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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4025

- 02/19/2024 Authored by Koegel and Curran
The bill was read for the first time and referred to the Committee on Sustainable Infrastructure Policy
- 03/11/2024 Adoption of Report: Amended and re-referred to the Committee on State and Local Government Finance and Policy
- 04/02/2024 Adoption of Report: Amended and re-referred to the Committee on Ways and Means
Pursuant to Joint Rule 2.03, re-referred to the Committee on Rules and Legislative Administration
- 04/04/2024 Adoption of Report: Re-referred to the Committee on Ways and Means
Joint Rule 2.03 has been waived for any subsequent committee action on this bill

1.1 A bill for an act

1.2 relating to infrastructure; establishing the Minnesota Advisory Council on

1.3 Infrastructure; specifying office powers and duties; providing for implementation;

1.4 requiring reports; appropriating money; proposing coding for new law in Minnesota

1.5 Statutes, chapter 16B.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 **ARTICLE 1**

1.8 **IMPLEMENTATION**

1.9 Section 1. **IMPLEMENTATION ACTIVITIES.**

1.10 Subdivision 1. **Definition.** For purposes of this section, "council" means the Minnesota

1.11 Advisory Council on Infrastructure established under Minnesota Statutes, section 16B.357.

1.12 Subd. 2. **Council implementation.** (a) Appointing authorities under Minnesota Statutes,

1.13 section 16B.357, subdivision 2, must make initial appointments by May 1, 2025.

1.14 (b) By May 1, 2025, the commissioner of administration must hire an executive director

1.15 as provided under Minnesota Statutes, section 16B.359.

1.16 (c) Following appointment of an executive director under paragraph (b) and the

1.17 appointments under Minnesota Statutes, section 16B.357, the council must undertake

1.18 community engagement efforts throughout the state that include hearings to obtain comments

1.19 and information related to providing for effective and efficient management of infrastructure

1.20 and preserving and extending the longevity of Minnesota's public and privately owned

1.21 infrastructure.

2.1 Sec. 2. **APPROPRIATION; MINNESOTA ADVISORY COUNCIL ON**
2.2 **INFRASTRUCTURE.**

2.3 \$248,000 in fiscal year 2025 is appropriated from the general fund to the commissioner
2.4 of administration for purposes of the Minnesota Advisory Council on Infrastructure as
2.5 provided under section 1 and Minnesota Statutes, sections 16B.357 to 16B.359. The base
2.6 is \$653,000 in fiscal year 2026 and \$768,000 in fiscal year 2027.

2.7 **ARTICLE 2**

2.8 **MINNESOTA ADVISORY COUNCIL ON INFRASTRUCTURE**

2.9 Section 1. **[16B.356] DEFINITIONS.**

2.10 Subdivision 1. **Terms.** For the purposes of sections 16B.356 to 16B.359, the terms
2.11 defined in this section have the meanings given.

2.12 Subd. 2. **Council.** "Council" means the Minnesota Advisory Council on Infrastructure
2.13 established in section 16B.357.

2.14 Subd. 3. **Infrastructure.** "Infrastructure" means physical structures and facilities,
2.15 including but not limited to property, lands, buildings, and other assets of a capital nature.
2.16 The term includes infrastructure related to agriculture, commerce, communications, economic
2.17 development, energy, food, health, housing, natural resources, public safety, transportation,
2.18 drinking water, stormwater, and wastewater.

2.19 Sec. 2. **[16B.357] MINNESOTA ADVISORY COUNCIL ON INFRASTRUCTURE.**

2.20 Subdivision 1. **Establishment; purpose.** (a) The Minnesota Advisory Council on
2.21 Infrastructure is established as provided under sections 16B.356 to 16B.359.

2.22 (b) The purpose of the council is to define and maintain a vision for the future of
2.23 Minnesota's infrastructure that provides for its proper management, coordination, and
2.24 investment.

2.25 Subd. 2. **Voting membership.** The council consists of the following voting members:

2.26 (1) two members appointed by the governor;

2.27 (2) two members appointed by the senate majority leader;

2.28 (3) two members appointed by the senate minority leader;

2.29 (4) two members appointed by the speaker of the house;

2.30 (5) two members appointed by the house minority leader; and

3.1 (6) one member appointed by the Indian Affairs Council.

