

modified within 180 days after the plan is submitted if the commissioner determines that the plan is not consistent with state or federal law or that the plan is not adequate to minimize exposure of persons to the waste.

Sec. 8. MEDICAL WASTE TASK FORCE.

(a) The commissioner of health shall appoint a medical waste task force to include representatives of the pollution control agency, the department of health, the office of waste management, representatives of local government units, citizens groups, environmental organizations, organized labor, the academic community, medical waste generators, and persons in the business of managing medical waste. Members of the task force shall serve without compensation.

(b) The medical waste task force shall:

(1) estimate the quantity and composition of medical waste currently generated in the state;

(2) assess current infectious waste decontamination capacity in the state;

(3) design a state policy that focuses on alternatives to landfilling and incineration as the primary means of infectious waste disposal according to the order of preference in Minnesota Statutes, section 115A.02, paragraph (b); and

(4) submit, by September 1, 1992, a medical waste management strategy report to the legislative commission on waste management and to the committees on the environment and natural resources and health and human services of the legislature recommending a statewide medical waste management policy.

Sec. 9. APPROPRIATION.

The amount appropriated from the general fund to the pollution control agency for hazardous waste control for fiscal years 1992 and 1993 by S.F. No. 1533 is reduced by \$125,000. The complement of the pollution control agency is decreased by one.

Presented to the governor May 31, 1991

Signed by the governor June 4, 1991, 8:32 p.m.

CHAPTER 345—H.F.No. 1631

An act relating to the organization and operation of state government; appropriating money for the general legislative, judicial, and administrative expenses of state government; providing for the transfer of certain money in the state treasury; fixing and limiting the amount of fees, penalties, and other costs to be collected in certain cases; creating, abolishing,

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

modifying, and transferring agencies and functions; defining and amending terms; providing for settlement of claims; imposing certain duties, responsibilities, authority, and limitations on agencies and political subdivisions; consolidating certain funds and accounts and making conforming changes; changing the organization, operation, financing, and management of certain courts and related offices; amending Minnesota Statutes 1990, sections 2.722, subdivision 1, and by adding a subdivision; 3.885, subdivisions 3 and 6; 3.97, by adding a subdivision; 3.971, subdivision 2; 8.06; 8.15; 13.03, subdivision 3; 14.07, subdivisions 1 and 2; 14.08; 15.06, subdivision 1; 15.191, subdivision 1; 15.50, subdivision 3, and by adding a subdivision; 15A.081, subdivision 1; 15A.082, subdivision 3, as amended; 16A.27, subdivision 5; 16A.45, subdivision 1; 16A.641, subdivision 3; 16A.662, subdivision 4; 16A.672, subdivision 9; 16A.69, by adding a subdivision; 16A.721, subdivision 1; 16B.24, by adding a subdivision; 16B.36, subdivision 1; 16B.41, subdivision 2, and by adding a subdivision; 16B.465, subdivision 4; 16B.48, subdivision 2; 16B.63, by adding a subdivision; 17.49, subdivision 1; 62D.122; 79.34, subdivision 1; 103B.311, subdivision 7; 103B.315, subdivision 5; 103F.761, subdivision 1; 103H.101, subdivision 4; 103H.175, subdivisions 1 and 2; 115A.072, subdivision 1; 116C.03, subdivisions 2, 4, and 5; 116C.712, subdivisions 3 and 5; 116J.873, subdivision 1; 116J.8766, subdivision 2; 116L.03, subdivision 2; 124C.03, subdivisions 2, 3, 8, 9, 10, 12, 14, 15, and 16; 126A.02, subdivisions 1 and 2; 126A.03; 128C.12, subdivision 1; 138.17, subdivision 1; 144.70, subdivision 2; 145.926, subdivisions 1, 4, 5, 7, and 8; 145A.02, subdivision 16; 145A.09, subdivision 6; 160.276, by adding a subdivision; 176.421, subdivision 6a; 214.141; 256H.25, subdivision 1; 268.361, subdivision 3; 271.06, subdivision 4; 271.19; 275.125, subdivision 6a; 275.14; 275.50, subdivision 5a; 275.51, subdivision 6; 275.54, subdivision 3; 299A.30, subdivision 2; 299A.31, subdivision 1; 299A.40, subdivision 4; 355.392, subdivisions 2 and 3; 356.215, subdivisions 4d and 4g; 357.24; 363.121; 368.01, subdivision 1a; 373.40, subdivision 1; 383B.119, subdivision 3; 402.045; 422A.05, by adding subdivisions; 422A.06, subdivisions 1 and 3; 422A.101; 422A.17; 422A.23, subdivision 2; 423A.02; 462.384, subdivision 7; 462.396, subdivision 2; 466A.05, subdivision 1; 469.201, subdivision 2; 469.203, subdivision 4; 469.207, subdivisions 1 and 2; 471.468; 473.156, subdivision 1; 474A.03, by adding a subdivision; 477A.011, subdivisions 3 and 3a; 477A.014, subdivision 4; 480.181, by adding a subdivision; 480.24, subdivision 3; 480.242, subdivision 2, and by adding a subdivision; 481.10; 484.73, by adding a subdivision; 490.123, subdivision 1; 490.124, subdivision 4; 504.34, subdivisions 5 and 6; 590.05; 593.48; 609.101, subdivision 1; 611.14; 611.17; 611.18; 611.20; 611.215, subdivisions 1, 1a, and 2; 611.23; 611.24; 611.25, subdivision 1, and by adding a subdivision; 611.26, subdivisions 2, 3, 4, 6, 7, and by adding subdivisions; and 611.27, subdivisions 1, 4, and by adding subdivisions; Laws 1989, chapter 335, article 1, section 7, and article 3, section 4, as amended; Laws 1990, chapter 610, article 1, section 27; proposing coding for new law in Minnesota Statutes, chapters 4; 7; 16A; 16B; 43A; 116J; 129D; 204B; 268; 270; 356; and 471; proposing coding for new law as Minnesota Statutes, chapter 4A; repealing Minnesota Statutes 1990, sections 3C.035, subdivision 2; 3C.056; 40A.02, subdivision 2; 40A.08; 116J.967; 116K.01 to 116K.14; 144.861; 144.874, subdivision 7; 383B.119, subdivision 2; 383B.63, subdivision 1; 480.250; 480.252; 480.254; 480.256; 611.215, subdivision 4; 611.26, subdivision 1; 611.261; 611.28; 611.29; Laws 1984, chapter 564, section 48; Laws 1989, chapter 335, article 3, sections 38; and 54, as amended by Laws 1989, First Special Session chapter 1, article 5, section 47; and Laws 1990, chapter 604, article 9, section 14.

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

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

ARTICLE 1

STATE DEPARTMENTS

Section 1. STATE DEPARTMENTS; APPROPRIATIONS.

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or another fund named, to the agencies and for the purposes specified in this act, to be available for the fiscal years indicated for each purpose. The figures "1991," "1992," and "1993," where used in this act, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1991, June 30, 1992, or June 30, 1993, respectively.

SUMMARY BY FUND

| | 1991 | 1992 | 1993 | TOTAL |
|-----------------|-----------|--------------------|--------------------|--------------------|
| General | \$486,000 | \$382,297,000 | \$361,685,000 | \$743,982,000 |
| Environmental | | 261,000 | 260,000 | 521,000 |
| Highway User | | 1,720,000 | 1,715,000 | 3,435,000 |
| Metro Landfill | | | | |
| Contingency | | 46,000 | 46,000 | 92,000 |
| Special Revenue | | 9,115,000 | 9,110,000 | 18,225,000 |
| Trunk Highway | | 761,000 | 754,000 | 1,515,000 |
| Workers' Comp. | | 4,842,000 | 5,080,000 | 9,922,000 |
| TOTAL | | 399,043,000 | 378,650,000 | 777,692,000 |

APPROPRIATIONS

Available for the Year

Ending June 30

1992 1993

Sec. 2. LEGISLATURE

| | | | |
|------------------------------------|------------|------------|------------|
| Subdivision 1. Total Appropriation | | 48,942,000 | 48,262,000 |
| Summary by Fund | | | |
| General | 48,909,000 | 48,230,000 | |
| Trunk Highway | 32,000 | 32,000 | |

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

| | | | |
|--|-----------|------------|------------|
| Subd. 2. Senate | | 16,383,000 | 16,068,000 |
| Subd. 3. House of Representatives | | 21,921,000 | 21,504,000 |
| Subd. 4. Legislative Coordinating Commission | | 7,289,000 | 7,344,000 |
| Summary by Fund | | | |
| General | 7,257,000 | 7,312,000 | |
| Trunk Highway | 32,000 | 32,000 | |

| | | | |
|-----------------------------------|---------|---------|--|
| (a) Legislative Reference Library | | | |
| 1992 | 880,000 | 880,000 | |
| 1993 | | | |
| 880,000 | | | |

(b) Revisor of Statutes

| | |
|-----------|-----------|
| 3,931,000 | 4,162,000 |
|-----------|-----------|

The revisor shall study the relative costs and benefits of using Times Roman or another typeface for documents produced through the revisor's computer system. The study shall include consideration of readability, potential savings on equipment costs, and reduction of paper use. The revisor shall submit the report to the senate finance and house appropriations committees by January 1, 1992.

(c) Legislative Commission on the Economic Status of Women

| | |
|---------|---------|
| 166,000 | 164,000 |
|---------|---------|

(d) Legislative Commission on Employee Relations

| | |
|---------|---------|
| 109,000 | 109,000 |
|---------|---------|

The legislative commission on employee relations shall conduct a study of management and supervisory functions in all executive branch state agencies and boards, including the state university, technical colleges, and community college system. The commission shall report the results of the study to the legislature by February 1, 1992.

(e) Great Lakes Commission

| | |
|--------|--------|
| 43,000 | 45,000 |
|--------|--------|

(f) Legislative Commission on Pensions and Retirement

| | |
|---------|---------|
| 555,000 | 570,000 |
|---------|---------|

(g) Legislative Commission on Planning and Fiscal Policy

| | |
|---------|---------|
| 400,000 | 400,000 |
|---------|---------|

The appropriation in Laws 1989, First Special Session chapter 1, article 1, section 12, for the legislative commission on planning and fiscal policy, is available until June 30, 1993. * (The preced-

ing paragraph beginning "The appropriation" was vetoed by the governor.)

(h) Legislative Commission to Review
Administrative Rules

| | |
|---------|---------|
| 139,000 | 133,000 |
|---------|---------|

(i) Legislative Commission on Waste
Management

| | |
|---------|---------|
| 148,000 | 148,000 |
|---------|---------|

(j) Legislative Water Commission

| | |
|---------|--------|
| 101,000 | 99,000 |
|---------|--------|

(k) Mississippi River Parkway Commis-
sion

| | |
|--------|--------|
| 32,000 | 32,000 |
|--------|--------|

This appropriation is from the trunk
highway fund.

(l) Legislative Coordinating Commis-
sion - General Support

| | |
|---------|---------|
| 785,000 | 602,000 |
|---------|---------|

The appropriation in Laws 1989, chap-
ter 335, article 1, section 2, subdivision
4, paragraph (l), is available until June
30, 1993. * (The preceding paragraph
beginning "The appropriation" was
vetoed by the governor.)

\$86,000 the first year and \$86,000 the
second year are appropriated to fund
joint house and senate subcommittee or
task force projects. Projects funded
from this appropriation must involve
both the house and senate, be tempo-
rary in nature, and focus on key policy
issues facing the legislature. The legisla-
tive coordinating commission shall
develop a project selection process for
this appropriation.

\$50,000 the first year and \$50,000 the
second year are reserved for unantici-
pated costs of agencies in this subdivi-
sion and subdivision 5. The legislative
coordinating commission may transfer
necessary amounts from this appropria-
tion to the appropriations of the agen-

cies concerned, and the amounts transferred are appropriated to those agencies to be spent by them. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$87,300 the first year and \$91,600 the second year are for the state contribution to the National Conference of State Legislatures.

\$78,300 the first year and \$83,000 the second year are for the state contribution to the Council of State Governments.

| | | |
|---------------------------------------|-----------|-----------|
| Subd. 5. Legislative Audit Commission | 3,839,000 | 3,832,000 |
|---------------------------------------|-----------|-----------|

The amounts that may be spent from this appropriation for each activity are as follows:

| | | |
|----------------------------------|--|--------|
| (a) Legislative Audit Commission | | |
| 15,000 | | 15,000 |

| | | |
|-------------------------|--|-----------|
| (b) Legislative Auditor | | |
| 3,824,000 | | 3,817,000 |

| | | |
|-------------------|--|-----------|
| Subd. 6. Base Cut | | |
| (492,000) | | (487,000) |

The base cut must be allocated among the commission's programs by the legislative coordinating commission.

Sec. 3. SUPREME COURT

| | | |
|------------------------------------|------------|------------|
| Subdivision 1. Total Appropriation | 16,114,000 | 15,987,000 |
|------------------------------------|------------|------------|

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

| | | |
|-----------------------------------|--|-----------|
| Subd. 2. Supreme Court Operations | | |
| 3,900,000 | | 3,876,000 |

\$2,100 the first year and \$2,200 the second year are for a contingent account for expenses necessary for the normal operation of the court for which no other reimbursement is provided.

The conference of chief judges shall study the current functions performed by law clerks and shall conduct a cost benefit analysis of the position on or before January 1, 1992. The study shall consider the cost benefit of the assignment of nonlegal duties currently performed by law clerks to other court personnel and the development of permanent legal research units within a judicial district. The study shall consider the distribution of and the number of district court law clerks for district court judges and referees.

Pursuant to Minnesota Statutes, section 480.181, the supreme court, in consultation with the conference of chief judges and representatives of official court reporters, shall develop criteria for the tenure of official court reporters under the judicial branch personnel rules. The criteria shall be included in a study on shared or pooled use of district court reporters which shall be conducted by the conference of chief judges by January 1, 1993.

The supreme court shall study and report to the legislature by February 1, 1992, the costs of transferring to the state the costs of the court administration offices and guardian ad litem programs statewide and shall develop a detailed budget for those costs.

\$25,000 the first year is to continue the study of racial bias in the judicial system mandated by Laws 1990, chapter 557.

\$10,000 the first year is to study the need for a business law court.

