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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1693

02/13/2023 Authored by Klevorn, Nash and Bahner The bill was read for the first time and referred to the Committee on State and Local Government Finance and Policy

1.1 A bill for an act
1.2 relating to state government; changing provisions for certain legislative
1.3 commissions and councils and other state councils; amending Minnesota Statutes
1.4 2022, sections 3.303, subdivision 6; 3.888, subdivision 5, by adding subdivisions;
1.5 15A.0825, subdivisions 1, 2, 3, 4; 137.0245, subdivision 2, by adding a subdivision;
1.6 161.1419, subdivision 2; 507.0945; repealing Minnesota Statutes 2022, section
1.7 136F.03.

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

1.9 Section 1. Minnesota Statutes 2022, section 3.303, subdivision 6, is amended to read:

1.10 Subd. 6. Grants; staff; space; equipment; contracts. (a) The commission may make
1.11 grants, employ an executive director and other staff, and obtain office space, equipment,
1.12 and supplies necessary to perform its duties.

1.13 (b) The executive director may enter into contracts in compliance with section 3.225 to
1.14 provide necessary services and supplies for the house of representatives and the senate, and
1.15 for legislative commissions and joint legislative offices. A contract for professional or
1.16 technical services that is valued at more than \$50,000 may be made only after the executive
1.17 director has consulted with the chair and vice-chair of the commission.

1.18 Sec. 2. Minnesota Statutes 2022, section 3.888, is amended by adding a subdivision to
1.19 read:

1.20 Subd. 1a. Definition. (a) For purposes of this section, the following term has the meaning
1.21 given.

1.22 (b) "Closed meeting records" means the recordings, minutes, documents, and member
1.23 voting records, if any, from a closed meeting by the commission.

2.1 Sec. 3. Minnesota Statutes 2022, section 3.888, subdivision 5, is amended to read:

2.2 Subd. 5. **Meetings.** The commission must meet at least three times per calendar year.
2.3 The meetings of the commission are subject to section 3.055, except that the commission
2.4 may close a meeting when necessary to safeguard the state's cybersecurity. ~~The minutes,~~
2.5 ~~recordings, and documents from a closed meeting under this subdivision~~ Closed meeting
2.6 records shall be maintained by the Legislative Coordinating Commission and shall not be
2.7 made available to the public until at least eight years but no more than 20 years after the
2.8 date of the closed meeting.

2.9 Sec. 4. Minnesota Statutes 2022, section 3.888, is amended by adding a subdivision to
2.10 read:

2.11 Subd. 5a. **Closed meetings procedures.** The commission must adopt procedures for
2.12 conducting closed meetings before the commission's first closed meeting. At a minimum,
2.13 the procedures must include:

2.14 (1) a requirement to provide notice to the public, when practicable, before each closed
2.15 meeting of the commission's intent and authority to hold a closed meeting, or to hold a
2.16 closed session during an otherwise open meeting;

2.17 (2) a requirement that the commission minimize the number of people present at a closed
2.18 meeting to those necessary to conduct the meeting;

2.19 (3) steps the commission must take if a commission member is alleged to have violated
2.20 the confidentiality of a closed meeting; and

2.21 (4) guidance for the Legislative Coordinating Commission for the public release of
2.22 closed meeting records following the eight year record requirement in subdivision 5. The
2.23 meetings of the Legislative Coordinating Commission under this subdivision are exempt
2.24 from section 3.055 when necessary to safeguard the confidentiality of closed meeting records.

2.25 Sec. 5. Minnesota Statutes 2022, section 3.888, is amended by adding a subdivision to
2.26 read:

2.27 Subd. 5b. **Alleged member closed meeting confidentiality violations.** Notwithstanding
2.28 any law to the contrary, if a complaint alleging a member violated the confidentiality of a
2.29 closed meeting is brought to a legislative committee with jurisdiction over ethical conduct,
2.30 the committee with jurisdiction over ethical conduct must preserve the confidentiality of
2.31 the closed meeting at issue.

3.1 Sec. 6. Minnesota Statutes 2022, section 15A.0825, subdivision 1, is amended to read:

3.2 Subdivision 1. **Membership.** (a) The Legislative Salary Council consists of the following
3.3 members:

3.4 (1) one person, who is not a judge, from each congressional district, appointed by the
3.5 chief justice of the supreme court; and

3.6 (2) one person from each congressional district, appointed by the governor.

