

1.1 CONFERENCE COMMITTEE REPORT ON S.F. No. 2809

1.2 A bill for an act

1.3 relating to the Metropolitan Council; modifying governance of the Metropolitan
 1.4 Council; eliminating the Transportation Advisory Board; amending Minnesota
 1.5 Statutes 2016, sections 3.8841, subdivision 9; 473.123; 473.146, subdivisions 3,
 1.6 4; Minnesota Statutes 2017 Supplement, section 15A.0815, subdivision 3; repealing
 1.7 Laws 1994, chapter 628, article 1, section 8.

1.8 May 18, 2018

1.9 The Honorable Michelle L. Fischbach

1.10 President of the Senate

1.11 The Honorable Kurt L. Daudt

1.12 Speaker of the House of Representatives

1.13 We, the undersigned conferees for S.F. No. 2809 report that we have agreed upon the
 1.14 items in dispute and recommend as follows:

1.15 That the House recede from its amendment and that S.F. No. 2809 be further amended
 1.16 as follows:

1.17 Delete everything after the enacting clause and insert:

1.18 "Section 1. Minnesota Statutes 2016, section 3.8841, subdivision 9, is amended to read:

1.19 Subd. 9. **Powers; duties; Metropolitan Council appointments oversight.** The
 1.20 commission must monitor appointments to the Metropolitan Council and may make
 1.21 recommendations on appointments to the nominating committee under section 473.123,
 1.22 subdivision 3, or to the governor before the governor makes the appointments to the
 1.23 appropriate appointing authority as described in section 473.123. The commission may also
 1.24 make recommendations to the senate before ~~appointments are presented~~ the governor's
 1.25 appointment is presented to the senate for its advice and consent.

2.1 Sec. 2. Minnesota Statutes 2017 Supplement, section 15A.0815, subdivision 3, is amended
2.2 to read:

2.3 Subd. 3. **Group II salary limits.** The salary for a position listed in this subdivision shall
2.4 not exceed 120 percent of the salary of the governor. This limit must be adjusted annually
2.5 on January 1. The new limit must equal the limit for the prior year increased by the percentage
2.6 increase, if any, in the Consumer Price Index for all urban consumers from October of the
2.7 second prior year to October of the immediately prior year. The commissioner of management
2.8 and budget must publish the limit on the department's Web site. This subdivision applies
2.9 to the following positions:

2.10 Executive director of Gambling Control Board;
2.11 Commissioner of Iron Range resources and rehabilitation;
2.12 Commissioner, Bureau of Mediation Services;
2.13 Ombudsman for Mental Health and Developmental Disabilities;
2.14 ~~Chair, Metropolitan Council;~~
2.15 School trust lands director;
2.16 Executive director of pari-mutuel racing; and
2.17 Commissioner, Public Utilities Commission.

2.18 **EFFECTIVE DATE.** This section is effective January 1, 2019.

2.19 Sec. 3. Minnesota Statutes 2016, section 473.123, is amended to read:

2.20 **473.123 METROPOLITAN COUNCIL.**

2.21 Subdivision 1. **Creation; membership.** (a) A Metropolitan Council with jurisdiction
2.22 in the metropolitan area is established as a public corporation and political subdivision of
2.23 the state. It shall be under the supervision and control of ~~17~~ a chair appointed as provided
2.24 in subdivision 4, and 28 members, all of whom shall be residents of the metropolitan area
2.25 and who shall be appointed as follows:

2.26 (1) a county commissioner from each of Anoka, Carver, Dakota, Ramsey, Scott, and
2.27 Washington Counties, appointed by the respective county boards;

2.28 (2) two county commissioners from Hennepin County appointed by the county board,
2.29 one of whom must represent a ward that is predominantly located within the city of
2.30 Minneapolis, and one of whom must represent a ward that does not include the city of
2.31 Minneapolis;

3.1 (3) a local elected official appointed from each Metropolitan Council district by the
 3.2 municipal committee for the council district established in subdivision 2b;

3.3 (4) the commissioner of transportation or the commissioner's designee;

3.4 (5) one person to represent nonmotorized transportation, appointed by the commissioner
 3.5 of transportation;

3.6 (6) one person to represent freight transportation, appointed by the commissioner of
 3.7 transportation; and

3.8 (7) one person to represent public transit, appointed by the commissioner of
 3.9 transportation.

