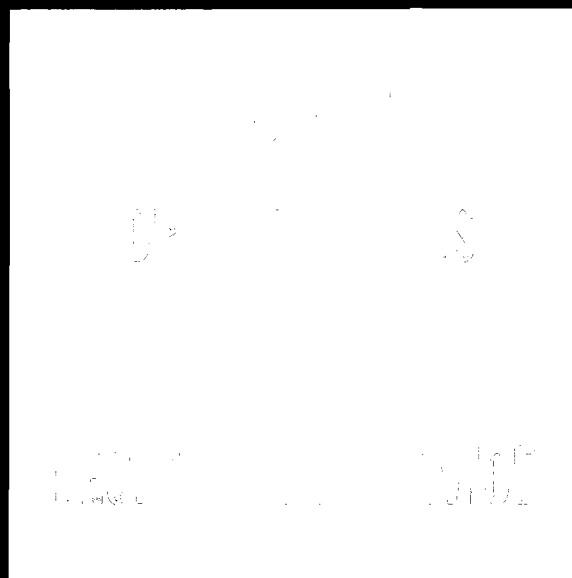


# CITIZENS LEAGUE REPORT



# C I T I Z E N S   L E A G U E   R E P O R T

## BROADEN OPPORTUNITIES FOR LEGISLATIVE SERVICE

A proposal to relate legislative time, pay and size to the central concept of making legislative service a possibility for the maximum number of Minnesotans

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## I N T R O D U C T I O N

This is a report about the future of the Minnesota Legislature. In many ways, it is a report that challenges the conventional approaches to improving the Legislature. It proposes, for instance, that the salary paid members of the Legislature be increased. . .but that such salary increase not be accompanied by a reduction in the size of the Legislature. It recommends that the salary paid a member of the Legislature be adequate so it could be a legislator's sole source of income, yet at the same time concludes that the Legislature - the formal body which meets in session and holds committee hearings during the interim - should not become a full-time body.

Why does the report contain these seemingly inconsistent statements? Simply because the issue, as we define it, is not the size of the Legislature... or the salary of the Legislature...or the time demanded of a legislator. The issue is the people who are elected to serve as members of the Minnesota Legislature. The primary objective in structuring the Legislature should be to make it possible for the widest range of able and qualified persons to serve as the representatives of the people in a Legislature that operates in such a way that it can best discharge the responsibilities assigned to it. Everything else. . . the size, the time, the salary. . .should be designed to meet that objective.

Our study of the Minnesota Legislature commenced shortly after the adjournment of the 1973-74 Legislature, the first following the passage of the Flexible Session constitutional amendment. Because the Citizens League had been an early advocate of the flexible session concept, we were asked to determine how well the concept had worked in practice, and to make any appropriate recommendations that might enable the Legislature to make better use of the flexible session system.

From our study of the 1973-74 Legislature, we found there were, indeed, mechanical problems which needed to be ironed out. Many, though, were as much a result of the shift in political control of both houses as were a result of the flexible session system, and many appear to have been worked out in the 1975 session.

As we began to discuss among ourselves what we considered to be the major issues affecting the Legislature, it became apparent to us that the mechanical problems were not the real issues which needed to be addressed, but rather the important issues related to the future of the Legislature itself and to the effect the factors of time, salary and size have on the Legislature.

Today, as the 1975 Legislature nears its adjournment, important decisions are pending which will affect the future of the Legislature. How should the interim time between the 1975 and 1976 sessions be used? How long a session is needed in 1976? What should legislators elected in 1976 be paid? Would a reduction in size really improve the operation of the Legislature? It is to the effect of these decisions that we address this report.

MAJOR IDEAS . . . . .

- \*\* Decisions affecting the future operation of the Minnesota Legislature should be based on whether they serve to meet these two objectives: Do they encourage a broad range of capable persons to run for legislative office; will they better enable the Legislature to discharge its responsibilities? Such things as compensation, time, size and staff should be viewed as individual elements of the system which, together, need to be shaped in such a way as to meet these objectives.
- \*\* A Legislature will function best if it is composed of a diverse group of individuals. This means that the legislative system should make it possible for persons from a range of occupations to serve - including persons who, if elected, must resign from their other occupations in order to serve, as well as persons who feel they must continue their other careers while serving in the Legislature. Diversity also means a balance of experience and inexperience. The present low level of experience on the part of legislators should be a matter of concern.
- \*\* The two most important factors which affect an individual's decision whether to run for the Legislature - and which can be affected by public policy decisions - are time and compensation. Time and pay should relate - not to each other - but to the central concept of making legislative service a possibility for the maximum number of people.
- \*\* Further increases in the amount of time used by the Legislature for sessions and scheduled interim work will prevent many able persons from becoming candidates for the Legislature - persons who will serve in the Legislature only on a part-time basis while continuing on a part-time basis in their chosen professions.
- \*\* The Legislature does not need more scheduled time to discharge its responsibilities. In fact, better use of a legislator's time could be made by limiting the number of interim hearings and concentrating the work of committees during the interim on a select number of issues. Legislators need more unscheduled time to spend working in their districts, learning of the problems and concerns of their constituents.
- \*\* The present process for setting legislative salary should be continued. The State Personnel Board should continue to be charged with the responsibility to submit a salary recommendation to the Legislature. Responsibility to determine the salary of members of the succeeding Legislature should remain with the Legislature, a body that is directly accountable to the public.
- \*\* To aid the current Legislature in setting a salary figure for 1977, the Legislature should direct the State Personnel Board to revise its recommendation, based on different criteria, and submit it to the Legislature in 1976.

I N O U R R E P O R T

- \*\* In order to make it possible for persons who would have no other source of income, if elected, to consider running for the Legislature, legislative salary should be increased. The salary paid a legislator should be adequate so it can be the legislator's sole source of income. All legislators should be paid the same salary.
- \*\* Legislators should be compensated through salary and not through per diem expense payments. Under the per diem system presently used by the Legislature, some legislators receive a higher taxable income than do others.
- \*\* The present size of the Legislature should be retained. A substantial reduction in the size of the Legislature would not serve to improve the Legislature's ability to discharge its responsibilities. A smaller Legislature would not be any more economical to the people of the state, and, while a smaller Legislature might be more efficient, the purpose of the Legislature is not to be efficient, but to represent the people, and this responsibility would be weakened by a reduction in the Legislature's size.
- \*\* The Legislature should not be responsible for reapportioning legislative districts. The reapportionment process consumes too much of the Legislature's time, and the results of a Legislature-drawn reapportionment are likely to benefit incumbent members of the Legislature. A commission to reapportion the Legislature, patterned after the recommendation of the Constitutional Study Commission, should be established by constitutional amendment.
- \*\* In order for the Legislature to discharge its responsibilities within the confines of a limited session, it is necessary for the Legislature to provide itself with a competent, professional staff. The staff, though, should not grow to the point where it dominates the legislative process.

## FINDINGS AND CONCLUSIONS

- I. The State of Minnesota is approaching the point at which a fundamental decision will be made about the kind of a legislative system Minnesota will have in future years for determining state policy.

This decision could be made in a conscious manner by the public; it also could be made without any real discussion, with most citizens not even being aware of it.

T To date the debate, to a large degree, has taken place in the context of whether Minnesota should seek to continue what most people perceive to be a part-time, "citizen" Legislature, or whether the State should move to a full-time, "professional" Legislature. Although most persons believe our Legislature still falls into the part-time category, some will argue that the State is, perhaps unconsciously, irrevocably moving to a full-time system.

The issue goes deeper than the labels might suggest. The line between a full-time system and a part-time system is a fine one. Even a part-time lawmaker is expected to contribute as much time to the Legislature as many persons now devote to their full-time jobs.

The labels "citizen" and "professional" do not do justice to the issue, either. A full-time legislator is as much a citizen as a part-time one. Conversely, we expect a part-time legislator to carry out his legislative responsibilities in as professional a manner as one who serves full-time.

From our study of the Minnesota Legislature, we have concluded the issue, and the debate, really relate to these two fundamental questions:

*What must this State do to encourage the broadest range of able and qualified persons to seek legislative office?*

*What is the real purpose of the Minnesota Legislature, and what changes in the legislative system are necessary to insure that the Legislature carries out its purpose?*

Why should these questions be addressed now? There are several reasons, we believe:

- \* Composition of the Legislature changing. The composition of the Legislature, in terms of both background and experience of legislators, has undergone a significant change. An alarming number of legislators - many who would be considered among the leadership group of the Legislature - have voluntarily retired from the Legislature, and indications are that more retirements will occur at the end of the current term.

- \* Legislature is taking more time. The flexible session amendment to the Minnesota Constitution has resulted in the Legislature taking more time than was previously required. While many other factors were a part of the decision of several legislators to retire -- a change in leadership in both bodies, a legislative retirement plan for which legislators qualify after eight years of service, and the normal attrition rate -- clearly the increased demand on a legislator's time has been a major factor; for many, it has been the major factor.
- \* Legislative salary has not been increased in four years. More legislators than ever before are attempting to serve full-time on a salary that was designed for part-time service when it was set by the 1971 Legislature (effective in 1973). Unless it is increased by the 1975-76 Legislature, legislative salary will remain at the 1973 level until at least 1979.

A. Minnesota's legislative system should be shaped in a way that will encourage the broadest spectrum of citizens to become candidates for the Legislature.

We believe one of the best ways to insure that our Legislature performs well is to insure the electorate an opportunity to select legislators from as broad a group as possible. We reject the notion that our Legislature need consist of only persons who can serve on a limited salary for part of their time or only persons who are able to devote full-time to the position. The opportunity should be available to select legislators from both groups.

What we do desire is a Legislature made up of a diversity of backgrounds and interests. The legislative process is strongest, we believe, whenever new proposals for legislation are subjected to review by a diverse group of legislators, each of whom approaches and evaluates the proposals from a different perspective. In order for the Legislature to provide this type of review, we believe it is important to enable the largest number - and widest range - of persons to be in a position to consider seeking legislative office.

While many factors influence an individual's decision whether or not to run for the Legislature, the two considerations of time and money have particular importance and must be addressed. Many other factors, of course, have an important bearing on an individual's decision to run for the Legislature. The political and demographic character of the legislative district is a primary consideration. So is the individual's perception of the incumbent legislator. What effect one or more terms as a legislator would have on an individual's career may be a decisive factor, as well. Legislative service will advance some careers and have a detrimental effect on others. Some people may choose to run for the Legislature because of the prestige of the office, while others simply are interested in making a contribution to improve our society. The testimony given this committee clearly indicates, however, that the two most important factors which can be affected by public policy decisions are time and compensation.

B. An understanding of the role of the State Legislature is essential in order to resolve issues relating to its form and operation.

In defining what we believe to be the role of the Legislature and of the individual legislator, we find it much easier to define the role than to determine how well the Legislature performs that role. The latter is



largely subjective; an evaluation depends basically on what one believes to be desirable public policy. We do believe that, generally speaking, Minnesotans consider our Legislature to be one of the better legislative bodies in the nation. . .one that has been, and continues to be, quite responsive to the perceived needs of the people of this State.