3.7 (b) If Minnesota has an odd number of congressional districts, the governor and the chief
3.8 justice must each appoint an at-large member, in addition to a member from each
3.9 congressional district.

3.10 (c) One-half of the members appointed by the governor and one-half of the members
3.11 appointed by the chief justice must belong to the political party that has the most members
3.12 in the legislature. One-half of the members appointed by the governor and one-half of the
3.13 members appointed by the chief justice must belong to the political party that has the second
3.14 most members in the legislature.

3.15 (d) None of the members of the council may be:

3.16 (1) a current or former legislator, or the spouse of a current legislator;

3.17 (2) a current or former lobbyist registered under Minnesota law;

3.18 (3) a current employee of the legislature;

3.19 (4) a current or former judge; ~~or~~

3.20 (5) a current or former governor, lieutenant governor, attorney general, secretary of state,
3.21 or state auditor; or

3.22 (6) a current employee of an entity in the executive or judicial branch.

3.23 Sec. 7. Minnesota Statutes 2022, section 15A.0825, subdivision 2, is amended to read:

3.24 Subd. 2. ~~Initial appointment~~ **Appointments; convening authority; first meeting in**
3.25 **odd-numbered year.** Appointing authorities must make their initial appointments by January
3.26 2, 2017 after the first Monday in January and before January 15 in each odd-numbered year.
3.27 Appointing authorities who determine that a vacancy exists under subdivision 3, paragraph
3.28 (b), must make an appointment to fill that vacancy by January 15 in each odd-numbered
3.29 year. The governor shall designate one member to convene and chair the first meeting of
3.30 the council which must occur by February 15 of each odd-numbered year. ~~The first meeting~~
3.31 ~~must be before January 15, 2017.~~ At its first meeting, the council must elect a chair from

4.1 among its members. ~~Members that reside in an even-numbered congressional district serve~~
4.2 ~~a first term ending January 15, 2019. Members residing in an odd-numbered congressional~~
4.3 ~~district serve a first term ending January 15, 2021.~~

4.4 Sec. 8. Minnesota Statutes 2022, section 15A.0825, subdivision 3, is amended to read:

4.5 Subd. 3. **Terms.** (a) ~~Except for initial terms and~~ for the first term following redistricting,
4.6 a term is four years or until new appointments are made after congressional redistricting as
4.7 provided in subdivision 4. Members may serve no more than two full terms or portions of
4.8 two consecutive terms.

4.9 (b) If a member ceases to reside in the congressional district that the member resided in
4.10 at the time of appointment as a result of moving or redistricting, the appointing authority
4.11 who appointed the member must appoint a replacement who resides in the congressional
4.12 district to serve the unexpired term.

4.13 Sec. 9. Minnesota Statutes 2022, section 15A.0825, subdivision 4, is amended to read:

4.14 Subd. 4. **Appointments following redistricting.** Appointing authorities shall make
4.15 appointments ~~within three months~~ after a congressional redistricting plan is adopted.
4.16 Appointing authorities shall make appointments in accordance with the timing requirements
4.17 in subdivision 2. Members that reside in an even-numbered district shall be appointed to a
4.18 term of two years following redistricting. Members that reside in an odd-numbered district
4.19 shall be appointed to a term of four years following redistricting.

4.20 Sec. 10. Minnesota Statutes 2022, section 137.0245, subdivision 2, is amended to read:

4.21 Subd. 2. **Membership.** The Regent Candidate Advisory Council shall consist of 24
4.22 members. Twelve members shall be appointed by the ~~Subcommittee on Committees of the~~
4.23 ~~Committee on Rules and Administration~~ majority leader of the senate. Twelve members
4.24 shall be appointed by the speaker of the house. Each appointing authority must appoint one
4.25 member who is a student enrolled in a degree program at the University of Minnesota at
4.26 the time of appointment. No more than one-third of the members appointed by each
4.27 appointing authority may be current or former legislators. No more than two-thirds of the
4.28 members appointed by each appointing authority may belong to the same political party;
4.29 however, political activity or affiliation is not required for the appointment of any member.
4.30 Geographical representation must be taken into consideration when making appointments.
4.31 Section 15.0575 shall govern the advisory council, except that:

5.1 (1) the members shall be appointed to six-year terms with one-third appointed each
5.2 even-numbered year; and

5.3 (2) student members are appointed to two-year terms with two students appointed each
5.4 even-numbered year.

