

# Research Department

Patrick J. McCormack, Director

600 State Office Building  
St. Paul, Minnesota 55155-1298  
651-296-6753 [FAX 651-296-9887]  
www.house.mn/hrd/

# Minnesota House of Representatives

January 5, 2017

TO: Members of the Legislative Salary Council

FROM: Ben Weeks, Legislative Analyst

RE: Constitutional and Statutory provisions relating to the Legislative Salary Council

In 2013, the legislature approved a state constitutional amendment proposal establishing the Legislative Salary Council and modifying the procedures for setting the annual salaries of state legislators. The voters ratified the amendment at the 2016 State General Election. The bill proposing the constitutional amendment included a section of statute implementing the provisions of the amendment. Both the text of the amendment and the statutory section are included with this memo, and this memo refers to them together as “the law.”

**The law requires the council to communicate its salary decisions in the form of a report. The deadline for submitting the report is March 31, 2017. Any salary changes would take effect July 1, 2017.**

The law requires the council to act by March 31 of each odd-numbered year to prescribe legislative salaries. New salaries would take effect on July 1 of that year. This cycle begins in 2017 and continues every two years thereafter.

The report “must describe the council’s rationale for selecting the prescribed salaries.”

The following people will receive an official copy of the report:

- the governor
- the majority and minority leaders of the house and senate
- the chairs of the house and senate committees with jurisdiction over the legislature’s budget
- the chairs of the house and senate committees with jurisdiction over finance

**The law requires the council to prescribe legislative salaries.**

The law is silent on whether salaries should be increased, decreased, or changed at all. But the law does require council members to consider certain items in reaching its decisions.

The law requires the council to consider “any other legislative compensation provided to legislators by the state...” The law does not define “other legislative compensation, but example items that might be considered “legislative compensation” include per diem payments, insurance, and other fringe benefits.

In addition to considering other sources of legislative compensation, the law requires the council to consider the most recent state budget forecast. State statute requires two budget forecasts per year. The most recent budget forecast as of the writing of this memo was released in November, 2016. Statute requires the next budget forecast be released by the end of February, 2017.

There is no specific guidance in the constitution or statute on how the council should weigh other sources of compensation or the budget forecast in setting legislator salaries.

The law is silent as to what would happen if the council failed to prescribe legislative salaries by the March 31 deadline.

**Council members must not communicate with current legislators between the first meeting of the council and the submission of the associated report.**

The law prohibits all communications between legislators and council members beginning after the first meeting of the council is convened, and running through the date the council submits its report.

BW/jf

# CONSTITUTION OF THE STATE OF MINNESOTA

Adopted October 13, 1857

Generally Revised November 5, 1974

Article 1.	Bill of rights.	Article 8.	Impeachment and removal from office.
Article 2.	Name and boundaries.	Article 9.	Amendments to the constitution.
Article 3.	Distribution of the powers of government.	Article 10.	Taxation.
Article 4.	Legislative department.	Article 11.	Appropriations and finances.
Article 5.	Executive department.	Article 12.	Special legislation; local government.
Article 6.	Judiciary.	Article 13.	Miscellaneous subjects.
Article 7.	Elective franchise.	Article 14.	Public highway system.

## ARTICLE IV LEGISLATIVE DEPARTMENT

Sec. 9. **Compensation.** 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 the council may be a current or former governor, lieutenant governor, attorney general, secretary of state, or state auditor. None of the members of the council may be a current employee of an entity in the executive or judicial branch. Membership terms, removal, and compensation of members shall be as provided by law. The council must prescribe salaries by March 31 of each odd-numbered year, taking into account any other legislative compensation provided to legislators by the state of Minnesota, with any changes in salary to take effect on July 1 of that year. Any salary increase for legislators authorized in law by the legislature after January 5, 2015, is repealed.

[Amended, November 8, 2016]

**15A.0825 LEGISLATIVE SALARY COUNCIL.**

Subdivision 1. **Membership.** (a) The Legislative Salary Council consists of the following members:

(1) one person, who is not a judge, from each congressional district, appointed by the chief justice of the Supreme Court; and

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

(b) 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.

(c) 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.

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

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

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

(3) a current employee of the legislature;

(4) a current or former judge; or

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

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

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

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

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

Subd. 5. **Removal; vacancies.** Members may be removed only for cause, after notice and a hearing, for missing three consecutive meetings, or as a result of redistricting. The chair of the council or a designee shall inform the appointing authority of a member missing three consecutive meetings. After the second consecutively missed meeting and before the next meeting, the chair or a designee shall notify the member in writing that the member may be removed for missing the next meeting. In the case of a vacancy on the

council, the appointing authority shall appoint a person to fill the vacancy for the remainder of the unexpired term.

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

Subd. 7. **Duties.** By March 31 of each odd-numbered year, the council must prescribe salaries for legislators to take effect July 1 of that year. In setting salaries, the council must take into account any other legislative compensation provided to the 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.

**History:** 2014 c 282 s 1

**NOTE:** This section, as added by Laws 2014, chapter 282, section 1, is effective upon adoption of the constitutional amendment proposed under Laws 2013, chapter 124, as amended by Laws 2014, chapter 282, sections 2 and 3. Laws 2014, chapter 282, section 1, the effective date.