

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 4108

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DATE
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Introduction and first reading
Referred to Labor

OFFICIAL STATUS

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 15.

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 15.0482.

1.12 Subd. 2. **Council implementation.** (a) Appointing authorities under Minnesota Statutes,
1.13 section 15.0482, subdivision 2, must make initial appointments by November 1, 2024.

1.14 (b) By May 1, 2025, the council must appoint an executive director as provided under
1.15 Minnesota Statutes, section 15.0485.

1.16 (c) Following appointment of an executive director under paragraph (b), the council
1.17 must undertake community engagement efforts throughout the state that include hearings
1.18 to obtain comments and information.

1.19 Subd. 3. **Implementation support.** The commissioner of management and budget must
1.20 provide coordination and implementation support to the Minnesota Advisory Council on
1.21 Infrastructure under section 15.0482 as reasonably necessary for the council to commence
1.22 meeting its requirements under subdivision 2 and Minnesota Statutes, sections 15.0481 to

2.1 15.0485, including but not limited to planning and organizational facilitation, temporary
 2.2 staffing, meeting space, general administration, and information technology resources.

2.3 Subd. 4. **Other reorganization.** Notwithstanding Minnesota Statutes, section 16B.37,
 2.4 subdivision 1, at any time following establishment of the Minnesota Advisory Council on
 2.5 Infrastructure, the commissioner of administration, with the governor's approval, may issue
 2.6 reorganization orders under Minnesota Statutes, section 16B.37, to meet the requirements
 2.7 under Minnesota Statutes, sections 15.0481 to 15.0485.

2.8 Sec. 2. **APPROPRIATION; MINNESOTA ADVISORY COUNCIL ON**
 2.9 **INFRASTRUCTURE IMPLEMENTATION.**

2.10 \$..... in fiscal year 2025 is appropriated from the general fund to the commissioner of
 2.11 management and budget for the costs of implementation support under section 1. This is a
 2.12 onetime appropriation.

2.13 Sec. 3. **APPROPRIATION; MINNESOTA ADVISORY COUNCIL ON**
 2.14 **INFRASTRUCTURE.**

2.15 \$..... in fiscal year 2025 is appropriated from the general fund to the Minnesota Advisory
 2.16 Council on Infrastructure for the purposes under section 1 and Minnesota Statutes, sections
 2.17 15.0481 to 15.0485. This is a onetime appropriation and is available until June 30, 2027.

2.18 **ARTICLE 2**

2.19 **MINNESOTA ADVISORY COUNCIL ON INFRASTRUCTURE**

2.20 **Section 1. [15.0481] DEFINITIONS.**

2.21 Subdivision 1. **Terms.** For the purposes of sections 15.0481 to 15.0485, the terms defined
 2.22 in this section have the meanings given.

2.23 Subd. 2. **Council.** "Council" means the Minnesota Advisory Council on Infrastructure
 2.24 established in section 15.0482.

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

3.1 Sec. 2. [15.0482] MINNESOTA ADVISORY COUNCIL ON INFRASTRUCTURE.

3.2 Subdivision 1. Establishment; purpose. (a) The Minnesota Advisory Council on
3.3 Infrastructure is established as the governing body of an independent agency of state
3.4 government.

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

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

3.9 (1) two members appointed by the governor;

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

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

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

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

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

3.15 Subd. 3. Nonvoting membership. The council consists of the following nonvoting
3.16 members:

3.17 (1) the commissioner of administration;

3.18 (2) the commissioner of agriculture;

3.19 (3) the commissioner of commerce;

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

3.21 (5) the commissioner of health;

3.22 (6) the commissioner of management and budget;

3.23 (7) the commissioner of natural resources;

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

3.25 (9) the commissioner of transportation;

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

3.27 (11) the chair of the Metropolitan Council;

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

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

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

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

4.4 Subd. 4. **Voting members; qualifications.** (a) An appointing authority under subdivision
4.5 2 may only appoint an individual who has expertise and experience, whether from the public
4.6 or private sector, in any of the following:

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

4.10 (2) financial management and procurement; or

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

4.12 (b) No current legislator may be appointed to the council.

4.13 (c) Prior to making appointments, the appointing authorities under subdivision 2 must
4.14 make reasonable efforts to coordinate and provide for:

4.15 (1) geographic representation throughout the state; and

4.16 (2) representation for all major types of infrastructure assets.