As for our definition of what we consider to be the role of the Legislature, and the individual legislator, we believe it consists essentially of the following responsibilities:

- \* To determine public policy for the State and to set direction for State government through the passage of law. This, clearly, is the primary responsibility of the Legislature. In one way or another, every other role or function relates back to this basic responsibility.

The Legislature discharges this responsibility in a variety of ways, primarily through the passing of bills which, when signed by the Governor, become law. In a sense, the Legislature also discharges this responsibility when it refuses to pass a law which would change existing State policy. The Legislature can carry out this responsibility by passing laws which regulate the activities of individuals and organizations, by passing laws which authorize public agencies to carry out certain public programs, and by passing laws which appropriate funds for a variety of purposes. The Legislature also discharges this responsibility when it proposes amendments to the State Constitution to the voters. In this instance, however, the Legislature may only propose public policy; it is the electorate which determines policy by either accepting or rejecting the legislative proposal.

In order for the Legislature to pass laws which will effectively deal with the problems and needs of the people of the State, the Legislature should be able to identify what these problems are, on a long-range basis. To do this, it is necessary for the Legislature to look to the future, beyond their current terms of office, to identify and anticipate the future needs of the people. The building of a professional legislative staff and the participation in the Minnesota Horizons Forum at the beginning of the 1975 session are two ways in which the Legislature has, in recent years, improved its capability to anticipate these long-range implications of legislative actions.

- \* To evaluate the performance of State and local governmental agencies and to determine whether State policy is being implemented. Often, this responsibility is referred to as legislative oversight. Traditionally, the Legislature has utilized the appropriations process to carry out this responsibility. In recent years, agencies have, on a gradual basis, been required to submit performance budgets rather than line-item budgets to the Legislature, so that the Legislature can better use the appropriations process to evaluate performance.

The Legislature has made other changes, in recent years, to strengthen its capability to oversee the operation of executive agencies. These changes include the establishment of a legislative audit commission and transferring the post-audit responsibilities from the executive branch to that agency; broadening the scope of the audit commission to include performance auditing in addition to fiscal auditing; providing, by law,

for the review - and suspension - of all administrative rules and regulations by a legislative committee.

The increased amount of time available to the Legislature as a result of the flexible session amendment and the increased reliance on legislative staff are two important factors why this oversight function is now receiving increased attention by the Legislature.

- \* To represent the people to the government, and to represent the government to the people. The responsibility to be a representative is an important, though frequently overlooked, responsibility of every member of the Legislature. It is a responsibility unlike the previous two, in that it is discharged by each individual legislator rather than by the Legislature as a formal body. The representation function requires two things of a legislator: To represent the views of the legislator's constituents to the government, and to explain the actions of government to the legislator's constituents.

The responsibility to represent the people to the government takes at least two forms. The first is to know the opinions of the people on the issues being debated in the Legislature and to give consideration to those opinions when voting on legislation. The second part of this responsibility is often described as the ombudsman function. This is to be of service to constituents. . .to assist them when they encounter difficulty in dealing with the administrative branch of State government.

The responsibility to represent the government to the people is a most important one, too, although it does not receive the same degree of attention as the other representation functions. A legislator not only has the responsibility to seek out and present the views of his constituents to the Legislature; he also has the important responsibility to explain to his constituents the actions of the Legislature: in effect, to shape public opinion as well as to represent public opinion.

In addition to these three primary responsibilities, the Legislature has been assigned other specific duties by the Constitution, including electing members of the University Board of Regents and reapportioning legislative and congressional districts.

II. Encouraging capable persons to run for the Legislature, and enabling the Legislature to discharge its responsibilities--these should be the two primary factors on which decisions relating to the time of the Legislature, the salary paid legislators, the size of the Legislature, and the staff support of the Legislature are based.

- A. To preserve the broadest possible cross section of legislative candidates, the Legislature - in terms of its formal sessions and hearings - should not become a full-time body.

- 1. Further increases in the amount of scheduled time required of legislators will have a detrimental effect on encouraging many able persons to run for, and serve in, the Legislature. We are concerned that the diversity we consider important in the composition of the Legislature will suffer

unless the amount of time demanded by the formal requirements of the legislative system - the sessions and scheduled interim hearings - can be handled on a part-time basis.

We are disturbed by the number of persons - incumbent legislators as well as people who have never served in the Legislature - who claim they can no longer afford to serve in the Legislature. For some the problem is, at least partially, financial. For others, they simply cannot give the amount of time that is demanded of them while, at the same time, continuing in their chosen careers. Many are very talented people who likely could make a valuable contribution to the Legislature. Several are persons who have played a leadership role in the Legislature but have had to retire because of the time pressures.

- a. Diversity can be an important strength of the Legislature. We believe a Legislature functions best when members bring to it a diversity of experience and a variety of backgrounds. <sup>1/</sup> The process of reviewing and debating legislative proposals is strengthened, we believe, when the varied experiences and backgrounds of legislators enable them to analyze legislation from several points of view.

Just as the Legislature would lose important elements of this diversity if a low salary precluded many persons from serving in the Legislature, so too will other, equally important elements be lost in a legislative system which requires full-time participation from all of its members. We think the points of view provided by both groups are needed and that the legislative system should be shaped to permit both to be represented.

Even though a 1974 law required an employer, in effect, to give an employee who is elected to the Legislature the right to come back to his or her same or comparable job once a legislative session is complete, many persons - particularly those in mid-career - are finding it increasingly difficult to do justice to their primary occupations and stay in the Legislature. The testimony we received indicates it is this time pressure which is the primary reason why persons are leaving the Legislature.

- b. Legislative experience is important. One element of the diversity needed in the Legislature is experience. We agree with Alan Rosenthal, Director of the Eagleton Institute of Politics at Rutgers University, when he says: "Excessive turnover of members in state legislatures weakens legislative institutions." While there are dangers in a legislative system in which there is little turnover, in Minnesota today the pendulum has swung in the other direction, with members of both legislative bodies having far less experience when compared with other recent Legislatures. <sup>2/</sup>

The average years of legislative service for a member of the House of Representatives in 1975 is 3.2 years, or less than two terms. Only 25 of the 134 members (18%) have served three or more terms.

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<sup>1/</sup> See Table 2.

<sup>2/</sup> See Table 1.

Ten years ago, in 1965, the average years of service for a member of the House was 6.31 years - double the current figure - and 54 of the members had served three or more terms. The 1965 session is somewhat comparable to 1975 in that the election two years earlier was the first following a reapportionment, and the result of both elections was to shift the political control of the House.

The figures for the Senate reveal a similar, though less dramatic, picture. In 1973, when most members of the current Senate were elected, the average years of legislative (House and Senate) service was 5.25 years; ten years earlier it was nearly nine years. In 1963, 41 members of the Senate had eight or more years of legislative experience; this figure had dropped to 19 by 1973.

In suggesting that a Legislature needs experienced members we do not mean to propose that legislative service should be regarded as a long-term career. A balance is needed. While a legislative system that encourages a legislator to view his position as a career is not desirable, a system in which legislators serve only one or two terms does not provide the continuity and experience that are necessary in a legislative body. The sacrifices a legislator is required to make should be kept to a minimum so he can consider serving for at least eight to ten years.

It may be that the current situation is an isolated experience and that the experience level may rise in future years. If it does not begin to rise in 1976, the Legislature should authorize a look further into the situation to identify the reasons behind the decline and to submit further proposals for reversing the trend.

Further increases in the amount of scheduled legislative time will not only have a detrimental effect on encouraging many well-qualified persons to run for the Legislature, it will also make it more difficult for citizens to follow, and to express their views on pending legislation. Already the increased amount of time, combined with the increased use of subcommittees, has resulted in a legislative process that practically requires any group interested in a legislative proposal to have a full-time lobbyist at the Capitol to follow the legislation. This may not be a serious burden for the organized groups that have always had paid lobbyists at the Legislature, but it is a serious one for the citizens groups that must rely on part-time volunteers to represent them.

2. The flexible session amendment provides the Legislature with adequate session time to discharge its responsibilities. If anything, legislators need more unscheduled time - time not taken up by sessions or interim hearings. Legislators need to be able to spend time in their districts in contact with their constituents. They also need time in which to work on problems outside the formal setting of a committee hearing. The legislator who is unable to devote full-time to the Legislature needs time to devote to his other career.
  - a. The flexible session amendment significantly increased the amount of time available to the Legislature. Clearly, the Legislature needed additional time when the flexible session amendment was ratified in 1972. At that time, the Joint Legislative Committee on the Flexible Session stated, ". . .for more than two decades a sufficient amount of time has been the greatest single problem of the Minnesota Legislature."

Greater flexibility in the use of the 120 legislative days authorized by the Constitution, and, as a result, more time in which to meet in regular session, were the two main elements of the flexible session amendment.

Until 1973 the Legislature was restricted to a regular session of 120 days each biennium. The 120 legislative days included every day, except Sunday, from the time the Legislature convened until it adjourned. The flexible session amendment now permits the Legislature to define the meaning of "legislative day" by law, and permits the 120 days to be spread throughout the first five months of each year of the biennium. Depending on how the 120 legislative days are used, the Legislature could conceivably meet in regular session for twice as long a period of time as under the previous system.

The Legislature, in 1973, defined "legislative day" as "any day when either house of the Legislature is called to order." The result of this definition is that, by restricting floor sessions to only a few days each week and filling the remaining days with committee work, the Legislature gains additional time, while remaining within the 120-day constitutional limit.

The 1973-74 regular session lasted only 116 "legislative days" compared with 120 legislative days in each of the four previous regular sessions. However, the total length, in calendar days, increased by 53% - from 140 to 214 days.<sup>1/</sup> Had the Legislature made an even more selective use of the 120 legislative days, it could have extended the session to the end of the fifth month of the second year. This possibility remains for future sessions and should give the Legislature more than enough time to carry out its responsibilities.

- b. The flexible session system has operated fairly well. It is generally agreed the flexible session system did not operate as smoothly in 1973-74 as proponents of the concept generally expected it would. The flexible session system was supposed to give the Legislature more time, greater flexibility in the use of time, permit a more deliberative review of legislation, and still allow the Legislature to continue operating on a part-time basis. However, the actions of some committees could hardly be described as deliberative; the traditional end-of-the session logjam of bills again appeared at adjournment time, and the overall time demand caused many people to wonder whether the flexible session system had inevitably moved the Legislature to the point where it was destined to become a full-time body.

Despite the problems, the record of the 1973-74 Legislature was one of the most eventful of any session in recent years. Landmark legislation - much of it controversial - was adopted in a wide range of areas with many of the most significant laws being adopted in 1974. In previous years those bills which did not pass the first year would have had to wait for a new Legislature to be elected.

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<sup>1/</sup> See Table 5

The 1975 Legislature appears to be operating at a more deliberate pace. This suggests that the high degree of activity of the 1973-74 session was due in large part to the fact that political control of both houses of the Legislature had changed hands. The leaders were new, and the new majority had a long list of proposals they wanted enacted into law at once. The flexible session system, itself, was also new and untested. In such a situation, mistakes were bound to be made.