Subd. 3. State Court Administration
7,701,000 7,591,000

The state court administrator shall establish a pilot project to study the fea-

sibility of providing public and private users computer access to court records through TCIS (Total Court Information System) at no net cost to the court. The state court administrator shall identify the demand for the service, the fees necessary to provide the service at no net cost to the court, the staff, and the hardware resources necessary to support this expanded use of the TCIS, and report to the legislature by February 1, 1992. The state court administrator may charge participants in the pilot project a reasonable user fee. The fees shall be deposited in the general fund.

The state court administrator may fund one nonprofit private organization located in the northern suburbs of Hennepin county for a diversion program other than mediation, to divert juvenile misdemeanor offenders from the juvenile court system.

\$100,000 the first year and \$100,000 the second year are for community dispute resolution program grants under Minnesota Statutes, section 494.05.

Subd. 4. Law Library Operations
1,663,000 1,670,000

Subd. 5. Civil Legal Services
2,114,000 2,114,000

\$2,114,000 the first year and \$2,114,000 the second year are for legal service to low-income clients under Minnesota Statutes, section 480.242, and for family farm legal assistance under Minnesota Statutes, section 480.252. Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium. A qualified legal services program, as defined in Minnesota Statutes, section 480.24, subdivision 3, may provide legal services to persons eligible for family farm legal assistance under Minnesota Statutes, section 480.254.

Subd. 6. Family Law Legal Services
890,000 890,000

\$890,000 the first year and \$890,000 the second year are to improve the access of low-income clients to legal representation in family law matters and must be distributed under Minnesota Statutes, section 480.242, to the qualified legal services programs described in Minnesota Statutes, section 480.242, subdivision 2, paragraph (a). Any unencumbered balance remaining in the first year does not cancel and is available for the second year of the biennium.

Subd. 7. Base Cut
(154,000) (154,000)

The base cut must be allocated among the agency's programs by the agency head.

| | | |
|--------------------------|------------|------------|
| Sec. 4. COURT OF APPEALS | 5,696,000 | 5,717,000 |
| Sec. 5. DISTRICT COURTS | 47,009,000 | 59,371,000 |

For the second year appropriation, \$3,366,000 is appropriated for jury costs for the district courts if a law is enacted providing for a homestead agricultural and credit assistance offset in the same amount.

This appropriation includes one new law clerk position in the first judicial district and one new law clerk position in the tenth judicial district.

\$70,000 the first year is for the Dakota county board to establish a pilot diversion program for juveniles who are alleged to have committed controlled substance offenses. This sum is available until June 30, 1993. * (The preceding paragraph beginning "\$70,000" was vetoed by the governor.)

| | | |
|-------------------------------------|------------|------------|
| Sec. 6. BOARD OF JUDICIAL STANDARDS | 171,000 | 171,000 |
| Approved Complement - 2 | | |
| Sec. 7. BOARD OF PUBLIC DEFENSE | | |
| Subdivision 1. Total Appropriation | 21,238,000 | 23,983,000 |
| Approved Complement - 42 | | |

None of this appropriation shall be used to pay for lawsuits against public agencies or public officials to change social or public policy.

The amounts that may be spent from this appropriation for each program are specified in this subdivision and the following subdivisions.

For the second year appropriation, \$2,750,000 is appropriated for juvenile and misdemeanor services in the 3rd and 6th districts if a law is enacted providing for a homestead agricultural and credit assistance offset in the same amount.

| | | |
|--------------------------------|-----------|-----------|
| Subd. 2. State Public Defender | | |
| | 2,051,000 | 2,045,000 |

During the biennium, legal assistance to Minnesota prisoners shall serve the civil legal needs of persons confined to state institutions.

| | | |
|----------------------------------|-----------|-----------|
| Subd. 3. Board of Public Defense | | |
| | 1,149,000 | 3,900,000 |

| | | |
|----------------------------------|------------|------------|
| Subd. 4. District Public Defense | | |
| | 18,246,000 | 18,246,000 |

| | | |
|-------------------|-----------|-----------|
| Subd. 5. Base Cut | | |
| | (208,000) | (208,000) |

The base cut must be allocated among the board's programs by the board administrator.

| | | |
|-------------------------|---------|---------|
| Sec. 8. TAX COURT | 601,000 | 533,000 |
| Approved Complement - 6 | | |

| | | |
|--|-----------|-----------|
| Sec. 9. WORKERS' COMPENSATION COURT OF APPEALS | 1,284,000 | 1,363,000 |
| Approved Complement - 22 | | |

This appropriation is from the workers' compensation special compensation fund.

| | | |
|---|--|--|
| Sec. 10. GOVERNOR AND LIEUTENANT GOVERNOR | | |
|---|--|--|

| | | |
|------------------------------------|-----------|-----------|
| Subdivision 1. Total Appropriation | 3,651,000 | 3,144,000 |
|------------------------------------|-----------|-----------|

This appropriation is to fund the offices of the governor and lieutenant governor.

\$20,000 the first year and \$20,000 the second year are for personal expenses connected with the office of the governor.

\$2,000 the first year and \$2,000 the second year are for personal expenses connected with the office of the lieutenant governor.

\$99,000 the first year and \$103,000 the second year are for membership dues of the National Governors Association.

\$20,000 the first year is for the Council of Great Lakes Governors.

During the biennium any seminars or training sessions regarding federal issues for federal budgeting that are conducted by the Washington office shall be made available to legislators and legislative staff. The Washington office shall notify the legislature regarding the timing of such seminars.

Subd. 2. Transfers From State Planning
 757,000 257,000

| | | |
|---|-----------|-----------|
| Sec. 11. OFFICE OF STRATEGIC AND LONG RANGE PLANNING | 2,988,000 | 2,986,000 |
|---|-----------|-----------|

\$1,000,000 the first year and \$1,000,000 the second year are for strategic and long-range planning. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

An additional \$500,000 the first year and \$500,000 the second year are available for planning after consultation with the legislative advisory commission under Minnesota Statutes, section 3.30. A request to spend money from this appropriation must be presented to the

legislative commission on planning and fiscal policy, which must make a recommendation on the request before it may be presented to the legislative advisory commission.

Sec. 12. STATE AUDITOR
Approved Complement - 123

6,471,000

6,755,000

\$77,000 the first year and \$77,000 the second year are for an account the auditor may bill for costs associated with conducting single audits of federal funds. During the biennium, this account may be used only when no other billing mechanism is feasible.

\$217,000 the first year and \$217,000 the second year must be subtracted from the amount that would otherwise be payable as local government aid under Minnesota Statutes, chapter 477A, in order to reimburse the general fund for the services of the government information division and the parts of the constitutional office that are related to the government information function.

\$71,000 the first year and \$71,000 the second year must be subtracted from the total police and fire state aid otherwise payable to police and firefighters' relief associations under Minnesota Statutes, sections 69.011 to 69.051, for the costs and expenses incurred by the state auditor in making a review of the audits and examinations of relief associations. The amount subtracted shall be divided proportionally according to the estimated costs of the audits or examinations of the police and firefighters' relief associations as determined by the state auditor.

Two new staff positions and one data entry position in the office of the state auditor that are required by increased research and analysis duties shall be

funded through increased audit and other fees to local units of government.

* (The preceding paragraph beginning "Two" was vetoed by the governor.)

| | | |
|--------------------------|-----------|-----------|
| Sec. 13. STATE TREASURER | 1,149,000 | 1,292,000 |
| Approved Complement - 13 | | |

Up to \$500,000 for the first year is for a negotiated proposal process for the acquisition of a new information system pursuant to procedures established by the commissioner of administration in accordance with the provisions of Minnesota Statutes, section 16B.08, subdivision 4, paragraph (b). In the event the cost of the treasurer's new information system exceeds the amount appropriated from the general fund, the difference shall be billed to the MAXIS project in the department of human services. The state treasurer is authorized to acquire a new information system by purchase, lease-purchase, lease, or any other method consistent with procedures established by the commissioner of finance.

Sec. 14. ATTORNEY GENERAL

| | | |
|------------------------------------|------------|------------|
| Subdivision 1. Total Appropriation | 21,283,000 | 21,226,000 |
| Approved Complement - | 376 | |
| General - | 338 | |
| Special Revenue - | 28 | |
| Federal - | 10 | |
| Summary by Fund | | |
| General | 19,857,000 | 19,805,000 |
| Special Revenue | 1,426,000 | 1,421,000 |

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Additions to dedicated or federal complement are approved subject to sufficient appropriations to the attorney general or the attorney general's clients. Additions must be reported to the chairs of the house appropriations committee and the senate finance committee on July 1, 1991, and July 1, 1992.

| | | |
|------------------------------|-----------|-----------|
| Subd. 2. Government Services | 4,196,000 | 4,197,000 |
|------------------------------|-----------|-----------|

Subd. 3. Public Resources

| | |
|-----------|-----------|
| 2,827,000 | 2,809,000 |
|-----------|-----------|

Subd. 4. Human Resources

| | |
|-----------|-----------|
| 1,553,000 | 1,552,000 |
|-----------|-----------|

Subd. 5. Law Enforcement

| | |
|-----------|-----------|
| 4,321,000 | 4,292,000 |
|-----------|-----------|

Subd. 6. Legal Policy and Administration

| | |
|-----------|-----------|
| 2,749,000 | 2,745,000 |
|-----------|-----------|

All records of the office of the attorney general relating to the 1837 Treaty issue shall be transferred to the state archives upon resolution of the issue. The provisions of Minnesota Statutes, sections 138.161 to 138.25, apply to this transfer.

The attorney general shall increase fees charged to agencies to cover criminal investigations and prosecutions of violations of state environmental laws. The fees collected from agencies are appropriated to the attorney general's office. The cost of these investigations shall be certified for payment by the relevant agencies from the environmental fund.

The attorney general shall submit a report to the senate finance and house appropriations committees by January 1, 1992, on the relationship between increased OSHA assessments and the increase in positions in the office of the attorney general.

Subd. 7. Business Regulation

| | |
|-----------|-----------|
| 4,337,000 | 4,330,000 |
|-----------|-----------|

Summary by Fund

| | | |
|---------|-----------|-----------|
| General | 2,911,000 | 2,909,000 |
| Special | 1,426,000 | 1,421,000 |

Subd. 8. Solicitor General

| | |
|-----------|-----------|
| 1,499,000 | 1,499,000 |
|-----------|-----------|

Subd. 9. Base Cut

| | |
|-----------|-----------|
| (199,000) | (198,000) |
|-----------|-----------|

The base cut must be allocated among the agency's programs by the agency head.

| | | |
|---------------------------|-----------|-----------|
| Sec. 15. INVESTMENT BOARD | 1,894,000 | 1,988,000 |
| Approved Complement - 25 | | |

Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

| | | |
|----------------------------------|-----------|-----------|
| Sec. 16. ADMINISTRATIVE HEARINGS | 3,458,000 | 3,617,000 |
| Approved Complement - 78 | | |
| Revolving - 26 | | |
| Workers' Compensation - 52 | | |

This appropriation is from the workers' compensation special compensation fund for considering workers' compensation claims.

Sec. 17. ADMINISTRATION

| | | | |
|------------------------------------|-----------------|------------|------------|
| Subdivision 1. Total Appropriation | | 47,867,000 | 26,416,000 |
| Approved Complement - 940 | | | |
| General - 259 | | | |
| Gift - 1 | | | |
| Revolving - 630 | | | |
| Special Revenue - 46 | | | |
| Federal - 4 | | | |
| | Summary by Fund | | |
| General Fund | 42,968,000 | 21,517,000 | |
| Special Revenue | 4,899,000 | 4,899,000 | |
| Subd. 2. Operations Management | | | |
| 4,617,000 | 4,661,000 | | |
| Subd. 3. Intertechnologies Group | | | |
| 10,954,000 | 5,431,000 | | |
| | Summary by Fund | | |
| General | 6,794,000 | 1,271,000 | |
| Special Revenue | 4,160,000 | 4,160,000 | |

The appropriation from the special revenue fund is for recurring costs of 911 emergency telephone service.

\$3,900,000 is appropriated as a loan

from the general fund to the STARS revolving fund. This amount shall be repaid before the end of the biennium. Notwithstanding any law to the contrary, the commissioner of administration shall have authority to transfer contributed capital between department of administration internal service or enterprise funds. Notwithstanding any other law to the contrary, the commissioner of administration may, with the approval of the commissioner of finance, make loans from an internal service or enterprise fund to another internal service or enterprise fund.

\$150,000 the first year is for the commissioner of the department of administration and the STARS staff to conduct a study to develop models for the use of STARS telecommunications regions under joint powers or other agreements. The models shall be used to:

- (1) coordinate development of applications or programs that combine the needs of education, state and local governments, or other public sector users of STARS services;
- (2) determine the local telecommunications approaches that work best to distribute applications or programs transported by STARS within the region; and
- (3) identify needs for shared video facilities and develop agreements and ways to prioritize or schedule their use equitably.

The study shall focus on current and future telecommunications needs that result from joint activities of STARS customers in the two telecommunications regions that will be served by STARS from Duluth and Rochester and shall describe pilot projects that could be used to validate the study findings.

The study shall be submitted to the appropriate committees of the legislature by December 31, 1991.

\$201,100 the first year and \$205,800 the second year must be subtracted from the amount that would otherwise be payable to local government aid under Minnesota Statutes, chapter 477A, in order to fund the local government records program and the intergovernmental information systems activity.

Subd. 4. Property Management
23,387,000 8,349,000

\$175,000 the first year and \$175,000 the second year from the program's total appropriation are for capitol area repairs and replacements. Any unencumbered balance remaining in the first year does not cancel and is available for the second year.

\$3,825,000 the first year and \$3,884,000 the second year are for office space costs of the legislature and veterans organizations, for ceremonial space, and for statutorily free space.

The department of administration shall discontinue food service management in the state office building for the biennium ending June 30, 1993. Food service shall be managed by the house rules committee as a pilot project for the biennium.

\$50,000 the first year is for the commissioner of administration to study the potential uses for the Waseca campus. The commissioner shall appoint an advisory committee to assist with the study. The commissioner shall report the findings and recommendations from the study to the board of regents, and the education, appropriations, and finance committees of the legislature by January 15, 1992. The appropriation is

available if matched by \$1 of nonstate money for each \$10 of this appropriation. In addition, the board of regents of the University of Minnesota is requested to provide additional funding up to \$50,000 to assist in the cost of the study.