3.10 (b) The local elected offices identified in paragraph (a) are compatible with the office
 3.11 of a Metropolitan Council member.

3.12 (c) Notwithstanding any change to the definition of metropolitan area in section 473.121,
 3.13 subdivision 2, the jurisdiction of the Metropolitan Council is limited to the seven-county
 3.14 metropolitan area.

3.15 Subd. 2a. **Terms.** (a) Following each apportionment of council districts, as provided
 3.16 under subdivision 3a, ~~council members must be appointed from newly drawn districts as~~
 3.17 ~~provided in subdivision 3a. Each council member, other than the chair, must reside in the~~
 3.18 ~~council district represented. Each council district must be represented by one member of~~
 3.19 ~~the council. The terms of members end with the term of the governor, except that all terms~~
 3.20 ~~expire on the effective date of the next apportionment. A member serves at the pleasure of~~
 3.21 ~~the governor.~~ the municipal committee for each council district shall appoint a local elected
 3.22 official who resides in the district to serve on the Metropolitan Council for a four-year term.
 3.23 The terms of members appointed by municipal committees are staggered as follows: members
 3.24 representing an odd-numbered district have terms ending the first Monday in January of
 3.25 the year ending in the numeral "1" and members representing an even-numbered district
 3.26 have terms ending the first Monday in January in the year ending in the numeral "3."
 3.27 Thereafter, the term of each member is four years, with terms ending the first Monday in
 3.28 January, except that all terms expire on the effective date of the next apportionment. A
 3.29 member's position on the Metropolitan Council becomes vacant if the member ceases to be
 3.30 a local elected official or as provided in chapter 351, and any vacancy must be filled as soon
 3.31 as practicable for the unexpired term in the same manner as the initial appointment. A
 3.32 member shall continue to serve the member's district until a successor is appointed and
 3.33 qualified; except that, following each apportionment, the member shall continue to serve
 3.34 at large until the ~~governor appoints 16 council members,~~ one municipal committee for the

4.1 council district appoints a member from each of the newly drawn council districts district
 4.2 as provided under subdivision 3a, to serve terms as provided under this section. The
 4.3 appointment to the council must be made by the first Monday in March of the year in which
 4.4 the term ends.

4.5 (b) The terms of members appointed by county boards are staggered as follows: members
 4.6 representing the counties of Anoka, Dakota, Ramsey, and Scott have terms ending the first
 4.7 Monday in January of the year ending in the numeral "1," and members representing the
 4.8 counties of Carver, Hennepin, and Washington have terms ending the first Monday in
 4.9 January of the year ending in the numeral "3." Thereafter, the term for each member is four
 4.10 years. A member's position on the Metropolitan Council becomes vacant if the member
 4.11 ceases to be a local elected official or as provided in chapter 351, and any vacancy must be
 4.12 filled as soon as practicable for the unexpired term in the same manner as the initial
 4.13 appointment.

4.14 (c) An individual appointed by the commissioner of transportation under subdivision 1
 4.15 serves at the pleasure of the appointing authority.

4.16 Subd. 2b. **Municipal committee in each council district.** The governing body of each
 4.17 home rule charter or statutory city and town in each Metropolitan Council district shall
 4.18 appoint a member to serve on a municipal committee for the council district. If a city or
 4.19 town is in more than one council district, the governing body must appoint a member to
 4.20 serve on each council district's municipal committee. A member appointed to a council
 4.21 district's municipal committee must reside in the council district. The municipal committee
 4.22 must meet at least quarterly to discuss issues relating to the Metropolitan Council. Municipal
 4.23 committee meetings are subject to the Minnesota Open Meeting Law, chapter 13D.

