ability~~
4.14 state lawmakers' power to set their own salaries, and instead establish an independent,
4.15 citizens-only council to prescribe salaries ~~for legislators~~ of lawmakers?

4.16 Yes

4.17 No "

4.18 (b) The title required under Minnesota Statutes, section 204D.15, subdivision 1, for
4.19 the question submitted to the people under paragraph (a) shall be: "Remove Lawmakers'
4.20 Power to Set Their Own Pay."