The department of administration in consultation with the capitol area architectural and planning board shall study the historic renovation and potential reuse of the Dahl house and report to the senate finance and house appropriations committees by February 1, 1992.

By June 30, 1992, the department of administration shall relocate the state printing operation from the Ford building to a more suitable location, preferably outside the capitol complex and shall relocate and consolidate offices of the attorney general in the Ford building. The Ford building shall be remodeled as office space.

By December 31, 1992, the department of administration shall relocate the office of the state auditor to a location within the capitol complex.

\$350,000 the first year is for developing a framework for an integrated infrastructure management system including the establishment of a database of building classification standards. The commissioner of administration shall report by January 1, 1992, on the time and cost of continuing the program for fiscal year 1993.

\$961,000 the first year is to improve security at state parking ramps and lots, to be available upon final enactment.

\$13,781,000 is for the costs relating to agency relocation, consolidation, and colocation, to be available upon final enactment.

Subd. 5. Administrative Management
4,249,000 4,045,000

\$5,000 the first year and \$5,000 the second year are for the state employees' band. * (The preceding paragraph beginning "\$5,000" was vetoed by the governor.)

\$240,000 the first year and \$240,000 the second year are for block grants to public television stations. * (The preceding paragraph beginning "\$240,000" was vetoed by the governor.)

\$793,000 the first year and \$793,000 the second year are for matching grants to public television stations.

\$840,000 the first year and \$840,000 the second year are for public television equipment needs. Equipment grant allocations shall be made after considering the recommendations of the Minnesota Public Television Association. * (The preceding paragraph beginning "\$840,000" was vetoed by the governor.)

\$266,000 the first year and \$266,000 the second year are for operational grants to public educational radio stations, which must be allocated after considering the recommendations of the Association of Minnesota Public Educational Radio Stations under Minnesota Statutes, section 129D.14.

\$132,000 the first year and \$132,000 the second year are for public educational radio stations, which must be allocated after considering the recommendations of the Association of Minnesota Public Educational Radio Stations for equipment needs. * (The preceding paragraph beginning "\$132,000" was vetoed by the governor.)

\$180,000 the first year is for equipment grants to affiliate stations of Minnesota Public Radio, Incorporated. Equipment grant allocations must be made after consideration of the recommendations

of Minnesota Public Radio, Incorporated. * (The preceding paragraph beginning "\$180,000" was vetoed by the governor.)

If an appropriation for either year for grants to public television or radio stations is not sufficient, the appropriation for the other year is available for it.

State agencies directly involved in furnishing information or rendering services to the public, and that serve a substantial number of non-English-speaking people shall report on their progress in meeting the requirements in Minnesota Statutes, section 15.441, and make recommendations for improving services to non-English-speaking people. The report and recommendations must be submitted to the state government divisions of the house appropriations and senate finance committees by February 1, 1992.

Subd. 6. Information Policy Office
1,686,000 1,704,000

Subd. 7. Management Analysis
586,000 594,000

Subd. 8. Transfers From State Planning
2,149,000 1,393,000

Subd. 9. Commission
500,000

\$500,000 is for a commission to identify immediate potential cost savings in state government and to recommend long-term actions for improving state government efficiency and effectiveness.

The commission should include representatives of state employees. The legislative commission on planning and fiscal policy shall appoint five members to the commission who need not be legislators.

This appropriation is available for the

biennium ending June 30, 1993, when matched dollar for dollar with private funds. Before spending this appropriation, the commissioner must present a detailed work plan to the legislative commission on planning and fiscal policy. The commissioner must make progress reports to the legislature on the work of the commission.

It is anticipated that the commission will identify \$15,700,000 in immediate general fund cost savings through improving state government efficiency and effectiveness. This appropriation may be enhanced by nonstate contributions with funds collected and spent from the state expendable trust gift fund. In-kind contributions will be encouraged.

An additional \$500,000 of the appropriation in the general contingent account in section 29 is available in the second year of the biennium under Minnesota Statutes, section 3.30, for the work of the commission.

Subd. 10. Base Cut

| | |
|-----------|-----------|
| (207,000) | (207,000) |
|-----------|-----------|

Sec. 18. CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD

Approved Complement -

5

236,000

236,000

Any unencumbered balance of the appropriation for the first year does not cancel and is available for use in the second year.

Notwithstanding any other law to the contrary, unexpended balances from appropriations in Laws 1985, First Special Session chapter 15, section 3, subdivision 4, and Laws 1987, chapter 400, section 15, subdivision 2, are reappropriated to the capitol area architectural and planning board for site selection and preliminary planning for the labor

history center in or near the capitol area as defined in Minnesota Statutes, section 15.50. The commissioner of administration and the historical society shall cooperate with the board in these studies and preliminary planning and provide information and assistance as requested by the board. The board must make a final site recommendation to the chairs of the house appropriation committee and the senate finance committee.

Sec. 19. FINANCE

| | | |
|------------------------------------|-----------|------------|
| Subdivision 1. Total Appropriation | 9,109,000 | 11,297,000 |
| Approved Complement - 129 | | |

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Management and Administrative Services

| | |
|-----------|-----------|
| 1,148,000 | 1,205,000 |
|-----------|-----------|

Subd. 3. State Accounting System

| | |
|-----------|-----------|
| 5,172,000 | 7,313,000 |
|-----------|-----------|

\$300,000 in the first year and \$2,500,000 in the second year is* for the planning and implementation of the new statewide accounting and payroll information systems. (The language "\$2,500,000 in the second year is" was vetoed by the governor.)

On or before February 15, 1992, the commissioner of finance shall report to the chairs of the state government divisions of the house appropriations and senate finance committees on progress in designing the new statewide accounting and payroll information systems. The report shall also identify preliminary savings or administrative efficiencies that the state may realize with a new system and indicate the level of future funding required to complete the system. The report shall also present

options for the future financing of the system including cost-sharing by users.

Subd. 4. Budget Analysis and Operations

| | |
|-----------|-----------|
| 2,318,000 | 2,286,000 |
|-----------|-----------|

Subd. 5. Cash and Debt Management

| | |
|---------|---------|
| 273,000 | 282,000 |
|---------|---------|

Subd. 6. Economic Analysis

| | |
|---------|---------|
| 287,000 | 300,000 |
|---------|---------|

Subd. 7. Base Cut

| | |
|----------|----------|
| (89,000) | (89,000) |
|----------|----------|

The base cut must be allocated among the agency's programs by the agency head.

Sec. 20. EMPLOYEE RELATIONS

Subdivision 1. Total Appropriation

| | |
|-----------|-----------|
| 8,798,000 | 8,956,000 |
|-----------|-----------|

| | |
|-----------------------|-----|
| Approved Complement - | 191 |
|-----------------------|-----|

| | |
|-----------|-----|
| General - | 111 |
|-----------|-----|

| | |
|-------------------|----|
| Insurance Trust - | 29 |
|-------------------|----|

| | |
|-------------------|----|
| Special Revenue - | 51 |
|-------------------|----|

\$486,000 in 1991 is from the general fund for WCRA premium adjustments and is added to the appropriation in Laws 1989, chapter 335, article 1, section 18.

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Administration

| | |
|-----------|-----------|
| 2,601,000 | 2,566,000 |
|-----------|-----------|

Subd. 3. Labor Relations

| | |
|---------|---------|
| 517,000 | 528,000 |
|---------|---------|

During the biennium ending June 30, 1993, a state agency may not pay relocation expenses to an employee without the express approval of the commissioner of employee relations, unless otherwise provided in a collective bargaining agreement entered into under Minnesota Statutes, chapter 179A.

Subd. 4. Staffing and Compensation

| | |
|-----------|-----------|
| 3,052,000 | 3,058,000 |
|-----------|-----------|

\$56,000 the first year and \$55,000 the second year must be subtracted from the amount that would otherwise be payable as local government aid under Minnesota Statutes, chapter 477A, to offset the cost of the local government pay equity function of the department.

By February 1, 1992, the commissioner of employee relations shall issue a comprehensive report assessing the impact of budget cuts on personnel in all executive branch agencies and boards, including the state university, technical colleges, and community college systems. The report shall include the number of complement, vacancies, and full and part-time personnel working in each agency and board on July 1, 1991, and on December 31, 1991. It must include a breakdown by job class and bargaining unit in each agency of positions that were eliminated in this period. It must also include a breakdown of student worker and temporary employee positions eliminated in each agency in this period. The commissioner must report on February 1, 1993, presenting the same information for the time period January 1, 1992 to December 31, 1992. The reports must be made to the chairs of the senate finance and house appropriations committees.

It is the policy of the legislature to maximize the delivery of services to the public. If layoffs of state employees are necessary, the employer must make an effort to reduce proportionally based upon the percentage of total management, supervisory, line, and support personnel to the total number of employees for the biennium ending June 30, 1993. This paragraph does not modify any employee rights contained in any other law or collective bargaining agreement under Minnesota Statutes, chapter 179A.

During the biennium ending June 30, 1993, a state agency may not fill a vacant management position or create a new management position without the express approval of the commissioner of finance.

It is the policy of the legislature, in order to ensure efficient restructuring and smooth and harmonious labor relations, that any studies for restructuring of executive branch agencies should be accomplished with the cooperation of existing labor-management committees established through collective bargaining agreements. Every effort should be made to include departmental and agency employees in the restructuring process through their collective bargaining agents.

State agencies must demonstrate that they cannot use available staff before hiring outside consultants or services. Where outside consultants and services are necessary, agencies are encouraged to negotiate contracts that will involve permanent staff so as to upgrade and maximize training of state personnel. Money spent on outside consultants must be reported on an annual basis to the senate finance and house appropriations committees.

By February 1, 1992, the state auditor, with the cooperation of the commissioner of employee relations, shall report to the legislature on the salaries of the positions subject to the political subdivision salary limit in Minnesota Statutes, section 43A.17, subdivision 9. This report shall include analysis of total salaries, highest salaries, comparisons with other states and public and private sectors, and any other information the state auditor considers appropriate regarding salaries and other potential efficiencies and cost savings in

political subdivisions. Political subdivisions shall cooperate with the state auditor in providing the information necessary for this report.

Subd. 5. Safety and Workers' Compensation

| | |
|-----------|-----------|
| 2,232,000 | 2,557,000 |
|-----------|-----------|

Subd. 6. Training and Development

| | |
|---------|---------|
| 555,000 | 528,000 |
|---------|---------|

During the biennium ending June 30, 1993, a state agency may not provide general management training, whether done in-house or through the use of consultants, to any of its employees without the express approval of the commissioner of employee relations. "General management training" means training related to motivating and supervising employees, as opposed to developing professional or technical skills in an academic or technical discipline.

Subd. 7. Equal Opportunity

| | |
|---------|---------|
| 311,000 | 318,000 |
|---------|---------|

Subd. 8. General Reduction

| | |
|-----------|-----------|
| (422,000) | (551,000) |
|-----------|-----------|

Subd. 9. Base Cut

| | |
|----------|----------|
| (88,000) | (88,000) |
|----------|----------|

The base cut must be allocated among the agency's programs by the agency head.

Sec. 21. PUBLIC EMPLOYMENT RELATIONS BOARD

Approved Complement -

1

93,000

85,000*

* (The appropriation in this section was vetoed by the governor.)

Sec. 22. REVENUE

Subdivision 1. Total Appropriation

71,075,000

71,338,000

Approved Complement - 1,174

General - 1,134

Highway User - 38

Metro Landfill Contingency 1

Environment 1

| | Summary by Fund | |
|-------------------------------|-----------------|------------|
| General - | 69,263,000 | 69,531,000 |
| Environmental - | 46,000 | 46,000 |
| Highway User - | 1,720,000 | 1,715,000 |
| Metro Landfill Contingency | 46,000 | 46,000 |

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Revenue Administration
21,453,000 21,820,000

\$1,200,000 the first year and \$1,200,000 the second year are to redesign the document processing system. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Notwithstanding any other law to the contrary, \$60,000 of this appropriation for 1993 is for severance pay expenses for a retiring judge of the tax court whose major tenure was in the department of revenue.

\$40,000 of the appropriation in Laws 1989, chapter 335, article 1, section 19, subdivision 2, does not cancel June 30, 1991, and is available until June 30, 1992.

Subd. 3. Tax Policy
4,041,000 4,050,000

Subd. 4. Property and Special Taxes
10,096,000 10,071,000

| | Summary by Fund | |
|-------------------------------|-----------------|-----------|
| General - | 8,284,000 | 8,264,000 |
| Environmental - | 46,000 | 46,000 |
| Highway User - | 1,720,000 | 1,715,000 |
| Metro Landfill Contingency | 46,000 | 46,000 |

\$35,000 the first year and \$35,000 the second year must be subtracted from the total police and fire state aid other-

wise payable to police and firefighters' relief associations under Minnesota Statutes, sections 69.011 to 69.051, and deposited in the general fund for the costs and expenses incurred by the department in collecting and distributing state aid to police and firefighters' relief associations.

\$55,000 the first year and \$55,000 the second year must be subtracted from the total taconite production tax revenues distributed to local units of government. These amounts shall be deposited in the general fund and appropriated to the department of revenue for the costs and expenses incurred by the department in collecting and distributing taconite production tax revenues.

Subd. 5. Customer Service and Information

| | |
|------------|------------|
| 13,505,000 | 13,475,000 |
|------------|------------|

Subd. 6. Tax Compliance

| | |
|------------|------------|
| 22,680,000 | 22,624,000 |
|------------|------------|

Subd. 7. Base Cut

| | |
|-----------|-----------|
| (700,000) | (702,000) |
|-----------|-----------|

The base cut must be allocated among the agency's programs by the agency head.

Sec. 23. TRADE AND ECONOMIC DEVELOPMENT

| | | |
|------------------------------------|------------|------------|
| Subdivision 1. Total Appropriation | 40,880,000 | 40,876,000 |
| Approved Complement - | 213 | |
| General - | 173 | |
| Environmental - | 3 | |
| Special Revenue - | 3 | |
| Trunk Highway - | 16 | |
| Federal - | 18 | |
| Summary by Fund | | |
| General | 39,936,000 | 39,940,000 |
| Environmental | 215,000 | 214,000 |
| Trunk Highway | 729,000 | 722,000 |

The amounts that may be spent from

this appropriation for each program are specified in the following subdivisions.