4.24 Subd. 3. **Membership; appointment; qualifications Compensation.** (a) Sixteen
 4.25 members must be appointed by the governor from districts defined by this section. Each
 4.26 council member must reside in the council district represented. Each council district must
 4.27 be represented by one member of the council. In addition to any compensation as a local
 4.28 elected official, the council shall pay each member of the council other than the chair at the
 4.29 rate of \$55 a day spent on council activities authorized by the council.

4.30 (b) In addition to the notice required by section 15.0597, subdivision 4, notice of
 4.31 vacancies and expiration of terms must be published in newspapers of general circulation
 4.32 in the metropolitan area and the appropriate districts. The governing bodies of the statutory
 4.33 and home rule charter cities, counties, and towns having territory in the district for which
 4.34 a member is to be appointed must be notified in writing. The notices must describe the

5.1 ~~appointments process and invite participation and recommendations on the appointment.~~
5.2 In addition to any compensation as a local elected official, the council shall pay the chair
5.3 \$40,000 per year plus reimbursement of actual and necessary expenses as approved by the
5.4 council.

5.5 ~~(e) The governor shall create a nominating committee, composed of seven metropolitan~~
5.6 ~~citizens appointed by the governor, to nominate persons for appointment to the council from~~
5.7 ~~districts. Three of the committee members must be local elected officials. Following the~~
5.8 ~~submission of applications as provided under section 15.0597, subdivision 5, the nominating~~
5.9 ~~committee shall conduct public meetings, after appropriate notice, to accept statements from~~
5.10 ~~or on behalf of persons who have applied or been nominated for appointment and to allow~~
5.11 ~~consultation with and secure the advice of the public and local elected officials. The~~
5.12 ~~committee shall hold the meeting on each appointment in the district or in a reasonably~~
5.13 ~~convenient and accessible location in the part of the metropolitan area in which the district~~
5.14 ~~is located. The committee may consolidate meetings. Following the meetings, the committee~~
5.15 ~~shall submit to the governor a list of nominees for each appointment. The governor is not~~
5.16 ~~required to appoint from the list.~~

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

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

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

5.23 ~~(g) Members of the council must be persons knowledgeable about urban and metropolitan~~
5.24 ~~affairs.~~

5.25 ~~(h) Any vacancy in the office of a council member shall immediately be filled for the~~
5.26 ~~unexpired term. In filling a vacancy, the governor may forgo the requirements of paragraph~~
5.27 ~~(e) if the governor has made appointments in full compliance with the requirements of this~~
5.28 ~~subdivision within the preceding 12 months.~~

5.29 Subd. 3a. **Redistricting.** The legislature shall redraw the boundaries of the council
5.30 districts after each decennial federal census so that each district has substantially equal
5.31 population. Redistricting is effective in the year ending in the numeral "3." Within 60 days
5.32 after a redistricting plan takes effect, the ~~governor~~ municipal committees shall appoint
5.33 members from the newly drawn districts to serve terms as provided under subdivision 2a.

6.1 Subd. 3e. **District boundaries.** Metropolitan Council plan MC2013-1A, on file with
6.2 the Geographical Information Systems Office of the Legislative Coordinating Commission
6.3 and published on its Web site on April 9, 2013, is adopted and constitutes the redistricting
6.4 plan required by subdivision 3a. The boundaries of each Metropolitan Council district are
6.5 as described in that plan.

6.6 Subd. 4. **Chair; appointment, officers, selection; duties and compensation.** (a) The
6.7 chair of the Metropolitan Council shall be appointed by the governor as the ~~17th~~ 29th voting
6.8 member thereof by and with the advice and consent of the senate to serve at the pleasure
6.9 of the governor to represent the metropolitan area at large. Senate confirmation shall be as
6.10 provided by section 15.066.