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

4.20 (1) the Association of Minnesota Counties;

4.21 (2) the League of Minnesota Cities;

4.22 (3) the Coalition of Greater Minnesota Cities;

4.23 (4) the Minnesota Association of Townships;

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

4.25 (6) the Associated General Contractors of Minnesota;

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

4.27 (8) a public utility;

4.28 (9) the Minnesota Municipal Utilities Association;

4.29 (10) the Minnesota Chamber of Commerce;

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

5.2 (12) the Minnesota Rural Water Association; and

5.3 (13) the Minnesota Rural Electric Association.

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

5.7 (b) An individual specified under subdivision 3 may appoint a designee who serves on
5.8 an ongoing basis to exercise the powers and duties as a nonvoting council member under
5.9 section 15.0482. The designation must be made by written order, filed with the secretary
5.10 of state. The designee must be a public employee who is:

5.11 (1) a deputy commissioner or deputy director;

5.12 (2) an assistant commissioner;

5.13 (3) an immediate subordinate of the appointing authority;

5.14 (4) a director of an office established for infrastructure longevity or adaptability; or

5.15 (5) if the appointing authority is the chair of a board or council specified under subdivision
5.16 3, another member of that board or council.

5.17 Subd. 7. **Officers.** The council must elect from among its voting members a chair, or
5.18 cochairs, and vice-chair. As necessary, the council may elect other council members to
5.19 serve as officers.

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

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

5.23 Subd. 9. **Compensation; terms; removal; vacancies.** The compensation, membership
5.24 terms, filling of vacancies, and removal of members on the council are as provided in section
5.25 15.0575.

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

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

6.1 Sec. 3. [15.0483] RESPONSIBILITIES AND DUTIES.

6.2 Subdivision 1. General responsibilities. (a) The council is responsible for activities in
6.3 a nonregulatory capacity and in coordination with stakeholders to identify and recommend
6.4 best practices that:

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

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

6.8 (b) Unless specifically provided otherwise, nothing in sections 15.0481 to 15.0485
6.9 requires transfer of personnel, specific responsibilities, or administrative functions from a
6.10 department or agency to the council.

6.11 Subd. 2. Duties. The duties of the council are to:

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

6.15 (2) identify objectives and strategies that enhance the longevity and adaptability of
6.16 infrastructure throughout the state;

6.17 (3) develop advisory recommendations, if any, related to the responsibilities and duties
6.18 specified under this section, including to:

6.19 (i) the governor for executive orders; and

6.20 (ii) state agencies for programs, policies, and practices; and

6.21 (4) implement the requirements under sections 15.0481 to 15.0485.

6.22 Subd. 3. Asset managers program. The council must develop and recommend a plan
6.23 for a statewide asset managers program that provides for:

6.24 (1) identification, exchange, and distribution of best practices on infrastructure
6.25 management;

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

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

6.28 Subd. 4. Report. By December 15 annually, the council must submit a report to the
6.29 governor and the legislative committees with jurisdiction over capital investment, climate,
6.30 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 15.0481
- 7.3 to 15.0485;
- 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. [15.0484] POWERS.

7.7 Subdivision 1. General powers. The council has the nonregulatory powers necessary

7.8 to carry out its responsibilities and duties specified by law.

7.9 Subd. 2. Agreements; contracts. The council may enter into agreements for legal

7.10 services, financial services, technical support, and other administrative and professional

7.11 services.

7.12 Sec. 5. [15.0485] PERSONNEL.

7.13 Subdivision 1. Executive director. (a) The council must employ an executive director

7.14 in the unclassified service. The executive director is the principal administrative officer for

7.15 the council. The executive director is not an ex officio member of the council.

7.16 (b) The executive director must have training and experience in public administration,

7.17 public works, asset management, or asset longevity or adaptability.

7.18 (c) The executive director must perform the duties the council requires to manage and

7.19 implement the requirements of sections 15.0481 to 15.0485.

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

7.21 (1) in appointing any employees, perform the appointment on the basis of merit and

7.22 fitness that the executive director considers necessary to discharge the functions of the

7.23 office; and

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

7.25 (b) The executive director may:

7.26 (1) appoint a deputy director and a chief financial officer, who each serve at the executive

7.27 director's pleasure in the unclassified service; and

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

7.29 under conditions prescribed by the executive director.