



**To:** Members of the Compensation Council

**From:** Stephanie James, Senate Counsel (stephanie.james@mnsenate.gov)

**Date:** February 24, 2025

**RE:** Statutory Duties of the Compensation Council

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This memorandum sets out the duties assigned to the Compensation Council by Minnesota Statutes, section 15A.082. A copy of the statute is attached. This memorandum also addresses questions often raised by members of previous councils.

### **1. What are the legal underpinnings of the Compensation Council?**

The Minnesota Constitution, article V, section 4, says that “[t]he duties and salaries of the executive officers shall be prescribed by law.” These officers are the governor, lieutenant governor, secretary of state, auditor, and attorney general. Further, Article VI, section 5, says that “[t]he compensation of all judges shall be prescribed by the legislature and shall not be diminished during their term of office.”

Minnesota Statutes, section 15A.082, creates the Compensation Council “to establish the compensation of constitutional officers and the heads of state and metropolitan agencies included in section 15A.0815.” In addition, the Council is authorized to “assist the legislature in establishing the compensation of justices of the Supreme Court, judges of the Court of Appeals, and district court. Still further, the council is required “to determine the daily compensation for voting members of the Direct Care and Treatment Executive Board.”

### **2. What must the Compensation Council do and by when?**

By April 1 of each odd numbered year, the Compensation Council must:

- (1) make salary recommendations to the legislature for justices of the supreme courts, judges of the court of appeals, and district court;
- (2) prescribe salaries for constitutional officers, for the heads of state and metropolitan agencies listed in Minnesota Statutes, section 15A.0815; and
- (3) prescribe daily compensation for voting members of the Direct Care and Treatment executive board.

### **3. How and when do the salaries set or recommended by the council take effect?**

The council's prescribed salaries for agency heads and the daily compensation for Direct Care and Treatment executive board, take effect July 1.

Action by the legislature on justice and judge salaries is required before the recommended salaries go into effect and recommendations for judges salaries may be expressly modified or rejected by the legislature.

**4. What must the council consider in setting salaries and making recommendations?**

The council is instructed by statute to consider the following in setting and recommending compensation:

- (1) the amount of compensation paid in government service and the private sector to persons with similar qualifications;
- (2) the amount of compensation needed to attract and retain experienced and competent persons; and
- (3) the ability of the state to pay the recommended compensation.

**5. What happens to the council once it has submitted its recommendations?**

Under Minnesota Statutes, section 15A.082, subdivision 6, the council ceases to exist once its recommendations have been submitted.

**6. May the council make any other recommendations?**

Yes, and some councils have done so. However, recommendations other than those required by statute have no official standing. The legislature could consider them, follow them, reject them, or simply ignore them.

**7. What if the council submits its salaries or recommendations after the April 1 deadline?**

Technically, salaries and recommendations made after the deadline of April 1 fail to meet the requirements of the statute. One might argue that late-submitted salaries or recommendations have no legal effect.

**8. May the council submit its salary recommendations by April 1, then continue to meet after that date to consider other recommendations?**

Yes, but since the council would have ceased to exist as an official body upon submission of its recommendations, its members would no longer be entitled to per diem payments, expense reimbursements, or administrative and support services.