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H.F. No. _____, as introduced - 87th Legislative Session (2011-2012)

1 A bill for an act
2 relating to accountability and transparency in legislator compensation; amending Minnesota
3 Statute 2010 sections 3.099 by adding a subdivision; 3A.01, subdivision 10; 15A.082,
4 subdivision 3; 161.1419, subdivision 4; 298.22, subdivision 2; 352D.04, subdivision 2;
5 298.2214, subdivision 6; repealing Minnesota Statute 2010 sections 3.101; 3.103; 3.885,
6 subdivision 2.

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

8 Section 1. Minnesota Statute 2010 section 3.099 is amended to read:

9 **3.099 PAY DAYS MEMBERS; COMPENSATION AND EXPENSES, FLEXIBLE**
10 **SESSIONS; LEADERS; MODIFICATION.**

11 Subdivision 1. **Pay Days ;mileage; per diem.** The compensation of each member of the
12 legislature is due on the first day the member takes the oath of office for ~~of the regular legislative~~
13 ~~session of the term~~ which the member was elected or appointed and payable ~~in equal parts on~~
14 ~~January 15, in the first month of each term and on the last first day of each following month~~
15 ~~during the term for which the member was elected. The compensation of each member of the~~
16 ~~legislature elected at a special election is due on the day the member takes the oath of office and~~
17 ~~payable within ten days of taking the oath for the remaining part of the month in which the oath~~
18 ~~was taken, and then in equal parts on the first day of each following month during the term for~~
19 ~~which the member was elected.~~

20 Each member shall receive mileage for necessary travel to the place of meeting and returning
21 to the member's residence in the amount and for trips as authorized by the senate for senate
22 members and by the house of representatives for house members.

23 Each member shall also receive per diem living expenses during a regular or special session
24 of the legislature in the amounts and for the purposes as determined by the senate for senate
25 members and by the house of representatives for house members.

26 Members must submit documentation to support a claim of reimbursement to the secretary of
27 the senate for senate members and the chief clerk of the house of representatives for house
28 members which shall be made available to the public for not less than one year preceding the end
29 of the member's term. On January 15 in the day that the compensation is payable first month of
30 ~~each term and on the first day of each following month, the secretary of the senate and the chief~~
31 ~~clerk of the house of representatives shall certify to the commissioner of management and~~
32 ~~budget, in duplicate, the amount of compensation then payable to each member of their~~
33 ~~respective houses and its total.~~

34 Subd. 2. [Repealed, 1987 c 404 s 191]

35 Subd. 3. **Compensation.** Any and all compensation of members of the legislature shall be
36 defined in this subdivision. Each member of the legislature shall receive:

37 (a) salary in the amount of \$250 per legislative day during a regular session, \$175 per
38 legislative day during a special session, and up to \$125 per day the legislature is not in session
39 and the member engages in official business of the state as prescribed by statute;

40 (b) leaders, as defined in subdivision 4 of this section, may receive up to 140 percent of the
41 salary as defined in paragraph (a).

42 (c) reimbursement for mileage necessarily and actually traveled to the place of meeting and
43 returning to the member's residence in the amount of 50¢ for each mile.

44 (d) reimbursement for living expenses necessarily and actually incurred to maintain a
45 temporary residence in the representative district that the place of meeting is located to engage in
46 official business of the state as defined by statute for: rent; renter's insurance; electricity; natural
47 gas and propane; and telephone service; and

48 (e) reimbursement for travel expenses necessarily and actually incurred for trips as
49 authorized by a resolution of the senate for senate members and the house of representatives for
50 house members. Such a resolution must itemize each expense allowed and the maximum
51 monetary value allowed for its reimbursement.

52 Subd. 4 3. **Leaders.** The senate Committee on Rules and Administration for the senate and
53 the house of representatives Committee on Rules and Legislative Administration for the house of
54 representatives may each designate for their respective body up to three leadership positions to
55 receive up to 140 percent of the compensation of other members.

56 At the commencement of each biennial legislative session, each house of the legislature shall
57 adopt a resolution designating its majority and minority leader.

58 The majority leader is the person elected by the caucus of members in each house which is its
59 largest political affiliation. The minority leader is the person elected by the caucus which is its
60 second largest political affiliation.

61 Subd. 5. **Modification.** Any addition or amendment of the compensation defined in
62 subdivision 3 of this section, or the deletion or repeal of this referendum requirement, must be
63 ratified by the voters of this state at the general election in the form of a ballot question, which
64 shall itemize each modification proposed.

65 Section 2. Minnesota Statute 2010 section 3A.01, subdivision 10, is amended to read:

66 Subd. 10. **Salary.** ~~(a)~~ “Salary” means the regular compensation defined by section 3.099,
67 subdivision 3(a), payable under law to a member of the legislature and paid to the person for
68 service as a legislator exclusive of:

69 ~~(b) The term includes the monthly compensation paid to the member of the legislature and~~
70 ~~the per diem payments paid during a regular or special session to the member of the legislature.~~

71 ~~(c) The term does not include per diem payments paid to a member of the legislature other~~
72 ~~than during the regular or special session; additional compensation attributable to a leadership~~
73 ~~position under section 3.099, subdivision 3(b); living expense payments under section 3.101; and~~
74 ~~special session living expense payments under section 3.103.~~

