

## Decision points for legislation creating a new board, commission, agency, committee, or council

Note: the writing in green font has been approved via vote by the Infrastructure Resilience Advisory Task Force

### 1. Purpose:

- a. The Minnesota Infrastructure Board is created to define and maintain a vision for the future of Minnesota's infrastructure that provides for proper management, coordination, and investment. The board will work in a non-regulatory capacity and in tandem with stakeholders to develop and promote best practices that will preserve and extend the longevity of Minnesota's public and privately-owned infrastructure.

### 2. Board Structure:

#### a. Members; officers

##### i. Nonvoting members: (or their designee)

1. The commissioner of the Department of Administration
2. The commissioner of the Department of Agriculture
3. The commissioner of the Department of Commerce
4. The commissioner of the Department of Employment and Economic Development
5. The commissioner of the Department of Health
6. The commissioner of the Department of Management and Budget
7. The commissioner of the Department of Natural Resources
8. The commissioner of the Pollution Control Agency
9. The commissioner of the Department of Transportation
10. The chair of the Metropolitan Council
11. The chair of the Board of Water and Soil Resources
12. The chancellor of Minnesota State Colleges and Universities
13. The president of the University of Minnesota
14. The commissioner of the Iron Range Resources and Rehabilitation Board

##### ii. Voting members:

1. Appointed by:
  - a. Two by the governor
  - b. Two by the Senate majority leader
  - c. Two by the Senate minority leader
  - d. Two by the House speaker
  - e. Two by the House minority leader
  - f. One by the Minnesota Indian Affairs Council
2. Voting members must be representative of one or more of the following:
  - a. Asset management experts from the public and private sectors with knowledge of and expertise in the areas of planning, design, construction, management, operations and maintenance for drinking water, wastewater, stormwater, transportation, energy, and communications.
  - b. Financial and procurement experts from the public or private sector.
  - c. Experts in regional asset management planning across jurisdictions and infrastructure sectors.

- d. A balance in geographic representation
- e. A balance in asset types
- 3. Appointing authorities must consult with asset management groups, including but not limited to the following, before making appointments:
  - a. Association of Minnesota Counties
  - b. League of Minnesota Cities
  - c. Minnesota Association of Townships
  - d. Minnesota Chapter of the American Public Works Association
  - e. Associated General Contractors of Minnesota
  - f. A labor union representing the building trades
  - g. A public utility
  - h. Minnesota Municipal Utilities Association
  - i. Coalition of Greater Minnesota Cities
  - j. Minnesota Chamber of Commerce
  - k. American Water Works Association
  - l. Minnesota Rural Water
  - m. Minnesota Rural Electric Association
- b. Terms; compensation; removal; vacancies**
  - i. Governed by Minnesota Statutes, section 15.0575
- c. Executive director; employees**
  - i. The board must appoint and employ an executive director who is not a member of the board to serve at the pleasure of the board. The board must set the duties of the executive director and employ, upon recommendation of the executive director, staff as necessary to carry out the board's duties.
  - OR**
  - ii. The board will employ the Enterprise Director of Federal Funds Implementation as the executive director to serve at the pleasure of the board. The board must set the duties of the executive director and employ, upon recommendation of the executive director, staff as necessary to carry out the board's duties.
- 3. Duties of the Board:**
  - a. What duties does this board have?
    - i. Identify approaches to enhance and expedite infrastructure coordination across jurisdictions, agencies, state and local government, and public and private sectors, including in planning, design, engineering, construction, maintenance, and operations
    - ii. Identify methods to maximize and/or optimize existing funds provided to recipients in the state for infrastructure purposes
    - iii. Develop a plan to implement a statewide portal similar to the Michigan Infrastructure Council's "Dig Once Portal"
    - iv. Develop a plan to implement a statewide program similar to the Michigan Infrastructure Council's "Asset Managers Program"
    - v. Annual report to the legislature
- 4. Authority of Board:**
  - a. The board is a non-regulatory entity
- 5. Initial Appointment of Executive Director:**

- a. An executive director must be appointed by members no more than 6 months after all the initial board members are appointed.

**6. Appropriation**

- a. The appropriation will be blank until the legislation is introduced and has a fiscal note.

