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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 370

01/24/2019 Authored by Fischer
The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act
1.2 relating to the Metropolitan Council; providing for staggered terms; expanding
1.3 the membership of the nomination committee; requiring additional information to
1.4 be made publicly available as part of the selection process; clarifying council
1.5 member qualifications; amending Minnesota Statutes 2018, section 473.123,
1.6 subdivisions 2a, 3.

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

1.8 Section 1. Minnesota Statutes 2018, section 473.123, subdivision 2a, is amended to read:

1.9 Subd. 2a. Terms. Following each apportionment of council districts, as provided under
1.10 subdivision 3a, council members must be appointed from newly drawn districts as provided
1.11 in subdivision 3a. ~~Each council member, other than the chair, must reside in the council~~
1.12 ~~district represented. Each council district must be represented by one member of the council.~~
1.13 The terms of members end with the term of the governor are staggered as follows: members
1.14 representing an odd-numbered district have terms ending the first Monday in January of
1.15 the year ending in the numeral "1" and members representing an even-numbered district
1.16 have terms ending the first Monday in January in the year ending in the numeral "3."
1.17 Thereafter, the term of each member is four years, with terms ending the first Monday in
1.18 January, except that all terms expire on the effective date of the next apportionment. ~~A~~
1.19 ~~member serves at the pleasure of the governor.~~ A member shall continue to serve the
1.20 member's district until a successor is appointed and qualified; except that, following each
1.21 apportionment, the member shall continue to serve at large until the governor appoints 16
1.22 council members, one from each of the newly drawn council districts as provided under
1.23 subdivision 3a, to serve terms as provided under this section. The appointment to the council
1.24 must be made by the first Monday in March of the year in which the term ends.

2.1 **EFFECTIVE DATE; APPLICATION; TRANSITION.** (a) This section is effective
 2.2 for appointments made on or after January 1, 2021, and applies in the counties of Anoka,
 2.3 Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

2.4 (b) Each member serving on the Metropolitan Council on the effective date of this section
 2.5 shall continue to serve until the member's successor is appointed and qualified. Thereafter,
 2.6 subject to Minnesota Statutes, section 473.123, subdivision 3a, the term of each member is
 2.7 four years, with terms ending the first Monday in January.

2.8 Sec. 2. Minnesota Statutes 2018, section 473.123, subdivision 3, is amended to read:

2.9 Subd. 3. **Membership; appointment; qualifications.** (a) Sixteen members must be
 2.10 appointed by the governor from districts defined by this section. ~~Each council member must~~
 2.11 ~~reside in the council district represented. Each council district must be represented by One~~
 2.12 member of the council must represent each council district and reside in the district
 2.13 represented.

2.14 (b) In addition to the notice required by section 15.0597, subdivision 4, notice of
 2.15 vacancies and expiration of terms must be published in newspapers of general circulation
 2.16 in the metropolitan area and the appropriate districts. ~~The governing bodies of the statutory~~
 2.17 ~~and home rule charter cities, counties, and towns having territory in the district for which~~
 2.18 ~~a member is to be appointed must be notified in writing. Within ten days of submitting~~
 2.19 notice to the secretary of state as required by section 15.0597, subdivision 4, the notice must
 2.20 be provided through electronic means to the governing boards of the statutory and home
 2.21 rule charter cities, counties, and towns having territory in the district for which a member
 2.22 is to be appointed. Notice must also be provided to organizations representing the interests
 2.23 of local governments within the metropolitan area that have notified the secretary of state
 2.24 that they would like to receive notice. The notices required by this section must describe
 2.25 include a description of the appointments process; a detailed position description that includes
 2.26 the required skills, expected time commitment, and connection to the district; and must
 2.27 invite participation and recommendations on the appointment.

2.28 (c) The governor shall create a nominating committee, ~~composed of seven metropolitan~~
 2.29 ~~citizens appointed by the governor,~~ to nominate persons for appointment to the council from
 2.30 districts. ~~Three of the committee members must be local elected officials. The governor~~
 2.31 must appoint six members. The Association of Metropolitan Municipalities must appoint
 2.32 four locally elected officials to serve as members representing cities. The Association of
 2.33 Minnesota Counties must appoint three locally elected officials to serve as members
 2.34 representing counties.

3.1 (d) The nominating committee must actively seek out and encourage qualified individuals
 3.2 to apply for a council member position. The nominating committee shall seek input from:

3.3 (1) the governing boards of the statutory and home rule charter cities, counties, and
 3.4 towns having territory in the district for which a member is to be appointed; and

3.5 (2) organizations representing the interests of local governments within the metropolitan
 3.6 area.

3.7 (e) Following the submission of applications as provided under section 15.0597,
 3.8 subdivision 5, the nominating committee shall conduct public meetings, after appropriate
 3.9 notice, to accept statements from or on behalf of persons who have applied or been nominated
 3.10 for appointment and to allow consultation with and secure the advice of the public and local
 3.11 elected officials. The committee shall hold the meeting on each appointment in the district
 3.12 or in a reasonably convenient and accessible location in the part of the metropolitan area in
 3.13 which the district is located. The committee may consolidate meetings. Following the
 3.14 meetings, the committee shall submit to the governor ~~a list of nominees~~ three finalists for
 3.15 each appointment. The nominating committee shall publish and provide notice of the names
 3.16 and qualifications of each of the three finalists in the same manner in which the notice of
 3.17 vacancy was published and provided. The governor must not make an appointment until at
 3.18 least 21 days after the names of the finalists were published and after the nominating
 3.19 committee has provided an opportunity for public comment. The governor is not required
 3.20 to appoint from the list but must consult with the nominating committee before appointing
 3.21 a member not included in the nominating committee's list of three finalists. If the governor
 3.22 rejects the nominating committee's three finalists, the governor must, in writing, provide a
 3.23 detailed explanation of the reasons for the rejection.

3.24 ~~(d)~~ (f) Before making an appointment, the governor shall consult with all members of
 3.25 the legislature from the council district for which the member is to be appointed.

3.26 ~~(e)~~ (g) Appointments to the council are subject to the advice and consent of the senate
 3.27 as provided in section 15.066.

3.28 ~~(f)~~ (h) Members of the council must be appointed to reflect fairly the various
 3.29 demographic, political, and other interests in the metropolitan area and each of the districts.

3.30 ~~(g)~~ (i) Members of the council must be persons knowledgeable about urban and
 3.31 metropolitan affairs. Members must have relevant experience in areas including but not
 3.32 limited to local government, transportation, housing, environment, and regional development.
 3.33 Members appointed to the council must be able to meet time commitments required by the

4.1 position including attending council meetings, attending community meetings, and
4.2 completing other job duties.

4.3 (j) Each member must demonstrate an understanding of the unique issues and needs of
4.4 the member's district and demonstrate the ability to work collaboratively with local officials
4.5 in the district.

4.6 (k) Each member must demonstrate a commitment to and understanding of the council's
4.7 mission and purpose.

4.8 ~~(h)~~ (l) Any vacancy in the office of a council member shall immediately be filled for
4.9 the unexpired term. In filling a vacancy, the governor may forgo the requirements of
4.10 paragraph (c) if the governor has made appointments in full compliance with the requirements
4.11 of this subdivision within the preceding 12 months.

4.12 **EFFECTIVE DATE; APPLICATION.** This section is effective retroactively for
4.13 appointments made on or after January 1, 2019, and applies in the counties of Anoka, Carver,
4.14 Dakota, Hennepin, Ramsey, Scott, and Washington.