Subd. 2. Community Development
19,491,000 18,905,000

The department of trade and economic development shall examine the community resources program, evaluate the effectiveness of the program, and make recommendations to the appropriate committees of the legislature for necessary improvements. The department shall also study possible expansion of the community resources program into inner-ring suburbs adjoining cities of the first class, and report to the appropriate committees of the legislature by January 1, 1992.

\$377,000 the first year and \$377,000 the second year are for regional planning grants to regional development commissions organized under Minnesota Statutes, sections 462.381 to 462.396. * (The preceding paragraph beginning "\$377,000" was vetoed by the governor.)

Until June 30, 1993, for state and federal grants distributed by state agencies to regions of the state not having a regional development commission, the state agency administering the grant program may assess the program for administrative costs incurred by the agency that normally are incurred by the commission.

\$5,517,000 the first year and \$5,517,000 the second year are for economic recovery grants, of which up to \$500,000 may be used to implement the capital access program.

\$5,904,000 the first year and \$5,904,000 the second year are for the targeted neighborhoods revitalization and financing program. * (The preceding

paragraph beginning "\$5,904,000" was vetoed by the governor.)

Upon approval by the commissioner of a revitalization program the commissioner shall, within 30 days, pay to the city the amount of state money identified as necessary to implement the revitalization program or program modification.

\$2,791,000 the first year and \$2,791,000 the second year* are for payment of a grant to the metropolitan council for metropolitan area regional parks maintenance and operation. **(The language "\$2,791,000 the second year" was vetoed by the governor.)**

The metropolitan parks and open space commission shall consider the development of a trail that would link the St. Paul waterfront with the Munger trail via Swede Hollow and the abandoned railroad bed running north through St. Paul's East Side. The commission may meet with interested people and representatives of affected groups and shall report back to the senate finance and house appropriations committees by January 1, 1992.

\$2,006,000 the first year and \$2,006,000 the second year are for grants to pay principal and interest due on bonds issued by the city of Minneapolis for the Great River Road Project, the city of St. Paul for the Como Park conservatory, suburban Hennepin regional park district for land acquisition and development, and Washington county for land acquisition and development. These amounts shall be continued in the base and adjusted only for the normal reduction in principal and interest payments. * **(The preceding paragraph beginning "\$2,006,000" was vetoed by the governor.)**

\$59,000 the first year and \$59,000 the second year are for a grant to the Minnesota High Tech Corridor. The department shall report its progress to the legislature by January 1, 1992. * (The preceding paragraph beginning "\$59,000" was vetoed by the governor.)

\$218,000 the first year and \$217,000 the second year are for the small cities federal match.

\$75,000 is for a grant to Itasca county to plan and do other preliminary work for construction of the Itasca Center. * (The preceding paragraph beginning "\$75,000" was vetoed by the governor.)

The city of Duluth will not become eligible to receive any funding from the urban revitalization action program until the city formally relinquishes its entitlement status under the federal Community Development Block Grant Program to St. Louis county.

St. Louis county must ensure that the city of Duluth will continue to receive that level of federal Community Development Block Grant Program funding that it would have received if it had remained an entitlement community.

\$98,000 the first year and \$98,000 the second year are for Quality Council grants.

\$500,000 the first year is for transfer to the World Trade Center Corporation to establish an annual medical exposition, trade fair, and health care congress to commence in 1993. This event will be coordinated and held in conjunction with the World Health Organization's annual international conference on children's health care to commence in Minnesota in 1993. The purpose of the appropriation includes the establishment of a support system to assist busi-

nesses in promoting Minnesota's medical and health care industries through an annual exposition and trade fair. This appropriation must be used in cooperation with the department of trade and economic development. This appropriation is available only to the extent the World Trade Center Corporation is able to secure an equal amount from nonstate sources to cover the costs of conducting the event. The corporation shall report the results of its efforts to the legislature by June 30, 1993.

Up to \$780,000 may be used to purchase or lease modular furniture and telecommunications associated with the agency's move.

\$250,000 the first year and \$250,000 the second year are for transfer to the commissioner of jobs and training for a wage subsidy program to alleviate summer youth unemployment under new Minnesota Statutes, section 268.552. No more than five percent of this appropriation may be used for administration. * (The preceding paragraph beginning "\$250,000" was vetoed by the governor.)

Subd. 3. Minnesota Trade Office
2,129,000 2,238,000

The department of trade and economic development, in consultation with the state council on Asian-Pacific Minnesotans, shall develop a program to attract investors from Hong Kong to Minnesota and report to the legislature by January 1, 1992. The report shall include consideration and utilization of the new federal "investment visa program" status.

\$100,000 is for the department of trade and economic development to award grants to qualifying Minnesota non-profit organizations to support interna-

tional cultural and educational exchange programs and to make grants and loans to qualifying Minnesota businesses for the support of international partnership program activities that may lead to long-term trade relations. Grants must be matched with at least \$3 of nonpublic funds for every state grant dollar awarded and loans must be matched by at least \$1 for every state grant dollar loaned.

\$100,000 is available for foreign trade offices in the second year of the biennium. The department of trade and economic development shall report to the legislature by February 1, 1992, on the proposed location of the offices and the criteria used for the proposal.

\$60,000 the first year and \$60,000 the second year are for the state's portion of the interstate compact on agricultural grain marketing. * (The preceding paragraph beginning "\$60,000" was vetoed by the governor.)

\$30,000 is for an export outreach pilot project to identify and pursue one or more specific export trade opportunities for rural Minnesota businesses. Expenditures of more than \$10,000 for a specific project shall be matched, dollar for dollar, from nonpublic sources.

Subd. 4. Tourism

| | | |
|---------------|-----------------|-----------|
| 8,494,000 | 8,202,000 | |
| | Summary by Fund | |
| General | 7,765,000 | 7,480,000 |
| Trunk Highway | 729,000 | 722,000 |

To develop maximum private sector involvement in tourism, \$2,000,000 the first year and \$2,000,000 the second year of the amounts appropriated for marketing activities are contingent upon receipt of an equal contribution of non-state sources that have been certified by the commissioner. Up to one-half of the

match may be given in in-kind contributions. This appropriation may not be expended until the money is matched.

In order to maximize marketing grant benefits, the commissioner must give priority for joint venture marketing grants to organizations with year-round sustained tourism activities. For programs and projects submitted, the commissioner must give priority to those that encompass two or more areas or that attract nonresident travelers to the state.

\$150,000 the first year is for a grant to Nicollet county to establish a tourist information and interpretive center on the site of the treaty of Traverse des Sioux. The grant is available only as matched by \$2 of nonstate money for each \$1 of this appropriation. * (The preceding paragraph beginning "\$150,000" was vetoed by the governor.)

Any unexpended funds from general fund appropriations made under this subdivision shall not cancel but be placed in a special advertising account for use by the office of tourism to purchase additional media.

If an appropriation for either year for grants is not sufficient, the appropriation for the other year is available for it.

Subd. 5. Business Development and Analysis

| | | |
|---------------|-----------------|-----------|
| 5,637,000 | 6,081,000 | |
| | Summary by Fund | |
| General | 5,422,000 | 5,867,000 |
| Environmental | 215,000 | 214,000 |

\$200,000 the first year and \$200,000 the second year are for grants to Advantage Minnesota, Inc.

The funds are available only if matched on at least a one-to-one basis from other

sources. The commissioner may release the funds only upon:

- (1) certification that matching funds from each participating organization are available;
- (2) review and approval of the bylaws and articles of incorporation of Advantage Minnesota, Inc. by the commissioner;
- (3) appointment of the board of directors of Advantage Minnesota Inc.; and
- (4) review and approval by the commissioner of the proposed operations plan of Advantage Minnesota, Inc. for the biennium.

\$191,000 the first year and \$191,000 the second year are for the Minnesota motion picture board. This appropriation is available only upon receipt by the board of \$1 in matching contributions of money or in kind from nonstate sources for every \$3 provided by this appropriation. This appropriation is not available until the Minnesota motion picture board has made the commissioner of trade and economic development, or a designee, a full member of the board.

\$100,000 the first year and \$100,000 the second year are for the state's match for the federal small business development centers. If funding in one year is insufficient, the other year's appropriation is available.

\$1,108,000 the first year and \$1,108,000 the second year are for Minnesota Jobs Skills Partnership grants.

\$200,000 the first and \$200,000 the second year are for the Minnesota Cooperation Office for Small Business and Job Creation. * (The preceding paragraph

beginning "\$200,000" was vetoed by the governor.)

\$200,000 the first year and \$200,000 the second year are for WomenVenture, Inc.

\$50,000 the first year and \$50,000 the second year are for Metropolitan Economic Development Associations, Inc.

\$50,000 the first year and \$50,000 the second year are for Northeast Entrepreneur Fund, Inc. * **(The preceding paragraph beginning "\$50,000" was vetoed by the governor.)**

\$400,000 the first year and \$400,000 the second year are for a grant through the bureau of small business assistance to Minnesota Project Innovation. The money must be used to set up a federal technical procurement project for small business in the state.

\$500,000 the second year is for a grant to Minnesota Project Outreach Corporation. * **(The preceding paragraph beginning "\$500,000" was vetoed by the governor.)**

\$50,000 is to fund a small business incubator as a pilot project. This incubator must be located in the seven-county metropolitan area in a city of the first class in a targeted neighborhood with a high population of low-income American Indian residents. The targeted neighborhood is defined by Minnesota Statutes, section 469.201. This sum is available until June 30, 1993. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

Subd. 6. Administration

| | |
|-----------|-----------|
| 1,994,000 | 2,310,000 |
|-----------|-----------|

Subd. 7. Transfers From State Planning

| | |
|-----------|-----------|
| 3,492,000 | 3,492,000 |
|-----------|-----------|

Subd. 8. Base Cut

| | |
|-----------|-----------|
| (357,000) | (352,000) |
|-----------|-----------|

Sec. 24. AMATEUR SPORTS COM-
MISSION

Approved Complement -

8

544,000

543,000

Loan repayments required by Laws 1988, chapter 686, article 1, section 16, and Laws 1989, chapter 335, article 1, section 25, subdivision 3, need not be repaid on the dates specified. The outstanding balances totaling \$255,000 shall be repaid in three equal installments of \$85,000 due no later than June 30, 1993; June 30, 1994; and June 30, 1995.

\$51,000 of the appropriation is for a full-time women's sports director and \$21,000 is for a full-time student clerical worker. \$25,000 is available for grants. * (The preceding paragraph beginning "\$51,000" was vetoed by the governor.)

The governor, speaker of the house of representatives, and senate majority leader shall each appoint one additional member to the amateur sports commission for a term that expires on June 30, 1993. The purpose of adding three new members to the amateur sports commission is to address the gender imbalance of the existing commission.

Sec. 25. MEDIATION SERVICES

Approved Complement - 25

1,856,000

1,853,000

\$238,000 the first year and \$238,000 the second year are for grants to area labor-management committees. The unencumbered balance remaining in the first year does not cancel but is available for the second year.

Sec. 26. MILITARY AFFAIRS

Subdivision 1. Total Appropriation

10,105,000

10,135,000

Approved Complement -

355

General -

139

Federal -

216

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Enlistment Incentives

2,350,000 2,350,000

\$2,015,000 the first year and \$2,015,000 the second year are for the tuition reimbursement program.

\$335,000 the first year and \$335,000 the second year are for the reenlistment bonus program.

If appropriations for either year of the biennium are insufficient, the appropriation from the other year is available. The appropriations for enlistment incentives are available until expended.

Subd. 3. Maintenance of Training

Facilities

6,093,000 6,127,000

\$29,379.24 the first year is to pay the special assessment made November 24, 1980, by the city of Anoka against the state-owned property on which the Anoka armory is located.

\$20,604 the first year is to pay the special assessment made by the city of Stillwater against the state-owned property on which the Stillwater armory is located.

\$54,750 the first year is to pay the special assessment made by the city of Brooklyn Park against the state-owned property on which the Brooklyn Park armory is located.

Subd. 4. General Support

1,763,000 1,760,000

\$75,000 the first year and \$75,000 the second year are for expenses of military forces ordered to active duty under Minnesota Statutes, chapter 192. If the

appropriation for either year is insufficient, the appropriation for the other year is available for it.

Subd. 5. Base Cut

(101,000) (102,000)

The base cut must be allocated among the agency's programs by the agency head.

Sec. 27. VETERANS AFFAIRS

2,928,000

2,897,000

Approved Complement - 35

\$1,048,000 the first year and \$1,048,000 the second year are for emergency financial and medical needs of veterans. For the biennium ending June 30, 1993, the commissioner shall limit financial assistance to veterans and dependents to six months, unless recipients have been certified as ineligible for other benefit programs. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

The state auditor shall study the functions of county veterans service officers and report to the legislature by January 1, 1992. The report must include but not be limited to recommendations on the following: (1) elimination or merging of services and personnel; and (2) state funding of personnel costs.

With the approval of the commissioner of finance, the commissioner of veterans affairs may transfer the unencumbered balance from the veterans relief program to other department programs during the fiscal year. The commissioner of veterans affairs shall provide background information explaining why the unencumbered balance exists. The amounts transferred must be identified to the chairs of the senate finance committee division on state departments and the house appropriations committee division on state government.

\$250,000 the first year and \$250,000 the second year are for a grant to the Vinland National Center.

\$25,000 the first year is to prepare a welcome home celebration on November 10, 1991, for all veterans. This appropriation is available to the extent it is matched by an equal amount from private sources.

Sec. 28. NO SALARY SUPPLEMENT

The appropriations in this act and the other omnibus appropriation acts include amounts needed to pay compensation and economic benefits to classified and unclassified employees and officers in the executive, judicial, and legislative branches of state government, and to employees of the Minnesota Historical Society who are paid from state appropriations, if the increases are required by existing law or authorized by law during the 1991 session of the legislature or by appropriate resolutions for employees of the legislature, or are given interim approval by the legislative commission on employee relations under Minnesota Statutes, sections 3.855 and 43A.18 or section 179A.22, subdivision 4. There will be no salary supplement appropriation for this purpose.

The salaries of legislators, judges, and constitutional officers are frozen at current levels. The salary increases recommended in 1989 by the compensation council to take effect January 6, 1992, must not take effect until January 4, 1993.