**Legislation that established the Michigan Infrastructure Council (MIC), [from Public Act No. 323, filed 2018](#)**

**1. Purpose**

- a. The MIC's mission statement: "Define a vision for Michigan's infrastructure that provides the foundation for public and environmental health, economic prosperity, and quality of life."

**2. Board Structure:**

**a. Members; officers:**

- i. Nine voting members appointed who are representative of 1 or more of the following:
  1. Asset management experts from the public and private sectors with knowledge of and expertise in the areas of planning, design, construction, management, operations and maintenance for drinking water, wastewater, stormwater, transportation, energy, and communications.
  2. Financial and procurement experts from the public or private sector.
  3. Experts in regional asset management planning across jurisdictions and infrastructure sectors.
- ii. The following nonvoting members:
  1. The chairperson of the water asset management council or his or her designee.
  2. The chairperson of the transportation asset management council or his or her designee.
  3. The director of the department of agriculture and rural development or his or her designee.
  4. The director of the department of environmental quality or his or her designee.
  5. The director of the department of natural resources or his or her designee.
  6. The director of the department of technology, management, and budget or his or her designee.
  7. The director of the state transportation department or his or her designee.
  8. The state treasurer or his or her designee.
  9. The chairperson of the Michigan public service commission or his or her designee.
- iii. Voting members of the Michigan infrastructure council under shall be appointed as follows:
  1. Five by the governor.
  2. One by the senate majority leader.
  3. One by the speaker of the house of representatives.
  4. One by the senate minority leader.
  5. One by the house minority leader.
  6. The voting members first appointed to the Michigan infrastructure council must be appointed within 60 days after the effective date of this act.

**b. Terms; compensation; removal; vacancies**

- i. Terms: The voting members first appointed to the Michigan infrastructure council must be appointed within 60 days after the effective date of this act. The voting members of the Michigan infrastructure council serve for terms of 3 years or until a successor is appointed, whichever is later, except as follows:

1. Of the members first appointed under subsection (3)(a), 1 shall serve for 2 years, 1 shall serve for 1 year, and 3 shall serve for 3 years.
  2. Of the members first appointed under subsection (3)(b), (c), (d), and (e), 2 shall serve for 2 years and 2 shall serve for 1 year.
- ii. Compensation: Members of the Michigan infrastructure council serve without compensation. However, members of the Michigan infrastructure council may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the Michigan infrastructure council.
  - iii. Removal: A member of the Michigan infrastructure council may be removed for incompetence, dereliction of duty, malfeasance during his or her tenure in office, or any other cause considered appropriate by the office for whom the appointment was made.
  - iv. Vacancies: A vacancy on the Michigan infrastructure council shall be filled for the unexpired term in the same manner as the original appointment.

**c. Executive director; employees**

**3. Duties of the Board:**

- a. Develop a multiyear program, work plan, budget, and funding recommendation for asset management; update these every year; and provide these to the governor and the legislature by September 30 every year.
  - i. Ensure that the work plan in subdivision (a) includes an emphasis on coordination and integration across asset classes and regions.
- b. Prepare an annual report on the current statewide asset management assessment that tracks progress on established performance goals.
- c. Undertake research and advise on matters relating to asset management, including all of the following:
  - i. Funding and financing models.
  - ii. Best practices.
  - iii. Information technology advancements.
  - iv. Emerging technology to advance smart systems.
  - v. Right sizing and cost-efficiencies.
  - vi. Impediments to delivery.
  - vii. Opportunities for greater coordination and collaboration across asset classes and asset owners.
  - viii. Align and link state incentives to asset performance improvement goals, including cost control, asset management, operational efficiency, and cost-effective regional solutions.
- d. Within 180 days after its first meeting, evaluate the regional infrastructure asset management pilot program, and the findings of the 21st Century Infrastructure Commission, and develop and publish a 3-year strategy for establishing a statewide integrated asset management system. The initial multiyear program, work plan, budget, and funding recommendation must include development of the strategy for establishing a statewide integrated asset management system. The strategy must also include, at a minimum, all of the following:
  - i. A determination of appropriate assets within the asset classes.
  - ii. Consistent data standards and definitions for each asset class.
  - iii. Identify and designate a process to plan, analyze, and coordinate asset management across assets and asset owners at the regional level. This process may be implemented through regional planning agencies, the regional prosperity initiative

regions, or another approach, which may vary among regions, that ensures all areas of the state are included and efforts are consistent with state and federal requirements. Regions shall be responsible for maintaining and managing the statewide database at a regional level.

