

Bill Walsh

From: Anderson, Kristyn M (MMB) <kristyn.m.anderson@state.mn.us>
Sent: Friday, December 29, 2017 3:24 PM
To: Sen. Michelle Fischbach
Cc: Kevin Matzek; Tom Bottern; Stephanie James; Dornfeld, Joanna (GOV); Simpson, Amanda (GOV)
Subject: RE: Salary for the lieutenant governor

Dear Senator Fischbach,

I received the below inquiry on your behalf from Senate Counsel, Stephanie James.

The Minnesota Constitution provides that the “compensation of the lieutenant governor shall be prescribed by law.” Minn. Const. art. V, sec. 5. In 2001, the legislature prescribed, by session law, that beginning in 2003, the lieutenant governor’s salary would be set at 65 percent of the Governor’s salary. Minn. Laws 2001, 1st spec. sess., ch. 10, art. 1, sec. 2 (“Effective January 6, 2003, the salaries of other constitutional officers are set at the following percentages of the salary of the governor . . . lieutenant governor – 65 percent.”). In 2013, when the legislature increased the governor’s salary, the legislature prescribed by session law that “[t]he salaries of the other constitutional officers shall be adjusted to retain their proportional relationship as of January 1, 2013, to the salary of the governor.” Minn. Laws 2013, ch. 142, art. 6, sec. 12. *See also* Minnesota House Research, January 2016, State Elected Officials’ Compensation, <http://www.house.leg.state.mn.us/hrd/pubs/ss/sseloffcomp.pdf>.

The Constitution and laws use the words “compensation” and “salary,” respectively. According to the Minnesota canons of construction, words in statutes are to be construed according to their common usage. Minn. Stat. sec. 645.16. This same rule of interpretation—that words must be given their ordinary meaning—also applies to constitutional provisions. *State v. Pett*, 253 Minn. 429, 432, 92 N.W.2d 205, 207 (1958) (stating court will not substitute words with well-defined meaning in constitution with other words having a different meaning).

To determine the common meaning of words, courts often resort to dictionary definitions. *See, e.g., Rasmussen v. Glass*, 498 N.W.2d 508, 511 (Minn. Ct. App. 1993) (consulting various dictionaries to construe the word “creed”). The Merriam-Webster online dictionary defines “salary” to be “fixed compensation paid regularly for services.” <https://www.merriam-webster.com/dictionary/salary>. It defines “compensation” to mean “payment, remuneration” <https://www.merriam-webster.com/dictionary/compensation>, and defines “pay” to include “to discharge a debt or obligation.” <https://www.merriam-webster.com/dictionary/pay>. Based on the plain meaning of these terms, the State is required to pay the lieutenant governor the salary prescribed by session law.

As the last elected President of the Minnesota Senate, you will become Lieutenant Governor upon a vacancy in that office. Minn. Const. art. V, sec. 5. Accordingly, when you become Lieutenant Governor, pursuant to constitution and law, the State will be required to pay you 65% of the Governor’s current salary.

Please let me know if you have any additional questions.

Sincerely,

Kristyn Anderson

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From: Stephanie James [mailto:Stephanie.James@senate.mn]
Sent: Thursday, December 21, 2017 3:56 PM
To: Anderson, Kristyn M (MMB) <kristyn.m.anderson@state.mn.us>
Cc: Sen. Michelle Fischbach <Sen.Michelle.Fischbach@senate.mn>; Kevin Matzek <Kevin.Matzek@senate.mn>; Tom Bottern <Tom.Bottern@senate.mn>
Subject: Salary for the lieutenant governor

Hello Ms. Anderson – I am an attorney in the office of Senate Counsel, Research, and Fiscal Analysis. Sen. Fischbach requested that I communicate with you about your assertion that MMB is required to pay the lieutenant governor a salary.

The Constitution provides that “[t]he compensation of the lieutenant governor shall be prescribed by law.” You have apparently interpreted this provision to mean that the lieutenant governor is required to accept a salary of the prescribed amount. Please describe any legal authority you have for this interpretation. As far as we are aware, no court has interpreted this provision. Another reasonable interpretation of the provision is that the amount permitted for a salary is prescribed by law, but there is no requirement that the lieutenant governor accept a salary of the prescribed amount.

Thank you.

Stephanie James
Senate Counsel
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