

Staff Issue Paper

Improving the Commission’s Meeting Calendar

April 5, 2023

At the December 2022 meeting, staff asked the Commission to publish a “rulemaking docket” in its 2023 Report to the Legislature, and the Commission obliged. As staff’s [December issue paper](#) explained, the purpose of administrative rulemaking would be to amend the Commission’s public-hearing requirements, which, in turn, would allow the Commission to streamline its meeting calendar.

This begs a more foundational question: Does the Commission’s meeting calendar need “streamlining”? If the Commission is satisfied with its current calendar, it need not embark on administrative rulemaking.

This paper explores the question as to whether the Commission’s future meeting calendar needs improvement.

Current Meeting Calendar

The Commission’s regular meeting calendar now contains twelve annual meetings or public hearings.

Table 1. Description of Commission’s Current Regular Meeting and Public Hearing Calendar.

Meeting	Meeting Formula	Date Range	Interval Since Previous Meeting	Comments
January Regular Meeting	2nd Thursday	Jan. 8–14	3 or 4 weeks	<ul style="list-style-type: none"> In most years, the Report to the Legislature is due the next day
February Regular Meeting	2nd Thursday	Feb. 8–14	4 or 5 weeks	
March Regular Meeting	2nd Thursday	Mar. 8–14	Exactly 4 weeks*	

This document was prepared by the staff of the Minnesota Sentencing Guidelines Commission for the Commission’s review. This document has not been adopted by the Commission and does not necessarily represent its views.

Meeting	Meeting Formula	Date Range	Interval Since Previous Meeting	Comments
April Regular Meeting	2nd Thursday	Apr. 8–14	4 or 5 weeks	
May Regular Meeting	Thursday after the 1st Saturday	May 6–12	Exactly 4 weeks	<ul style="list-style-type: none"> • 11 days before Legislative session ends
June Regular Meeting	Thursday after the 1st Tuesday	June 3–9	Exactly 4 weeks	<ul style="list-style-type: none"> • 2 days after Governor’s bill action deadline
July Public Hearing	3rd Thursday	July 15–21	Exactly 6 weeks	<ul style="list-style-type: none"> • Right after 30-day notice period
July Regular Meeting	4th Thursday	July 22–28	Exactly 1 week	<ul style="list-style-type: none"> • Right after 5-day comment period • Right before August 1 Guidelines publication
September Regular Meeting	Thursday after the 1st Saturday	Sept. 6–12	6 or 7 weeks	<ul style="list-style-type: none"> • District judges’ fall educational conference sometimes conflicts
October Regular Meeting	Thursday after the 1st Monday	Oct. 4–10	Exactly 4 weeks	<ul style="list-style-type: none"> • Last meeting to propose new initiatives
November Regular Meeting	1st Thursday	Nov. 1–7	Exactly 4 weeks	<ul style="list-style-type: none"> • Last meeting to adopt new initiatives
December Public Hearing & Regular Meeting	Thursday after the 2nd Saturday	Dec. 13–19	Exactly 6 weeks	<ul style="list-style-type: none"> • Final action on public hearing must wait till January

Issues with Current Calendar

Staff perceives several issues inherent in our current calendar:

- The January meeting schedule is quite compressed. In one meeting, the Commission must both take final action on initiatives discussed in the December public hearing and give final approval to its annual report—which must contain and explain any initiatives that the Commission just adopted.

- In most years, staff’s deadline to finish editing and submitting the annual report is the day after the January meeting, which is quite tight.
- The summer schedule contains two large gaps between meetings. Because the Commission is nearly always required to make Guidelines changes in response to legislative action during the regular session, there is a seven-week gap between the June and July meetings (necessitated by the [rules](#) that apply to the public hearing required for such changes). This gap is followed by another six- or seven-week gap between the July and September meetings. These gaps interrupt the momentum of the Commission’s work in the first half of the year.
- Being dictated by public-hearing rules, the public-hearing schedule has no flexibility for special-session legislation enacted after the early-June meeting date (as was the case in [2021](#)).
- The September meeting often conflicts with the district judges’ fall educational conference.