75 Section 3. Minnesota Statute 2010 section 15A.082, subdivision 3, is amended to read:

76 Subd. 3. **Submission of recommendations.** (a) By May 1 in each odd-numbered year, the
77 Compensation Council shall submit to the speaker of the house and the president of the senate
78 salary recommendations for constitutional officers, legislators, justices of the Supreme Court,

79 and judges of the Court of Appeals and district court. The recommended salary for each office
80 must take effect on the first Monday in January of the next odd-numbered year, with no more
81 than one adjustment, to take effect on January 1 of the year after that. The salary
82 recommendations for legislators, judges, and constitutional officers take effect if an
83 appropriation of money to pay the recommended salaries is enacted after the recommendations
84 are submitted and before their effective date. Recommendations may be expressly modified or
85 rejected. ~~The salary recommendations for legislators are subject to additional terms that may be~~
86 ~~adopted according to section 3.099, subdivisions 1 and 3.~~

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

93 Section 4. Minnesota Statute 2010 section 161.1419, subdivision 4, is amended to read:

94 Subd. 4. **Compensation, supplies, staff.** Compensation of legislative members of the
95 commission is as provided in section ~~3.099, subdivision 3~~ ~~3.101~~. Compensation of the remaining
96 members is as provided in section 15.0575. The commission may purchase supplies, employ
97 part-time or full-time employees, and do all things reasonably necessary and convenient in
98 carrying out the purposes of this section.

99 Section 5. Minnesota Statute 2010 section 298.22, subdivision 2, is amended to read:

100 Subd. 2. **Iron Range Resources and Rehabilitation Board.** There is hereby created the Iron
101 Range Resources and Rehabilitation Board, consisting of 13 members, five of whom are state
102 senators appointed by the Subcommittee on Committees of the Rules Committee of the senate,
103 and five of whom are representatives, appointed by the speaker of the house. The remaining
104 members shall be appointed one each by the senate majority leader, the speaker of the house, and
105 the governor and must be nonlegislators who reside in a taconite assistance area as defined in
106 section 273.1341. The members shall be appointed in January of every odd-numbered year,
107 except that the initial nonlegislator members shall be appointed by July 1, 1999, and shall serve
108 until January of the next odd-numbered year. Vacancies on the board shall be filled in the same
109 manner as the original members were chosen. At least a majority of the legislative members of
110 the board shall be elected from state senatorial or legislative districts in which over 50 percent of
111 the residents reside within a taconite assistance area as defined in section 273.1341. All
112 expenditures and projects made by the commissioner of Iron Range resources and rehabilitation
113 shall be consistent with the priorities established in subdivision 8 and shall first be submitted to
114 the Iron Range Resources and Rehabilitation Board for approval of expenditures and projects for
115 rehabilitation purposes as provided by this section, and the method, manner, and time of payment
116 of all funds proposed to be disbursed, by at least seven Iron Range Resources and Rehabilitation
117 Board members. The board shall biennially make its report to the governor and the legislature on
118 or before November 15 of each even-numbered year. The expenses of the board shall be paid by
119 the state from the funds raised pursuant to this section. Members of the board who are legislators
120 may be reimbursed for expenses ~~in the manner provided in sections 3.099, subdivision 1, and~~

121 ~~3.101~~, and may receive salary per diem payments during the interims between legislative
122 sessions in the manner provided in section 3.099, subdivision ~~3~~ ~~4~~. Members of the board who are
123 not legislators may receive salary per diem payments and be reimbursed for expenses at the
124 lowest rate provided for legislative members.

125 Section 6. Minnesota Statute 2010 section 352D.04, subdivision 2, is amended to read:

126 Subd. 2. **Contribution rates.** (a) The money used to purchase shares under this section is the
127 employee and employer contributions provided in this subdivision.

128 (b) The employee contribution is an amount equal to the percent of salary specified in section
129 352.04, subdivision 2, or 352.045, subdivision 3.

130 (c) The employer contribution is an amount equal to six percent of salary.

131 (d) For members of the legislature, the contributions under this subdivision also must be
132 made on salary per diem payments received during a regular or special legislative session as
133 defined by section 3.099, subdivision 3(a), but may not be made on salary per diem payments
134 received outside of a regular or special legislative session, or on the additional compensation
135 attributable to a leadership position under section 3.099, subdivision ~~4~~ ~~3~~, ~~living expense~~
136 ~~payments under section 3.101, or special session living expense payments under section 3.103.~~

137 (e) For a judge who is a member of the unclassified plan under section 352D.02, subdivision
138 1, paragraph (c), clause (16), the employee contribution rate is eight percent of salary, and there
139 is no employer contribution.

140 (f) These contributions must be made in the manner provided in section 352.04, subdivisions
141 4, 5, and 6.

142 Section 7. Minnesota Statute 2010 section 298.2214, subdivision 6, is amended to read:

143 Subd. 6. **Compensation Per diem.** Members of the committee may be reimbursed for
144 expenses in the manner provided in section 298.22, subdivision 2.

145 Section 8. **REPEALER.**

146 Minnesota Statute 2010 sections 3.101; 3.103; and 3.885, subdivision 2, are repealed.

147 Section 9. **EFFECTIVE DATE.**

148 Sections 1 to 8 are effective on the first day of the 88th Legislative Session.