3.2 Subd. 3. **Nonvoting membership.** The council consists of the following nonvoting
3.3 members:

3.4 (1) the commissioner of administration;

3.5 (2) the commissioner of agriculture;

3.6 (3) the commissioner of commerce;

3.7 (4) the commissioner of employment and economic development;

3.8 (5) the commissioner of health;

3.9 (6) the commissioner of management and budget;

3.10 (7) the commissioner of natural resources;

3.11 (8) the commissioner of the Pollution Control Agency;

3.12 (9) the commissioner of transportation;

3.13 (10) the commissioner of Iron Range resources and rehabilitation;

3.14 (11) the chair of the Metropolitan Council;

3.15 (12) the chair of the Board of Water and Soil Resources;

3.16 (13) the executive director of the Minnesota Public Facilities Authority;

3.17 (14) the chancellor of Minnesota State Colleges and Universities; and

3.18 (15) the president of the University of Minnesota.

3.19 Subd. 4. **Voting members; appointment requirements.** (a) An appointing authority
3.20 under subdivision 2 may only appoint an individual who has direct and practical expertise
3.21 and experience, whether from the public or private sector, in any of the following:

3.22 (1) asset management in one or more of the areas of planning, design, construction,
3.23 management, or operations and maintenance, for: (i) drinking water; (ii) wastewater; (iii)
3.24 stormwater; (iv) transportation; (v) energy; or (vi) communications;

3.25 (2) financial management and procurement; or

3.26 (3) regional asset management across jurisdictions and infrastructure sectors.

3.27 (b) Each appointing authority under subdivision 2, clauses (1) to (5), must appoint one
3.28 individual who resides in a metropolitan county, as defined in section 473.121, subdivision
3.29 4, and one individual who resides outside of a metropolitan county.

4.1 (c) No current legislator may be appointed to the council.

4.2 (d) Prior to making appointments, the appointing authorities under subdivision 2 must
4.3 coordinate and provide for:

4.4 (1) geographic representation throughout the state;

4.5 (2) representation for all major types of infrastructure assets; and

4.6 (3) representation from the public and private sectors.

4.7 Subd. 5. **Voting members; recommendations for appointment.** Each appointing
4.8 authority under subdivision 2 must acknowledge and give consideration to appointment
4.9 recommendations made by interested stakeholders, including but not limited to:

4.10 (1) the Association of Minnesota Counties;

4.11 (2) the League of Minnesota Cities;

4.12 (3) the Coalition of Greater Minnesota Cities;

4.13 (4) the Minnesota Association of Townships;

4.14 (5) the Minnesota Chapter of the American Public Works Association;

4.15 (6) the Associated General Contractors of Minnesota;

4.16 (7) a labor union representing the building trades;

4.17 (8) a public utility;

4.18 (9) the Minnesota Municipal Utilities Association;

4.19 (10) the Minnesota Chamber of Commerce;

4.20 (11) the Minnesota section of the American Water Works Association;

4.21 (12) the Minnesota Rural Water Association; and

4.22 (13) the Minnesota Rural Electric Association.

4.23 Subd. 6. **Nonvoting members; delegation.** (a) Notwithstanding section 15.06,
4.24 subdivision 6, an individual specified under subdivision 3 may appoint a designee to serve
4.25 on the council only as provided in this subdivision.

4.26 (b) An individual specified under subdivision 3 may appoint a designee who serves on
4.27 an ongoing basis to exercise the powers and duties as a nonvoting council member under
4.28 this section. The designation must be made by written order, filed with the secretary of state.
4.29 The designee must be a public employee who is:

- 5.1 (1) a deputy commissioner or deputy director;
5.2 (2) an assistant commissioner;
5.3 (3) an immediate subordinate of the appointing authority;
5.4 (4) a director of a relevant office; or
5.5 (5) if the appointing authority is the chair of a board or council specified under subdivision
5.6 3, another member of that board or council.

5.7 Subd. 7. **Officers.** (a) The council must elect from among its voting members a chair,
5.8 or cochairs, and vice-chair. As necessary, the council may elect other council members to
5.9 serve as officers.

5.10 (b) The chair is responsible for convening meetings of the council and setting each
5.11 meeting agenda.

5.12 Subd. 8. **Council actions.** (a) A majority of the council, including voting and nonvoting
5.13 members and excluding vacancies, is a quorum.

5.14 (b) The council may conduct business as provided under section 13D.015.

5.15 Subd. 9. **Compensation; terms; removal; vacancies.** The compensation, membership
5.16 terms, filling of vacancies, and removal of members on the council are as provided in section
5.17 15.0575.