5.5 A member may not serve more than two full terms.

5.6 Sec. 11. Minnesota Statutes 2022, section 137.0245, is amended by adding a subdivision
5.7 to read:

5.8 Subd. 6. **Public meetings.** Meetings of the council or subcommittees of the council must
5.9 be open to the public and are subject to section 3.055.

5.10 Sec. 12. Minnesota Statutes 2022, section 161.1419, subdivision 2, is amended to read:

5.11 Subd. 2. **Members.** (a) The commission shall be composed of 15 members of whom:

5.12 (1) one shall be appointed by the commissioner of transportation;

5.13 (2) one shall be appointed by the commissioner of natural resources;

5.14 (3) one shall be appointed by the director of Explore Minnesota Tourism;

5.15 (4) one shall be appointed by the commissioner of agriculture;

5.16 (5) one shall be appointed by the director of the Minnesota Historical Society;

5.17 (6) two shall be members of the senate to be appointed by the Committee on Committees;

5.18 (7) two shall be members of the house of representatives to be appointed by the speaker;

5.19 (8) one shall be the secretary appointed pursuant to subdivision 3; and

5.20 (9) five shall be citizen members appointed to staggered four-year terms by the
5.21 commission after receiving recommendations from five citizen committees established by
5.22 the members appointed under clauses (1) to (8), with each citizen committee established
5.23 within and representing each of the following geographic segments along the Mississippi
5.24 River:

5.25 (i) Lake Itasca to but not including the city of Grand Rapids;

5.26 (ii) Grand Rapids to but not including the city of Brainerd;

5.27 (iii) Brainerd to but not including the city of Elk River;

5.28 (iv) Elk River to but not including the city of Hastings; and

6.1 (v) Hastings to the Iowa border.

6.2 Each citizen ~~committee~~ member shall be a resident of the geographic segment that the
6.3 ~~committee and~~ member represents.

6.4 (b) The members of the commission appointed in paragraph (a), clauses (1) to (8), shall
6.5 serve for a term expiring at the close of each regular session of the legislature and until their
6.6 successors are appointed.

6.7 (c) Successor members shall be appointed by the same appointing authorities. Members
6.8 may be reappointed. Any vacancy shall be filled by the appointing authority. The
6.9 commissioner of transportation, the commissioner of natural resources, and the director of
6.10 the Minnesota Historical Society shall be ex officio members, and shall be in addition to
6.11 the 15 members heretofore provided for. Immediately upon making the appointments to the
6.12 commission the appointing authorities shall so notify the Mississippi River Parkway
6.13 Commission, hereinafter called the National Commission, giving the names and addresses
6.14 of the members so appointed.

6.15 Sec. 13. Minnesota Statutes 2022, section 507.0945, is amended to read:

6.16 **507.0945 ADMINISTRATION.**

6.17 (a) An Electronic Real Estate Recording Commission ~~administered by the Legislative~~
6.18 ~~Coordinating Commission~~ is created to evaluate and ~~must~~ then may adopt standards to
6.19 implement sections 507.0941 to 507.0948.

6.20 (b) The Electronic Real Estate Recording Commission shall consist of the following:

6.21 (1) three members appointed by the Minnesota Association of County Officials who are
6.22 county employees, including one from within the seven-county metropolitan area, one from
6.23 outside the seven-county metropolitan area, and at least one of whom is a county recorder
6.24 and at least one of whom is a registrar of titles;

6.25 (2) one member appointed by the Minnesota Land Title Association;

6.26 (3) one member who represents the Minnesota Bankers Association;

6.27 (4) one member who represents the Section of Real Property Law of the Minnesota State
6.28 Bar Association;

6.29 (5) one nonvoting member who is appointed by the other members of the commission
6.30 and an expert in the technological aspects of electronic real estate recording; and

6.31 (6) one member who is the state archivist appointed pursuant to section 138.17.

7.1 (c) Members of the Electronic Real Estate Recording Commission shall serve four-year
 7.2 terms, except that (1) the initial appointments of county employees shall be for two years
 7.3 and (2) the expert in the technological aspects of electronic real estate recording shall serve
 7.4 at the pleasure of a majority of the other members of the commission. All initial terms shall
 7.5 commence on July 1, 2008. Members shall serve until their successors are appointed. Any
 7.6 member may be reappointed for successive terms.