Sec. 29. GENERAL CONTINGENT ACCOUNTS

1,100,000

1,600,000

The appropriations in this section must be spent with the approval of the governor after consultation with the legisla-

tive advisory commission under Minnesota Statutes, section 3.30.

If an appropriation in this section for either year is insufficient, the appropriation for the other year is available for it.

| Summary by Fund | | |
|-----------------------------|---------|----------------|
| General | 750,000 | 1,250,000 |
| Special Revenue | 250,000 | 250,000 |
| Workers' Comp. | 100,000 | 100,000 |
| Sec. 30. TORT CLAIMS | | 303,000 |
| | | 303,000 |

To be spent by the commissioner of finance.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

| | | |
|---|------------------|------------------|
| Sec. 31. MINNESOTA STATE RETIREMENT SYSTEM | 2,600,000 | 2,820,000 |
|---|------------------|------------------|

The amounts estimated to be needed for each program are as follows:

| | | |
|-----------------|-----------|-----------|
| (a) Legislators | | |
| | 2,400,000 | 2,600,000 |

Under Minnesota Statutes, sections 3A.03, subdivision 2; 3A.04, subdivisions 3 and 4; and 3A.11.

| | | |
|-----------------------------|---------|---------|
| (b) Constitutional Officers | | |
| | 200,000 | 220,000 |

Under Minnesota Statutes, sections 352C.031, subdivision 5; 352C.04, subdivision 3; and 352C.09, subdivision 2.

If an appropriation in this section for either year is insufficient, the appropriation for the other year is available for it.

| | | |
|---|-------------------|-------------------|
| Sec. 32. MINNEAPOLIS EMPLOYEES RETIREMENT FUND | 11,005,000 | 11,005,000 |
|---|-------------------|-------------------|

\$10,455,000 the first year and \$10,455,000 the second year are to the commissioner of finance for payment to the Minneapolis employees retirement fund under Minnesota Statutes, section 422A.101, subdivision 3. Payment must

be made in four equal installments, March 15, July 15, September 15, and November 15, each year.

\$550,000 the first year and \$550,000 the second year are to the commissioner of finance for payment to the Minneapolis employees retirement fund for the supplemental benefit for pre-1973 retirees authorized by article 4, section 5.

Sec. 33. POLICE AND FIRE AMORTIZATION AID

6,055,000

6,055,000

\$5,055,000 the first year and \$5,055,000 the second year are to the commissioner of revenue for state aid to amortize the unfunded liability of local police and salaried firefighters' relief associations, under Minnesota Statutes, section 423A.02.

\$1,000,000 the first year and \$1,000,000 the second year are to the commissioner of finance for supplemental state aid to amortize the unfunded liability of local police and salaried firefighters relief associations under Minnesota Statutes, section 423A.02, subdivision 1a, as amended in this act.

Sec. 34. BASE CUT TRANSFERS.

The governor may transfer base cuts among executive branch agencies assigned base cuts in this act. However, within an agency, the proportion of agency base cuts for pass-through grants compared to total agency base cuts may not exceed the proportion of dollars appropriated for pass-through grants in the agency compared to total dollars appropriated to that agency.

Sec. 35. TRANSFERS.

Subdivision 1. GENERAL PROCEDURE. If the appropriation in this article to an agency in the executive branch is specified by program, the agency may transfer unencumbered balances among the programs specified in that section after getting the approval of the commissioner of finance. The commissioner shall not approve a transfer unless the commissioner believes that it will carry out the intent of the legislature. The transfer must be reported immediately to the committee on finance of the senate and the committee on appropriations of the house of representatives. If the appropriation in this act to an agency in the

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executive branch is specified by activity, the agency may transfer unencumbered balances among the activities specified in that section using the same procedure as for transfers among programs.

Subd. 2. CONSTITUTIONAL OFFICERS. A constitutional officer need not get the approval of the commissioner of finance but must notify the committee on finance of the senate and the committee on appropriations of the house of representatives before making a transfer under subdivision 1.

Subd. 3. TRANSFER PROHIBITED. If an amount is specified in this article for an item within an activity, that amount must not be transferred or used for any other purpose.

Sec. 36. Minnesota Statutes 1990, section 2.722, subdivision 1, is amended to read:

Subdivision 1. **DESCRIPTION.** Effective July 1, 1959, the state is divided into ten judicial districts composed of the following named counties, respectively, in each of which districts judges shall be chosen as hereinafter specified:

1. Goodhue, Dakota, Carver, Le Sueur, McLeod, Scott, and Sibley; ~~43~~ 27 judges; and four permanent chambers shall be maintained in Red Wing, Hastings, Shakopee, and Glencoe and one other shall be maintained at the place designated by the chief judge of the district;

2. Ramsey; ~~43~~ 24 judges;

3. Wabasha, Winona, Houston, Rice, Olmsted, Dodge, Steele, Waseca, Freeborn, Mower, and Fillmore; 22 judges; and permanent chambers shall be maintained in Faribault, Albert Lea, Austin, Rochester, and Winona;

4. Hennepin; ~~53~~ 54 judges;

5. Blue Earth, Watonwan, Lyon, Redwood, Brown, Nicollet, Lincoln, Cottonwood, Murray, Nobles, Pipestone, Rock, Faribault, Martin, and Jackson; ~~five~~ 17 judges; and permanent chambers shall be maintained in Marshall, Windom, Fairmont, New Ulm, and Mankato;

6. Carlton, St. Louis, Lake, and Cook; 15 judges;

7. Benton, Douglas, Mille Lacs, Morrison, Otter Tail, Stearns, Todd, Clay, Becker, and Wadena; 20 judges; and permanent chambers shall be maintained in Moorhead, Fergus Falls, Little Falls, and St. Cloud;

8. Chippewa, Kandiyohi, Lac qui Parle, Meeker, Renville, Swift, Yellow Medicine, Big Stone, Grant, Pope, Stevens, Traverse, and Wilkin; ~~three~~ 11 judges; and permanent chambers shall be maintained in Morris, Montevideo, and Willmar;

9. Norman, Polk, Marshall, Kittson, Red Lake, Roseau, Mahnommen, Pen-

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nington, Aitkin, Itasca, Crow Wing, Hubbard, Beltrami, Lake of the Woods, Clearwater, Cass and Koochiching; ~~six~~ 20 judges; and permanent chambers shall be maintained in Crookston, Thief River Falls, Bemidji, Brainerd, Grand Rapids, and International Falls;

10. Anoka, Isanti, Wright, Sherburne, Kanabec, Pine, Chisago, and Washington; ~~30~~ 32 judges; and permanent chambers shall be maintained in Anoka, Stillwater, and other places designated by the chief judge of the district.

Sec. 37. Minnesota Statutes 1990, section 2.722, is amended by adding a subdivision to read:

Subd. 5. JUDICIAL EMPLOYEES. The complement for the law clerk and court reporter assigned exclusively to a judgeship that is abolished under this section is abolished upon vacancy of the position. The complement for the law clerk and court reporter shall be transferred to the judicial district to which a judgeship is transferred pursuant to this section.

Sec. 38. Minnesota Statutes 1990, section 3.97, is amended by adding a subdivision to read:

Subd. 12. The commission shall periodically select topics for the legislative auditor to evaluate. Topics may include any agency, program, or activity established by law to achieve a state purpose, or any topic that affects the operation of state government, but the commission shall give primary consideration to topics that are likely, upon examination, to produce recommendations for cost savings, increased productivity, or the elimination of duplication among public agencies.

Sec. 39. Minnesota Statutes 1990, section 3.971, subdivision 2, is amended to read:

Subd. 2. To perform program evaluation, the legislative auditor shall determine the degree to which the activities and programs entered into or funded by the state are accomplishing their goals and objectives, including ~~an evaluation a~~ a critical analysis of goals and objectives, measurement of program results and effectiveness, alternative means of achieving the same results, and efficiency in the allocation of resources. The legislative auditor shall recommend ways to reduce the cost of providing state services and to eliminate services of one agency that overlap with or duplicate the services performed by another agency. At the direction of the commission the legislative auditor may perform program evaluations of any state department, board, commission, or agency and any metropolitan agency, board, or commission created under chapter 473.

Sec. 40. [7.21] PAY FOR DEPOSIT SERVICES; APPROPRIATION.

Subdivision 1. AUTHORITY TO PAY. The state treasurer may pay a depository for performing services related to the deposit of state funds in accord with agreements entered into by the commissioner of finance under section 16A.27, subdivision 5.

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Sec. 41. [7.22] MAY ISSUE COMMEMORATIVE MEDALLIONS.

The state treasurer may issue medallions to commemorate popular contemporaneous events of statewide interest.

The treasurer may make reasonable arrangements with public or private entities for the production, distribution, marketing, and sale of the medallions. The treasurer or other entity may solicit and receive nonstate funds or in-kind contributions in connection with any part of the medallion program. Proceeds from sales, nonstate funds, and in-kind contributions must be deposited in a dedicated account.

Money in the account is appropriated to the treasurer for purposes of the program. Any profit earned on the sale of the medallions must be used for grants to support the event for which the medallions were issued. The state grant must be matched by an equal amount from private sources.

Sec. 42. Minnesota Statutes 1990, section 8.06, is amended to read:

8.06 ATTORNEY FOR STATE OFFICERS, BOARDS, OR COMMISSIONS; EMPLOY COUNSEL.

The attorney general shall act as the attorney for all state officers and all boards or commissions created by law in all matters pertaining to their official duties. When requested by the attorney general, it shall be the duty of any county attorney of the state to appear within the county and act as attorney for any such board, commission, or officer in any court of such county. The attorney general may, upon request in writing, employ, and fix the compensation of, a special attorney for any such board, commission, or officer when, in the attorney general's judgment, the public welfare will be promoted thereby. Such special attorney's fees or salary shall be paid from the appropriation made for such board, commission, or officer. A state agency that is current with its billings from the attorney general for legal services may contract with the attorney general for additional legal and investigative services. Except as herein provided, no board, commission, or officer shall hereafter employ any attorney at the expense of the state.

Whenever the attorney general, the governor, and the chief justice of the supreme court shall certify, in writing, filed in the office of the secretary of state, that it is necessary, in the proper conduct of the legal business of the state, either civil or criminal, that the state employ additional counsel, the attorney general shall thereupon be authorized to employ such counsel and, with the governor and the chief justice, fix the additional counsel's compensation. Except as herein stated, no additional counsel shall be employed and the legal business of the state shall be performed exclusively by the attorney general and the attorney general's assistants.

Sec. 43. Minnesota Statutes 1990, section 8.15, is amended to read:

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8.15 ATTORNEY GENERAL COSTS.

The attorney general in consultation with the commissioner of finance shall assess executive branch agencies a fee for legal services rendered to them. ~~The budget requests of all executive branch agencies submitted to the legislature in each odd-numbered year must show the actual or estimated amount assessed, paid, and requested for each year.~~ The assessment against appropriations from other than the general fund must be the full amount cost of providing the fee services. The assessment against appropriations supported by fees must be included in the fee calculation. ~~Unless appropriations are made for fee supported costs, no payment by the agency is required.~~ The assessment against appropriations from the general fund not supported by fees must be one-half of the fee cost of providing the services. An amount equal to the general fund receipts in the even-numbered year of the biennium is appropriated to the attorney general for each year of the succeeding biennium. All other receipts from assessments must be deposited in the state treasury and credited to the general fund.

The attorney general in consultation with the commissioner of finance shall assess political subdivisions fees to cover half the cost of legal services rendered to them.

Sec. 44. Minnesota Statutes 1990, section 13.03, subdivision 3, is amended to read:

Subd. 3. **REQUEST FOR ACCESS TO DATA.** Upon request to a responsible authority or designee, a person shall be permitted to inspect and copy public government data at reasonable times and places, and, upon request, shall be informed of the data's meaning. If a person requests access for the purpose of inspection, the responsible authority may not assess a charge or require the requesting person to pay a fee to inspect data. The responsible authority or designee shall provide copies of public data upon request. If a person requests copies or electronic transmittal of the data to the person, the responsible authority may require the requesting person to pay the actual costs of searching for and retrieving government data, including the cost of employee time, and for making, certifying, compiling, and electronically transmitting the copies of the data or the data, but may not charge for separating public from not public data. If the responsible authority is a state agency, the amount received is appropriated to the agency and added to the appropriations from which the costs were paid. If the responsible authority or designee is not able to provide copies at the time a request is made, copies shall be supplied as soon as reasonably possible.

When a request under this subdivision involves any person's receipt of copies of public government data that has commercial value and is a substantial and discrete portion of or an entire formula, pattern, compilation, program, device, method, technique, process, data base, or system developed with a significant expenditure of public funds by the agency, the responsible authority may charge a reasonable fee for the information in addition to the costs of making, certify-

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ing, and compiling the copies. Any fee charged must be clearly demonstrated by the agency to relate to the actual development costs of the information. The responsible authority, upon the request of any person, shall provide sufficient documentation to explain and justify the fee being charged.

If the responsible authority or designee determines that the requested data is classified so as to deny the requesting person access, the responsible authority or designee shall inform the requesting person of the determination either orally at the time of the request, or in writing as soon after that time as possible, and shall cite the specific statutory section, temporary classification, or specific provision of federal law on which the determination is based. Upon the request of any person denied access to data, the responsible authority or designee shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of federal law upon which the denial was based.

Sec. 45. Minnesota Statutes 1990, section 14.07, subdivision 1, is amended to read:

Subdivision 1. **RULE DRAFTING ASSISTANCE PROVIDED.** (a) The revisor of statutes shall:

(1) maintain an agency rules drafting department to draft or aid in the drafting of rules or amendments to rules for any agency in accordance with subdivision 3 and the objective or other instructions which the agency shall give the revisor; and,

(2) prepare and publish an agency rules drafting guide which shall set out the form and method for drafting rules and amendments to rules, and to which all rules shall comply.

~~(b) The revisor shall assess an agency for the actual cost of providing aid in drafting rules or amendments to rules. The agency shall pay the assessment using the procedures of section 3C.056. Each agency shall include in its budget money to pay the revisor's assessment. Receipts from the assessment must be deposited in the state treasury and credited to the general fund.~~

(e) An agency may not contract with an attorney, consultant, or other person either to provide rule drafting services to the agency or to advise on drafting unless the revisor determines that special expertise is required for the drafting and the expertise is not available from the revisor or the revisor's staff.