- c. The constitutionally imposed limit on the length of time within which the Legislature can meet should be continued. It would not be desirable, we believe, to remove from the constitution the provision that the Legislature must adjourn each year no later than the first Monday following the third Saturday in May. If any change were to be made in this deadline, it might be that the second session adjourn earlier - perhaps that it meet no later than the end of March.

Based on the experience of the 1973-74 Legislature, we believe some constitutionally imposed deadline is necessary to keep the Legislature from becoming a full-time legislative body. Deadlines are a necessary element in arriving at decisions. They are an instrumental part of the legislative process, forcing the necessary compromises to be made on the controversial issues. Without an externally imposed deadline, it is quite possible that legislative sessions would extend far beyond the May deadline.

In addition to the adjournment date imposed by the Constitution, the Legislature has, itself, adopted a series of internal deadlines designed to spread out the flow of legislation reaching the floor, thereby reducing the volume of bills the Legislature must pass in the final days of the session. Specifically, the Legislature has established deadlines by which bills must be acted on by committee. At this point in the 1975 session, they appear to be working and should be continued.

- d. The definition of "legislative day" should not be changed. Because the Constitution now permits the Legislature to define the meaning of legislative day by law, it would be possible to significantly alter the operation of the Legislature by amending state law to change the definition of legislative day. It has been suggested the definition be changed back to the previous definition, which counted as a "legislative day" every day, except Sunday, on which the Legislature was in session, thereby reducing the actual number of days available to the Legislature. Proponents of the change contend the Legislature does not need as much session time as is now available, and also that the present definition makes it difficult for anyone to know with any certainty how long the Legislature will be in session, since the time actually available will depend on how far apart the floor session days are spread.

We do not feel any change in the definition is desirable, at least until the Legislature has further opportunity to operate within the present time system. The Legislature does need more session time than was available to it under the old 120-day biennial session arrangement. And it may, some day, need a full five months each year.

As for the inability to plan ahead, and to know how long each session will last, it should be remembered that neither a legislator nor the public can know with certainty how long the Legislature will be in session each biennium. Since 1955, six of the ten Legislatures have been required to meet in special session in addition to the regular session; no one had planned on them, yet all legislators were required to attend.

3. Changes in legislative procedures would enable the Legislature to make better use of its time and still meet its responsibilities.

- a. Use of interim time for scheduled legislative hearings should be restricted. Legislators should be prepared to make a full-time commitment to the Legislature for five months in the first year and three-five months the second year. If the entire five months permitted by the Constitution are used each year, the Legislature has available to it twice the amount of time that was available prior to 1973. That is a significant increase in time and should be adequate, we feel, for the Legislature to discharge its responsibilities.

Once the Legislature has adjourned, however, we believe the scheduled work of the Legislature can, and should, be greatly reduced from what it was in 1973-74. More than anything else, it was the continued active pace of the Legislature during the interim - particularly the 1973 interim - that caused many legislators to question whether they could continue to give the time necessary to serve in the Legislature.

During the five months the Legislature is in session each year, the legislator knows he must devote full time to the business of being a legislator and must make appropriate arrangements. During the interim, however, a part-time legislator returns to his other occupation. In many respects it becomes more of a burden for the legislator to make arrangements to be absent during that time to attend interim hearings.

It is difficult for a legislator to miss an interim hearing for his attendance is a matter of public record and a poor attendance record can become an election issue. What is more significant is that committees during the last interim took final action on legislation; if a legislator wished to have any voice in the action to be taken on the bill, he had to be present at the committee hearing.

- (1) 1973-74 interim the most active ever. Despite the fact that the 1973-74 legislative session lasted 53% longer than previous regular sessions, the Legislature made far greater use of the interim than ever before. Compared with the 1969-70 interim (the most comparable interim since the 1971-72 interim) the number of scheduled hearings by committees and commissions increased by over 78% in 1973-74. This increase is even more significant considering the fact there were about three fewer months available for interim work in 1974 because of the addition of the even-year session. (At the time, the 1969-70 interim was considered to be a busy one. The final bulletin from the Phillips Legislative Service, for instance, informed subscribers that subscription rates would have to be increased if the next interim was expected to be as busy.)
- (2) Mini-session concept did not work well. Most of the 1973 interim hearings were held during mini-sessions. The idea of the mini-session was to encourage committees to schedule hearings within one designated week each month. For instance, for the month of November, 1973, 77 of the 106 scheduled committee meetings were held during the week of November 12-16.

The mini-session concept did not, in our opinion, work out particularly well, for these reasons:

- \* First, it encouraged committees to hold meetings during the interim. While we think the number of committee hearings during the interim should be reduced, it was the opinion of several persons who testified before our committee that many of the meetings were really not necessary. The very fact that a committee was assigned a scheduled meeting time during the week of the mini-session might have motivated a committee to meet even though the committee had no pressing business.
- \* Secondly, it does not appear the mini-session approach made the best use of a legislator's time. The idea behind the mini-session was that a legislator would set aside one week per month for intensive interim work and then be able to devote the remaining three weeks to other pursuits. (In fact, although most meetings were scheduled during the mini-session week, a sizable number of meetings were held during the other three weeks; of the 114 meetings held in October, 1973, 44 were at times other than during the mini-session.) Legislators who did set aside the entire week for mini-session hearings frequently found themselves with an open day between two committee hearings.



- \* Thirdly, the schedule employed for the mini-session resulted in committees processing a considerable number of individual bills. We think it is a mistake to use interim time to pass bills out of committee. With the additional time now available, there should be adequate time during sessions to act on committee bills.
- \* Finally, fewer joint meetings of comparable Senate and House committees were held. In both 1968-69 and 1974, about 40% of the interim meetings were joint meetings; only about 10% were joint in 1973.

- (3) Limited use of the interim can strengthen the legislative system. This does not mean we think the Legislature should completely shut down between sessions. Some meetings during the interim are desirable and some subjects are best considered when legislators and staff can consider them in a less pressured atmosphere. We do not think this requires the number of meetings that were held during the last interim - nor the type of meetings that were held, at least the type held during the first half of the interim.

The Legislature should use the interim to work on a limited number of issues; issues for which an extensive amount of evaluation and input is necessary before an answer is likely to emerge, and priority bills which require additional work prior to the next session. Whenever possible, studies should be conducted on a joint basis with both Senate and House members participating. Inviting outside persons to meet with the study group should be primarily for the purpose of providing new thinking on the subject and not for the purpose of speaking for or against a particular bill. Much of the work should be in the form of internal discussion within the committee. Interim studies also should be designed to make extensive use of the professional staff between a limited number of formal meetings.

The interim is an appropriate time to carry out portions of the Legislature's oversight function, including such things as considering changes in government structure and reviewing the effect of administrative rules and regulations.

- b. The role of the subcommittee needs reevaluation. With the number of standing committees having been reduced in 1973, the role of the subcommittee has taken on added importance. Although the subcommittee, today, can play as important a role in determining the fate of legislation as the standing committee, the procedures governing the operation of subcommittees do not reflect this importance. For instance, standing committees may only be created by action of the Senate or House;

subcommittees may be created solely by action of a committee chairman. Reports were that some subcommittee meetings are poorly attended (due in part, at least, to scheduling problems) meaning that either action is taken with only a few members present or that another meeting must be called, and thus persons who wish to testify on a bill must make arrangements to attend another meeting. Persons wishing to speak to a particular piece of legislation are deprived of an opportunity to express their views to a sufficient number of the members of the standing committee, when public testimony is permitted only at the subcommittee level and when only a small proportion of the committee participates in the subcommittee hearing.

We are also concerned about reports we have received indicating that legislation is being sent to subcommittee that is never reported back to the standing committee. It may well be that the particular bill should not be passed, but we believe that is a decision that should be made by the standing committee; not by a subcommittee. With a smaller number of standing committees, subcommittees have become an essential part of the legislative process. They are most appropriately used to prepare legislation so it is in shape for committee action; they should not replace the committee and become, themselves, the decision-making body.

- B. The salary paid legislators is not adequate, in part because the system for determining legislative salary has made it nearly impossible to objectively discuss the issue.
1. The system for determining legislative salary prior to 1975 did not permit an objective assessment of legislative compensation; in general, the process did not work well.
    - a. The public generally believes legislators are increasing their own salaries even though the Constitution prevents this from happening. The Constitution provides that the compensation of legislators shall be determined by law, except that no increase in compensation shall become effective until a new House of Representatives shall be elected. The former provision appears to make the Legislature directly responsible for setting its own salary - a procedure seldom permitted elsewhere - while the latter provision supposedly insures that no legislator (at least a member of the House of Representatives) will directly benefit from his action until the voters have had an opportunity to replace him at the next election.
    - b. Constitutional provisions require legislative salary proposals to anticipate future conditions. One result of this constitutional provision is that a salary adjustment must project what a proper salary will be one or two years in the future, rather than at the moment it is adopted. This can mean either that the increase looks larger to the public than it really is (because the public generally does not recognize that the increase does not take effect immediately) or that, if the increase is adjusted downward to offset the expected public opposition, it may not be sufficient. It also means that unless a pay increase is passed in 1975 or 1976, the next salary increase will not become effective until 1979.

- c. The public is generally opposed to salary increases for public officials. Results of public opinion surveys consistently show general public opposition to efforts to increase the salary of public officials. That the public was opposed to the most recent effort to increase legislative salary - including the method by which the bill was passed - is evidenced by the results of the Minnesota Poll for June 23, 1974. Asked what they thought of Governor Anderson's veto of the bill which included a pay increase for legislators, persons interviewed favored the veto by a ratio of 9:1 (85% approved; 9% disapproved; 6% were not sure).

Perhaps because legislators feel it will not result in as much opposition from the public, pay increases in recent years have invariably been attached to another, less-controversial bill; they have received virtually no discussion in committee where members of the public might have an opportunity to testify; and they have been acted upon in the closing days of a legislative session when the passage of other major bills tends to reduce the amount of attention given a pay increase.

In 1974, the process of attaching a salary increase to another bill just prior to adjournment resulted in the Legislature being deprived of the opportunity to again act on a pay increase once the Governor had decided to veto it. Because the bill did not reach the Governor's desk until after the Legislature had adjourned, and because the Minnesota Constitution does not give authority to the Legislature to reconvene on its own - even for purposes of considering pocket vetoes of the Governor - the Legislature found itself in the position of going on record in favor of the pay increase but not able to override the veto.

- d. In order to avoid public opposition to salary increases for legislators, the Legislature has frequently turned to other ways to increase its total compensation. Increasing per diem expenses is perhaps the best-known way, but there are others. For instance, legislators qualify for a retirement program after eight years of service in the Legislature that is a very liberal plan, in the estimation of the State Personnel Board. Current benefits are 40% of salary, at age 60, with eight years of service, increasing to the point where two former legislators who retired last year, each with 34 years of service, began receiving retirement checks that were \$35 per month more than their legislative salaries. Another attractive benefit is the provision permitting anyone who has ever been a legislator to purchase state medical insurance at group rates the rest of his life. The medical insurance program for state employees is considered to be one of the best in the nation. <sup>1/</sup>

Adjusting per diem has probably been the method used most frequently by the Legislature to supplement legislative salary.