7.7 (d) The state archivist shall call the first meeting of the Electronic Real Estate Recording
 7.8 Commission. At the first meeting and biennially thereafter, the commission shall elect from
 7.9 its membership a chair and vice-chair to serve two-year terms. Meetings may be called by
 7.10 the chair or the vice-chair ~~or the director of the Legislative Coordinating Commission.~~
 7.11 Meetings shall be held as often as necessary, but at least once a year.

7.12 (e) A majority of the voting members of the Electronic Real Estate Recording
 7.13 Commission constitutes a quorum to do business, and a majority of a quorum may act in
 7.14 any matter within the jurisdiction of the commission.

7.15 (f) As soon as practicable and as needed thereafter, the Electronic Real Estate Recording
 7.16 Commission shall identify the information technology and any other expertise it requires
 7.17 and report its needs to the ~~Legislative Coordinating Commission. The Electronic Real Estate~~
 7.18 ~~Recording Commission also shall report any other expertise it needs to fulfill its~~
 7.19 ~~responsibilities. The Legislative Coordinating Commission shall provide support services,~~
 7.20 ~~including meeting space, as needed for the Electronic Real Estate Recording Commission~~
 7.21 ~~to carry out its duties in an effective manner.~~ committees of the Minnesota House of
 7.22 Representatives and the Minnesota Senate that have jurisdiction.

7.23 Sec. 14. **MISSISSIPPI RIVER PARKWAY COMMISSION; CITIZEN MEMBERS.**

7.24 Citizens currently appointed to the Mississippi River Parkway Commission under
 7.25 Minnesota Statutes, section 161.1419, subdivision 2, for areas following the geographic
 7.26 segments along the Mississippi River, serve terms as follows:

7.27 (1) citizen member representing Lake Itasca, to but not including the city of Grand
 7.28 Rapids, for a term ending December 31, 2025;

7.29 (2) citizen member representing Grand Rapids, to but not including the city of Brainerd,
 7.30 for a term ending December 31, 2025;

7.31 (3) citizen member representing Brainerd, to but not including the city of Elk River, for
 7.32 a term ending December 31, 2025;

8.1 (4) citizen member representing Elk River, to but not including the city of Hastings, for
8.2 a term ending December 31, 2027; and

8.3 (5) citizen member representing Hastings, to the Iowa border, for a term ending December
8.4 31, 2027.

8.5 Sec. 15. **REPEALER.**

8.6 Minnesota Statutes 2022, section 136F.03, is repealed.

136F.03 CANDIDATE ADVISORY COUNCIL.

Subdivision 1. **Purpose.** A Candidate Advisory Council for the board shall assist the governor in determining criteria for, and identifying and recruiting qualified candidates for, nonstudent membership on the board.

Subd. 2. **Membership.** The advisory council consists of 24 members. Twelve members are appointed by the Subcommittee on Committees of the Committee on Rules and Administration of the senate. Twelve members are appointed by the speaker of the house. No more than one-third of the members appointed by each appointing authority may be current or former legislators. No more than two-thirds of the members appointed by each appointing authority may belong to the same political party; however, political activity or affiliation is not required for the appointment of a member. Geographical representation must be taken into consideration when making appointments. Section 15.0575 governs the advisory council, except that the members must be appointed to six-year terms.

Subd. 3. **Duties.** (a) The advisory council shall:

(1) develop a statement of the selection criteria to be applied and a description of the responsibilities and duties of a member of the board and shall distribute this to potential candidates; and

(2) for each position on the board, identify and recruit qualified candidates for the board, based on the background and experience of the candidates, and their potential for discharging the responsibilities of a member of the board.

(b) Selection criteria developed under this section must include the requirement that trustees represent diversity in geography, gender, race, occupation, and experience.

(c) Selection criteria developed under this section must also include the identification of the membership needs of the board for individual skills relevant to the governance of the Minnesota State Colleges and Universities and the needs for certain individual characteristics that include geographic location, gender, race, occupation, and experience.

Subd. 4. **Recommendations.** Except for seats filled under sections 136F.04 and 136F.045, the advisory council shall recommend at least two and not more than four candidates for each seat. By April 15 of each even-numbered year in which the governor makes appointments to the board, the advisory council shall submit its recommendations to the governor and to the chairs and ranking minority members of the legislative committees with primary jurisdiction over higher education policy and finance. The governor is not bound by these recommendations.

Subd. 5. **Support services.** The Legislative Coordinating Commission shall provide administrative and support services for the advisory council.