6.11 The chair of the Metropolitan Council shall, if present, preside at meetings of the council,
6.12 have the primary responsibility for meeting with local elected officials, serve as the principal
6.13 legislative liaison, present to the governor and the legislature, after council approval, the
6.14 council's plans for regional governance and operations, serve as the principal spokesperson
6.15 of the council, and perform other duties assigned by the council or by law.

6.16 (b) The Metropolitan Council shall elect other officers as it deems necessary for the
6.17 conduct of its affairs for a one-year term. A secretary and treasurer need not be members
6.18 of the Metropolitan Council. Meeting times and places shall be fixed by the Metropolitan
6.19 Council and special meetings may be called by a majority of the members of the Metropolitan
6.20 Council or by the chair. The chair and each Metropolitan Council member shall be reimbursed
6.21 for actual and necessary expenses.

6.22 (c) Each member of the council shall attend and participate in council meetings and meet
6.23 regularly with local elected officials and legislative members from the council member's
6.24 district. Each council member shall serve on at least one division committee for
6.25 transportation, environment, or community development.

6.26 (d) In the performance of its duties the Metropolitan Council may adopt policies and
6.27 procedures governing its operation, establish committees, and, when specifically authorized
6.28 by law, make appointments to other governmental agencies and districts.

6.29 Subd. 8. **General counsel.** The council may appoint a general counsel to serve at the
6.30 pleasure of the council.

6.31 Subd. 9. **Authority to vote; quorum; votes required for action.** (a) The chair and
6.32 members appointed by the counties and municipal committees may vote on all matters
6.33 before the council. The commissioner of transportation or the commissioner's designee and
6.34 the three members appointed by the commissioner may vote only on matters in which the

7.1 council is acting as the metropolitan planning organization for the region as provided in
 7.2 section 473.146.

7.3 (b) A quorum is a majority of the members permitted to vote on a matter. If a quorum
 7.4 is present, the council may act on a majority vote of the members present, except:

7.5 (1) if a quorum is present, the council may adopt its levy only if at least 60 percent of
 7.6 the members present vote in favor of the levy; and

7.7 (2) if a quorum is present, the council may adopt a metropolitan system plan or plan
 7.8 amendment only if at least 60 percent of the members present vote in favor of its adoption.

7.9 **EFFECTIVE DATE; TRANSITION; APPLICATION.** (a) Except as provided in
 7.10 paragraph (b), this section is effective January 1, 2019, and applies in the counties of Anoka,
 7.11 Carver, Dakota, Hennepin, Ramsey, Scott, and Washington. Metropolitan Council members
 7.12 -serving on the effective date of this section shall continue to serve until members are
 7.13 appointed from districts by the municipal committees as provided in this section.

7.14 (b) Subdivisions 1, paragraph (c), and 2b are effective the day following final enactment.

7.15 Sec. 4. Minnesota Statutes 2016, section 473.146, subdivision 3, is amended to read:

7.16 Subd. 3. **Development guide: transportation.** The transportation chapter must include
 7.17 policies relating to all transportation forms and be designed to promote the legislative
 7.18 determinations, policies, and goals set forth in section 473.371. In addition to the
 7.19 requirements of subdivision 1 regarding the contents of the policy plan, the nontransit
 7.20 element of the transportation chapter must include the following:

7.21 (1) a statement of the needs and problems of the metropolitan area with respect to the
 7.22 functions covered, including the present and prospective demand for and constraints on
 7.23 access to regional business concentrations and other major activity centers and the constraints
 7.24 on and acceptable levels of development and vehicular trip generation at such centers;

7.25 (2) the objectives of and the policies to be forwarded by the policy plan;

7.26 (3) a general description of the physical facilities and services to be developed;

7.27 (4) a statement as to the general location of physical facilities and service areas;

7.28 (5) a general statement of timing and priorities in the development of those physical
 7.29 facilities and service areas;

7.30 (6) a detailed statement, updated every two years, of timing and priorities for
 7.31 improvements and expenditures needed on the metropolitan highway system;

8.1 (7) a general statement on the level of public expenditure appropriate to the facilities;
8.2 and

8.3 (8) a long-range assessment of air transportation trends and factors that may affect airport
8.4 development in the metropolitan area and policies and strategies that will ensure a
8.5 comprehensive, coordinated, and timely investigation and evaluation of alternatives for
8.6 airport development.

