

Minority Report

I, Joseph Boyle, believe the recommendation to the legislature to eliminate per diem is beyond the authority of the Legislative Salary Council. I support the Council's salary prescribed in 2017 and the recent increase prescribed as to the year 2019.

However, the Authority of the Legislative Salary Council is solely to prescribe the salary for legislators.

AUTHORITY

Article IV of the Minnesota Constitution, LEGISLATIVE DEPARTMENT, Sec. 9.

Compensation declares:

The salary of senators and representatives shall be prescribed by a council....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....

Minnesota Statute §15A.0825 LEGISLATIVE SALARY COUNCIL, states:

Duties: By March 31 of each odd-numbered year, the council must prescribe salaries for legislators....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....The report must describe the council's rationale for selecting the prescribed salaries.

Thus, the Constitutional Amendment states in part:

The salary of senators and representatives shall be prescribed by a council....taking into account any other legislative compensation provided to legislators by the State of Minnesota.

The enabling legislation states in part:

...the council must prescribe salaries for legislators....In setting salaries, the council must take into account any other legislative compensation....The report must describe the council's rationale for selecting the prescribed salaries.

As our original report of 2017 stated:

Minnesota is not alone in the use of per diem to supplement legislative salaries. A National Conference of State Legislature's survey shows per diem is part of the compensation package in 42 states.

The termination of per diem will eliminate rural legislators' ability to take legal tax deductions, and be paid for incidental expenses incurred due to living and maintaining two residences. The

majority's recommendation to terminate per diem is unauthorized as to the powers of the Salary as established by the voters in the Minnesota Constitution.

Respectfully Submitted:

Joseph M. Boyle
Council Member