

CHAPTER 3

THE LEGISLATURE

3.01 SESSIONS.

HISTORY. 1849 c. 18; R.S. Ter. 1851 c. 3 s. 1; Aug. 10, 1858, s. 2; G.S. 1866 c. 3 s. 3; 1878 c. 23 s. 1; G.S. 1878 c. 3 s. 4; G.S. 1894 s. 217; R.L. 1905 s. 9; G.S. 1913 s. 24; G.S. 1923 s. 24; M.S. 1927 s. 24.

3.02 EVIDENCE OF MEMBERSHIP.

HISTORY. Aug. 2, 1858, c. 1; G.S. 1866 c. 3 s. 4; G.S. 1878 c. 3 s. 5; G.S. 1894 s. 218; R.L. 1905 s. 10; G.S. 1913 s. 25; G.S. 1923 s. 25; M.S. 1927 s. 25.

CERTIFICATE OF ELECTION may be executed by the deputy county auditor. *Crowell v Lambert*, 10 M 369 (295).

3.03 TEMPORARY EMPLOYEES.

HISTORY. 1893 c. 39 s. 1; G.S. 1894 s. 223; R.L. 1905 s. 11; G.S. 1913 s. 26; G.S. 1923 s. 26; M.S. 1927 s. 26.

3.04 COMPENSATION OF TEMPORARY EMPLOYEES.

HISTORY. 1893 c. 39 ss. 1, 2; G.S. 1894 ss. 223, 224; R.L. 1905 s. 12; G.S. 1913 s. 27; G.S. 1923 s. 27; M.S. 1927 s. 27.

3.05 ORGANIZATION.

HISTORY. G.S. 1866 c. 3 ss. 5, 7; 1872 c. 58 s. 1; G.S. 1878 c. 3 ss. 6, 8; G.S. 1894 ss. 219, 221; R.L. 1905 s. 13; G.S. 1913 s. 28; G.S. 1923 s. 28; M.S. 1927 s. 28.

3.06 OFFICERS AND EMPLOYEES.

HISTORY. R.S. Ter. 1851 c. 3 s. 10; Aug. 2, 1858; P.S. 1858 c. 3 ss. 3, 7; G.S. 1866 c. 3 ss. 6, 7; 1872 c. 58 s. 1; G.S. 1878 c. 3 ss. 7, 8; G.S. 1894 ss. 220, 221; 1905 c. 52 s. 1; R.L. 1905 s. 14; G.S. 1913 ss. 29, 30; G.S. 1923 ss. 29, 30; M.S. 1927 ss. 29, 30; Ex. 1936 c. 4 s. 1.

3.07 ADDITIONAL EMPLOYEES.

HISTORY. 1873 c. 113 s. 1; G.S. 1878 c. 3 s. 16; 1893 c. 107; G.S. 1894 s. 232; R.L. 1905 s. 15; G.S. 1913 s. 31; G.S. 1923 s. 31; M.S. 1927 s. 31.

3.08 ELECTION; DUTIES; JURY EXEMPTION.

HISTORY. R.S. Ter. 1851 c. 3 ss. 15, 18; P.S. 1858 c. 4 ss. 12, 14; G.S. 1866 c. 3 s. 10; G.S. 1878 c. 3 s. 11; 1889 c. 51 s. 1; G.S. 1894 ss. 226, 230; R.L. 1905 s. 16; G.S. 1913 s. 32; G.S. 1923 s. 32; M.S. 1927 s. 32.

3.09 COMPENSATION OF EMPLOYEES.

HISTORY. 1873 c. 113 ss. 1, 2, 3; G.S. 1878 s. 3 ss. 16, 17, 18; 1883 c. 14 s. 1; 1889 c. 51 s. 1; G.S. 1894 ss. 230, 232; R.L. 1905 s. 17; 1907 c. 229 s. 1; 1909 c. 132 s. 1; G.S. 1913 s. 33; G.S. 1923 s. 33; M.S. 1927 s. 33; Ex. 1936 c. 115 s. 1; Ex. 1937 c. 82 s. 1.

3.10 COMPENSATION AND MILEAGE OF MEMBERS.

HISTORY. 1868 c. 43; 1893 c. 107; G.S. 1894 ss. 233, 234; R.L. 1905 s. 17; 1907 c. 229 s. 1; 1909 c. 132 s. 1; G.S. 1913 ss. 33, 35; G.S. 1923 ss. 33, 35; M.S. 1927 ss. 33, 35; Ex. 1936 c. 67; Ex. 1936 c. 115 s. 1; Ex. 1937 c. 82 s. 1; 1943 c. 326; 1943 c. 629.

COMPENSATION INCREASES. Members of a legislature that voted to increase compensation of legislators at the succeeding session are not thereby barred from being candidates for reelection. *State ex rel Olson v Scott*, 105 M 513, 117 NW 845, 1044.

