

# Minnesota

## House of Representatives

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December 6, 1978

TO: House Organization Negotiation Committee

FROM: House Research Department

The attached amends our memo of December 5, 1978 regarding the powers and responsibilities of the speaker, and the chairs of the committees on taxes, appropriations, governmental operations and rules according to statute, rule, and custom. This amendment responds to the questions asked regarding (1) expiration dates of commissions and appointees, and (2) statutory references to an imbalance (majority and minority) of membership in the House.

Replace Section 1 of the December 5 document with Section 1 attached. This incorporates expiration dates of commissions and appointees as well as correct two statutory references which were misstated in the original document.

In regard to the question of statutory references to majority and minority members, three references have been found:

Minn. Stat. §3.303 (Legislative Coordinating Commission)

Minn. Stat. §3.97, Subd. 2. (Legislative Audit Commission)

Minn. Stat. §43.03 (Personnel Board)

Copies of the three references listed above are attached.

One other minor error has been found in Section 2, page 1: Appointments to Agencies, (at the bottom of the page) the statutory reference should be changed to Minn. Stat. §15.097, Subd. 6. It should read as follows:

Secretary of State to submit to the speaker documents which candidates must file with the Ethical Practices Board.

We are continuing to search for other references in legislation and rules related to the issue of leadership powers. No additional references have been found to date. We believe it is safe to assume that the document includes all statutory references to leadership powers and all the main references to those powers in house rules and joint rules.

HRD/PBL/vgc

Attachments

**3.303 LEGISLATIVE COORDINATING COMMISSION; CREATION AND ORGANIZATION.** Subdivision 1. A legislative commission is hereby created to be known as the legislative coordinating commission, designated herein as the "commission", to coordinate the legislative activities of the senate and the house of representatives.

Subd. 2. The membership of the commission shall consist of the majority leader of the senate, the president of the senate, two senators appointed by the majority leader, the minority leader of the senate, and one senator appointed by the minority leader; and the majority leader of the house of representatives, the speaker of the house of representatives, two representatives appointed by the speaker, the minority leader of the house of representatives, and one representative appointed by the minority leader. Each member shall serve until a successor is named during a regular session following his appointment. A vacancy shall be filled for the unexpired term in the same manner as the original appointment.

Subd. 3. The president of the senate and the speaker of the house shall alternate annually as chairman of the commission.

Subd. 4. The members of the commission shall serve without compensation but shall be reimbursed in the same manner as members of standing committees of the senate and the house of representatives.

[ 1973 c 598 s 1; 1975 c 271 s 6 ]

#### LEGISLATIVE AUDIT COMMISSION

**3.97 AUDIT POLICY; CREATION OF COMMISSION; TRANSFER OF FUNCTIONS OF PUBLIC EXAMINER.** Subdivision 1. Continuous legislative review of the effect of grant-in-aid programs, the spending of public funds and their financing at all levels of government is required in the public interest to enable the enactment of appropriate legislation.

Subd. 2. A legislative commission to be known as the legislative audit commission, designated herein as "the commission" is hereby created. The commission shall consist of the majority leader of the senate and the president of the senate, or their respective designees; the chairman of the senate committee on taxes or his designee, who shall be a member of the senate tax committee; the chairman of the senate committee on governmental operations or his designee, who shall be a member of the governmental operations committee; the chairman of the senate committee on finance or his designee, who shall be a member of the senate finance committee; and three members of the senate appointed by the senate minority leader; the speaker of the house and the chairman of the house committee on rules, or their respective designees; the chairman of the house committee on taxes or his designee, who shall be a member of the house tax committee; the chairman of the house committee on governmental operations or his designee, who shall be a member of the house governmental operations committee; the chairman of the house appropriations committee or his designee, who shall be a member of the house appropriations committee; and three members of the house appointed by the house minority leader. The appointed members of the commission shall serve for a term commencing upon appointment and expiring at the opening of the next regular session of the legislature in the odd numbered year and until a successor is appointed. A vacancy in the membership of the commission shall be filled for the unexpired term in such a manner as to preserve the representation established by this subdivision.

**43.03 PERSONNEL BOARD CREATED.** Subdivision 1. The personnel board of the state of Minnesota is hereby created and established. It shall consist of seven members appointed by the governor with the advice and consent of the senate. The governor may select one appointee each from lists submitted by the speaker of the house, the minority leader of the house, the majority leader of the senate, and the minority leader of the senate. A member of the legislature is ineligible for appointment to the board. No member of the board shall hold any other public office or public employment, the office of notary public or a military office excepted, and no person shall be appointed as a member of the board who has held a paid position in a political party within the two years immediately preceding his appointment. Each member shall take an oath of office before entering upon the duties of office. The chairman of the board shall be chosen by the members of the board from among their own number under such rules as they shall make. The chairman shall have the powers of a presiding officer.