Sec. 46. Minnesota Statutes 1990, section 14.07, subdivision 2, is amended to read:

Subd. 2. **APPROVAL OF FORM.** No agency decision to adopt a rule or emergency rule, including a decision to amend or modify a proposed rule or proposed emergency rule, shall be effective unless the agency has presented the rule to the revisor of statutes and the revisor has certified that its form is approved.

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The revisor shall assess an agency for the actual cost of processing rules for consideration for approval of form. The assessments must include necessary costs to create or modify the computer data base of the text of a rule and the cost of putting the rule into the form established by the drafting guide provided for in subdivision 1. The agency shall pay the assessments using the procedures of section 3C.056. Each agency shall include in its budget money to pay revisor's assessments. Receipts from the assessments must be deposited in the state treasury and credited to the general fund.

Sec. 47. Minnesota Statutes 1990, section 14.08, is amended to read:

14.08 REVISOR OF STATUTES APPROVAL OF RULE FORM.

(a) Two copies of a rule adopted pursuant to the provisions of section 14.26 or 14.32 shall be submitted by the agency to the attorney general. The attorney general shall send one copy of the rule to the revisor on the same day as it is submitted by the agency under section 14.26 or 14.32. Within five days after receipt of the rule, excluding weekends and holidays, the revisor shall either return the rule with a certificate of approval of the form of the rule to the attorney general or notify the attorney general and the agency that the form of the rule will not be approved.

If the attorney general disapproves a rule, the agency may modify it and the agency shall submit two copies of the modified rule to the attorney general who shall send a copy to the revisor for approval as to form as described in this paragraph.

(b) One copy of a rule adopted after a public hearing shall be submitted by the agency to the revisor for approval of the form of the rule. Within five working days after receipt of the rule, the revisor shall either return the rule with a certificate of approval to the agency or notify the agency that the form of the rule will not be approved.

(c) If the revisor refuses to approve the form of the rule, the revisor's notice shall revise the rule so it is in the correct form.

(d) The attorney general ~~and the revisor of statutes~~ shall assess an agency for the attorney general's actual cost of processing rules under this section. ~~The agency shall pay the revisor's assessments using the procedures of section 3C.056.~~ The agency shall pay the attorney general's assessments using the procedures of section 8.15. Each agency shall include in its budget money to pay ~~the revisor's and~~ the attorney general's assessments. Receipts from the assessment must be deposited in the state treasury and credited to the general fund.

Sec. 48. Minnesota Statutes 1990, section 15.191, subdivision 1, is amended to read:

Subdivision 1. **EMERGENCY DISBURSEMENTS.** Imprest cash funds for the purpose of making minor disbursements, providing for change, and provid-

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ing employees with travel advances or a portion or all of their payroll warrant where the warrant has not been received through the payroll system, may be established by state departments or agencies from existing appropriations in the manner prescribed by this section.

Sec. 49. Minnesota Statutes 1990, section 15.50, subdivision 3, is amended to read:

Subd. 3. **ADMINISTRATIVE AND PLANNING EXPENSES.** With the exception of the administrative and planning expenses of the board for federally funded capital expenditures, the board's administrative and planning expenses shall be borne by the state. If federal money is available for capital expenditures, the board's administrative and planning expenses must be reimbursed to the state upon receipt of that money. State agencies and other public bodies considering capitol area projects shall consult with the board prior to developing plans for capital improvements or capital budget proposals for submission to the legislature and governor. These public agencies shall provide adequate funds for the board's review and planning purposes if the board determines its review and planning services are necessary. The expenses of the board for competition premiums, land acquisition or improvement or any other capital expenditures in or upon properties owned or to be owned by the state shall be borne by the state. The expenses of any other public body for such expenditures shall be borne by the body concerned. The city of Saint Paul may expend moneys currently in the city of Saint Paul Capitol Approach Improvement Fund established by Laws 1945, chapter 315, and acts amendatory thereof for capital improvements contained in the city's approved capital improvement budget. The budget is to be adopted in accordance with provisions contained in the city charter.

Sec. 50. Minnesota Statutes 1990, section 15.50, is amended by adding a subdivision to read:

Subd. 9. CAPITAL BUDGET REQUESTS. For capital budget requests in the capitol area as defined in subdivision 2, paragraph (a), the commissioner of administration shall consult with the capitol area architectural and planning board regarding building sites and design standards.

Sec. 51. Minnesota Statutes 1990, section 15A.082, subdivision 3, as amended by Laws 1991, chapter 22, section 1, is amended to read:

Subd. 3. **SUBMISSION OF RECOMMENDATIONS.** By May 1 in each odd-numbered year, the compensation council shall submit to the speaker of the house of representatives and the president of the senate salary recommendations for constitutional officers, legislators, justices of the supreme court, and judges of the court of appeals, district court, county court, and county municipal court. The recommended salary for each office must ~~be a fixed amount per year, to take effect on the first Monday in January~~ July 1 of the next odd-numbered year, with no more than one adjustment, to take effect on ~~January~~ July 1 of the year after that. The salary recommendations for legislators, judges, and constitutional officers take effect if an appropriation of money to pay the recommended salaries is

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enacted after the recommendations are submitted and before their effective date. Recommendations may be expressly modified or rejected by a bill enacted into law. The salary recommendations for legislators are subject to additional terms that may be adopted according to section 3.099, subdivisions 1 and 3.

Sec. 52. Minnesota Statutes 1990, section 16A.27, subdivision 5, is amended to read:

Subd. 5. **CHARGES, COMPENSATING BALANCES.** The commissioner may, after consulting with the state treasurer, agree to that the treasurer may pay a depository a reasonable charge from appropriated money, ~~to~~ maintain appropriate compensating balances with the depository, or purchase noninterest bearing certificates of deposit from the depository for performing depository related services.

Sec. 53. Minnesota Statutes 1990, section 16A.45, subdivision 1, is amended to read:

Subdivision 1. **CANCEL; CREDIT.** Once each fiscal year the commissioner and the treasurer shall cancel upon their books all outstanding unpaid commissioner's warrants, except warrants issued for ~~the medical federal assistance program~~ programs, that have been issued and delivered for more than five years prior to that date and credit to the general fund the respective amounts of the canceled warrants. ~~Once each fiscal year~~ The commissioner and the treasurer shall cancel upon their books all outstanding unpaid commissioner's warrants issued for ~~the medical federal assistance program~~ programs that have been issued and delivered for more than ~~one year~~ the period of time set pursuant to the federal program and credit to the general fund and the appropriate account in the federal fund, the amount of the canceled warrants.

Sec. 54. Minnesota Statutes 1990, section 16A.641, subdivision 3, is amended to read:

Subd. 3. **SERIES OF BONDS.** Bonds authorized by a law may be issued in more than one series, and bonds authorized by more than one law may be combined in a single series, as determined by order of the commissioner. The order must state the principal amount of the bonds to be issued under each law, and the aggregate principal amount and the maturity dates and amounts of the bonds included in the series that are to be issued for the purpose of each special fund.

At any time during the 18 months following the issuance of any series of bonds, the commissioner may, by amendment to the order authorizing their issuance, determine that any portion of the bonds were issued, or shall be deemed to have been issued, pursuant to a law other than the one specified in the original order and for a different purpose, and reallocate and transfer their proceeds to the appropriate account in the bond proceeds fund or the appropriate special fund, for expenditure pursuant to the law pursuant to which the amendment determines they were issued. No such amendment shall be adopted unless:

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(1) on the date of the original order, the bonds could have been issued and their proceeds expended as determined in the amended order;

(2) all actions required for the issuance of the transferred bonds have been taken on or before the date of the amendment; and

(3) the commissioner determines upon advice of counsel that the taxability of the interest on the bonds for federal income tax purposes will not be affected by the amendment.

Sec. 55. Minnesota Statutes 1990, section 16A.662, subdivision 4, is amended to read:

Subd. 4. **ESTABLISHMENT OF DEBT SERVICE ACCOUNT; APPROPRIATION OF DEBT SERVICE ACCOUNT MONEY.** There is established within the state bond fund a separate and special account designated as the infrastructure development bond debt service account. There must be transferred to this debt service account in each fiscal year from money in the infrastructure development fund, other than bond proceeds ~~and interest earned on bond proceeds~~, an amount sufficient to increase the balance on hand in the debt service account on each December 1 to an amount equal to the full amount of principal and interest to come due on all outstanding infrastructure development bonds to and including the second following July 1. The amount necessary to make the transfer is appropriated from the infrastructure development fund. The money on hand in the debt service account must be used solely for the payment of the principal of, and interest on, the bonds, and is appropriated for this purpose. This appropriation does not cancel as long as any of the bonds remain outstanding.

Sec. 56. Minnesota Statutes 1990, section 16A.672, subdivision 9, is amended to read:

Subd. 9. **APPROPRIATION.** The money needed to pay when due the compensation and expenses of registrars, delivery agents, and paying agents, and the expenses of other agreements under subdivision 7 is appropriated annually to the commissioner from the general fund.

Sec. 57. Minnesota Statutes 1990, section 16A.69, is amended by adding a subdivision to read:

Subd. 3. **CAPITOL AREA PLANNING.** The department shall set aside from a state appropriation available for that purpose funds for the planning and consulting services of the capitol area architectural and planning board when a state agency or the Minnesota historical society plans and constructs any capital improvement in the capitol area as defined in section 15.50, subdivision 2, paragraph (a).

Sec. 58. Minnesota Statutes 1990, section 16A.721, subdivision 1, is amended to read:

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Subdivision 1. **ACCOUNT, RULES.** The commissioner may make rules for charging fees for seminars and workshops conducted by agencies. The commissioner may keep ~~an account~~ accounts for deposit of the seminar and workshop fee receipts. The commissioner may ~~not~~ allow the unobligated ~~balance of this account to exceed \$10,000~~ balances in these accounts to be carried forward provided that the funds are expended in the following fiscal year. Unobligated balances that are not carried forward shall cancel to the general fund.

Sec. 59. [16A.723] **GOVERNOR'S RESIDENCE; REIMBURSEMENT OF EXPENSES.**

Subdivision 1. ACCOUNT PROCEDURES. The commissioner may establish procedures to accept funds for reimbursement of expenditures at the governor's residence.

Subd. 2. APPROPRIATION. The reimbursements collected under subdivision 1 are appropriated for payment of expenses relating to events conducted at the governor's residence.

Sec. 60. Minnesota Statutes 1990, section 16B.24, is amended by adding a subdivision to read:

Subd. 6a. LEASE WITH OPTION TO BUY; CANCELLATION. (a) With the approval of the commissioner of finance and the recommendation of the legislative advisory commission, the commissioner of administration may lease land or premises for as long as 20 years if the lease agreement provides the state a unilateral right to purchase all leased land and premises and if the lease agreement provides for the transfer of the ownership of the leased land and buildings upon normal termination of the lease for an amount not to exceed \$1. Under these lease agreements, the lease rental rates shall not be more than market rental rates. The unilateral right must be available at any time during the lease agreement. If the commissioner chooses to exercise the option to purchase prior to the normal termination of the lease, the commissioner shall obtain the approval of the legislature.

(b) A lease with option to buy agreement entered into under paragraph (a) is subject to cancellation upon 30 days written notice by the state for any reason except rental of other land or premises for the same use.

Sec. 61. Minnesota Statutes 1990, section 16B.36, subdivision 1, is amended to read:

Subdivision 1. **AUTHORITY.** The commissioner may examine, investigate, or make a survey of the organization, administration, and management of state agencies and institutions under their control, and may assist state agencies by providing analytical, statistical, and organizational development services to them in order to secure greater efficiency and economy through reorganization or consolidation of agencies or functions and to eliminate duplication of function, effort, or activity, so far as possible. The commissioner shall periodically submit to the legislature a list of the studies being conducted for this purpose and any future studies scheduled at the time the list is submitted.

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Sec. 62. Minnesota Statutes 1990, section 16B.41, subdivision 2, is amended to read:

Subd. 2. **RESPONSIBILITIES.** The office has the following duties:

(a) The office must develop and establish a state information architecture to ensure that further state agency development and purchase of information systems equipment and software is directed in such a manner that individual agency information systems complement and do not needlessly duplicate or needlessly conflict with the systems of other agencies. In those instances where state agencies have need for the same or similar computer data, the commissioner shall ensure that the most efficient and cost-effective method of producing and storing data for or sharing data between those agencies is used. The development of this information architecture must include the establishment of standards and guidelines to be followed by state agencies. The commissioner of administration must establish interim standards and guidelines by August 1, 1987. The office must establish permanent standards and guidelines by July 1, 1988. On January 1, 1988, and every six months thereafter, any state agency that has purchased information systems equipment or software in the past six months, or that is contemplating purchasing this equipment or software in the next six months, must report to the office and to the chairs of the house appropriations committee and the senate finance committee on how the purchases or proposed purchases comply with the applicable standards and guidelines.

(b) The office shall assist state agencies in the planning and management of information systems so that an individual information system reflects and supports the state agency's and the state's mission, requirements, and functions.

(c) Beginning July 1, 1988, The office must review and approve all agency requests for legislative appropriations for the development or purchase of information systems equipment or software. Requests may not be included in the governor's budget submitted to the legislature, ~~beginning with the budget submitted in January 1989,~~ unless the office has approved the request.

(d) Each biennium the office must rank in order of priority agency requests for new appropriations for development or purchase of information systems equipment or software. The office must submit this ranking to the legislature at the same time, or no later than 14 days after, the governor submits the budget message to the legislature.

(e) Beginning July 1, 1989, The office must define, review, and approve major purchases of information systems equipment to (1) ensure that the equipment follows the standards and guidelines of the state information architecture; (2) ensure that the equipment is consistent with the information management principles adopted by the information policy council; (3) evaluate whether or not the agency's proposed purchase reflects a cost-effective policy regarding volume purchasing; and (4) ensure the equipment is consistent with other systems in other state agencies so that data can be shared among agencies, unless the office determines that the agency purchasing the equipment has special needs

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justifying the inconsistency. The commissioner of finance may not allot funds appropriated for major purchases of information systems equipment until the office reviews and approves the proposed purchase. A public institution of higher education must not purchase interconnective computer technology without the prior approval of the office.