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<sup>1/</sup> See Table 4

Although state law refers to per diem as "living expenses", it seems fairly clear that the present level for per diem <sup>1/</sup> exceeds actual expenses for some legislators, including most legislators who can continue to live at home during sessions. Many newspapers even go so far as to combine salary and per diem when reporting on legislative compensation. A Minneapolis Tribune article earlier this year, for instance, reported that legislators averaged more than \$11,000 in total compensation last year, and arrived at that figure by combining salary and average per diem payments. And the Internal Revenue Service requires metropolitan legislators to report per diem as income.

There are probably several reasons why per diem, and other supplemental benefits are used to supplement legislative salary. They are, for one, less likely to provoke the public opposition that results when legislative salary is increased, in part because the public usually does not know the extent to which they result in increased compensation. Secondly, they are easier to pass - per diem during sessions is determined by legislative rule - and they can take effect immediately.

2. Legislation adopted in 1974 directing the State Personnel Board to recommend adjustments in legislative salary could significantly improve the process for setting the salary of legislators.

In addition to passing a legislative salary increase in the closing days of the 1974 session, the Legislature also passed legislation requiring the State Personnel Board to recommend to the Commissioner of Personnel and the Governor, by November in each even-numbered year, a compensation plan for the Legislature. In turn, the Commissioner and the Governor are directed to submit, without change, the Board's recommendation to the newly elected Legislature the following January.

Primarily because the directive to the Personnel Board was added as an amendment to another existing law relating to Personnel Board responsibilities for recommending salaries, the legislation was difficult for the Personnel Board to implement. The legislation provides no criteria, for instance, on which to base a recommendation, other than language which already existed in the law for other positions, which required that the salary be comparable to salaries paid persons in comparable positions in the public and private sector. The language was designed primarily for administrative positions: applying the concept to a body such as the Minnesota Legislature is quite difficult.

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<sup>1/</sup> \$25/day, seven days a week while the Legislature is in session, for legislators who continue to live at home - and \$33/day for legislators who must live away from home during the session and for all legislators on days when they attend committee hearings in the interim.

Nevertheless, the Personnel Board did submit a recommendation, as required by law, to the Governor in 1974. The Board recommended that legislative salary be increased, effective in 1977, to \$13,500/year, plus an additional amount to be the equivalent of the cost of living increase provided professional and managerial employees in the classified service (the present index for such positions provides for a 2% increase in salary for every 4% increase in the consumer price index). Legislative salaries for certain legislative leaders would be increased by a greater amount. Per diem payments would be modified to pay \$10/day and \$17.50/day for non-vouchered expenses, plus actual expenses for lodging and related items. For a typical legislator residing in the metropolitan area, assuming the cost of living increases at an annual rate of 10%, this could result in an increase in annual taxable income from \$11,834 to \$15,812.1/

The legislation requires a recommendation from the Board; the decision remains with the Legislature. Although the Legislature has not yet adopted the Board's recommendation, it might before the Legislature adjourns in 1976. More important, though, the requirement that the Board present a recommendation has served to improve the process for discussing the issue within the Legislature. Unlike the process in previous years when salary bills were added onto other legislation late in the session, usually in a manner that precluded public testimony, the issues of legislative salary have already received extensive debate at several public hearings.

A select committee in the House, appointed to study the issue, did not adopt the Board's recommendations, but the concepts adopted by the select committee were in many respects similar to the concepts contained in the Board's recommendation. Once the Legislature becomes familiar with the process of receiving a salary recommendation from the Board, approval of the Board recommendation could become routine.

3. Legislative salary should provide adequate income to a legislator who devotes full time to the Legislature and receives no other income; the present salary does not.

From the current debate over legislative salary, one point, at least, seems to be emerging; there really are no criteria that can be used for determining what a legislator should be paid that is likely to be accepted by all. Several proposals have sought to relate salary to the amount of time required of a legislator. There is no agreement, however, on what that amount of time really is. The Personnel Board suggests 60%; the select committee on compensation in the House contends it is 80%; in fact, the actual amount of time varies widely, from one legislator who might be able to spend less than half time on legislative business to another who gives 100% of his time.

In part, the problem stems from the fact that the factors that must be considered when setting salary go beyond the considerations of equity and comparability that are frequently used for setting other salaries. The salary level for legislators also has a lot to say about the kind of people who will likely be able to serve in the Legislature, and it affects the degree of effort legislators are able to give to the work of the Legislature. The position of

legislator does not lend itself well to the concept of comparability, for there is no other position which exactly compares with it.

One criterion that we believe must be applied to any proposal dealing with salary is whether it will permit a legislator to rely on legislative income as the sole income for his family. As we have stressed before, we believe it is important that our legislative system permit the widest range of people to become members of the Legislature. For some, this may mean giving up all other sources of income when they become legislators. For those who wish to devote all of the interim to legislative work (whether it be communicating with constituents, or studying and developing proposals on important issues) this may mean a full-time job commitment. In fact, a number of legislators, even today, consider themselves to be full-time, and rely essentially on legislative pay for their support.

While we believe a legislator should receive sufficient income so that he may survive on it as a sole source of income, we are not suggesting that the legislator ought to get rich on such a salary. Just as the legislator who is trying to serve in the Legislature on a part-time basis will need to make some sacrifices, so, too, should the legislator who chooses to serve full-time.

In our opinion, the present salary of \$8,400 per year is not adequate to support a legislator on a full-time basis. It is, for instance, only about 55% of \$14,872, the figure estimated by the Bureau of Labor Statistics as an average budget for a family of four in the Twin Cities in the fall of 1974.

While a salary increase is needed now - and will be needed even more in 1977, the earliest any increase can become effective - we do not believe that an increase should be dependent on a reduction in the size of the Legislature; nor should an increase be dependent on a further increase in the scheduled time of the Legislature.

In summary, as important as it is to provide a sufficient income for a legislator who chooses to devote full-time to the Legislature, so, too, is it important that the time commitment enable others to serve on a part-time basis.

4. Legislative compensation should be in the form of salary and not in the form of salary plus per diem. We believe the salary paid a legislator should be adequate to compensate him for whatever time he must devote to legislative duties and responsibilities throughout the legislative term. It should not be necessary to supplement it with per diem payments.

The per diem system, while it does serve to pay the legislator who devotes more time to the work of the Legislature a higher salary, tends to encourage the scheduling of committee hearings during the

interim and, potentially at least, is subject to abuse should an individual legislator be in a position to determine, by himself, whether he is eligible to be paid per diem on any particular day. At the present level, per diem also serves as supplemental income for many legislators. Although the additional income is generally not recognized as such by the public, the extent to which it supplements income depends in part on whether the legislator changes his residence during the session. Those who do not, generally have a higher taxable income.

A compensation plan which pays all legislators the same salary will, in all probability, pay some legislators more per hour than it does others. We can accept this discrepancy if it both enables the part-time legislator to remain in his job, and provides sufficient income for the full-time legislator.

Any proposal on legislative salary should provide that a legislator's salary be adjusted on an annual basis. This would result in future salary changes being less dramatic than those in the past.

A salary adjustment should also provide that a legislator's actual expenses be paid in place of per diem payments. The definition of reimbursed expenses should be broadened to permit reimbursement for those expenses incurred by a legislator when meeting with constituents prior to the opening of filings for legislative office.

A salary increase should provide that a legislator's actual expenses be paid in place of per diem payments. The definition of reimbursed expenses should be broadened to permit reimbursement of expenses incurred by a legislator when meeting with constituents, except for those expenses defined by the Ethics Commission to be campaign expenses.

C. A sizable reduction in size would not improve the operation of the Minnesota Legislature.

1. The operation of the Minnesota Legislature would not be significantly strengthened by a sizable reduction in the number of legislators. We say this recognizing that Minnesota, in terms of absolute numbers, has one of the larger legislatures in the nation, and that public opinion seems to be favoring a smaller legislature by an increasingly larger margin. (Between December, 1970, and January, 1972, the percentage of persons interviewed by the Minnesota Poll who favored a substantial reduction in legislative size increased from 52% to 67%, while opposition decreased from 34% to 21%.)

We do not believe, however, that comparing the absolute size of the Minnesota Legislature with other legislatures is the basis on which legislative size should be determined. The fact that the Minnesota Senate, with 67 members, is the largest state senate in the nation is often given as a reason, by itself, why our Legislature is too large. Although it is the largest senate, it is far from being the largest legislative body in the country. All but nine of the state houses of representatives are larger than the Minnesota Senate. To the extent that all legislative bodies carry out the same function, a comparison of the Minnesota Senate with all legislative bodies, not just upper houses, is a relevant comparison.

We believe a more relevant comparison would be based on the number of persons in a legislative district. On the basis of such a comparison, the Minnesota Senate ranks 24th largest (one senator per 57,000 persons) and the House of Representatives 27th largest (one representative per 28,000 persons).<sup>1/</sup> We believe such a comparison is more valid because the representation function is an important responsibility of a legislator and one that would likely suffer if the size were to be reduced. Either a legislator would have less contact with his constituents, or, in order to maintain such contact, more of it would need to be channeled through a legislator's staff. Already, the size of several rural districts makes contact with constituents difficult. The largest Senate district - size-wise - with 8,300 square miles is larger than each of five states.

Proponents of a smaller size argue that a smaller size would be more economical and more efficient; that it would result in a legislator's being more visible to the public and the office becoming more prestigious, making it easier to attract able persons to run for the Legislature. We seriously question the economy argument (legislators would likely be replaced by paid staff, and the remaining legislators would probably receive higher salaries), and we question how important it is for a legislative body, that by its very nature must be a resolver of conflict, to be efficient. In our opinion, it is far more important that a Legislature be representative of the people than it be efficient. We recognize that a legislator would be more visible, but he would also be farther removed from his constituents.

Finally, the greater demands imposed on a legislator in a smaller Legislature could also prevent able persons from running for the Legislature. It would, obviously, be more difficult to campaign in the larger rural districts. Size reduction could have adverse effects on campaigns in metropolitan districts, too, with districts becoming too large for a candidate to personally contact the voters in the district, yet too small to be able to campaign using the media.

2. Any change in the size of the Legislature should accentuate distinctive roles for each of the two bodies -- the House and Senate.

While we are concerned that a substantial reduction in the size of both the House and Senate would not improve the operation of the Legislature and would, in fact, adversely affect a legislator's ability to represent and maintain communication with his constituents, we believe there is merit in a reduction in the size of just one of the legislative bodies - the Senate - and thereby better enabling the two bodies of the Legislature to perform distinctive functions.

If there is merit in retaining a bicameral legislative system, we believe the House and Senate should be structured sufficiently differently as to enable them to emphasize different legislative functions. The bicameral system can do more than merely provide a second review of legislation to catch the mistakes of the first body. We believe the representation function - by which a legislator is able to remain in relatively close communication with his constituents - is an important responsibility of the Legislature and requires that one body of the Legislature remain approximately the size of the present House.