8.7 The council shall develop the nontransit element in consultation with ~~the transportation~~
8.8 ~~advisory board and~~ the Metropolitan Airports Commission and cities having an airport
8.9 located within or adjacent to its corporate boundaries. The council shall also take into
8.10 consideration the airport development and operations plans and activities of the commission.
8.11 The council shall transmit the results to the state Department of Transportation.

8.12 **EFFECTIVE DATE; APPLICATION.** This section is effective January 1, 2019, and
8.13 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

8.14 Sec. 5. Minnesota Statutes 2016, section 473.146, subdivision 4, is amended to read:

8.15 Subd. 4. **Transportation planning.** (a) The Metropolitan Council is the designated
8.16 planning agency for any long-range comprehensive transportation planning required by
8.17 section 134 of the Federal Highway Act of 1962, Section 4 of Urban Mass Transportation
8.18 Act of 1964 and Section 112 of Federal Aid Highway Act of 1973 and other federal
8.19 transportation laws. The council shall assure administration and coordination of transportation
8.20 planning with appropriate state, regional and other agencies, counties, and municipalities.

8.21 ~~(b) The council shall establish an advisory body consisting of citizens and representatives~~
8.22 ~~of municipalities, counties, and state agencies in fulfillment of the planning responsibilities~~
8.23 ~~of the council. The membership of the advisory body must consist of:~~

8.24 ~~(1) the commissioner of transportation or the commissioner's designee;~~

8.25 ~~(2) the commissioner of the Pollution Control Agency or the commissioner's designee;~~

8.26 ~~(3) one member of the Metropolitan Airports Commission appointed by the commission;~~

8.27 ~~(4) one person appointed by the council to represent nonmotorized transportation;~~

8.28 ~~(5) one person appointed by the commissioner of transportation to represent the freight~~
8.29 ~~transportation industry;~~

8.30 ~~(6) two persons appointed by the council to represent public transit;~~

9.1 ~~(7) ten elected officials of cities within the metropolitan area, including one representative~~
9.2 ~~from each first-class city, appointed by the Association of Metropolitan Municipalities;~~

9.3 ~~(8) one member of the county board of each county in the seven-county metropolitan~~
9.4 ~~area, appointed by the respective county boards;~~

9.5 ~~(9) eight citizens appointed by the council, one from each council precinct;~~

9.6 ~~(10) one elected official from a city participating in the replacement service program~~
9.7 ~~under section 473.388, appointed by the Suburban Transit Association; and~~

9.8 ~~(11) one member of the council, appointed by the council.~~

9.9 ~~(e) The council shall appoint a chair from among the members of the advisory body.~~

9.10 (b) The council must establish a technical advisory committee to provide technical
9.11 expertise to the council on transportation issues. The technical advisory committee must be
9.12 composed of professional staff from local governments and agencies involved in
9.13 transportation in the metropolitan area.

9.14 **EFFECTIVE DATE; APPLICATION.** This section is effective January 1, 2019, and
9.15 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

9.16 Sec. 6. **REPEALER.**

9.17 Laws 1994, chapter 628, article 1, section 8, is repealed.

9.18 **EFFECTIVE DATE.** This section is effective January 1, 2019."

10.1 We request the adoption of this report and repassage of the bill.

10.2 Senate Conferees:

10.3

10.4 Eric R. Pratt Jerry Newton

10.5

10.6 Scott M. Jensen

10.7 House Conferees:

10.8

10.9 Tony Albright Jon Koznick

10.10

10.11 Mark Uglem