5.18 Subd. 10. **Open Meeting Law.** The council is subject to the Minnesota Open Meeting
5.19 Law under chapter 13D.

5.20 Subd. 11. **Data practices.** The council is subject to the Minnesota Data Practices Act
5.21 under chapter 13.

5.22 **Sec. 3. [16B.358] POWERS; RESPONSIBILITIES AND DUTIES.**

5.23 Subdivision 1. **General powers.** The council has the nonregulatory powers necessary
5.24 to carry out its responsibilities and duties specified by law.

5.25 Subd. 2. **General responsibilities.** (a) The council is responsible for activities in a
5.26 nonregulatory capacity and in coordination with stakeholders to identify and recommend
5.27 best practices that:

5.28 (1) preserve and extend the longevity of Minnesota's public and privately owned
5.29 infrastructure; and

5.30 (2) provide for effective and efficient management of infrastructure.

6.1 (b) Unless specifically provided otherwise, nothing in sections 16B.356 to 16B.359
6.2 requires transfer of personnel, specific responsibilities, or administrative functions from a
6.3 department or agency to the council.

6.4 Subd. 3. **Duties.** The duties of the council are to:

6.5 (1) identify approaches to enhance and expedite infrastructure coordination across
6.6 jurisdictions, agencies, state and local government, and public and private sectors, including
6.7 in planning, design, engineering, construction, maintenance, and operations;

6.8 (2) analyze methods to improve efficiency and the use of resources related to (i) public
6.9 infrastructure, and (ii) public asset management practices;

6.10 (3) identify opportunities to reduce duplication in infrastructure projects and asset
6.11 management;

6.12 (4) identify barriers and gaps in effective asset management;

6.13 (5) identify objectives and strategies that enhance the longevity and adaptability of
6.14 infrastructure throughout the state;

6.15 (6) develop advisory recommendations, if any, related to the responsibilities and duties
6.16 specified under this section, including to state agencies for programs, policies, and practices;
6.17 and

6.18 (7) implement the requirements under sections 16B.356 to 16B.359.

6.19 Subd. 4. **Asset managers program.** The council must develop and recommend a plan
6.20 for a statewide asset managers program that provides for:

6.21 (1) identification, exchange, and distribution of (i) information on existing asset
6.22 management tools and resources, and (ii) best practices on infrastructure management;

6.23 (2) training for infrastructure owners and asset managers; and

6.24 (3) coordination and collaboration among infrastructure owners and asset managers.

6.25 Subd. 5. **Administrative support.** The commissioner must provide the council with
6.26 suitable space to maintain an office, hold meetings, and keep records. The commissioner
6.27 must provide administrative staff and information technology resources to the council as
6.28 necessary for the expeditious conduct of the council's duties and responsibilities.

6.29 Subd. 6. **Report.** By December 15 annually, the council must submit a report to the
6.30 governor and the legislative committees with jurisdiction over capital investment, climate,
6.31 economic development, energy, and transportation. At a minimum, the report must:

- 7.1 (1) summarize the activities of the council;
- 7.2 (2) provide an overview for each of the duties and requirements under sections 16B.356
- 7.3 to 16B.359;
- 7.4 (3) identify any barriers and constraints related to activities of the council; and
- 7.5 (4) provide any recommendations of the council.

7.6 Sec. 4. **[16B.359] PERSONNEL.**

7.7 Subdivision 1. **Executive director.** (a) The commissioner must hire an executive director

7.8 in the classified service, with the advice of the council. The executive director is the principal

7.9 administrative officer for the council. The executive director is not an ex officio member

7.10 of the council.

7.11 (b) The executive director must have (1) leadership or management experience, and (2)

7.12 training and experience in public works or asset management.

7.13 (c) The executive director must perform the duties as specified by the council to manage

7.14 and implement the requirements of sections 16B.356 to 16B.359.

7.15 Subd. 2. **Staffing.** (a) The executive director must:

7.16 (1) hire any employees on the basis of merit and fitness that the executive director

7.17 considers necessary to discharge the functions of the office; and

7.18 (2) prescribe the powers and duties of an employee.

7.19 (b) The executive director may:

7.20 (1) hire a deputy director and other staff; and

7.21 (2) delegate the powers, duties, and responsibilities of the executive director to employees,

7.22 under conditions prescribed by the executive director.