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<sup>1/</sup> See Table 6



It is not necessary, though, for both legislative bodies to perform this function to the same degree. The Legislature has other responsibilities, as well. One is to be concerned about the long-range needs of the people. There is merit, we believe, to the argument that a smaller legislative body is frequently better able to identify the larger needs of the state and respond to them rather than to the more narrow, parochial interests of a particular area. A legislature in which the ratio of house members to senators is 3:1 or 4:1 could, we believe, permit both the concerns of the individual citizen and the needs of the larger area to be represented in a truly bicameral system.

D. The function of reapportioning legislative districts should not be a responsibility of the Legislature.

Under the Constitution, the responsibility to reapportion legislative districts rests with the Legislature, even though the members of the Legislature will be the persons most directly affected by any legislative action on the shape of legislative districts. We do not believe the Legislature should have the responsibility to reapportion its own districts, for two reasons: The process consumes a great deal of the Legislature's time, and the results of a Legislature-drawn reapportionment are likely to primarily benefit incumbent members of the Legislature.

With respect to the amount of time required of it, the Legislature encountered serious problems the last three times it attempted to redraw legislative districts - in 1959, 1965-66, and 1971. The 1959 reapportionment (the first since 1913) required a special session. The 1965-66 reapportionment effort prompted two gubernatorial vetos and required a special session of the Legislature before the issue could be resolved.

In 1971, reapportionment was again carried over to a special session. The reapportionment plan that was finally approved by the Legislature was vetoed by the Governor. But, because the Legislature had adjourned after passing the reapportionment plan - and because Minnesota has no mechanism to permit the Legislature to reconvene even for the purpose of acting on gubernatorial vetos - the Legislature was unable to act further on reapportionment and the responsibility for reapportioning the Legislature was assumed by the federal courts. The courts eventually drew a reapportionment plan and ordered it to be used in the 1972 elections.

Similar problems are likely to face the Legislature when it next considers reapportionment. With divided party control, agreement is almost impossible. Disagreement on a reapportionment plan is minimized if one political party controls the Governor's office and both houses of the Legislature. While passage of a reapportionment bill might well be easier, the political ramifications of such a plan would, in all likelihood, benefit the political party in control of the government.

In either event, judging from past experience, and quite regardless of its political effects, any reapportionment bill drawn and passed by the Legislature will undoubtedly assist incumbent legislators in their reelection efforts. Very simply, a bill that adversely affects a majority of incumbent legislators is not likely to pass.

- E. A competent professional staff is necessary to enable the Legislature to carry out its responsibilities within the available time.

The Minnesota Legislature has clearly moved far beyond the point where it can operate, as it once did, with temporary staff employed for the legislative session and only a minimal full-time staff. For the Legislature to effectively discharge its responsibilities within the confines of a limited session, it is essential for the Legislature to provide itself with competent professional staff.

To us, the term "professional" staff means that staff persons are hired on the basis of professional, rather than political, factors, and that the system in which they work provides a measure of job security and at the same time keeps the staff accountable to the Legislature.

The workload for the staff will always be heavy during sessions of the Legislature. The interims are another matter. If committees of the Legislature do not meet at all, the professional staff is likely to be poorly utilized during the interim. This would be undesirable, but so, too, would be a situation in which committee meetings are called primarily for the purpose of providing a year-round workload for the staff. A more desirable interim schedule would be one in which committees and staff are assigned to work on a limited number of important projects. These projects should require extensive work by the staff and should be reviewed by committees, which meet on relatively infrequent basis.

While we share the concern of some that the size of a legislative staff can reach the point where staff dominates the legislative process, with legislators basically reacting to staff proposals, we view it as a problem that potentially will always exist, but one that can be controlled only by the members of the Legislature themselves.

## R E C O M M E N D A T I O N S

To encourage a wide range of qualified persons to become legislative candidates and to enable the Legislature to best discharge its responsibilities, we recommend . . .

### I. Control the time used by the Legislature for formal sessions and interim hearings.

The objective of this report is to shape our legislative system to encourage the widest range of able and qualified persons to seek legislative office. This, we believe, is fundamental to the success of any legislative system. To accomplish this objective, it is important that the Legislature act now to establish further controls over the use of time for legislative sessions and interim work. We stand to lose the opportunity to have many well-qualified persons serve in the Legislature if the scheduled time demands of the Legislature increase further, to the point where only those who can serve in the Legislature on a full-time basis are able to consider seeking legislative office.

The annual sessions and the scheduled interim work should be controlled in such a way that the Legislature carries out its constitutional responsibilities, yet enables those legislators who so choose to serve in the Legislature on a part-time basis.

#### A. Reduce the number of scheduled hearings between legislative sessions.

*We recommend the Legislature provide, by appropriate rule or resolution, that the interim work of a committee or subcommittee be limited to those matters specifically authorized by the appropriate Rules Committee. We further recommend that the Joint Coordinating Committee suggest procedures which will encourage greater use of joint House-Senate studies, particularly during the second interim. The professional staff should be assigned to work on specifically authorized projects.*

The number of scheduled meetings of legislative committees and subcommittees should be reduced during the interim. This does not mean that all scheduled interim activity should be eliminated. Effective use of the interim to work on a select number of important issues can result in a more efficient use of legislative time, and can significantly improve the quality of the legislation that is finally enacted by the Legislature. The interim workload should be designed to make full use of the professional staff, within the context of a limited schedule of committee hearings.

The emphasis should be on the importance of issues being studied, rather than on the amount of legislation to be considered during the interim. It can be a valuable use of interim time, for instance, to study and review such matters as: priority bills which require action during the second session but which were not ready for committee approval by the end of the first session; the operation and structure of administrative agencies - the so-called oversight function - e.g., the work of the Senate subcommittee which reviewed the structure of state boards and commissions in 1974; issues which have long-range implications for the state.

On the other hand, committees should not use interim time to consider and act on routine legislation. With the amount of time the Legislature is in session having increased by over 50%, it seems unnecessary for committees to meet during the interim for the purpose of considering bills that relate to such things as the color of clothing deer hunters are required to wear, or the payment of per diem in drainage proceedings before county boards -- two subjects that were considered during the 1973 interim.

The important points - and the reason why Rules Committee approval of such studies is important - are to limit the number of issues to be studied by each committee so that those selected are truly the most important, and to plan the interim work in such a way that maximum use will be made of the professional legislative staff.

B. Control the length of the second session.

*We recommend that the Legislature, either through rule or by law, provide that the second, even-year session adjourn no later than April 1. One way of doing so by law would be to amend the statutory definition of legislative day to stipulate that a legislative day shall not occur after April 1 in any even-numbered year.*

It may be necessary, at some point, for the Legislature to meet for a full five months each year. But at the moment, and for the foreseeable future, we do not believe it is necessary for the second session to last more than three months - the approximate length of the 1974 legislative session.

The primary purpose of the second session, in our opinion, should be to act on those major bills that were carried over from the first session and to consider any other matters where the urgency of the situation requires immediate action. Accordingly, because we do not envision the need for an extensive schedule of committee hearings, a greater proportion of the second session should be available for floor debate. Under such a system, the second session should not need to last beyond the end of March.

Although the 1974 Legislature did not meet beyond this deadline, there is the natural tendency to delay resolution of an issue if more time is available, which we think could result in a gradual lengthening of the second session. The deadline we are recommending will provide a degree of predictability to the length of the second session, and is desirable for two reasons:

- \*\* It will establish a definite deadline within which the work of the Legislature must be completed. It is generally recognized that deadlines can serve to stimulate action. Within the Legislature, a deadline which requires action before a certain date can be an instrumental factor in bringing about the compromises that are necessary in order for the Legislature to take action on a piece of legislation.
- \*\* It will give encouragement to individuals who are considering running for the Legislature. Knowing the legislative session will be over by April 1 in the even year should help a legislative candidate make the necessary plans that will permit him to run for the

Legislature. Having a better idea of the length of the sessions should prove helpful, also, to those persons who must spend a good part of their time at the Capitol when the Legislature is in session. Volunteer lobbyists, for instance, are usually able to give only limited amounts of their time to following legislation.

The advantage of establishing a shorter deadline by rule or law is that the length of the session can be relatively easily extended - within the constitutionally imposed limits - if it is determined in the future that the Legislature does need more time.

If a shorter time limit were established for the second session, there would be merit in amending the Constitution to remove the 120-day limitation on the number of legislative days. If reasonable deadlines setting the maximum length of legislative sessions exist, the 120-day limitation is not necessary. It causes the Legislature to spread sessions so far apart, particularly during the early days of a legislative session, that the members have limited opportunity to develop a working relationship.

C. Examine committee and subcommittee procedures.

No other subject received as much attention from persons testifying before our committee as the problems associated with the structure and operation of committees and subcommittees of the Legislature.

1. Review the effect of the decisions to reduce the number of standing committees.

*We recommend the Rules Committees of the House and Senate review and determine the impact of the decisions which have resulted in a reduction in the number of standing committees. We frankly do not know what the ideal number of committees is for each legislative body; we do believe, however, that the subject is an issue which warrants further study by each Rules Committee or, jointly, by the Joint Coordinating Committee.*

In recent years there have been a number of proposals to reduce the number of standing committees in the House and Senate. The Legislature responded by reducing the number of House and Senate committees, respectively, from 33 and 22 in 1965, to 17 and 13 in 1975. Based on testimony we received, we think it is possible the Legislature has moved too far, to the point where each body now has too few standing committees.

In many respects, the number of committees of a legislative body is an internal operational matter that is best left to the appropriate legislative committees to decide. It becomes a concern to the public when the procedures result in a legislative system that is less open, and one in which it becomes more difficult for the public to present their views on pending legislation.

The increased number of subcommittees within the Legislature appears to be a direct result of the reduction in the number of standing committees. The increased use of subcommittees has, in our opinion, resulted in a committee system that makes participation in the legislative process more difficult for the public.

2. Establish procedures governing the operation of subcommittees.

*We recommend each body of the Legislature establish procedures governing the operation of subcommittees. Specifically, such procedures should provide the following: 1) All subcommittees should be standing subcommittees established by legislative rule; 2) Membership of subcommittees should be sufficiently large to permit adequate evaluation of the legislation referred to the subcommittee; 3) Subcommittees should be required to conform to the same operating procedures that apply to standing committees; 4) All bills referred to a subcommittee should be reported back to the standing committee in time for possible committee action.*

The primary purpose for the subcommittee, in our opinion, is to provide a review of a legislative proposal, making those technical changes that are necessary to place the bill in shape, before it is considered by the standing committee. On balance, the subcommittee system seems to work best when the subject matter being considered is relatively uncontroversial. Since public pressure will often require that a public hearing be scheduled on a controversial bill at both the subcommittee and committee levels, we believe the more controversial bills should be handled entirely at the committee level.

The subcommittee system should not become an additional committee level. For instance, a subcommittee should not be able to, in effect, kill a bill by not referring it back to the standing committee; all bills referred to a subcommittee should be reported back to the standing committee, preferably with a brief, written report summarizing the testimony received, and the recommendation proposed by the subcommittee.

