

CHAPTER 3

THE LEGISLATURE

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3.01 SESSIONS. The legislature shall assemble at the seat of government on the first Tuesday after the first Monday in January of each odd-numbered year, and at such other times as it may be called by the governor to meet in extra session.

[R. L. s. 9] (24)

3.02 EVIDENCE OF MEMBERSHIP. For all purposes of organization of either house of the legislature, a certificate of election thereto, duly executed by the auditor of the proper county, shall be prima facie evidence of the right to membership of the person therein named.

[R. L. s. 10] (25)

3.03 TEMPORARY EMPLOYEES. At the opening of each session of the legislature, the superintendent of the capitol shall employ the following assistants who shall serve until their places are filled by action of the respective houses and no longer: For the senate, two doorkeepers, one cloakroom keeper, and two pages; and for the house of representatives, two doorkeepers, three cloakroom keepers, and four pages.

[R. L. s. 11] (26)

3.04 COMPENSATION OF TEMPORARY EMPLOYEES. Each door and cloakroom keeper so temporarily employed shall be paid \$3.00 per day, and each page \$2.00 per day, for the time of his actual service; but none of them shall receive any pay until the superintendent of the capitol shall have certified to the number of days of such service, and the amount due therefor. No other person shall be paid for assistance rendered to either house during its organization.

[R. L. s. 12] (27)

3.05 ORGANIZATION. At noon of the day appointed for the convening of the legislature, the members thereof shall meet in their respective chambers. The lieutenant governor shall call the senate to order; and the secretary of state, the house of representatives. In the absence of either of these officers, the oldest member present shall act in his place. The person so acting shall appoint, from the members present, a clerk pro tem, who shall call the legislative districts in the order of their numbers; and, as each is called, the persons claiming to be members therefrom shall present their certificates to be filed. All whose certificates are so presented shall then stand and be sworn.

[R. L. s. 13] (28)

3.06 OFFICERS AND EMPLOYEES. Thereupon, a quorum being present, the respective houses shall elect, by a viva voce vote, and in the order hereinafter named, the following officers, any of whom may be removed by resolution of the appointing body:

The senate, a secretary, a first and a second assistant secretary, an enrolling clerk, an engrossing clerk, a sergeant-at-arms, an assistant sergeant-at-arms, and a chaplain; and

The house, a speaker, who shall be a member thereof, a chief clerk, a first and a second assistant clerk, an index clerk, an assistant revision clerk, a sergeant-at-arms, an assistant sergeant-at-arms, a postmaster, an assistant postmaster, and a chaplain.

[G. S. 1894 s. 220; R. L. s. 14; 1905 c. 52 s. 1; Ex. 1936 c. 4 s. 1] (29) (30)

3.07 ADDITIONAL EMPLOYEES. Each house, after its organization, may appoint, and at pleasure remove, such necessary doorkeepers, cloakroom keepers, clerks, messengers, and other employees as are provided for by its permanent rules, or recommended by its committee on legislative expenses. All members, officers, and employees shall be paid by the day, counting the first and last days of each session and every intervening day; and, unless otherwise expressly provided by law, no officer or employee shall receive any other compensation for his services, whether rendered before, during, or after the session. In no case shall pay be allowed for time preceding the election or appointment nor after the membership or employment has ceased.

[R. L. s. 15] (31)

3.08 ELECTION; DUTIES; JURY EXEMPTION. A majority of all the votes given upon the election or appointment of any officer or employee of either house shall be necessary to a choice. Such officers and employees, in addition to the duties prescribed by law, shall perform such services as may be required of them by rule or vote of the appointing body, or by direction of any committee thereof. During all sessions the members, officers, and employees of each house shall be exempt from duty as jurors.

[R. L. s. 16] (32)

3.09 COMPENSATION OF EMPLOYEES. The compensation of members, officers, and employees shall be at the following rates per day respectively:

(1) The secretary of the senate and chief clerk of the house, \$10.00 each; and, in addition thereto, each shall receive \$200.00 for properly indexing the journals of their respective houses, and reading and correcting the printer's proofs thereof;

(2) The assistant secretaries and assistant clerks, \$7.00 each;

(3) Clerks of committees, such sum as may be fixed by a resolution of the appointing body, not exceeding \$10.00 each;

(4) Messengers, not exceeding \$2.50 each;

(5) All other employees, for the time of service actually performed, \$5.00 each, unless fixed at a less sum by resolution of the appointing body; and

(6) Assistants of the enrolling and engrossing clerks, who are not paid by the day, shall receive not exceeding eight cents per folio for matter properly transcribed by them, respectively, under the direction of such clerks.

