

**Subject** Compensation Council

**Authors** Nash

**Analyst** Colbey Sullivan

**Date** March 21, 2025

## Overview

This bill modifies requirements for the 24-member Compensation Council. Under current law and this bill, the Council must determine salaries for constitutional officers and agency heads, recommend salaries for supreme court justices and district and appeals court judges, and prescribe daily compensation rates for voting members of the Direct Care and Treatment executive board.

H.F. 1151 would move the deadline for the Council's judiciary salary recommendations to September 1<sup>st</sup> of each even-numbered year and remove the prohibition on communications between Council members and those for whom the Council determines or recommends compensation.

## Summary

Section	Description
1	<b>Membership.</b> Makes a conforming change to coincide with the repealer in section 3.
2	<b>Submission of recommendations and determination.</b> Modifies the deadline for the Council's salary recommendations for justices and judges. Moves the deadline from April 1 each odd-numbered year to September 1 each even-numbered year.
3	<b>Repealer.</b> Repeals Minn. Stat. § 15A.082, subdivision 7, which prohibits communications between Council members and those whose compensation the Council determines or recommends until the Council has finished its work.



*Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.*

[www.house.mn.gov/hrd](http://www.house.mn.gov/hrd) | 651-296-6753 | Third Floor, Centennial Office Building | St. Paul, MN 55155

## James Robins – [HF 1151](#) submitted testimony

### House State Government Finance and Policy Committee – March 25, 2025

Co-Chair Klevorn, Co-Chair Nash and members of the committee, thank you for accepting my testimony in support of HF 1151, and my explanation of the need for correspondingly broadened language. As a three-term and current Compensation Council member appointed by the Supreme Court, and member of the Ad Hoc Advisory group that proposed further reforms to [15A.0815](#) and [15A.082](#) a year ago, my testimony is consistent with our core [Ad Hoc recommendations](#). By consulting with Judicial Branch liaison Callie Lehman and Nancy Haas who represents MDJA, this testimony conscientiously represents the Judicial Branch's reasoning for the narrow reach of bill language – as introduced. The 2025 Compensation Council decision making will not be final until tomorrow (3/26/2025) at the earliest, so my perspective is not yet meant to necessarily reflect our pending Council determinations.

As proposed by the judiciary via the [unanimous 2/15/2024 Minnesota Judicial Branch action](#) in coordination with the MDJA, a new two-year timeline allows the Council to make judicial salary recommendations in a timely fashion just before the mid-October even-year preliminary deadline to submit departmental budgets for the following biennium. The Judicial Branch appropriately took care to limit its request for the timeline changes to entirely respect legislative and executive branch prerogatives, but the judiciary does not in any way object to broadening proposed statutory changes applied to all branches. Indeed, the same timing logic should apply to the deadline to set salaries for constitutional officers and agency heads — complying with that same mid-October even-year deadline.

Keep in mind that in the past, the Compensation Council charge was to only recommend salaries by April 1 for the out-year biennium coming 27-51 months later. Now, the unelected Council is allowed to set executive branch salaries for the next two biennia and thereafter for those officers and agency heads. *(Last week's preliminarily-approved 2025 Council actions likely will set salary changes only for the upcoming biennium.)* Until now, the Council recommendations applied generally to three salary ranges for agency heads, leaving specifics to the Administration. Now, we are asked to specifically set 37 individual salary (and daily rate) levels.

The Council convened this year on March 7, and is expected to wrap up work on March 26 after two full-days plus two half-days of orientation, deliberations and expected final action. LCC staff, judicial and executive branch testifiers, and the MMB staff have worked diligently to put together their best efforts given the restricted time allowed. In particular, MMB staff with compensation expertise has provided Hay chart calculations intended to guide us in setting the required specific salaries. However, the preliminary Council actions do not include any of the Hay chart guidance. It appears we will fall back into making mostly across-the-board agency head increases. Given more time to better understand the Hay system, we most likely would make better-informed decisions taking into account the complex professional methods utilized by MMB. Ultimately, the current April 1 odd-year deadline comes

extremely late in the budget-setting cycle for the coming biennium (FY 2026-27), and unreasonably early for the out years (FY 2028-29). Simply put, this is bad timing for all involved.

Along with addressing the timeline and “thereafter” language concerns, the Ad Hoc group also recommended removal of the ex parte communications provision. Accordingly, I urge you to support the Judicial Branch’s efforts to either remove the ex parte ban language entirely — or at least significantly clarify the provision via possible amendment.

Finally, I want to make clear that the LCC staff will be required to provide extensive additional necessary data and arrange more meetings in order to fully assist the Compensation Council members in making informed decisions into the future. To the extent that current specialized MMB compensation expertise must be shared or transferred to LCC staff in order to set top agency salaries properly, the added LCC-MMB funding needed should be allocated accordingly. In the long run, getting those top agency salaries set at a level that is in line with the rest of the competitive public sector marketplace can result in better fraud prevention efforts, fuller recognition of the impact on contract bargaining negotiations, and overall improved state governance efficiency.

Thank you for your consideration.

Respectfully,

A handwritten signature in blue ink that reads "James N Robins". The signature is fluid and cursive, with the first name "James" and last name "Robins" clearly legible.

James N Robins

Compensation Council member - 2017, 2019, 2025

Ad Hoc Compensation Council reform group member - 2023-24

Researcher, Senate Majority Research - 1993-2005