Section

1

Powers and Responsibilities of the Speaker

as Established by Legislation,

Related to Commissions, Special Committees, and Boards

Legislative Commission to Review Administrative Rules

Speaker appoints five house members who serve on commission. Commission has power to review and temporarily suspend administrative rules. Minn.Stat. §3.965.

Term: No length of term specified. Members of the commission must be state representatives or senators.

Legislative Advisory Commission

Chairmen of the Appropriations and Taxes Committees serve, but if a vacancy occurs when the Legislature is not in session the Speaker shall fill the vacancy. LAC is to be consulted by the Governor before transfers in excess of \$10,000 are made from the contingent appropriation. Minn.Stat. §3.30.

Legislative Audit Commission

Speaker serves as a member of the Legislative Audit Commission. (Minority leader appoints three house members to the commission.) The Audit Commission, through the legislative auditor and its staff, conducts financial audits of state departments, boards, commissions, and agencies and evaluates programs funded by the state. The commission is authorized to prescribe additional duties or powers to be exercised or performed by the legislative auditor. Minn.Stat. §§3.97 - 3.98.

Term: Terms expire at the opening of the next regular legislative session.

Legislative Coordinating Commission

Speaker serves as a member of the LCC and appoints two additional house members. The Speaker serves as chairman of the commission in alternate years. LCC may establish and control office of legislative research which may include the office of revisor of statute and legislative reference library. LCC also has budgetary review authority over statutory commissions the majority of whose members are legislators. Minn.Stat. §§3.303 - 3.305.

Term: Members serve until a successor is appointed at the next regular legislative session.

Education Commission

Speaker appoints the house member serving on the Education Commission, created by the Interstate Compact for Education. Minn.Stat. §121.82. The purpose of this commission is to facilitate interstate cooperation, discussion, and improvement of education. Minn.Stat. §121.81.

Term: Terms are for two years, coinciding with the member's term in the house.

Midwestern Education Board

Speaker appoints the house member serving on the Midwestern Education Board, created by the Midwestern Education Compact. Minn.Stat. §121.844. The purposes of this interstate compact are similar to those of the interstate compact for education, except that it is limited to several midwestern states. Minn.Stat. §121.843.

Term: Terms are for two years, coinciding with the member's term in the house.

Great Lakes Basin Commission

Speaker appoints the two house members of the Great Lakes Basin Commission, created by the Great Lakes Basin Compact. This compact has the purpose of promoting and planning orderly development, use, and conservation of the water resources of the Great Lakes Basin through the implementation of an interstate compact of the states bordering on the great lakes. Minn.Stat. §1.22.

Term: No term specified in state; however, four of the commissioners must be members of the legislature.

\*\*Indian Affairs Intertribal Board

The Speaker appoints three house members to serve as nonvoting members on the Indian Affairs Intertribal Board. This board acts as a liaison between state government and the Indian tribes and is to assist the tribes in various matters in their relationships with private agencies and government. Minn.Stat. §3.922.

Term: Office is vacant when legislative member appointed is no longer a member of the legislature.

Commission on Interstate Cooperation

The Speaker serves as an ex officio, honorary member of the commission and appoints the five members of the commission from the house of representatives, so long as he retains the power to appoint members of standing committees of the house. (The law creates a five member standing committee of both

the senate and house. Together the members of these standing committees, along with governor's committee, constitute the commission.) The purpose of the commission is to further the participation of the state in the council of state governments and to advance cooperation in developing proposals for interstate compacts, uniform statutes, reciprocal statutes, and informal cooperation among the states. Minn.Stat. §3.29.

Term: Term is for duration of the legislative session--membership is the same as that of any other standing committee of the House.

#### Iron Range Resources and Rehabilitation Board

The Speaker appoints the five house members on the Iron Range Resources and Rehabilitation Board. All expenditures and projects made by the commissioner of iron range resources and rehabilitation must be submitted to the board for a recommendation of approval, disapproval or modification. The board must approve or disapprove all disbursements. Minn.Stat. §298.22, subd. 2.

#### Joint Legislative Committee on Solid and Hazardous Waste

Speaker appoints seven members of the house to serve on the committee. This committee is to assist and advise the State Planning Agency in designing research and work programs regarding solid and hazardous waste and is to review the research in progress. (Expires 7-1-79) L.1978, C.728 §2.

Term: No term specified. Members are to be members of the legislature.

#### \*\*Legislative Commission on Minnesota Resources

Speaker appoints seven house members to the commission. The commission is charged with making various studies relative to the use of the natural resources of the state. Minn.Stat. §§86.06 - 86.12.