II. Retain present size of the Minnesota Legislature.

The present size of the Minnesota Legislature is not a serious problem which adversely affects the work of the Legislature. Many of the arguments in support of a smaller size -- it will save money, for instance -- are open to challenge; while other arguments -- such as a smaller Legislature is more efficient -- are offset, we believe, by the importance of maintaining a legislative system which encourages communication between constituents and legislators.

It would be possible, however, for this representation function to be performed primarily by one of the two legislative bodies. Even though we do not consider the matter of size to be a serious problem, if indeed a problem at all, we would support a proposal to reduce the size of the Senate if the House remained at approximately its present size, should the Legislature decide that the present size is too large. In the event the Legislature determines to reduce its size, we would recommend the Senate be reduced to 45 members and the House be returned to its previous size of 135 members.

A reduction in the size of only the Senate could serve to strengthen our bicameral legislative system by shaping the two legislative bodies in such a way as to give each a different perspective when considering legislation. Under a legislative system in which House districts are one-third the size of Senate districts, members of the House would be able to remain in relatively close contact with the general public; while members of the Senate would be better able to consider policy questions from a broader, areawide perspective.

III. Establish a commission to reapportion legislative districts.

*We recommend the Legislature submit to the voters, in 1976, a constitutional amendment establishing a reapportionment commission and granting the commission the authority to reapportion legislative districts. Determining the size of the Legislature should not be a responsibility of the commission; the number of districts should continue to be set by law.*

Although there are several different ways to structure a reapportionment commission, we believe the commission proposed by the Constitutional Study Commission in 1972 is a reasonable one and should be adopted. The study commission recommended a reapportionment commission of thirteen members consisting of four legislators (two majority and two minority), two members appointed by the Governor, two by the opposition political party, and the remaining five elected by the eight members so designated.

The Constitutional Study Commission also recommended that the Constitution be amended to provide certain standards to be used by the reapportionment commission in drawing districts - standards such as no multi-member districts, districts to be contiguous, compact, and as nearly equal in population as possible; districts should not divide county, city, town or ward boundaries unless required by the other standards.

Politics will never be removed from reapportionment for the shape of the legislative districts has significant political implications. Political control of the Legislature can be determined, to a great degree, by the shape of the districts. To remove reapportionment from the Legislature and place it in the hands of a reapportionment commission will not remove politics from reapportionment; it will, however, insure that the politics be of a bipartisan nature and will remove the responsibility from the body whose members will be most directly affected by the outcome of the reapportionment.

There are two additional reasons why we believe a reapportionment commission is desirable, reasons which relate directly to the responsibilities of the Legislature and the ability to attract able candidates to seek legislative office. First, transferring the responsibility for reapportionment to an outside body will permit the Legislature, in the session following the federal census, to concentrate on its primary responsibilities and not to have a major share of its attention diverted to solving the tough problems of a reapportionment.

Secondly, because the reapportionment plan will have been prepared by a bipartisan commission, we believe there is greater likelihood that more of the legislative districts will be shaped in such a way as to give candidates from both political parties an opportunity to be elected. Whether the candidate has a fair opportunity to be elected from a particular district has a major effect on the individual's decision to run for the Legislature. The legislative system will be strengthened whenever the voters are given the opportunity to select between two or more able candidates.

IV. Increase legislative salary.

A. Retain responsibility for determining legislative salary with the Legislature.

1. Continue the process of receiving advisory recommendations on legislative compensation from the State Personnel Board.

*We recommend the Legislature continue the 1974 law which directs the State Personnel Board to recommend a salary for legislators to the Legislature. Under the law, the Personnel Board - a seven-member board with several responsibilities relating to compensation of public employees - is directed to recommend a salary for legislators in November of each even-numbered year, prior to the convening of a new Legislature. The responsibility to establish the salary remains with the Legislature and the Governor; legislative salary may be changed only by changing state law.*

We believe this process is a sound one and should be continued. This does not mean we believe the Legislature should automatically accept the specific recommendation proposed by the Personnel Board. Indeed, we believe the current recommendation should be redetermined on the basis of a different set of criteria than was used by the Personnel Board.

The Personnel Board's recommendations will be accepted more readily by the Legislature in future years as the role of the Board becomes better accepted. There should also be less controversy over salary when the Board's proposal is designed to maintain salaries at an acceptable level.

The authority for establishing legislative salary properly belongs with the Legislature, a body directly elected by and accountable to the people. We fully recognize that legislative salary is a sensitive issue that has political implications for all legislators. We also recognize that many citizens believe it is not a good principle to permit a body of people to determine its own salary. We believe the preferred system is one which retains responsibility for establishing the salary with an elected body accountable to the people but, in addition, provides for an independent recommendation that can be used both by the Legislature in making its decision, and by the public in evaluating the action of the Legislature.

2. Revise recommendation on legislative salary.

*We recommend the Legislature in 1975 direct the State Personnel Board to revise its recommendation for legislative compensation, basing it on the criteria proposed below, and to submit the revised recommendation to the 1976 session.*

The current session of the Legislature should not pass the pending legislation which would establish another citizens commission (similar in make-up to the Personnel Board), and give it authority to establish legislative salary, subject only to legislative veto. Instead, the Legislature should direct the State Personnel Board, during the interim, to review its recommendation on legislative salary, based on the criteria proposed below, and submit a revised recommendation to the Legislature in 1976. The 1976 Legislature should adopt a salary increase for legislators to be effective with the seating of the new Legislature in 1977.



An increase is essential. Few other things have as direct an effect on the public as do the actions of the Minnesota Legislature. It is, therefore, exceedingly important for everyone that our legislative system be designed to encourage and make it possible for the most able persons in the state to serve in the Legislature.

B. Establish criteria to be used when determining legislative salary.

*We recommend the Legislature establish criteria to be used by the Personnel Board in recommending legislative salary.*

A major reason, we believe, for the wide divergence of opinion between legislators and among members of the public over the proper salary that should be paid legislators is that there are no clearly established criteria that can be used as a basis for determining a salary for legislators. As a result, each person picks a figure he considers to be appropriate for the position, based on his own definition of what a legislator should, and should not, be.

Admittedly, it is not easy to arrive at criteria that will be accepted by everyone; nor, after having done so, will it be easy to translate the criteria into an acceptable level of compensation. It may not even be possible, but it should be attempted.

*We further recommend the following be the criteria to be used in establishing legislative salary:*

1. Pay legislators a salary that is adequate to be a legislator's entire income. This, we believe, is basic if we are to be successful in developing a legislative system which makes it possible for a wide range of individuals to consider seeking legislative office. This should not mean the scheduled time requirements of the Legislature should consume all of a legislator's time. In fact, the time requirements should be flexible enough to permit those individuals whose careers do not permit them to be full-time legislators to serve in the Legislature, just as legislative salary should be adequate for the individual who chooses to spend all of his time on legislative work.

By suggesting an adequate salary we do not mean to propose a salary that will be so attractive that persons will run for legislative office primarily because of the pay. The legislator who receives no other income may have to sacrifice some; but - in another way - so will the part-time legislator who must try to find the time in his schedule to maintain another job while serving in the Legislature.

One measure of an adequate income for a family is the Bureau of Labor Statistics measurement of a family budget for a family of four living in the Minneapolis-St. Paul metropolitan area. The Bureau annually releases figures for three budget levels: A low-level, an intermediate-level, and a high-level budget. They report that an intermediate-level budget for the Twin Cities area was \$14,872 in October, 1974.

2. Pay all legislators the same salary. We believe all legislators should receive the same salary, even though the level of activity - and even the level of ability - will vary among legislators. The only exception to this basic principle should be a provision to pay a slightly higher salary to the Speaker of the House.

Admittedly, arguments can be made in support of variable pay systems. Some believe that the legislator who spends more time on legislative business should receive higher income; others would tie income to a legislator's previous level of compensation so that no legislator must, financially, suffer too severely by serving in the Legislature. Other factors to consider in determining a legislator's pay could be length of legislative service, or a legislator's ability to carry out his responsibilities. All of these would be reasonable if we were determining compensation level for many other positions.

The position of legislator, however, is unlike most other positions in that the only real qualification for the job (other than age and citizenship) is that a legislator have received more votes than any other candidate for the office. So long as the voters elect legislators with different abilities and different approaches to their jobs, it is difficult to say that a legislator representing one district should receive higher compensation than a legislator from another district.

3. Use salary - not per diem - to compensate legislators. A legislator's legislative income should be derived principally from the salary he is paid. Under a per diem expense system, though, it is possible for a legislator to receive expense payments that exceed actual expenses; the difference becoming, in effect, additional income. Such is the case with the per diem expense payment system used by the Minnesota Legislature.

Another result of the current per diem system is that legislators who do not establish new living quarters during legislative sessions have a significantly higher taxable income than those who do. Under the present salary and per diem schedules, a typical legislator who does not change residence has an average taxable income of \$11,834, while the legislator who does move has an average taxable income of \$9,700.<sup>1/</sup>

The public also has a right to know how much members of the Legislature are being paid. Since legislators are not required to publicly submit their expense payments, it is not possible to know to what extent per diem payments exceed actual expenses. It is hard to believe, however, that the legislator who continues to live at home during sessions of the Legislature would have expenses of \$25 per day, or \$175 per week, particularly if the expense reimbursement rules established by the Internal Revenue Service are used to define expenses.

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1/ See Table 3

Legislators should be reimbursed only for actual expenses, both during the session and during the interim. The definition of expenses that would be reimbursable, along with any maximum limits on expenses, should be established by legislative rule.

We realize that the reporting of actual expenses will involve some additional book work for both the legislative staff and the legislator, but we believe that such a requirement is necessary to insure that expense payments do not exceed actual expenses. For the legislator who must now keep track of actual expenses for federal tax purposes, the extra work involved in submitting reports itemizing actual expenses would be minimal.

4. Revise supplemental benefit programs. Salary recommendations of the Personnel Board should take the value of all supplemental benefits into consideration. In addition, the Legislature should direct the Personnel Board to review the supplemental benefit programs for legislators and make appropriate recommendations to the next session of the Legislature.

In particular, the provision which enables any former member of the Legislature to qualify for the state's health insurance program, and the legislative retirement program should be reviewed. The retirement program contains more benefits than most retirement plans and is generally considered a liberal plan. While such a plan might have appropriately served as a supplement to income when legislative salaries were low, it should not need to serve as a supplement.

5. Consider adjusting legislative salary on an annual basis. A major reason, we believe, why members of the general public are so adamantly opposed to proposals to increase legislative salary is that the percentage increase is usually quite large. It is large, usually because it has been several years since the salary was last increased. For instance, the Personnel Board's salary proposal could amount to a salary increase over present salary of 34% for an average city legislator (considering per diem as salary). Their proposal amounts to an increase of 8.5% per year since the last pay increase took effect in 1973.

## W O R K   O F   T H E   C O M M I T T E E

### Background

In 1968 the Citizens League issued its first report devoted to the organization of the Minnesota Legislature. The report, "Organization for State Policy Making" contained twenty-nine proposals designed to strengthen the Minnesota Legislature. Foremost among the recommendations was a proposal that the State Constitution be amended to authorize a new approach to the scheduling of sessions of the Minnesota Legislature; an approach which established the Legislature as a continuing body and provided it with the flexibility to schedule sessions at such times as to maximize the effectiveness of the work of the Legislature over the two-year period.