Staff-Suggested Alternative Meeting Calendar

Staff’s suggestion to streamline the meeting calendar would eliminate one public hearing, but would still involve meeting twelve times per year, including the public hearing.

Table 2. Description of Staff’s Suggested Streamlined Regular Meeting and Public Hearing Calendar.

Meeting	Meeting Formula	Date Range	Interval Since Last Meeting	Comments
January Regular Meeting	Thursday after 1st Monday	Jan. 4–10	3 or 4 weeks	<ul style="list-style-type: none"> • Gives staff at least 4 days to finish Report to the Legislature
February Regular Meeting	1st Thursday	Feb. 1–7	Exactly 4 weeks	
March Regular Meeting	1st Thursday	Mar. 1–7	Exactly 4 weeks*	
April Regular Meeting	1st Thursday	Apr. 1–7	4 or 5 weeks	
May Regular Meeting	1st Thursday	May 1–7	4 or 5 weeks	

Meeting	Meeting Formula	Date Range	Interval Since Last Meeting	Comments
June Regular Meeting	2nd Thursday	June 8–14	5 or 6 weeks	<ul style="list-style-type: none"> • Gives staff more time to react to session
July Regular Meeting	3rd Thursday	July 15–21	5 or 6 weeks	<ul style="list-style-type: none"> • Extra time for informal public comment • Over a week before August 1 Guidelines publication deadline
August Regular Meeting	Thursday after the 3rd Friday	Aug. 21–27	5 or 6 weeks	<ul style="list-style-type: none"> • After NASC conference • Always 1½ weeks before Labor Day
September Regular Meeting	Thursday after the 3rd Saturday	Sept. 20–26	Exactly 4 weeks	<ul style="list-style-type: none"> • Last meeting to propose new initiatives
October Regular Meeting	Thursday after the 3rd Monday	Oct. 18–24	Exactly 4 weeks	<ul style="list-style-type: none"> • Last meeting to adopt new initiatives
Annual Public Hearing	Thursday after Thanksgiving	Nov. 29–Dec. 5	Exactly 6 weeks	<ul style="list-style-type: none"> • Right after 30-day notice period
December Regular Meeting	Thursday after the 2nd Wednesday	Dec. 9–15	1 or 2 weeks	<ul style="list-style-type: none"> • Final action on public hearing • One week after annual judicial conference**

Analysis of the Staff-Suggested Calendar

The staff-suggested calendar addresses many of the issues inherent with the current meeting calendar.

- It splits up the work of the current January meeting among two meetings. In December, the Commission can take final action on initiatives discussed in the post-Thanksgiving public hearing. In January, the Commission can finalize its annual report.
- It gives staff at least four days to finish editing and submitting the report to the Legislature.

- It continues meetings throughout the summer at a regular, albeit somewhat more relaxed, pace, thus conserving the Commission’s momentum.
- It gives staff more time to finalize the Sentencing Guidelines before annual publication.
- It deconflicts the September meeting with the district judges’ fall educational conference.

The calendar does present some new problems, however.

- The January meeting can happen as early as January 4, which may conflict with some holiday vacation plans.
- As staff’s [December issue paper](#) explained, MSGC administrative rules appear to require a formal public hearing for annual ranking decisions for new and amended crimes, even though the governing statute does not. Those rules would need to be changed to accommodate this calendar, and to provide for a less formal method of receiving input on the annual rankings.

Next Steps

If the Commission would like to change its meeting calendar, and if that change is inconsistent with its [administrative rules](#)—as would apparently be the case with the staff-suggested meeting calendar, for example—then the next step would be to begin the administrative rulemaking process, which would be a topic of a future meeting.

* Except for the rare year containing a Thursday leap day—as happens to be the case in 2024—in which case the interval is five weeks.

** Assuming that the annual judicial conference begins on the first Wednesday of December, as it historically has. Staff does not know whether this pattern will continue in the future.