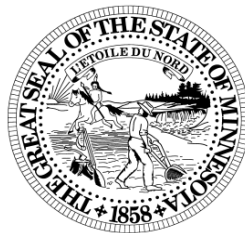


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## Minnesota House of Representatives

September 25, 2013

TO: Members, Legislative Commission on Planning and Fiscal Policy

FROM: Mark Shepard, House Research (651) 296-5051

RE: General Laws Governing Advisory Groups

The legislature has enacted general rules governing advisory groups. Many of these are contained in Minnesota Statutes, section 15.059, and apply only if the law creating the advisory group refers to section 15.059.

### Names of Groups

Minnesota Statutes, section 15.012, establishes naming conventions for state agencies. The legislature does not always follow these conventions when it creates new groups.

**Councils:** Advisory groups in which at least one-half of the members must be representatives of specified industries, occupations, or other organizations are called “councils.”

**Committees:** Advisory groups in which less than half of the members must be representatives of specified organizations are called “committees.”

**Task Forces:** Advisory groups scheduled to expire within two years of creation are called “task forces.”<sup>1</sup>

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<sup>1</sup> The law provides authority for the governor and state agencies to appoint additional temporary groups. Minnesota Statutes, section 15.014, authorizes commissioners and state boards to create advisory task forces. A task force created under this law may have no more than 15 members. The members of no more than four task forces created in a department may be paid for their expenses. Minnesota Statutes, section 15.0593, authorizes the governor to create advisory groups of no more than 15 members. Members do not receive per diem, but may be paid for expenses. The groups created by an agency or by the governor generally expire after two years, unless re-created.

## **Membership Terms**

Section 15.059 provides that members of advisory councils and committees serve four-year terms. The terms of half of the members expire with the term of the governor. The terms of the other half of the members expire the following year. Members of advisory task forces serve until the expiration date of the task force (up to two years after the group is created).

## **Removal**

Under section 15.059, members may be removed at the pleasure of the appointing authority. Appointing authorities are given special authorization to remove members who miss three consecutive meetings.

## **Compensation**

Members of an advisory group receive compensation and expense reimbursement only if authorized by the law creating the group.

When a law authorizes compensation and expense reimbursement, it usually refers to section 15.059. That section provides that members of advisory councils and committees receive \$55 per day spent on group activity, when authorized by the group. Members of advisory task forces do not receive this \$55 per day. The provisions of section 15.059 governing expense reimbursement (as distinct from the \$55-per-day payment) apply to advisory task forces as well as to councils and committees. Members are reimbursed for meals, travel, hotel, and child care expenses under conditions and limits that apply to state employees.

## **Reporting**

Minnesota Statutes, section 15.0599, requires advisory groups with statewide jurisdiction to register with and report annually to the secretary of state. By July 15 each year, a group must report specified information about the purposes of the group, its membership, expiration of the group, the number of meetings held, and money and staff resources devoted to the group. If a group fails to report as required, its members are not eligible for compensation or expense reimbursement until the report is filed. By October 15 each year, the secretary of state summarizes this information in a report. Information on each agency also is available on the secretary of state's website. The annual report can be found at:  
<http://www.sos.state.mn.us/index.aspx?page=360>.

## **Expiration**

For a time, the legislature periodically established a general expiration date for advisory groups in section 15.059. The most recent expiration date in section 15.059, subdivision 5, provided that advisory councils and committees expired June 30, 2009, unless a different date was specified in law. The 2009 expiration date is still in the law, although it seems unlikely that it

has any further effect—groups either expired on that date or are not subject to the 2009 expiration (e.g., they were created in 2009 or later).<sup>2</sup> The legislature sometimes sets expiration dates for specific advisory groups. Section 15.059, subdivision 6, provides that if a *task force* is mandated by statute, it expires no later than two years after creation. But a person or group with mandated or discretionary authority to create a task force may create another one to continue the work of a group that expires.

In 2013, the legislature required that by September 1 of each odd-numbered year the Legislative Commission on Planning and Fiscal Policy compile a list of executive branch groups created in statute. The law provides that the commission may develop a schedule for review of advisory groups or may select particular groups for review. By December 31 of each odd-numbered year, the commission may make recommendations on the continuing need for certain advisory groups, and on any changes in laws governing a group that are needed to improve the groups' efficiency and effectiveness.<sup>3</sup>

It appears that authority for approximately 20 advisory groups may have expired, even though the groups still appear in statutes. Most of these appear to have expired under the general June 30, 2009, expiration date in section 15.059. Groups that expired under section 15.059 likely will continue to appear in Minnesota Statutes until the legislature repeals the authority for the group (this is primarily because it is not always completely clear if the group has expired, and thus the Revisor would not use editorial discretion to remove the language creating the group from the statutes).

MS/jf

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<sup>2</sup> The 2009 expiration date in section 15.059 applied whether or not the law creating the group referenced section 15.059. The law required the secretary of state to notify the appointing authority before the start of the legislative session preceding the group's scheduled expiration. The law provided that a group did not expire if it was an occupational licensing group, administered and awarded grants, or was required by federal law. Even before 2009, the legislature increasingly provided in the specific laws creating each advisory group that the group did not expire, or that it had a different expiration date from the June 30, 2009, date provided in section 15.059. Sometimes it was not clear if the June 30, 2009, date in section 15.059 applied to a group.

<sup>3</sup> Minnesota Statutes, section 3.885, subdivision 11, added by Laws 2013, chapter 142, article 2, section 1.