

**SENATE  
STATE OF MINNESOTA  
NINETY-FIRST SESSION**

**S.F. No. 581**

(SENATE AUTHORS: EKEN and Marty)

DATE	D-PG	OFFICIAL STATUS
01/28/2019	187	Introduction and first reading Referred to State Government Finance and Policy and Elections

1.1 A bill for an act

1.2 relating to constitutional amendments; proposing an amendment to the Minnesota

1.3 Constitution, article IV, section 9; eliminating per diem living expenses to

1.4 legislators during a regular or special session of the legislature; amending Minnesota

1.5 Statutes 2018, section 3.099, subdivision 1; repealing Minnesota Statutes 2018,

1.6 section 3.101.

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

1.8 **ARTICLE 1**

1.9 **CONSTITUTIONAL AMENDMENT**

1.10 Section 1. **CONSTITUTIONAL AMENDMENT PROPOSED.**

1.11 An amendment to the Minnesota Constitution is proposed to the people. If the amendment

1.12 is adopted, article IV, section 9, will read:

1.13 Sec. 9. The salary of senators and representatives shall be prescribed by a council

1.14 consisting of the following members: one person who is not a judge from each congressional

1.15 district appointed by the chief justice of the Supreme Court, and one member from each

1.16 congressional district appointed by the governor. If Minnesota has an odd number of

1.17 congressional districts, the governor and the chief justice must each appoint an at-large

1.18 member in addition to a member from each congressional district. One-half of the members

1.19 appointed by the governor and one-half of the members appointed by the chief justice must

1.20 belong to the political party that has the most members in the legislature. One-half of the

1.21 members appointed by the governor and one-half of the members appointed by the chief

1.22 justice must belong to the political party that has the second-most members in the legislature.

1.23 None of the members of the council may be current or former legislators, or the spouse of

1.24 a current legislator. None of the members of the council may be current or former lobbyists

2.1 registered under Minnesota law. None of the members of the council may be a current  
 2.2 employee of the legislature. None of the members of the council may be a current or former  
 2.3 judge. None of the members of the council may be a current or former governor, lieutenant  
 2.4 governor, attorney general, secretary of state, or state auditor. None of the members of the  
 2.5 council may be a current employee of an entity in the executive or judicial branch.

2.6 Membership terms, removal, and compensation of members shall be as provided by law.

2.7 The council must prescribe salaries by March 31 of each odd-numbered year, taking into  
 2.8 account any other legislative compensation provided to legislators by the state of Minnesota,  
 2.9 with any changes in salary to take effect on July 1 of that year. Any salary increase for  
 2.10 legislators authorized in law by the legislature after January 5, 2015, is repealed.

2.11 A senator or representative is prohibited from receiving per diem living expenses during  
 2.12 a regular or special session of the legislature.

2.13 **Sec. 2. SUBMISSION TO VOTERS.**

2.14 The proposed amendment must be submitted to the people at the 2020 general election.

2.15 The question submitted must be:

2.16 "Shall the Minnesota Constitution be amended to eliminate per diem payments to state  
 2.17 lawmakers?"

2.18 Yes .....

2.19 No ..... "

2.20 **ARTICLE 2**  
 2.21 **CONFORMING CHANGES**

2.22 Section 1. Minnesota Statutes 2018, section 3.099, subdivision 1, is amended to read:

2.23 Subdivision 1. **Paydays; mileage; per diem.** The compensation of each member of the  
 2.24 legislature is due on the first day of the regular legislative session of the term and payable  
 2.25 in equal parts on January 15, in the first month of each term and on the first day of each  
 2.26 following month during the term for which the member was elected. The compensation of  
 2.27 each member of the legislature elected at a special election is due on the day the member  
 2.28 takes the oath of office and payable within ten days of taking the oath for the remaining  
 2.29 part of the month in which the oath was taken, and then in equal parts on the first day of  
 2.30 each following month during the term for which the member was elected.

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

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

3.7 On January 15 in the first month of each term and on the first day of each following  
3.8 month, the secretary of the senate and the chief clerk of the house of representatives shall  
3.9 certify to the commissioner of management and budget, in duplicate, the amount of  
3.10 compensation then payable to each member of their respective houses and its total.

3.11 Sec. 2. **REPEALER.**

3.12 Minnesota Statutes 2018, section 3.101, is repealed.

3.13 Sec. 3. **EFFECTIVE DATE.**

3.14 This article is effective July 1, 2021, if the constitutional amendment proposed to the  
3.15 people in article 1 is adopted at the 2020 general election.

**3.101 LIVING EXPENSES.**

A member of the legislature in addition to the compensation and mileage otherwise provided by law shall be reimbursed for living and other expenses incurred in the performance of duties or engaging in official business during a regular or special session and when the legislature is not in session in the manner and amount prescribed by the senate Committee on Rules and Administration for senators and by the house of representatives Committee on Rules and Legislative Administration for house of representatives members.