

CHAPTER 3

THE LEGISLATURE

Sec.		Sec.	
3.01	Sessions	3.17	Journals
3.02	Evidence of membership	3.18	Other records
3.03	Temporary employees	3.19	Engrossing and enrolling
3.04	Compensation of temporary employees		AMENDMENTS TO THE CONSTITUTION
3.05	Organization	3.20	Form of act; submission
3.06	Officers and employees	3.21	Notice
3.07	Additional employees	3.22	Payment
3.08	Election; duties; jury exemption		STANDING APPROPRIATIONS
3.09	Compensation of employees	3.23	Standing appropriation
3.10	Compensation and mileage of members	3.24	Standing appropriations repealed
3.11	Compensation and mileage, when paid		UNIFORMITY OF LEGISLATION
3.12	Compensation; mileage	3.251	Commission on uniform state laws
3.13	President and speaker; compensation	3.252	Commissioners to represent state
3.14	Contempts	3.253	No compensation for commissioners
3.15	Punishment for contempt	3.254	Present commissioners to serve until successors are appointed
3.16	Members and officers excused from court duties		

THE LEGISLATURE

**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 \$2000 for the entire term to which they are elected, payable as follows: \$500 on the first day of February, \$500 on the first day of March, \$500 on the first day of April of the year in which the regular legislative session is held, and \$500 on the last day of the regular legislative session; the compensation of Senators of the Legislature shall be \$4,000 for the entire term to which they are elected, payable as follows: \$500 on the first day of February, \$500 on the first day of March and \$500 on the first day of April of each year in which a regular legislative session is held, and \$500 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. 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 and returning from the place of meeting, computed from his place of residence.

[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; 1943 c. 326 s. 1; 1943 c. 629 ss. 1, 2] (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. 24] (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)

3.25-3.28 [Repealed by 1943 c. 348 s. 5]

### UNIFORMITY OF LEGISLATION

**3.251 COMMISSION ON UNIFORM STATE LAWS.** A commission on uniform state laws in the several states of the United States is created. Before the first day of June, each odd-numbered year, the governor, the attorney general, and the chief justice of the supreme court shall appoint three persons learned in the law to serve as commissioners for a term of two years, and until their successors are appointed. If a vacancy occurs in the commission the appointing officers shall fill the vacancy for the remainder of the term.

[*1943 c. 348 s. 1*]

**3.252 COMMISSIONERS TO REPRESENT STATE.** The commissioners shall represent this state in the National Conference of Commissioners on Uniform State Laws; examine into legal subjects on which uniformity of legislation in the different states is desirable; ascertain the best means to effect uniformity; represent Minnesota in conventions of like commissioners of other states; cooperate in the consideration and drafting of uniform acts for submission to the legislatures of the several states; prepare bills adapting such uniform acts to our statutes for introduction in the legislature. The commission shall keep a record of all its transactions and report its activities and recommendations to the legislature at the beginning of each biennial session and may so report and recommend at any other time.

[1943 c. 348 s. 2]

**3.253 NO COMPENSATION FOR COMMISSIONERS.** The commissioners shall serve without compensation for services as commissioners.

[1943 c. 348 s. 3]

**3.254 PRESENT COMMISSIONERS TO SERVE UNTIL SUCCESSORS ARE APPOINTED.** The commissioners serving on April 9, 1943, are to continue in office until their successors are appointed.

[1943 c. 348 s. 4]