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Guidelines for Bills Establishing/Amending Executive Branch Advisory Groups, Councils, Task Forces, Commissions, and Legislative Commissions:

Members are advised to consult the House Research Information Brief (Executive Branch Advisory Groups, July 2006; <http://www.house.leg.state.mn.us/hrd/pubs/advsggrp.pdf>) for a discussion of general information on executive branch advisory groups established by the Legislature and the operation of Minnesota Statutes, section 15.059, on those groups. Sample legislation establishing a working group is attached to this memorandum. This legislation is intended to provide examples and solutions for some of issues surrounding the creation of these groups. The legislation is not intended to serve as template or a form. Members are urged to consult with staff from Senate Counsel, Research and Fiscal Analysis and House Research well in advance of the anticipated hearing date in the Senate State and Local Government Operations and Oversight Committee or the House Governmental Operations, Reform, Technology and Elections Committee when preparing legislation that establishes advisory groups. Please do your best to ensure that the companion bill in the other body reflects these guidelines when a proposal is amended in committee.

“Legislative commissions” are defined in Minnesota Statutes, section 3.305, and are composed exclusively of members of the Legislature. Other commissions may have a membership that is composed of legislators and members of the public and employees of the state agencies. Authority for the Governor and state agencies to appoint temporary groups is stated in Minnesota Statutes, section 15.014.

All bills in the Senate that call for legislators to be appointed to any group will be referred to the Rules and Administration Committee (Permanent Rules of the Senate 4.6) upon favorable action of the State and Local Government Operations and Oversight Committee.

Before bills will be heard concerning a new commission or advisory group, the following issues should be resolved by the authors (Note: a response of “not applicable” to any given guideline may be appropriate).

1. **Name of the Group.** Is there any other group already in law with a similar name or performing a similar function?
2. **Total number of members.**
3. **Who will have the authority to appoint the members of the group?** Note that it is common for either the Legislature or the Governor to appoint public members. The legislation may call for the appointing authority to appoint members by certain categories, e.g., a member who resides in the 4th Congressional District. Gubernatorial appointments will be made according to the open appointments process under Minnesota Statutes, section 15.0597, unless otherwise specified. How is notice of vacancies to be given? There is a detailed process established for this in section 15.0597; authors might wish to consider adding requirements to it, such as notice to particular interest groups, organizations, etc. If there are to be staggered terms for any members, please spell out the duration of the initial and succeeding terms of appointments in the bill. (Note: current law in this regard found in sections 15.0575 and 15.059 is confusing.) Unless you have carefully considered the application of sections 15.0575 and 15.059 to staggered terms of appointment in your bill, it is best to supply specific instructions for the staggered terms in your bill.
4. **Senate Confirmation.** It is very rare to require Senate confirmation of appointees to advisory groups.

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5. **Convening Authority.** How and by whom is the group to be convened?
6. **Chair of the Group.** Will the chair be elected by membership or designated by appointing authority?
7. **Compensation and Expenses for Members.** Refer to Minnesota Statutes, section 15.059, subdivision 3, for compensation of public members. Note that members of advisory groups will not receive per diem or expense reimbursement unless explicitly authorized by law.
8. **Subpoena power.** If it is a “legislative commission” composed exclusively of legislators, it will have subpoena power under Minnesota Statutes, section 3.153. Otherwise, if legislation is silent, then no subpoena power is presumed.
9. **Duties.** State the duties of the group, including guidelines for disbursement of funds, if any, through grants to others.
10. **Accountability.** To whom will the group report and when? Must it make recommendations to the Legislature? (Note: reports to the Legislature or to the Governor or state agencies should avoid a deadline of December 31 as impractical. Before December 1 or after January 15 is preferable.) Also, if the group is to make recommendations to the Legislature, ensure that the bill requires the group to include any draft legislation necessary to implement the recommendations in its report.
11. **Duration.** How long will the group exist? Include a sunset date. See guidelines in House Research memo for different types of state agency groups. What is the significance of the sunset date, i.e., is it tied to some other event or deadline?
12. **Appropriation.** Will the group control an appropriation? How are funds to be disbursed? For what purposes may funds be used? Which state agency will serve as fiscal agent for any appropriations to the group? May it solicit and receive funds from private sources and give grants to carry out its duties? What duties, if any, does the Commissioner of Finance have to the group?
13. **Relationship to State Agencies.** What if any, is the group’s relationship to state agencies? How will the group support, advise or provide oversight for any state agencies? Are there specific duties to the agencies?
14. **Staffing for Group.** How is the group to be staffed? What support services will be needed and who is to provide such services? What are the Commissioner of Administration’s duties to group?
15. **Meetings.** Is there a minimum number of times the group must meet? Is there a need to require more than a majority of the membership for a quorum?