(f) The office shall review the operation of information systems by state agencies and provide advice and assistance so that these systems are operated efficiently and continually meet the standards and guidelines established by the office.

Sec. 63. Minnesota Statutes 1990, section 16B.41, is amended by adding a subdivision to read:

Subd. 5. COMPUTER IMPACT STATEMENT. When a statutory change affects reporting and data collection requirements for local units of government, the state agency most responsible for the data collected and reported by the local units of government must file a computer impact statement with the office within 60 days of the final enactment of the statutory change. The statement must indicate the anticipated data processing costs associated with the change.

Sec. 64. Minnesota Statutes 1990, section 16B.465, subdivision 4, is amended to read:

Subd. 4. **PROGRAM PARTICIPATION.** (a) The commissioner may require the participation of state agencies and the governing boards of the state universities, the community colleges, and the technical colleges, and may request the participation of the board of regents of the University of Minnesota, in the planning and implementation of the network to provide interconnective technologies. The commissioner shall establish reimbursement rates in cooperation with the commissioner of finance to be billed to participating agencies and educational institutions sufficient to cover the operating, maintenance, and administrative costs of the system.

(b) A direct appropriation made to an educational institution for usage costs associated with the STARS network must only be used by the educational institution for payment of usage costs of the network as billed by the commissioner of administration. The post-secondary appropriations may be shifted between systems as required by unanticipated usage patterns. An intersystem transfer must be requested by the appropriate system and may be made only after review and approval by the commissioner of finance, in consultation with the commissioner of administration.

Sec. 65. Minnesota Statutes 1990, section 16B.48, subdivision 2, is amended to read:

Subd. 2. **PURPOSE OF FUNDS.** Money in the state treasury credited to the general services revolving fund and money that is deposited in the fund is appropriated annually to the commissioner for the following purposes:

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- (1) to operate a central store and equipment service;
- (2) to operate a central duplication and printing service;
- (3) to purchase postage and related items and to refund postage deposits as necessary to operate the central mailing service;
- (4) to operate a documents service as prescribed by section 16B.51;
- (5) to provide advice and other services to political subdivisions for the management of their telecommunication systems;
- (6) to provide services for the maintenance, operation, and upkeep of buildings and grounds managed by the commissioner of administration;
- (7) to provide analytical, statistical, and organizational development services to state agencies, local units of government, metropolitan and regional agencies, and school districts;
- (8) to provide capitol security services through the department of public safety; ~~and~~
- (9) ~~to operate a records center; and~~
- (10) to perform services for any other agency. Money may be expended for this purpose only when directed by the governor. The agency receiving the services shall reimburse the fund for their cost, and the commissioner shall make the appropriate transfers when requested. The term "services" as used in this clause means compensation paid officers and employees of the state government; supplies, materials, equipment, and other articles and things used by or furnished to an agency; and utility services and other services for the maintenance, operation, and upkeep of buildings and offices of the state government.

Sec. 66. Minnesota Statutes 1990, section 16B.63, is amended by adding a subdivision to read:

Subd. 4. ACCESSIBILITY SPECIALISTS. The state building inspector shall, with the approval of the commissioner, assign three department employees to assist municipalities in complying with section 16B.61, subdivision 5.

Sec. 67. [43A.045] RESTRUCTURING.

It is the policy of the state of Minnesota that any restructuring of executive branch agencies be accomplished while ensuring that fair and equitable arrangements are carried out to protect the interests of executive branch employees, and while facilitating the best possible service to the public. The commissioner shall make an effort to train and retrain existing employees for a changing work environment. Where restructuring may involve a loss of existing positions and employment, the commissioner shall assist affected employees in finding suitable employment.

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For employees whose positions will be eliminated by implementation of a restructuring plan, options presented to employees must include but not be limited to job and training opportunities necessary to qualify for another job in the same, an equal or a lower classification within their current department or a similar job in another state agency.

Implementation of this section, as well as procedures for notifying employees affected by restructuring plans, must be negotiated into collective bargaining agreements under chapter 179A. Nothing in this section shall be construed as diminishing any rights defined in collective bargaining agreements under this chapter or chapter 179A.

Sec. 68. [43A.182] PAYMENT OF SALARY DIFFERENTIAL FOR RESERVE FORCES ON ACTIVE DUTY.

Each agency head shall pay to each eligible member of the reserve components of the armed forces of the United States an amount equal to the difference between the member's basic active duty military salary and the salary the member would be paid as an active state employee, including any adjustments the member would have received if not on leave of absence. This payment may be made only to a person whose basic active duty military salary is less than the salary the person would be paid as an active state employee. Payments must be made at the intervals at which the member received pay as a state employee. Back pay authorized by this section may be paid in a lump sum. Such pay shall not extend beyond four years from the date the employee was called to active duty plus such additional time in each case as such employee may be required to serve pursuant to law.

An eligible member of the reserve components of the armed forces of the United States is a reservist or National Guard member who was an employee of the state of Minnesota at the time the member was called to active duty and who was or is called to active duty after August 1, 1990, because of Operation Desert Shield, Operation Desert Storm, or any other action taken by the armed forces relating to hostilities between the United States and the Republic of Iraq.

For the purposes of this section, an employee of the state is an employee of the executive, judicial, or legislative branches of state government or an employee of the Minnesota state retirement system, the public employee retirement association, or the teachers retirement association.

The commissioner of employee relations and the commissioner of finance shall adopt procedures required to implement this section. The procedures are exempt from chapter 14.

Sec. 69. [43A.48] DEPENDENT CARE EXPENSE ACCOUNT.

The commissioner of employee relations may use FICA savings generated

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from the dependent care expense account program to pay for the administrative costs of the program.

Sec. 70. Minnesota Statutes 1990, section 79.34, subdivision 1, is amended to read:

Subdivision 1. **CONDITIONS REQUIRING MEMBERSHIP.** The non-profit association known as the workers' compensation reinsurance association may be incorporated under chapter 317A with all the powers of a corporation formed under that chapter, except that if the provisions of that chapter are inconsistent with sections 79.34 to 79.40, sections 79.34 to 79.40 govern. Each insurer as defined by section 79.01, subdivision 2, shall, as a condition of its authority to transact workers' compensation insurance in this state, be a member of the reinsurance association and is bound by the plan of operation of the reinsurance association; provided, that all affiliated insurers within a holding company system as defined in sections 60D.01 to 60D.13 are considered a single entity for purposes of the exercise of all rights and duties of membership in the reinsurance association. Each self-insurer approved under section 176.181 and each political subdivision that self-insures shall, as a condition of its authority to self-insure workers' compensation liability in this state, be a member of the reinsurance association and is bound by its plan of operation; provided that:

(1) all affiliated companies within a holding company system, as determined by the commissioner in a manner consistent with the standards and definitions in sections 60D.01 to 60D.13, are considered a single entity for purposes of the exercise of all rights and duties of membership in the reinsurance association; and

(2) all group self-insurers granted authority to self-insure pursuant to section 176.181 are considered single entities for purposes of the exercise of all the rights and duties of membership in the reinsurance association. As a condition of its authority to self-insure workers' compensation liability, and for losses incurred after December 31, 1983, the state is a member of the reinsurance association and is bound by its plan of operation. The commissioner of employee relations represents the state in the exercise of all the rights and duties of membership in the reinsurance association. The state treasurer shall pay the premium to the reinsurance association from the state compensation revolving fund upon warrants of the commissioner of employee relations, except that the University of Minnesota shall pay its portion of workers' compensation reinsurance premiums directly to the workers' compensation reinsurance association. For the purposes of this section, "state" means the administrative branch of state government, the legislative branch, the judicial branch, the University of Minnesota, and any other entity whose workers' compensation liability is paid from the state revolving fund. The commissioner of finance may calculate, prorate, and charge a department or agency the portion of premiums paid to the reinsurance association for employees who are paid wholly or in part by federal funds, dedicated funds, or special revenue funds. The reinsurance association is not a state agency. Actions of the reinsurance association and its board of directors and

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actions of the commissioner of labor and industry with respect to the reinsurance association are not subject to chapters 13, 14, and 15. All property owned by the association is exempt from taxation. The reinsurance association is not obligated to make any payments or pay any assessments to any funds or pools established pursuant to this chapter or chapter 176 or any other law.

Sec. 71. Minnesota Statutes 1990, section 116J.873, subdivision 1, is amended to read:

Subdivision 1. **ADMINISTRATION.** Economic recovery grants shall be made available to local communities and recognized Indian tribal governments in accordance with the rules adopted for economic development grants in the small cities community development block grant programs, except that all units of general purpose local government are eligible applicants for economic recovery grants. The commissioner of trade and economic development shall administer the economic recovery grant program as a part of the small cities development program. A city, county, or town may grant money received under this section to a regional development commission to provide the local match required for capitalization of a regional revolving loan fund.

Sec. 72. Minnesota Statutes 1990, section 116J.8766, subdivision 2, is amended to read:

Subd. 2. **DISBURSEMENT OF RESERVE FUND.** (a) Upon receipt by the commissioner of a claim filed by the lender, the commissioner shall, within ten business days, pay or authorize the lender to withdraw from the reserve fund the amount of the claim as submitted, unless the information provided by the lender was known by the lender to be false at the time the loan was filed for enrollment. No other violation of sections 116J.876 to 116J.8769 or the agreement is grounds for denial of a claim. All money transferred or credited to the reserve fund from any source is appropriated to the commissioner to pay claims under this section.

(b) If there is insufficient money in the reserve fund to cover the entire amount of the lender's claim, the commissioner shall pay to the lender or authorize the lender to withdraw an amount equal to the current balance in the reserve fund and the following shall apply:

(1) If the enrolled loan for which the claim has been filed is not an early loan, the payment fully satisfies the claim, and the lender has no right to receive any further amount from the reserve fund with respect to that claim.

(2) If the loan is an early loan, the partial payment does not satisfy the lender's claim, and at any time that the remaining balance of the claim is not greater than 75 percent of the balance in the reserve fund at the time of the loss, the commissioner, upon request of the lender, shall pay the remaining balance of the claim.

Sec. 73. **[116J.986] BUSINESS DEVELOPMENT AND PRESERVATION PROGRAM.**

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Subdivision 1. ESTABLISHMENT. The commissioner shall establish a business development and preservation program. The program shall have a goal of creating new businesses and preserving existing businesses. The program is to be delivered by nonprofit organizations with experience in providing intensive technical assistance to individuals or small groups for the purpose of establishing a small business or preserving a business.

Subd. 2. PROGRAM CRITERIA. The commissioner shall develop expected program outcome criteria. The program criteria must include the number of businesses started, the number of new jobs developed, and the number of businesses improved through consultation and technical assistance. The program criteria must be incorporated into the contracts entered between the department and each nonprofit organization. At least annually, the commissioner shall report on criteria established and results achieved to the senate committee on economic development and housing and the house committee on economic development.

Subd. 3. ELIGIBLE ORGANIZATIONS. Four nonprofit organizations may receive funds under this program: Metropolitan Economic Development Association, Inc.; Minnesota Cooperation Office for Small Business and Job Creation; Northeast Entrepreneur Fund, Inc.; and WomenVenture, Inc.

Sec. 74. Minnesota Statutes 1990, section 116L.03, subdivision 2, is amended to read:

Subd. 2. APPOINTMENT. The Minnesota job skills partnership board consists of: eight members appointed by the governor, the commissioner of trade and economic development, the commissioner of jobs and training, and the state director of vocational technical education ~~chancellor of the technical college system.~~

Sec. 75. Minnesota Statutes 1990, section 128C.12, subdivision 1, is amended to read:

Subdivision 1. DUES AND EVENTS REVENUE. The state auditor annually must examine the accounts of, and audit all money paid to, the state high school league by its members. The state auditor must also audit all money derived from any event sponsored by the league and review any private audits done for the league.

Sec. 76. [129D.155] REPAYMENT OF FUNDS.

State funds distributed to public television or noncommercial radio stations and used to purchase equipment assets must be repaid to the state, without interest, if the assets purchased with these funds are sold or otherwise converted to a person other than a nonprofit or municipal corporation. The amount due to the state shall be the net amount realized from the sale of the assets, but shall not exceed the amount of state funds advanced for the purchase of the asset. Public television and noncommercial radio stations receiving state funds must

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report biennially to the legislature on the location and usage of assets purchased with state funds.

Sec. 77. Minnesota Statutes 1990, section 138.17, subdivision 1, is amended to read:

Subdivision 1. **DESTRUCTION, PRESERVATION, REPRODUCTION OF RECORDS; PRIMA FACIE EVIDENCE.** The attorney general, legislative auditor in the case of state records, state auditor in the case of local records, and director of the Minnesota historical society, hereinafter director, shall constitute the records disposition panel. The members of the panel shall have power by ~~unanimous consent~~ majority vote to direct the destruction or sale for salvage of government records determined to be no longer of any value, or to direct the disposition by gift to the Minnesota historical society or otherwise of government records determined to be valuable for preservation. The records disposition panel may by ~~unanimous consent~~ majority vote order any of those records to be reproduced by photographic or other means, and order that photographic or other reproductions be substituted for the originals of them. It may direct the destruction or sale for salvage or other disposition of the originals from which they were made. Photographic or other reproductions shall for all purposes be deemed the originals of the records reproduced when so ordered by the records disposition panel, and shall be admissible as evidence in all courts and in proceedings of every kind. A facsimile, exemplified or certified copy of a photographic, optical disk imaging, or other reproduction, or an enlargement or reduction of it, shall have the same effect and weight as evidence as would a certified or exemplified copy of the original. The records disposition panel, by ~~unanimous consent~~ majority vote, may direct the storage of government records, except as herein provided, and direct the storage of photographic or other reproductions. Photographic or other reproductions substituted for original records shall be disposed of in accordance with the procedures provided for the original records. For the purposes of this chapter: (1) the term "government records" means state and local records, including all cards, correspondence, discs, maps, memoranda, microfilms, papers, photographs, recordings, reports, tapes, writings, optical disks, and other data, information, or documentary material, regardless of physical form or characteristics, storage media or conditions of use, made or received by an officer or agency of the state and an officer or agency of a county, city, town, school district, municipal subdivision or corporation or other public authority or political entity within the state pursuant to state law or in connection with the transaction of public business by an officer or agency; (2) the term "state record" means a record of a department, office, officer, commission, commissioner, board or any other agency, however styled or designated, of the executive branch of state government; a record of the state legislature; a record of any court, whether of statewide or local jurisdiction; and any other record designated or treated as a state record under state law; (3) the term "local record" means a record of an agency of a county, city, town, school district, municipal subdivision or corporation or other public authority or political entity; (4) the term "records" excludes data and information that does not become part of an official transaction, library and museum material made or acquired and kept

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solely for reference or exhibit purposes, extra copies of documents kept only for convenience of reference and stock of publications and processed documents, and bonds, coupons, or other obligations or evidences of indebtedness, the destruction or other disposition of which is governed by other laws; (5) the term "state archives" means those records preserved or appropriate for preservation as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of government or because of the value of the information contained in them, when determined to have sufficient historical or other value to warrant continued preservation by the state of Minnesota and accepted for inclusion in the collections of the Minnesota historical society.