Relator, otherwise qualified, was properly refused permission by the secretary of state to file as a candidate for the office of lieutenant governor because not eligible under Minnesota Constitution, Article 4, Section 9, in that he was a state senator of the 1943 session of the state legislature, which increased the salary of members effective the first Tuesday after the first Monday in January 1945, which automatically under Minnesota Constitution, Article 5, Section 6, increased the compensation of the lieutenant governor to double that of a state senator, and had the effect of disqualifying relator from filing, although he resigned as state senator May 10, 1943, becoming lieutenant governor by filling a vacancy in that office. *Miller v Holm*, 217 M 166, 14 NW(2d) 99.

3.11 COMPENSATION AND MILEAGE, WHEN PAID.

HISTORY. Joint Res. Feb. 3, 1874; G.S. 1878 c. 3 ss. 22 to 27; G.S. 1894 ss. 238 to 243; R.L. 1905 s. 18; G.S. 1913 s. 34; G.S. 1923 s. 34; M.S. 1927 s. 34.

3.12 COMPENSATION; MILEAGE.

HISTORY. 1907 c. 229 s. 2; G.S. 1913 s. 36; G.S. 1923 s. 36; M.S. 1927 s. 36.

A member is entitled to mileage for only one round trip during a session. AOG March 12, 1945 (380d).

3.13 PRESIDENT AND SPEAKER; COMPENSATION.

HISTORY. 1907 c. 229 s. 3; G.S. 1913 s. 37; G.S. 1923 s. 37; M.S. 1927 s. 37.

3.14 CONTEMPTS.

HISTORY. R.S. Ter. 1851 c. 3 s. 3; P.S. 1858 c. 4 s. 2; G.S. 1866 c. 3 s. 11; G.S. 1878 c. 3 s. 12; G.S. 1894 s. 227; R.L. 1905 s. 19; 1907 c. 319 s. 1; G.S. 1913 s. 38; G.S. 1923 s. 38; M.S. 1927 s. 38.

EXTENT. The power to punish for obstructing the performance of legislative duties is not limited to the removal of an existing obstruction but continues after the obstruction has ceased or its removal has become impossible. *Jurney v MacCracken*, 294 U.S. 125, 55 Sup. Ct. 375, 79 L. Ed. 802.

3.15 PUNISHMENT FOR CONTEMPT.

HISTORY. R.S. Ter. 1851 c. 3 ss. 3, 4; P.S. 1858 c. 4 ss. 2, 3; G.S. 1866 c. 3 ss. 11, 12; G.S. 1878 c. 3 ss. 12, 13; G.S. 1894 ss. 227, 228; R.L. 1905 s. 20; G.S. 1913 s. 39; G.S. 1923 s. 39; M.S. 1927 s. 39.

3.16 MEMBERS AND OFFICERS EXCUSED FROM COURT DUTIES.

HISTORY. 1909 c. 51 s. 1; G.S. 1913 s. 40; G.S. 1923 s. 40; 1925 c. 18; M.S. 1927 s. 40; 1927 c. 47; 1929 c. 19; 1941 c. 45 s. 1.

LIMITATION. This statute cannot be used to delay extradition proceedings since they are governed by the laws of the United States. *State ex rel Hildebrand v Moeller*, 182 M 369, 294 NW 649.

3.17 JOURNALS.

HISTORY. 1893 c. 75 s. 1; G.S. 1894 ss. 270, 271; R.L. 1905 s. 21; G.S. 1913 s. 41; G.S. 1923 s. 41; M.S. 1927 s. 41.

CONTENT. The legislature has uncontrolled discretion as to how detailed the journals shall be except in the cases in which the constitution specifically required certain facts to be entered. *State v City of Hastings*, 24 M 78.

EVIDENCE. Both the daily printed journal and the permanent journal are evidence in any court. *State ex rel Kohlman v Wagener*, 130 M 424, 153 NW 749.

While the court may have recourse to the journals of the legislature to ascertain whether or not the law has received all the constitutional sanctions to its validity, Board of Supervisors of Ramsey County v Heenan, 2 M 330 (281), an act is presumed to have been passed in conformity with the requirements of the constitution and the proof furnished by the journal in matters of procedure must be clear and convincing in order to overcome this presumption. *State v Peterson*, 38 M 143, 36 NW 443; *In re Ellis' Estate*, 55 M 401, 56 NW 1056, 43 Am. St. Rep. 514, 23 LRA 287. Failure of the journals to show by an entry that any particular thing was done furnishes no evidence or presumption as to whether it was done or not unless it is a case in which an entry is specifically required by the constitution. *State v City of Hastings*, 24 M 78.

3.18 OTHER RECORDS.

HISTORY. 1893 c. 75 s. 1; G.S. 1894 ss. 270, 271; R.L. 1905 s. 22; G.S. 1913 s. 42; G.S. 1923 s. 42; M.S. 1927 s. 42.