The proposal soon came to be referred to as the "flexible session" concept. In 1971, the Legislature voted to submit a modified version of the proposal on the ballot as a constitutional amendment to be voted on in 1972. The voters adopted the amendment in that election, and the Legislature, in 1973, began operating under a new system.

Because of the Citizens League's early interest in the flexible session concept, the Board of Directors of the Citizens League, in 1973, authorized another study of the Minnesota Legislature to determine how effectively the Legislature was utilizing the flexibility provided by the amendment, and how the additional time provided by the amendment affected such things as legislative compensation and size.

In July, 1974, the Minnesota Legislature Committee was established and given this assignment:

*"A number of important changes have occurred in the Minnesota Legislature in recent years. Most important of these changes was the adoption, in 1972, of the flexible session amendment allowing the Legislature to spread its workload over the first five months of both years of each biennium. Major questions remain, however, as to how the Legislature is to most effectively utilize its newly acquired flexibility. We would review the use of the flexible session by the 1973-74 Legislature and consider how the flexible session might relate to issues such as legislative compensation and size, full vs. part-time Legislature, staffing, use of the interim, and conduct of legislative hearings. Appropriate recommendations for statutory or rules changes would be made to the 1975-76 Legislature."*

### Committee Membership

A total of 23 members actively participated in the work of the committee, under the chairmanship of Gerald R. Dillon. Other committee members were:

Paul H. Anderson  
Charles H. Backstrom  
Morton V. Bjorkquist  
James R. Bullock, Jr.  
Larry J. Chiat  
Lynn W. Carlson  
Thomas E. Dolan  
Jean Druker

Ann S. Duff  
Frank Frison  
Glen F. Galles  
Virginia Greenman  
Randall Halvorson  
Ruth B. Hauge  
Betty Kane

Ann Knutson  
Larry Laukka  
Gene Mammenga  
Janet M. Sigford  
Edward J. H. Smith  
Ann Thomas  
Paul J. Uselmann, Jr.

The committee was assisted by Glen J. Skovholt, Citizens League Research Associate, and Jean Bosch of the clerical staff.

#### Committee Activity

Beginning with its first meeting on July 16, 1974, the committee held regular meetings nearly every Tuesday noon. Additional meetings were also held as needed. In total, the committee met 37 times.

During the first several months, the committee held a series of hearings at which experts were asked to give their observations on the workings of the flexible session concept and the effect the new system was having on the overall operation of the Legislature. They were also asked to identify what they considered to be the problems that should be of concern to the committee.

Following these orientation sessions, the committee held several internal sessions, discussing and defining what it considered to be the major problems that needed to be addressed. Finally, the committee spent several weeks reviewing drafts of the findings, conclusions and recommendations sections of the report.

Throughout the testimony sessions, and continuing beyond, detailed minutes were prepared of each meeting, with copies being made available to members as well as other individuals who were interested in the work of the committee. In addition, extensive background materials were made available to the committee on several subjects of concern to the committee. A limited number of copies of the minutes and other materials are available on file in the Citizens League office.

The committee wishes to thank the following resource persons who met with the committee:

Arthur Naftalin, professor of public affairs, University of Minnesota.  
Edward Burdick, chief clerk, Minnesota House of Representatives.  
Joseph Bright, former Minnesota Revisor of Statutes.  
Harmon Ogdahl, State Senator.  
Martin Sabo, State Representative, Speaker of the House.  
Steve Alnes, Minneapolis Star.  
Bill Fox, United Press International.  
Bob O'Keefe, St. Paul-Dispatch-Pioneer Press.  
Jim Faber, Minnesota Association of Commerce & Industry.  
David Roe, Minnesota AFL-CIO.  
Edward Gearty, State Senator.  
Ernest Lindstrom, State Representative.  
John Milton, State Senator.  
Arne Carlson, State Representative.  
Carl Auerbach, dean, Law School, University of Minnesota.  
Donald M. Fraser, United States Congressman; formerly a State Senator.  
Nicholas Coleman, State Senator, Senate Majority Leader.  
Irvin Anderson, State Representative, House Majority Leader.  
Henry Savelkoul, State Representative, House Minority Leader.  
Glen Galles, consultant to State Personnel Board.  
Charles K. Dayton, attorney and lobbyist for Sierra Club.  
Edward G. Novak, Commissioner of Public Safety; formerly a State Senator.  
J. B. Clarkson, lobbyist.  
Peter Popovich, former State Representative; lobbyist.  
Peter Seed, chairman of 1968 Citizens League committee on Minnesota Legislature.  
Betty Kane, member of 1971-72 Constitutional Study Commission.  
Arley Bjella, chief executive officer, Lutheran Brotherhood; former North Dakota State GOP chairman.

Table 1

EXPERIENCE LEVEL OF MINNESOTA LEGISLATURES

One indicator of the degree of experience of a legislature is the total number of years of legislative experience of all members of the legislature; another is the number of legislators who have served a certain number of years in the legislature.

Explanation of terms: "Freshmen" are persons who were newly elected; some may have served in the other body previously. "No previous experience" means the person has never before served in the Minnesota Legislature. "Total experience" includes both House and Senate experience. Source of the information is the Minnesota Legislative Manual.

SENATE	<u>1955</u>	<u>1963</u>	<u>1965</u>	<u>1967</u>	<u>1969</u>	<u>1971</u>	<u>1973-74</u>	<u>1975-76</u>
Total years of legislative experience - all members	530	598	678	538	672	462	352	452
Average years of legislative experience	7.9	8.9	10.1	8.0	10.0	6.9	5.2	6.7
Freshmen	27	22	4	24	-	21	25	4
% Turnover	40%	33%	6%	36%	-	31%	37%	6%
No previous experience	25	13	2	17	-	15	14	
8 or more years of experience	29	41	39	34	34	30	19	28

HOUSE OF REPRESENTATIVES

Total years of legislative experience - all members	752	832	852	714	760	708	541	423
Average years of legislative experience	5.7	6.2	6.3	5.3	5.6	5.2	4.0	3.2
Freshmen	42	54	21	44	30	44	50	53
% Turnover	32%	40%	16%	32%	22%	32%	37%	40%
No previous experience	39	53	18	40	28	40	47	52
6 or more years of experience	53	50	54	45	62	52	46	25

Table 2

OCCUPATIONAL COMPOSITION OF HOUSE OF REPRESENTATIVES  
1965, 1971 and 1975 SESSIONS

	<u>1965</u>		<u>1971</u>		<u>1975</u>	
Attorney	27	(20%)	31	(23%)	20	(15%)
Banker, insurance, securities, real estate	16	(12%)	10	(7%)	6	(4%)
Self-employed - small businessman, retailer, consultant	21	(16%)	15	(11%)	14	(10%)
Executive - larger business	4	(3%)	3	(2%)	1	(1%)
Manager, supervisor - larger business	2	(1%)	3	(2%)	10	(7%)
Trade association, non-profit - executive, lobbyist	1	(1%)	4	(3%)	3	(2%)
Union - tradesman; official	10	(7%)	11	(8%)	13	(10%)
Educator	5	(4%)	16	(12%)	18	(13%)
Public employee	3	(2%)	2	(1%)	5	(4%)
Doctor, nurse, veterinarian, clergy	1	(1%)	5	(4%)	5	(4%)
Homemaker	1	(1%)	1	(1%)	1	(1%)
Retired	4	(3%)	-		-	
Student	-		-		2	(1%)
Farmer	38	(28%)	33	(24%)	23	(17%)
Legislator	-		-		11	(8%)
Unemployed at time of election	-		-		2	(1%)
Other - unknown	2	(1%)	1	(1%)	-	

Source of information is primarily the biographical material in the Legislative Manual. Information on members of the 1975 Legislature is generally from the Statement of Economical Interest which all legislative candidates are required to complete when filing for office.

Because some occupations can fall into more than one category - and some legislators even have more than one occupation - the information in the table should be considered to be approximate.

Table 3

EFFECT OF ALTERNATIVE COMPENSATION PLANS ON TAXABLE INCOME

Assumptions

1. For a metropolitan legislator, per diem is at the level paid to a legislator who does not change his residence during legislative sessions.

For an outstate legislator, per diem is at the level paid to a legislator who does change his residence during legislative sessions.

2. For a metropolitan legislator, all per diem is treated as taxable income. The IRS does not permit a legislator who continues to live at home to deduct expenses for meals or travel to and from the Capitol from his income.

For an outstate legislator, per diem payments in excess of actual expenses are taxable.

3. Per diem payments are based on the 214 days the Legislature was in session in 1973-74 and the average number of days for which per diem was claimed by a member of the House for the 1973 and 1974 interims (28 and 17 days respectively). This averages 130 days per year.
4. Cost of living is assumed to increase at the rate of 10% per year. The index used for professional and managerial employees will increase by 7½% between July 1, 1975, and January 1, 1977. (The index provides for a cost of living increase that is approximately 50% of the actual increase in the cost of living.)
5. Actual expenses for a legislator who changes his residence are assumed to be: \$9/day room; \$1/day laundry; \$2/day breakfast; \$3/day lunch; \$8 day dinner; \$23/day total.

<u>Compensation Plan</u>	<u>Metropolitan Legislator</u>		<u>Outstate Legislator</u>	
	<u>Average Taxable Income 1977</u>	<u>Percentage Change per Year Since 1973</u>	<u>Average Taxable Income 1977</u>	<u>Percentage Change Per Year Since 1973</u>
1. <u>No change in present system:</u> \$8,400/yr. salary; per diem expenses of \$25/day during session and \$33/day during interim for metropolitan legislator, and \$33/day, session and interim, for outstate legislator. (Salary has been \$8,400 since 1973.)	\$11,834	-	\$ 9,700	-
2. <u>Personnel Board recommendation:</u> \$13,500/yr. salary, to be increased on basis of professional and managerial cost of living index; per diem of \$10/day for metropolitan legislator and \$17.50/day for outstate legislator.	\$15,812	+ 8.5%	\$15,097	+ 14%
4. <u>House Select Committee proposal:</u> Salary of \$19,280 plus actual expenses.	\$19,280	+16%	\$19,280	+ 25%



Table 4 - LEGISLATIVE 1974 COMPENSATION AND EXPENSE PROGRAM

Salary	\$700/month - \$8,400/year
Per Diem	Non-vouchered In session \$25/day for metropolitan legislators \$33/day for others Out of session \$33/day for all members, for days spent on official business.*
Retirement Plan	Benefit payable at age 60 - if "retired" Eight (8) years service to qualify (not continuous) Contribution 8% of salary 40% of average salary since 1-1-73 Plus 2½% for each year service over 8 Benefit payable for life - plus If death after 2 years service, or Retires after 8 years service Benefit 40% to spouse - lifetime unless 20% to first dependent child 12½% to each additional child Total 100% or Contribution returned to estate Benefits <u>not</u> subject to Minnesota Income Tax
<u>Lodging expenses*</u>	Same manner and amount as state employees
Travel expenses	14¢ mile during sessions (one a week) (metropolitan senators - none)
Life Insurance	\$5,000 State paid Up to \$40,000 optional - cost .20 to 2.08/mo. per \$1000 Dependents at \$2000 each - cost .56 to 4.38/mo. total AD&D Double
Phone-Postage-Office	Postage \$200 year member \$250 Chairmen \$300 Minority Leader - Assistant Majority Leader Phone \$30 month - long distance in session if arise
Medical Insurance	Full semi-Private R&B - 365 days Unlimited Hospital Extras - 365 days Extended care facilities Surgical schedule (full to 80%) Major Medical - \$50 deductible 80% co-insurance \$50,000 maximum All former legislators eligible to continue \$34.35/month Cost employee \$0, dependent \$34.35/month.