[R. L. s. 17; 1907 c. 229 s. 1; 1909 c. 132 s. 1; Ex. 1936 c. 115 s. 1; Ex. 1937 c. 82 s. 1] (33)

3.10 COMPENSATION AND MILEAGE OF MEMBERS. The compensation of members of the house of representatives of the legislature of the state of Minnesota shall be \$1,000 for the entire term to which they are elected, payable as follows: \$250.00 on the first day of February, \$250.00 on the fifteenth day of March of the year in which the regular legislative session is held, and \$500.00 on the last day of the regular legislative session; the compensation of senators of the legislature shall be \$2,000 for the entire term to which they are elected, payable as follows: \$250.00 on the first day of February, \$250.00 on the fifteenth day of March of each year in which a regular legislative session is held, and \$500.00 on the last day of such regular legislative session. In the event of extra legislative sessions, members of the legislature shall receive and be entitled to additional compensation at the rate of \$10.00 per day for each day while so engaged in extra session; provided, that the maximum amount for each member of the legislature shall not exceed the sum of \$300.00 for each extra session. The additional compensation shall be paid to the members of the legislature every ten days and on the last day during such extra legislative session.

Each member shall receive mileage at the rate of 15 cents per mile for the distance necessarily traveled in going to and returning from the place of meeting, computed from his place of residence. The amount paid as mileage to each member shall not exceed the sum of \$200.00 during any session of the legislature.

[R. L. s. 17; 1907 c. 229 s. 1; 1909 c. 132 s. 1; Ex. 1936 c. 67; Ex. 1936 c. 115 s. 1; Ex. 1937 c. 82 s. 1] (33) (35)

3.11 COMPENSATION AND MILEAGE, WHEN PAID. On the eleventh day of the session, and on every tenth day thereafter, the secretary of the senate and the chief clerk of the house shall certify to the state auditor, in duplicate, the amount of compensation due each officer and employee of their respective houses for the preceding ten days, and the aggregate thereof. As soon as the committee on mileage of either house shall have reported, and the report has been approved by the respective houses, fixing the amount of mileage due each member, the secretary of the senate and the chief clerk of the house shall certify the aggregate amount of mileage due each member and the same and all thereof shall then be due and payable. Suitable blanks for such certificates shall be furnished by the auditor. Upon receipt of one of such duplicates, with a certificate of approval thereof by the auditor, and his warrant for payment, the state treasurer shall forthwith pay to the several persons named the amounts to which each is thereby shown to be entitled, taking his receipt therefor. No member, officer, or employee shall receive pay for the time of any unexcused absence, and the treasurer shall have credit under this section only for sums actually disbursed.

[R. L. s. 18; 1909 c. 2 s. 1] (34)

3.12 COMPENSATION; MILEAGE. The compensation provided for in section 3.11 shall be in full for all services which are required to be performed by senators and representatives, whether rendered during the session of the legislature or subsequent to the adjournment thereof. Nothing in sections 3.09, 3.12, and 3.13 shall affect the compensation of senators and representatives for mileage in going to and returning from the session of the legislature.

[1907 c. 229 s. 2] (36)

3.13 PRESIDENT AND SPEAKER; COMPENSATION. The president of the senate and the speaker of the house shall receive, in addition to the amounts specified in section 3.09, the sum of \$5.00 each per day during any session of the legislature.

[1907 c. 229 s. 3] (37)

3.14 CONTEMPTS. Each house may punish, as a contempt, any breach of its privileges, or of the privileges of its members, but only for one or more of the following offenses:

(1) Arresting or causing to be arrested, any member or officer thereof, in violation of his privilege from arrest;

(2) Disorderly conduct in its view and presence, or in the view and presence of any of its committees, tending to interrupt their proceedings;

(3) Refusing to attend or be examined as a witness, before either house or any committee thereof, or before any person authorized by such house or committee to take testimony in legislative proceedings;

(4) Giving or offering a bribe to any member, or attempting by menace or by any corrupt or improper means, directly or indirectly, to control or influence a member in giving or withholding his vote. No person shall be excused from attending and testifying before either house of the legislature, or a committee thereof, for an alleged offense upon an investigation in reference to such giving or offering of a bribe, or attempting by menace or by any corrupt or improper means, directly or indirectly, to control or influence a member in giving or withholding his vote upon the ground, or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to convict him of a crime or subject him to a penalty or forfeiture; but no person shall be prosecuted, or subjected to any penalty or forfeiture for, or on account of, any transaction, matter, or thing concerning which he may so testify, or produce evidence, documentary or otherwise, and no testimony, so given or produced, shall be received against him upon any criminal investigation or proceeding.

[R. L. s. 19; 1907 c. 319 s. 1] (38)

3.15 PUNISHMENT FOR CONTEMPT. Punishment for contempt shall be by imprisonment, but the term thereof shall not extend beyond the session at which it is inflicted. When either house shall direct the imprisonment of any person for a contempt the keeper of the common jail of the county in which the seat of government is situated shall receive such person and detain him in close confinement during the term fixed by the order of commitment, or until he is discharged by vote of the committing body or by due process of law.

