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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 3796

March 4, 2008

Authored by Eken, Hosch, Moe, Severson, Haws and others
The bill was read for the first time and referred to the Committee on Rules and Legislative Administration

May 7, 2008

Committee Recommendation and Adoption of Report:
To Pass as Amended and re-referred to the Committee on Ways and Means

May 8, 2008

Committee Recommendation and Adoption of Report:
To Pass as Amended
Read Second Time

May 12, 2008

Fiscal Calendar, Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act
1.2 relating to state government; proposing an amendment to the Minnesota
1.3 Constitution, article IV, section 9; authorizing a council to establish salaries and
1.4 per diem for legislators; changing the composition of the Citizen Compensation
1.5 Council; amending Minnesota Statutes 2006, section 15A.082, subdivisions
1.6 1, 2, 3, 4.

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

1.8 Section 1. **CONSTITUTIONAL AMENDMENT PROPOSED.**

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

1.11 Sec. 9. The ~~compensation~~ salary of senators and representatives shall be prescribed
1.12 by law. ~~No increase of compensation shall take effect during the period for which the~~
1.13 ~~members of the existing house of representatives may have been elected.~~ a council
1.14 consisting of the following members: one person who is not a judge from each
1.15 congressional district appointed by the chief justice of the Supreme Court, and one
1.16 member from each congressional district appointed by the governor. Half of the members
1.17 appointed by the governor and half of the members appointed by the chief justice must
1.18 belong to the political party that has the most members in the legislature. Half of the
1.19 members appointed by the governor and half of the members appointed by the chief justice
1.20 must belong to the political party that has the second-most members in the legislature.
1.21 However, if Minnesota has an odd number of congressional districts, the smallest possible
1.22 majority of the members appointed by the governor and the smallest possible majority of
1.23 members appointed by the chief justice must belong to the political party that has the most
1.24 members in the legislature, and the remaining members must belong to the political party
1.25 that has the second-most members in the legislature. None of the members of the council

2.1 may be legislators. Membership terms and removal and compensation of members shall be
 2.2 as provided by law. The council must prescribe salaries and per diem by March 31 of each
 2.3 odd-numbered year, with any changes in salary and per diem to take effect on July 1 of that
 2.4 year. Other items of compensation for legislators shall be determined as provided by law.

2.5 **Sec. 2. SCHEDULE AND QUESTION.**

2.6 The proposed amendment must be submitted to the people at the 2008 general
 2.7 election. The question submitted must be:

2.8 "Shall the Minnesota Constitution be amended to remove legislators' ability to set
 2.9 their own salaries and per diem, and instead establish a citizens-only council to prescribe
 2.10 salaries and per diem for legislators?

2.11 Yes
 2.12 No"

2.13 **Sec. 3. Minnesota Statutes 2006, section 15A.082, subdivision 1, is amended to read:**

2.14 Subdivision 1. **Creation.** ~~★ An Executive and Judicial Compensation Council is~~
 2.15 ~~created each even-numbered~~ odd-numbered year to assist the legislature in establishing
 2.16 the compensation of constitutional officers, ~~members of the legislature,~~ justices of the
 2.17 Supreme Court, judges of the Court of Appeals and district court, and the heads of state
 2.18 and metropolitan agencies included in section 15A.0815.

2.19 **Sec. 4. Minnesota Statutes 2006, section 15A.082, subdivision 2, is amended to read:**

2.20 Subd. 2. **Membership.** The Executive and Judicial Compensation Council consists
 2.21 of 16 members: two members of the house of representatives appointed by the speaker of
 2.22 the house of representatives; two members of the senate appointed by the majority leader
 2.23 of the senate; one member of the house of representatives appointed by the minority leader
 2.24 of the house of representatives; one member of the senate appointed by the minority leader
 2.25 of the senate; two nonjudges appointed by the chief justice of the Supreme Court; and one
 2.26 member from each congressional district appointed by the governor, of whom no more
 2.27 than four may belong to the same political party. Appointments must be made ~~by October~~
 2.28 ~~+~~ after the first Monday in January and before January 15. The compensation and removal
 2.29 of members appointed by the governor or the chief justice shall be as provided in section
 2.30 15.059, subdivisions 3 and 4. The Legislative Coordinating Commission shall provide the
 2.31 council with administrative and support services.

2.32 **Sec. 5. Minnesota Statutes 2006, section 15A.082, subdivision 3, is amended to read:**

3.1 Subd. 3. **Submission of recommendations.** (a) By ~~May 1~~ March 31 in each
3.2 odd-numbered year, the Executive and Judicial Compensation Council shall submit
3.3 to the speaker of the house of representatives and the president of the senate salary
3.4 recommendations for constitutional officers, ~~legislators~~, justices of the Supreme Court,
3.5 and judges of the Court of Appeals and district court. The recommended salary for
3.6 each office must take effect on the first Monday in January of the next odd-numbered
3.7 year, with no more than one adjustment, to take effect on January 1 of the year after
3.8 that. The salary recommendations for ~~legislators~~, judges, and constitutional officers take
3.9 effect if an appropriation of money to pay the recommended salaries is enacted after the
3.10 recommendations are submitted and before their effective date. Recommendations may be
3.11 expressly modified or rejected. ~~The salary recommendations for legislators are subject to~~
3.12 ~~additional terms that may be adopted according to section 3.099, subdivisions 1 and 3.~~

3.13 (b) The council shall also submit to the speaker of the house of representatives and
3.14 the president of the senate recommendations for the salary ranges of the heads of state
3.15 and metropolitan agencies, to be effective retroactively from January 1 of that year if
3.16 enacted into law. The recommendations shall include the appropriate group in section
3.17 15A.0815 to which each agency head should be assigned and the appropriate limitation
3.18 on the maximum range of the salaries of the agency heads in each group, expressed as a
3.19 percentage of the salary of the governor.

3.20 Sec. 6. Minnesota Statutes 2006, section 15A.082, subdivision 4, is amended to read:

3.21 Subd. 4. **Criteria.** In making compensation recommendations, the Executive
3.22 and Judicial compensation council shall consider the amount of compensation paid
3.23 in government service and the private sector to persons with similar qualifications,
3.24 the amount of compensation needed to attract and retain experienced and competent
3.25 persons, and the ability of the state to pay the recommended compensation. ~~In making~~
3.26 ~~recommendations for legislative compensation, the council shall also consider the~~
3.27 ~~average length of a legislative session, the amount of work required of legislators during~~
3.28 ~~interim periods, and opportunities to earn income from other sources without neglecting~~
3.29 ~~legislative duties.~~

3.30 Sec. 7. **EFFECTIVE DATE.**

3.31 Sections 3 to 6 are effective January 1, 2009, if the constitutional amendment
3.32 proposed in section 1 is adopted by the voters.