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Source: Report of the State Personnel Board  
November, 1974

\* 1975 Legislature authorized payment of actual lodging expenses in addition to per diem. Per diem to be paid for days legislator is engaged in official business. Formerly per diem was paid for days when legislator was required to attend meet-

Table 5

LEGISLATIVE SALARIES IN THE 50 STATES

<u>State</u>	<u>Annual Salary <sup>1/</sup> 1975</u>	<u>Estimated Biennial <sup>2/</sup> Compensation 1972-73</u>	<u>State</u>	<u>Annual Salary <sup>1/</sup> 1975</u>	<u>Estimated Biennial <sup>2/</sup> Compensation 1972-73</u>
Alabama	\$ 680	\$11,670	Montana	\$ 1,200	\$11,020
Alaska	9,000	27,835	Nebraska	4,800	9,600
Arizona	6,000	16,980	Nevada	1,800	6,300
Arkansas	1,200	4,380	New Hampshire	100	200
California	21,120	53,490	New Jersey	10,000	20,000
Colorado	7,600	15,200	New Mexico	0	3,240
Connecticut	5,500	13,000	New York	23,500	43,000 <sup>3/</sup>
Delaware	6,000	12,000	North Carolina	4,800	9,525
Florida	12,000	27,275	North Dakota	150	4,150
Georgia	7,200	17,400	Ohio	17,500	28,000
Hawaii	12,000	28,940	Oklahoma	9,480	18,960
Idaho	600	7,218	Oregon	4,800	15,105
Illinois	20,000	40,408	Pennsylvania	15,600	31,200
Indiana	6,000	20,120	Rhode Island	300	600
Iowa	8,000	15,680	South Carolina	4,000	14,300
Kansas	765	11,970	South Dakota	2,500	5,000
Kentucky	925	12,350	Tennessee	5,515	18,050
Louisiana	2,250	16,500	Texas	4,800	11,040
Maine	1,750	4,308	Utah	1,000	3,200
Maryland	11,000	22,000	Vermont	2,250	5,500
Massachusetts	12,688	36,502	Virginia	5,475	14,190
Michigan	19,000	34,000	Washington	3,800	13,200
Minnesota	8,400	21,420	West Virginia	3,300	7,830
Mississippi	5,000	14,740	Wisconsin	15,681	20,025 <sup>3/</sup>
Missouri	8,400	16,800	Wyoming	450	1,940

Sources: Annual salary data: Citizens Conference on State Legislatures document dated March, 1974 - updated by the Minnesota Program for Legislative Improvement, April, 1975.

Estimated biennial compensation data: Book of the States, 1974-75, published by Council of State Governments.

- <sup>1/</sup> Table lists only salary figures. In some states, expense payments exceed actual expenses and serve as a form of compensation.
- <sup>2/</sup> Includes salary, daily pay and unvouchered expense allowances, but excludes special session compensation, per diem interim business allowances, mileage and transportation allowances, and all vouchered expenses. In instances where daily pay or expenses were provided, days in session were estimated for 1972-73 on the basis of days in session in 1971-72.
- <sup>3/</sup> Figure is compensation for members of the Assembly; compensation for members of the Senate is \$40,000 in New York, and \$20,675 in Wisconsin.

Table 5

## LENGTH OF SESSIONS AND NUMBER OF INTERIM MEETINGS: 1969-70 &amp; 1973-74

	<u>1969-70</u>								<u>1973-74</u>							
	SESSION				INTERIM				SESSION				INTERIM			
	Total calendar days in session	Actual days with floor session	Total # of hearings	Joint	Senate	House	Days on which hearings were held	Most meetings on one day	Total calendar days in session	Actual days with floor session	Total # of hearings	Joint	Senate	House	Days on which hearings were held	Most meetings on one day
Odd year session	140	102							140	66						
Even year session	-	-							74	50						
Total	140	102							214	116						
Percentage change									+53%	+14%						
June '69 or '73			-	-	-	-	-	-			12	4	8	-	9	3
July			2	1	-	1	1	-			67	8	30	29	16	16
Aug.			14	9	1	4	8	3			86	7	33	46	18	16
Sept.			25	12	3	10	11	5			102	13	33	56	18	19
Oct.			27	16	2	9	13	5			114	12	42	60	23	21
Nov.			23	10	3	10	12	4			106	7	46	53	16	19
Dec.			32	9	4	19	12	9			78	6	33	39	16	18
Jan. '70 or '74			10	14	25	21	16	9			12	3	8	1	6	3
Feb.			31	20	-	11	14	6								
Mar.			35	13	2	20	15	8								
Apr.			36	15	7	14	17	5			9	2	3	4	8	2
May			59	19	17	23	19	9			40	14	8	18	16	5
June			40	12	6	22	15	5			41	19	8	14	20	4
July			21	9	2	10	13	7			32	11	5	16	15	5
Aug.			14	8	1	5	9	3			19	8	7	4	11	4
Sept.			18	7	5	6	11	5			32	14	9	9	16	4
Oct.			6	2	1	3	4	3			24	8	8	8	14	4
Nov. to election			-	-	-	-	-	-			3	1	2	-	3	1
Election to Jan.- 2 mos.			47	20	15	12	17	5			95	40	42	13	37	7
Total Interim			490	196	94	200					872	177	325	370		
Percentage change											+78%	+11%	+24%	+85%		
Total first yr. interim											577	60	233	284		
Total 2nd yr. interim											295	117	92	86		

Table 6

SIZE OF LEGISLATURES IN 49 STATES -  
RANKED BY AVERAGE POPULATION OF A LEGISLATIVE DISTRICT

House of Representatives

<u>State</u>	<u>Number of Representatives</u>	<u>Average Size of Representative Districts</u>
1. New Hampshire	400	2,000
2. Vermont	150	3,000
3. Wyoming	61	5,000
4. North Dakota	98	6,000
5. Maine	151	7,000
6. Montana	104	7,000
7. Alaska	40	8,000
8. Rhode Island	100	9,000
9. South Dakota	75	9,000
10. Idaho	70	10,000
11. Nevada	40	12,000
12. Hawaii	51	15,000
13. New Mexico	70	15,000
14. Utah	69	15,000
15. Delaware	35	16,000
16. Connecticut	177	17,000
17. West Virginia	100	17,000
18. Kansas	125	18,000
19. Mississippi	122	18,000
20. Arkansas	100	19,000
21. South Carolina	124	21,000
22. Georgia	225	22,000
23. Iowa	124	23,000
24. Massachusetts	240	24,000
25. Oklahoma	99	26,000
26. Maryland	142	28,000
27. MINNESOTA	134	28,000
28. Missouri	163	29,000
29. Arizona	60	30,000
30. Alabama	106	32,000
31. Kentucky	100	32,000
32. Colorado	65	34,000
33. Washington	99	34,000
34. Louisiana	105	35,000
35. Oregon	60	35,000
36. Tennessee	99	40,000
37. North Carolina	120	42,000
38. Wisconsin	100	44,000
39. Virginia	100	46,000
40. Indiana	100	52,000
41. Florida	119	57,000
42. Pennsylvania	203	58,000
43. Illinois	177	63,000
44. Texas	150	75,000
45. Michigan	110	81,000
46. Ohio	99	108,000
47. New Jersey	60	119,000
48. New York	150	122,000
49. California	80	250,000

(Table 6 cont'd.)

Senate

<u>State</u>	<u>Number of Senators</u>	<u>Average Size of Senatorial Districts</u>	<u>House: Senate Ratios</u>
1. Wyoming	30	11,000	2:1
2. Montana	55	13,000	1.8:1
3. North Dakota	49	13,000	2:1
4. Alaska	20	15,000	2:1
5. Vermont	30	15,000	5:1
6. South Dakota	35	19,000	2.1:1
7. Idaho	35	20,000	2:1
8. Rhode Island	46	21,000	2.1:1
9. New Mexico	42	24,000	1.6:1
10. Nevada	20	24,000	2:1
11. Maine	34	29,000	4.4:1
12. Delaware	18	30,000	2:1
13. Nebraska	49	30,000	---
14. New Hampshire	24	31,000	17:1
15. Hawaii	25	31,000	2:1
16. Utah	28	38,000	2.4:1
17. Mississippi	52	43,000	2.3:1
18. Iowa	61	46,000	2:1
19. West Virginia	34	51,000	2.9:1
20. South Carolina	50	52,000	2.4:1
21. Oklahoma	48	53,000	2:1
22. Arkansas	35	55,000	2.8:1
23. Kansas	40	56,000	3.1:1
24. MINNESOTA	67	57,000	2:1
25. Arizona	30	59,000	2:1
26. Colorado	35	63,000	1.8:1
27. Oregon	30	70,000	2:1
28. Washington	49	70,000	2:1
29. Connecticut	36	84,000	4.9:1
30. Georgia	54	85,000	3.7:1
31. Kentucky	38	85,000	2.6:1
32. Maryland	43	91,000	3.3:1
33. Louisiana	39	93,000	2.6:1
34. Alabama	35	98,000	3:1
35. North Carolina	50	102,000	2.4:1
36. Indiana	50	104,000	2:1
37. Virginia	40	116,000	2.5:1
38. Tennessee	33	119,000	3:1
39. Wisconsin	33	134,000	3:1
40. Missouri	34	138,000	4.7:1
41. Florida	48	141,000	2.4:1
42. Massachusetts	40	142,000	6:1
43. Illinois	58	192,000	3:1
44. Michigan	38	234,000	2.8:1
45. Pennsylvania	50	236,000	4:1
46. New Jersey	29	247,000	2:1
47. New York	57	320,000	2.6:1
48. Ohio	33	323,000	3:1
49. Texas	31	361,000	4.8:1

## ABOUT THE CITIZENS LEAGUE . . .

The Citizens League, founded in 1952, is an independent, non-partisan educational organization in Twin Cities area, with some 3,600 members, specializing in questions of government planning, finance and organization.

Citizens League reports, which provide assistance to public officials and others in finding solutions to complex problems of local government, are developed by volunteer research committees, supported by a fulltime professional staff.

Membership is open to the public. The League's annual budget is financed by annual dues of \$15 (\$25 for family memberships) and contributions from more than 500 businesses, foundations, and other organizations.

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