Term: Members of the house are appointed at the close of the regular legislative session and are "to serve until successors are chosen." Vacancies are to be filled in the same manner as the original positions.

#### Legislative Advisory Committee to the Minnesota-Wisconsin Boundary Area Commission

Speaker appoints the five house members of the committee. The committee is charged with assisting the commission in the performance of its duties. Minn.Stat. §1.34.

Term: New members are to be selected by January 31st of odd numbered years.

Mississippi River Parkway Commission

Speaker appoints the three house members of the commission. The commission is charged with working toward planning and development of the great river road or the Mississippi River Parkway and to aid in securing the location of federal parks within Minnesota. Minn.Stat. §161.1419.

Term: Terms are coterminous with the regular legislative session.

Legislative Commission on Pensions and Retirement

Speaker appoints the five house members of the commission. The commission is charged with studying and investigating public retirement systems. Minn.Stat. §3.85.

Term: Terms are for two years commencing January 16th in odd numbered years.

\*\*Steering Committee of the MTC Directing the Feasibility Study of the Downtown People Mover

Speaker appoints one house member to serve as a nonvoting member of the steering committee which is studying the feasibility of the downtown people mover project in St. Paul. L. 1977, C. 454, §45.

Personnel Board

Speaker submits a list of eligible appointees to the governor who appoints one member of the board from the Speaker's list. Minn.Stat. §43.03.

\*Legislative Commission to Study Public Broadcasting in the State

Speaker appoints five house members to serve on the commission which is charged with studying various aspects of public broadcasting in Minnesota. (Effectively expires 1-15-79) L. 1977, C. 445 §3; L. 1978, C. 793 §86.

Term: Vacancies are to be filled by appointing power.

\*Privacy Study Commission

Speaker appoints three of the six members of the commission. The commission is charged with studying the collection, storage, and use of data on individuals by public or private entities in Minnesota. Minn.Stat. §15.169.

Term: Terms expired with start of the 1977 session. The power of the commission to act effectively expired at that time.

\*Small Business Advisory Task Force

Speaker appoints three house members to serve on a task force to advise the commissioner of economic development and the legislature on allocating resources to the small business unit of DED and to develop a plan for a statewide or regional education system(s) for small business and for a system of providing technical service assistance to small businesses. L. 1978, C. 709 §2.

Term: No provision for terms or filling vacancies. Task Force's final report is to be submitted by 12-1-78 and is to be implemented by DED by 7-1-79.

Tax Study Commission

Speaker appoints six of the seven members of the commission. Commission is to study and make recommendations regarding long range tax policy and to review and analyze tax legislation. Minn.Stat. §3.86.

Term: Terms are for two years, expiring on January 15th of the succeeding biennial session. Members serve only for as long as they are members of the house.

Voyageurs National Park Citizens' Committee

Speaker appoints two members of the committee. The committee is to conduct meetings and research relating to the establishment of Voyageurs National Park and to make recommendations to the National Park Service. (Expires 6-30-83) Minn.Stat. §84B.11.

Term: Legislative members serve for the term of the legislative office to which they were elected.

Council on Economic Status of Women

Speaker appoints five members of the house to serve on the commission, over half of which must be women. The council is to report to the governor and the legislature regarding any necessary changes in laws or programs to achieve full participation by women in the economy. (Expires 6-30-81) L. 1976, C. 337; L. 1978, C. 793 §§82-83.

Term: "Members shall serve until the expiration of this act or until the expiration of their legislative terms."

\*Workers Compensation Study Commission

Speaker appoints three house members to serve on the commission. The commission is charged with studying various specific aspects of the Minnesota workers compensation system. (Expires 12-31-78) L. 1977, C. 342 §27.

Term: Members serve until expiration of the commission.



Laws 1977, Chap. 455 §19, Subd. 2.

Speaker has authority to designate "appropriate legislative committees and staff in the House of Representatives \*\*\* who shall be involved in the on-going process" of a study of economic development by the State Planning Agency.

\*Laws 1977, Chap. 430 §28, Subd. 2.

Speaker appoints three members of the Governmental Operations Committee to review a report submitted by the commissioner of economic security regarding the reorganization or creation of the department of economic security. The report was to be submitted by 1-1-78.

\*Laws 1977, Chap. 311 §12

Speaker appoints two house members to the commission to study and consider alternatives for continuing financing of the statewide 911 telephone emergency system. Commission may act until the commencement of the 1978 legislative session.

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\*Commission, committee, board, or task force has expired or will expire early in 1979 session.

\*\*Only vacancies to be filled before the close of the 1979 session.