[R. L. s. 20] (39)

3.16 MEMBERS, OFFICERS OF, AND ATTORNEYS EMPLOYED BY, EXCUSED FROM COURT DUTIES. No member or officer of, or any attorney

employed by, the legislature shall be compelled to attend as a witness in any court of this state during the session of the legislature, unless the court in which the action is pending, upon sufficient showing, shall otherwise order with the consent of the presiding officer of the body of which such witness is an employee or the consent of the body of which such witness is a member. No cause or proceeding, civil or criminal, in court or before any commission or officer or referee thereof or motion or hearing therein, in which a member or officer of, or any attorney employed by, the legislature is a party, attorney, or witness shall be tried or heard during the session of the legislature but shall be continued until the legislature shall have adjourned. The member or officer of, or any attorney employed by, the legislature may, with the consent of the body of the legislature of which he is a member or officer, or employed by, waive this privilege and in this case the cause or proceeding, motion, or hearing may be tried or heard at such time as will not conflict with legislative duties.

[1909 c. 51 s. 1; 1925 c. 18; 1927 c. 47; 1929 c. 19; 1941 c. 45 s. 1] (40)

3.17 JOURNALS. A journal of the daily proceedings in each house shall be printed and laid before each member at the beginning of the next day's session. After it has been publicly read and corrected, a copy of the journal, kept by the secretary and chief clerk, respectively, and a transcript thereof as approved shall be certified by the secretary or clerk to the printer, who shall print the corrected sheets for the permanent journal. Executive messages, addresses, reports, communications, and all voluminous documents other than amendments to the constitution or to bills and resolutions and the protests of members submitted under the Constitution of the State of Minnesota, Article 4, Section 16, shall be omitted from the journals, unless otherwise ordered by vote.

[R. L. s. 21] (41)

3.18 OTHER RECORDS. Each house may determine, by rule or resolution, what number of copies of its journal shall be printed, and the form and contents of the other records it may see fit to keep. In like manner it may cause to be printed, in an appendix to its journal, the documents it shall desire to so preserve; but, if both houses shall order the same document to be so printed, it shall be inserted only in the appendix to the senate journal.

[R. L. s. 22] (42)

3.19 ENGROSSING AND ENROLLING. All bills, joint resolutions, and legislative acts may be engrossed or enrolled, as the case may be, by pen and ink, in long hand, or by printing, or by typewriting, or partly in either manner.

[1905 c. 153 s. 1] (43)

AMENDMENTS TO THE CONSTITUTION

3.20 FORM OF ACT; SUBMISSION. Every act for the submission of an amendment to the constitution shall set forth the section as the same will read in case the amendment is adopted, with such other matter only as may be necessary to show in what section or article the alteration is proposed. It shall be submitted and voted upon at the general election next ensuing in the manner provided for by the general law relating to such elections. If adopted, the governor shall announce the fact by proclamation.

[R. L. s. 25] (45)

3.21 NOTICE. At least four months preceding such election, the attorney general shall furnish to the secretary of state a statement of the purpose and effect of all amendments proposed showing clearly the form of the existing sections, and of the same as they will read if amended, except that when any section to which an amendment is proposed exceeds 150 words in length, the statement shall show that part of the section in which a change is proposed, both in its existing form and as it will read when amended, together with such portions of the context as the attorney general deems necessary to an understanding of the proposed amendment. Prior to the election, the secretary of state shall give three weeks' published notice of such statement in all legal newspapers of the state. The secretary of state shall furnish such statement in plate form to such newspapers, the expense of which shall be borne by the newspapers. The maximum rate for such publication shall be 25 cents per folio for each of the three publications, but shall not exceed \$50.00 for each newspaper unless the publication exceeds 80 inches in length, in which case the excess

shall be paid for at the rate of 15 cents per inch for each publication thereof. Daily newspapers having a bona fide circulation, not including exchanges or other complimentary circulation, of 10,000 shall receive 75 cents per folio for the first publication and 35 cents per folio for each of the two subsequent publications; not to exceed \$150.00 for each of such daily newspapers. If any newspaper shall refuse the publication of the amendments, this refusal and failure of the publication shall have no effect on the validity of the amendments. The secretary of state shall also forward to each county auditor a number of copies of such statement, in poster form, sufficient to enable him to supply at least six of such copies for each election district of his county. The auditor shall furnish such copies to the town, village, and city clerks, who shall give three weeks' posted notice thereof, and cause one copy to be conspicuously posted at each polling place on election day. Wilful or negligent failure by any official named to perform any duty imposed upon him by this section shall be deemed a misdemeanor.

