

Sec. 2. EFFECTIVE DATE.

This act takes effect the day after approval by a majority of the members of the governing body of the city of Richfield and upon compliance with Minnesota Statutes, section 645.021, subdivision 3.

Presented to the governor May 23, 1991

Signed by the governor May 27, 1991, 11:04 p.m.

CHAPTER 211—S.F.No. 858

An act relating to restitution; requiring offenders who have been court-ordered to pay restitution to provide affidavits of financial disclosure to investigating correctional agencies; amending Minnesota Statutes 1990, section 611A.04, by adding a subdivision.

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

Section 1. Minnesota Statutes 1990, section 611A.04, is amended by adding a subdivision to read:

Subd. 1b. AFFIDAVIT OF DISCLOSURE. An offender who has been ordered by the court to make restitution in an amount of \$500 or more shall file an affidavit of financial disclosure with the correctional agency responsible for investigating the financial resources of the offender on request of the agency. The commissioner of corrections shall prescribe what financial information the affidavit must contain.

Presented to the governor May 23, 1991

Signed by the governor May 27, 1991, 11:08 p.m.

CHAPTER 212—S.F.No. 1129

An act relating to water and wastewater treatment; expanding the authority of municipalities to contract for private design and construction of water and wastewater treatment facilities; amending Minnesota Statutes 1990, section 471.371, subdivisions 2, 4, and 5; repealing Minnesota Statutes 1990, section 471.371, subdivisions 1 and 6.

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

Section 1. Minnesota Statutes 1990, section 471.371, subdivision 2, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 2. **AUTHORIZATION OF DESIGN AND CONSTRUCT CONTRACTS.** Notwithstanding the provisions of any law or charter to the contrary, any municipality authorized by law to enter into a contract for the design and/or construction of water or wastewater treatment works facilities may advertise for sealed bids for the design and construction thereof under a single contract. Prior to such advertisement the municipality shall prepare ~~contract or cause to be prepared~~ documents which shall serve as a basis for the comparison of bids and any contract to be entered into. These documents shall be prepared by a professional engineer in sufficient detail, including hydraulic flow and organic loading calculations, design capacity, effluent limits, design life, and the treatment alternatives for the wastewater treatment facility, for the bidder to describe the probable cost, scope of work, equipment and materials of construction; and the documents shall include performance standards for the construction and ~~supervisory~~ operational performance standards for the operation of the ~~facilities~~ facility which must be met for specified conditions and time periods, prior to final acceptance of the ~~facilities~~ facility by the municipality ~~and by the Minnesota pollution control agency.~~ The ~~contract~~ documents shall require the bidder to furnish estimates of the annual operation and maintenance costs of the facility, conceptual plans and specifications and any other information deemed relevant for contract award.

In awarding the contract, the municipality shall take into consideration the performance guarantee, completion date, construction cost, capacity of the facility, design life estimated annual operation and maintenance cost, and other relevant factors.

The provisions of any law which require the Minnesota pollution control agency to approve all plans and specifications on a municipal or regional waste water or wastewater treatment facility prior to calling for construction bids shall not be applicable to contracts authorized by this section. However, after bids have been received and evaluated by the governing body ~~and~~, the best bid determined, ~~and the contract awarded,~~ a municipality shall not ~~award a contract until the award is,~~ by the terms of the awarded contract, allow construction to commence until all legal requirements are met and the plans and specifications for construction of a wastewater treatment facility have been approved by the Minnesota pollution control agency. ~~Nothing in this section shall prohibit the Minnesota pollution control agency from giving consideration to any or all bids prior to the determination by the governing body of the best bid, provided that the Minnesota pollution control agency or the municipality request that such consideration be given or, in the case of a water treatment facility, the plans and specifications for construction have been approved by the Minnesota department of health.~~

Upon award of the contract the municipality shall require the successful bidder to furnish detailed plans and specifications and shall provide for termination of the contract and may provide for penalties if such plans and specifications are insufficient to permit the municipality to satisfy the requirements of any federal or state grant permit.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 2. Minnesota Statutes 1990, section 471.371, subdivision 4, is amended to read:

Subd. 4. **DEFINITIONS.** As used in this section, "municipality" has the meaning given to it in section 471.345; "contract" includes not only construction work but also all necessary design services, including process and mechanical equipment, provisions for the start-up of the new facility, performance guarantee, and the other necessary and related items to make an operable plant; and ~~"treatment works" has the meaning given to it in section 212, title II, of the Federal Water Pollution Control Act Amendments of 1972~~ "facility" or "facilities" shall, in addition to the treatment facility, include collection and distribution systems.

Sec. 3. Minnesota Statutes 1990, section 471.371, subdivision 5, is amended to read:

Subd. 5. ~~**BID CONTRACT SECURITY AND INSURANCE.** Each design construct bid submitted shall include a bid bond, labor and materials bond and shall conform with appropriate executive orders related to requirements for the construction of wastewater treatment facilities under the construction grant program of the Federal Water Pollution Control Act and insurance as specified to provide for uniform and equitable bid review procedures~~ awarded contract:

(1) shall require a payment and performance bond for the construction portion of the contract;

(2) shall require the successful bidder to guarantee the performance of the facility to the level required by a permit for the operation of the facility, for 12 months after the date operation begins; and

(3) may allow construction progress payments by the municipality to the successful bidder.

Sec. 4. **REPEALER.**

Minnesota Statutes 1990, section 471.371, subdivisions 1 and 6, are repealed.

Presented to the governor May 23, 1991

Signed by the governor May 27, 1991, 10:06 p.m.

CHAPTER 213—S.F.No. 971

An act relating to agriculture; extending the ban on the use of biosynthetic bovine somatotropin by one year; amending Minnesota Statutes 1990, sections 151.01, subdivision 28; 151.15, subdivision 3; and 151.25; and Laws 1990, chapter 526, section 1.

New language is indicated by underline, deletions by ~~strikeout~~.