- iv. Procedures for data storage, collecting, updating, and reporting.
- v. Recommendations related to the appropriate level of financial support for local asset data collection, local development of asset management plans, regional review and collaboration, and participation in an integrated statewide asset management system.
- vi. A process to coordinate the planning efforts of the transportation asset management council, the water asset management council, the Michigan public service commission, and the Michigan economic development corporation, with other state-required asset management planning requirements. In coordinating planning efforts under this subparagraph, the Michigan infrastructure council shall endeavor to provide efficiencies to the planning process and to reduce any unnecessary duplication of effort.
- vii. Coordination with the transportation asset management council and the water asset management council to ensure that training and education programs that address all of the following are coordinated across assets:
  - 1. Asset management principles and plan development.
  - 2. The use of the statewide database.
  - 3. Ongoing user support.
  - 4. State department asset management requirements.
- viii. Develop statewide performance goals for appropriate assets within each asset class and identify regional and statewide progress toward meeting performance goals.
- ix. Protocols that ensure data security and accuracy at the local, regional, and state levels.
- x. Development of consistent and coordinated state department, transportation asset management council, and water asset management council asset management plan components and requirements including, but not limited to:
  - 1. Asset inventory, condition assessment, and uniform data.
  - 2. Performance goals.
  - 3. Revenue structure, investment strategy, and capital improvement plan.
  - 4. Asset criticality and risk analysis.
  - 5. Public engagement and transparency.
  - 6. Self-assessment of asset management maturity.
  - 7. Reports at an asset owner, regional, and statewide level. Reporting levels should take into account the size and complexity of the network or system. Priority should be placed on the largest systems.
  - 8. A resolution by the appropriate governing body approving the plan.
  - 9. Certification that asset management is being coordinated to the asset owners' best ability across asset classes and regionally. (f) Beginning 3 years after the effective date of this act, start the second phase of the statewide system for asset management implementation and include, at a minimum, all of the following:
    - a. Predictive analytics to forecast asset condition.

- b. A public dashboard of state, regional, and local system performance across asset classes, including the appropriate and secure level of geospatial data and aggregated reporting.
- c. Develop and publish a 30-year integrated infrastructure strategy that is updated every 5 years and includes all of the following:
  - i. Current statewide condition assessment and infrastructure priorities across asset classes, tracked progress on established performance goals, and net changes in asset value.
  - ii. Investment needs to reach targeted overall system ratings and performance goals, with a goal of leveling annual investments to long-term predictable amounts.
  - iii. Network intelligence in asset management planning and monitoring. Retrofit technologies should be considered, pursued, and incorporated as they become available for upgrades and maintenance activities to existing and future assets.

**e. Authority of Board:**

- i. The multiyear programs, work plans, budgets, and funding recommendations, the 3-year strategy for establishing a statewide integrated asset management system, and the second phase of the statewide system for asset management implementation shall comply with both of the following:
  - 1. Not propose, recommend, or fund any government-owned broadband or telecommunications network to provide service to residential or commercial premises, except that this prohibition does not apply to state expenditures for a transportation purpose, connected vehicle communication technologies, or other transportation-related activities.
  - 2. To the extent government funding is proposed or recommended to subsidize non-government-owned broadband networks to expand service to residential or commercial premises, require that the proposals and recommendations must be limited to areas unserved by broadband, must be technology neutral, and include a competitive bid process that results in the award of the subsidy based on objective and efficient procedures.
- ii. This act does not authorize the Michigan infrastructure council to place any obligations or requirements on providers of telecommunications services, broadband services, or wireless services.
- iii. Any network or financial information provided to the Michigan infrastructure council by a provider of telecommunications services, broadband services, or wireless services is exempt from disclosure under section 13(1)(d) of the freedom of information act, 1976 PA 442, MCL 15.243, provided that it is marked as confidential or commercial information. The Michigan infrastructure council shall preserve the confidentiality of this information.

**4. Appropriation**