[R. L. s. 25; 1907 c. 152; 1913 c. 299 s. 1; 1941 c. 136 s. 1] (46)

3.22 PAYMENT. The publisher of any newspaper publishing the proposed amendments shall, before receiving his fees for the publication, file with the secretary of state an affidavit showing the qualification and legality of the newspaper and that the publication of such amendments has been made as required by law.

[1913 c. 299 s. 2] (47)

STANDING APPROPRIATIONS

3.23 STANDING APPROPRIATION. A standing appropriation, within the meaning of sections 3.23 and 3.24, is one which sets apart a specified or unspecified and open amount of public money or funds of the state revenue fund for expenditure for any purpose and makes that amount, or some part of it, available for use continuously and at a time more distant than the end of the second fiscal year after the session of the legislature at which the appropriation is made.

Every appropriation stated to be an "annual appropriation," "payable annually," "appropriated annually," or "annually appropriated," and every appropriation described by equivalent terms or language is to be included among the standing appropriations as hereinbefore defined.

[1913 c. 140 s. 1] (48)

3.24 STANDING APPROPRIATION REPEALED. Each and every provision of the laws of Minnesota constituting a standing appropriation of money from the revenue fund, or derived from any revenue of the state, or in any way justifying the continuous payment of any money from the treasury of the state, is hereby repealed, except in cases where there is a provision for a tax levy or fees or receipts for any purpose and set apart in a special fund, and also excepting the miscellaneous receipts of all state educational, charitable, and penal institutions, and the state agricultural society; and all standing or continuous appropriations not based on a tax levy, fees, or receipts, as heretofore provided, are hereby abolished and terminated and each and every word, clause, and paragraph providing for such appropriations is hereby stricken from the laws of this state, respectively, in which they occur.

All acts containing provisions for standing appropriations shall remain unaffected by sections 3.23 and 3.24, except as to such appropriations and the amount thereof.

[1913 c. 140 s. 2] (49)

UNIFORMITY OF LEGISLATION

3.25 UNIFORMITY OF LEGISLATION. On or before the first day of June in each odd-numbered year, the governor, the attorney general, and the chief justice of the supreme court, or a majority thereof shall appoint three suitable persons learned in the law, who, with their successors, are hereby constituted a board of commissioners for the promotion of the uniformity of legislation in the United States, who shall hold their offices for the term of two years from the time they are appointed, or until their successors shall be appointed; and any vacancy in the board shall be filled by the appointment, by the appointing officers, to fill such vacancy for the remainder of such term, of a suitable person having the qualifications herein specified for the original appointment.

[1911 c. 68 s. 1] (50)

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3.26 DUTIES. It shall be the duty of the board to examine the subjects of marriage and divorce, insolvency, the form of notarial certificates, the descent and distribution of property, the acknowledgment of deeds, the execution and probate of wills, and other subjects upon which uniformity is desirable; to confer with the commissioners appointed for the same purpose by any other states in drafting uniform laws to be submitted for approval and adoption by the several states; and the board of commissioners shall meet annually with the conference of commissioners on uniform state laws for the promotion of uniformity of legislation in the United States and join with it in such measures as may be deemed by the board most expedient to advance the objects of the conference.

[1911 c. 68 s. 2] (51)

3.27 REPORT. The board of commissioners shall keep a record of all its transactions and shall, at the beginning of each biennial session of the legislature of this state, and may, at any other time, make a report of its doings and of its recommendations to the legislature.

[1911 c. 68 s. 3] (52)

3.28 EXPENSES. No member of the board shall receive any compensation for his services, but each member of the board shall be reimbursed out of the funds hereinafter provided, upon the certificate of the board, approved by the state auditor, the amount of his traveling and other personal expenses necessarily incurred in the discharge of his official duties, but such expense shall not exceed, for any member, in any year, \$125.00 and the board is hereby authorized to expend not to exceed, in any year, the sum of \$500.00 for its necessary disbursements and expenses, including the personal expenses of the members of the board necessarily incurred in the performance of their duties; and, upon the requisition of the board, approved by the state auditor, there shall annually be paid out of the state treasury to the national conference of commissioners on uniform laws the sum of \$500.00, or such part thereof as the board shall deem proper, to meet, with appropriations for similar purposes by other states, the proper proportion to be paid by the state towards the expenses of the work carried on by the national conference; and to carry out the provisions of sections 3.25 to 3.28 a sum not exceeding \$1,000 per year may be expended, and for that purpose the sum of \$1,000 is hereby annually appropriated out of any money in the state treasury, not otherwise appropriated, belonging to the general fund and the money herein appropriated shall be drawn from, and become payable out of, the state treasury by requisitions upon the state treasury by the board after the approval of such requisitions by the state auditor.

[1911 c. 68 s. 4] (53)