3.19 ENGROSSING AND ENROLLING.

HISTORY. 1905 c. 153 s. 1; G.S. 1913 s. 43; G.S. 1923 s. 43; M.S. 1927 s. 43.

3.20 AMENDMENTS TO THE CONSTITUTION. FORM OF ACT; SUBMISSION.

HISTORY. R.L. 1905 s. 24; G.S. 1913 s. 45; G.S. 1923 s. 45; M.S. 1927 s. 45.

SUBMISSION TO THE PEOPLE. The form and manner of submitting the question of the amendment to the people is left to the discretion of the legislature subject only to the implied limitation that they must not be so unreasonable and misleading as to be a palpable evasion of the constitutional requirement to submit the law to popular vote. *State ex rel Marr v Stearns*, 72 M 200, 75 NW 210, reversed on another point in 179 U.S. 223, 21 Sup. Ct. 73, 45 L. Ed. 162; *Winget v Holm*, 187 M 78, 244 NW 331.

VIOLATION OF ART. 14, Sec. 1, CONSTITUTION. In order to violate this provision forbidding two or more alterations in the same amendment, the changes proposed must be independent and unrelated so as not to fit in with the one general aim or purpose of the amendment framed. *Winget v Holm*, 187 M 78, 244 NW 331; *In re Detachment of Agric. Lands*, 188 M 237, 246 NW 905.

ADOPTION. The majority necessary for adoption when an amendment is submitted to the people is the majority of all those voting at the election, not those voting on the particular amendment. *Farrell v Hicken*, 125 M 407, 147 NW 815, LRA 1915B 401; *State ex rel Marr v Stearns*, 72 M 200, 75 NW 210, reversed on another point in 179 U. S. 223, 21 Sup. Ct. 73, 45 L. Ed. 162; *State ex rel Greene v Hugo*, 84 M 81, 86 NW 784.

WHEN AN AMENDMENT TAKES EFFECT. The question of whether an amendment becomes effective when the vote is canvassed or only upon the subsequent proclamation of the governor is expressly left open. *City of Duluth v Dul. St. Ry. Co.*, 60 M 178, 62 NW 267.

3.21 FORM.

HISTORY. 1887 c. 157 ss. 1 to 6; G.S. 1894 ss. 310 to 315; R.L. 1905 s. 25; 1907 c. 152; G.S. 1913 s. 46; 1913 c. 249 s. 1; G.S. 1923 s. 46; M.S. 1927 s. 46; 1941 c. 136 s. 1.

The supreme court of the state probably would uphold the constitutionality of a graduated, progressive income tax law, containing reasonable exemptions, under the constitution as it now stands. 1934 OAG 799, Feb. 25, 1933 (82h).

Constitutional amendments. 26 MLR 226.

3.22 PAYMENT.

HISTORY. 1913 c. 299 s. 2; G.S. 1923 s. 47; M.S. 1927 s. 47.

3.23 STANDING APPROPRIATION.

HISTORY. 1913 c. 140 s. 1; G.S. 1923 s. 48; M.S. 1927 s. 48.

WHAT CONSTITUTES. Whether certain moneys are a part of the general revenue fund of the state or are set apart in a special fund is a matter of legislative intent to be gathered from all of the various acts on the subject taken together. State ex rel Bradley v Iverson, 126 M 110, 147 NW 946.

3.24 STANDING APPROPRIATIONS REPEALED.

HISTORY. 1913 c. 140 s. 2; G.S. 1923 s. 49; M.S. 1927 s. 49.

EXCEPTIONS. The language must be clear to exempt funds from the operation of this act. State ex rel Bradley v Iverson, 126 M 110, 147 NW 946.

Liquor control commission has power to expend money from sale of tax stamps to administer liquor law. 1934 OAG 589, Feb. 20, 1934 (218h-3).

3.251 UNIFORMITY OF LEGISLATION.

HISTORY. 1911 c. 68 s. 1; G.S. 1913 s. 50; G.S. 1923 s. 50; M.S. 1927 s. 50; 1943 c. 348 s. 1.

3.252 COMMISSIONERS TO REPRESENT STATE.

HISTORY. 1911 c. 68 s. 2; G.S. 1913 s. 51; G.S. 1923 s. 51; M.S. 1927 s. 51; 1943 c. 348 s. 2.

3.253 TO SERVE WITHOUT COMPENSATION.

HISTORY. 1911 c. 68 s. 3; G.S. 1913 s. 52; G.S. 1923 s. 52; M.S. 1927 s. 52; 1943 c. 348 s. 3.

3.254 PRESENT COMMISSIONERS TO SERVE.

HISTORY. 1911 c. 68 s. 4; G.S. 1913 s. 53; G.S. 1923 s. 53; M.S. 1927 s. 53; 1943 c. 348 s. 4.