If the decision is made to dispose of records by majority vote, the Minnesota historical society may acquire and retain whatever they determine to be of potential historical value.

Sec. 78. Minnesota Statutes 1990, section 160.276, is amended by adding a subdivision to read:

Subd. 5. OFFICE OF TOURISM. The commissioner shall provide space free of charge to the office of tourism for travel information centers. The commissioner shall not charge the office of tourism for any regular expenses associated with the operation of the travel information centers. The commissioner shall provide highway maps free of charge for use and distribution through the travel information centers.

Sec. 79. Minnesota Statutes 1990, section 176.421, subdivision 6a, is amended to read:

Subd. 6a. TIME LIMIT FOR DECISION. The court shall issue a decision in each case within 90 days after certification of the record to the court by the chief administrative law judge, the filing of a cross-appeal, oral argument, or a final submission of briefs or memoranda by the parties, whichever is latest. For cases submitted without oral argument, a decision shall be issued within 90 days after assignment of the case to the judges. The chief judge may waive the 90-day limitation for any proceeding before the court for good cause shown. No part of the salary of a workers' compensation court of appeals judge may be paid unless the judge, upon accepting the payment, certifies that decisions in cases in which the judge has participated have been issued within the time limits prescribed this subdivision.

Sec. 80. [204B.145] DUTIES OF SECRETARY OF STATE; REDISTRICTING.

Following the completion of legislative redistricting, the secretary of state may coordinate and facilitate the exchange of information between the legislative redistricting computer system, the statewide voter registration system, and a computer system developed to assist the counties, municipalities, and school districts in redrawing election districts and establishing election precincts.

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Sec. 81. [268.551] DEFINITIONS.

Subdivision 1. TERMS. For the purposes of this section and section 82, the terms defined in this section have the meanings given them.

Subd. 2. COMMISSIONER. "Commissioner" means the commissioner of jobs and training.

Subd. 3. ELIGIBLE APPLICANT. "Eligible applicant" means a person who:

(1) has been a resident of this state for at least one month;

(2) is unemployed;

(3) is not receiving and is not eligible to receive unemployment compensation; and

(4) is a targeted young person as defined in Laws 1990, chapter 562, article 4, section 12, between the ages of 14 and 21, who, because of a lack of personal resources and skills, needs assistance in setting and realizing education goals and in becoming a contributing member of the community.

Subd. 4. EMPLOYER. "Employer" means a private or public employer.

Sec. 82. [268.552] WAGE SUBSIDY PROGRAM.

Subdivision 1. CREATION. A grant program is established to provide adolescents with opportunities for gaining a high school diploma, exploring occupations, evaluating vocational options, receiving career and life skills counseling, developing and pursuing personal goals, and participating in community-based projects and summer youth employment.

Subd. 2. AMOUNT AND DURATION OF SUBSIDY. The maximum subsidy is \$4 per hour for wages and \$1 per hour for fringe benefits. The subsidy for an eligible applicant may be paid for a maximum of 1,040 hours over a period of 26 weeks. Employers are encouraged to use money from other sources to provide increased wages to applicants they employ.

Subd. 3. CONTRACTS TO ADMINISTER. The commissioner may contract with local service units or certified local service providers to deliver the wage subsidies. The contract must require that no more than five percent of the contract amount be expended for administration.

Subd. 4. AREA ALLOCATION OF SUBSIDIES. Wage subsidy money must be allocated to local service units based on the number of eligible applicants in that area compared to the state total of eligible applicants. Money may be reallocated if it otherwise would not be used.

Subd. 5. ALLOCATION TO APPLICANTS. Priority for subsidies shall be in the following order:

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(1) applicants living in households with no other income source;

(2) applicants whose incomes and resources are less than the standard for eligibility for general assistance or work readiness; and

(3) applicants who are eligible for aid to families with dependent children.

Subd. 6. OUTREACH. A local service unit shall publicize the availability of wage subsidies within its area.

Subd. 7. REPORTS. Each entity delivering wage subsidies shall report to the commissioner on a quarterly basis:

(1) the number of persons placed in private sector jobs, in temporary public sector jobs, or in other services;

(2) the outcome for each participant placed;

(3) the number and type of employers employing persons under the program;

(4) the amount of money spent in each local service unit for wages for each type of employment and each type of other expense;

(5) the age, educational experience, family status, gender, priority group status, race, and work experience of each person in the program;

(6) the amount of wages received by persons while in the program and 60 days after completing the program;

(7) for each classification of persons described in clause (5), the outcome of the wage subsidy placement, including length of time employed; nature of employment, whether private sector, temporary public sector, or other service; and the hourly wages; and

(8) any other information requested by the commissioner. Each report must include cumulative information, as well as information for each quarter.

Data collected on individuals under this subdivision are private data on individuals as defined in section 13.02, subdivision 12, except that summary data may be provided under section 13.05, subdivision 7.

Subd. 8. PART-TIME EMPLOYMENT. Subsidies under this section may be paid for part-time jobs.

Subd. 9. LAYOFFS; WORK REDUCTIONS. An employer may not lay off, terminate, or reduce the working hours of an employee for the purpose of hiring an individual with funds provided by this section. An employer may not hire an individual with funds available under this section if any other person is on lay-off from the same or a substantially equivalent job.

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Subd. 10. RULES. The commissioner may adopt rules to implement this section.

Sec. 83. [270.059] REVENUE DEPARTMENT SERVICE AND RECOVERY SPECIAL REVENUE FUND.

A revenue department service and recovery special revenue fund is created for the purpose of recovering the costs of furnishing public government data and related services or products, as well as recovering costs associated with collecting local taxes on sales. All money collected under this section is deposited in the revenue department service and recovery special revenue fund. Money in the fund is appropriated to the commissioner of revenue to reimburse the department of revenue for the costs incurred in administering the tax law or providing the data, service, or product.

Sec. 84. [270.74] FINANCIAL TRANSACTION CARDS; PAYMENT OF STATE TAXES.

(a) The commissioner of revenue may allow taxpayers to use financial transaction cards, as defined in section 325G.02, subdivision 2, to pay any of the following which are payable to the commissioner: (1) state taxes; (2) estimated tax deposits; (3) penalties; (4) interest; (5) additions to taxes; and (6) fees.

(b) The commissioner may impose a fee on each transaction under paragraph (a). The fee is equal to the fee the commissioner is required to pay for the taxpayer's use of the financial transaction card. This fee must be deposited in the general fund and is appropriated to the commissioner for the purpose of paying the transaction card fee.

(c) The types of financial transaction cards that will be accepted shall be determined solely by the commissioner. The selection of transaction card vendors shall be made through a request for proposals process. Before issuing a request for proposals, the commissioner shall review the request for proposals and any specifications with the commissioner of finance and the state treasurer. The commissioner shall select the transaction card vendors from among those which meet the operational and cost requirements of the department of revenue. The commissioner may limit the number of different types of financial transaction cards that will be accepted.

(d) If the commissioner allows taxpayers to pay taxes with financial transaction cards, the commissioner shall report quarterly on the status of this program to the chairs of the house tax and appropriations committees and the chairs of the senate tax and finance committees.

Sec. 85. Minnesota Statutes 1990, section 271.06, subdivision 4, is amended to read:

Subd. 4. **APPEAL FEE.** At the time of filing the notice of appeal the appellant shall pay to the court administrator of the tax court an appeal fee of ~~\$25~~

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\$50; provided, that no appeal fee shall be required of the commissioner of revenue, the attorney general, the state or any of its political subdivisions. In small claims division, the appeal fee shall be ~~\$2~~ \$5. The provisions of chapter 563, providing for proceedings in forma pauperis, shall also apply for appeals to the tax court.

Sec. 86. Minnesota Statutes 1990, section 271.19, is amended to read:

271.19 COSTS AND DISBURSEMENTS.

Upon the determination of any appeal under this chapter before the tax court, or of any review hereunder by the supreme court, the costs and disbursements ~~may~~ shall be taxed and allowed in favor of the prevailing party and against the losing party as in civil actions. In any case where a person liable for a tax or other obligation has lost an appeal or review instituted by the person, and the tax court or court shall determine that the person instituted the same merely for the purposes of delay, or that the taxpayer's position in the proceedings is frivolous, additional costs, commensurate with the expense incurred and services performed by the agencies of the state in connection with the appeal, but not exceeding \$5,000 in any case, may be allowed against the taxpayer, in the discretion of the tax court or court. Costs and disbursements allowed against any such person shall be added to the tax or other obligation determined to be due, and shall be payable therewith. To the extent described in section 3.761, where an award of costs and attorney fees is authorized under section 3.762, the costs and fees shall be allowed against the state, including expenses incurred by the taxpayer to administratively protest or appeal to the department of revenue the order, decision, or report of the commissioner that is the subject of the tax court proceedings. Costs and disbursements allowed against the state or other public agencies shall be paid out of funds received from taxes or other obligations of the kind involved in the proceeding, or other funds of the agency concerned appropriated and available therefor. Witnesses in proceedings under this chapter shall receive like fees as in the district court, to be paid in the first instance by the parties by whom the witnesses were called, and to be taxed and allowed as herein provided.

Sec. 87. Minnesota Statutes 1990, section 355.392, subdivision 2, is amended to read:

Subd. 2. **EMPLOYER CONTRIBUTIONS.** For services by judges referred to in subdivision 1, clause (b), the state court administrator shall pay into the contribution fund established pursuant to section 355.04, an employer contribution on wages equal the employer tax rate imposed by the Federal Insurance Contributions Act.

Sec. 88. Minnesota Statutes 1990, section 355.392, subdivision 3, is amended to read:

Subd. 3. **EMPLOYEE CONTRIBUTIONS.** For services by judges referred to in subdivision 1, clause (b), the judge shall pay into the contribution fund

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established pursuant to section 355.04, an employee contribution on wages equal to the employee tax rate imposed by the Federal Insurance Contributions Act. ~~This contribution shall be made from the contribution made by the judge pursuant to section 490.123, subdivision 1. The contribution must be made by payroll deduction.~~

Sec. 89. Minnesota Statutes 1990, section 357.24, is amended to read:

357.24 CRIMINAL CASES.

Witnesses for the state in criminal cases shall receive the same fees for travel and attendance as provided in section 357.22, and judges may, in their discretion, allow like fees to witnesses attending in behalf of any defendant. In addition these witnesses shall receive reasonable expenses actually incurred for meals, loss of wages and child care, not to exceed \$40 per day. ~~In courts these witness fees shall be certified and paid in the same manner as jurors. The compensation and reimbursement shall be paid out of the county treasury.~~

Sec. 90. Minnesota Statutes 1990, section 363.121, is amended to read:

363.121 DEPARTMENT ATTORNEY.

(a) The attorney general shall be the attorney for the department. When a matter has been referred to the attorney general by the commissioner after a finding of probable cause or for the purpose of interim relief, communications between members of the attorney general's office and charging parties or members of a class formed pursuant to section 363.06, subdivision 4, clause (6), are privileged as would be a communication between an attorney and a client.

(b) The department of human rights may not be charged by the attorney general for legal representation on behalf of complaining parties who have filed a charge of discrimination with the department. This paragraph is effective retroactive to July 1, 1989. The department does not have an obligation to pay for any services rendered by the attorney general since July 1, 1985, in excess of the amounts already paid for those services.

Sec. 91. Minnesota Statutes 1990, section 383B.119, subdivision 3, is amended to read:

Subd. 3. **PUBLICATION AND DISTRIBUTION.** The board of commissioners shall publish the annual financial statements in accordance with the requirements of section 375.17. The annual audited financial statements shall be made available for public inspection upon request; ~~and a copy shall be filed with the state auditor.~~

Sec. 92. Minnesota Statutes 1990, section 423A.02, is amended to read:

423A.02 LOCAL POLICE AND FIREFIGHTERS' RELIEF ASSOCIATION AMORTIZATION STATE AID.

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Subdivision 1. **AMORTIZATION STATE AID.** (a) Any municipality in which is located a local police or salaried firefighters' relief association to which the provisions of section 69.77, apply, unless the municipality has adopted a municipal resolution retaining the local relief association pursuant to section 423A.01, subdivision 1, shall be entitled upon application as required by the commissioner of revenue to receive local police and salaried firefighters' relief association amortization state aid if the municipality and the appropriate relief association both comply with the applicable provisions of sections 69.031, subdivision 5, 69.051, subdivisions 1 and 3, and 69.77.

(b) The total amount of amortization state aid to all entitled municipalities must not exceed \$5,055,000.

(c) Subject to the adjustment for the city of Minneapolis provided in this paragraph, the amount of amortization state aid to which a municipality is entitled annually shall be an amount equal to the level annual dollar amount required to amortize, by December 31, 2010, the unfunded accrued liability of the special fund of the appropriate relief association as reported in the December 31, 1978, actuarial valuation of the relief association prepared pursuant to sections 356.215 and 356.216, reduced by the dollar amount required to pay the interest on the unfunded accrued liability of the special fund of the relief association for calendar year 1981 set at the rate specified in Minnesota Statutes 1978, section 356.215, subdivision 4, clause (4). For the city of Minneapolis, the amortization state aid amount thus determined must be reduced by \$747,232 on account of the Minneapolis police relief association and by \$772,768 on account of the Minneapolis fire department relief association. If the amortization state aid amounts determined under this paragraph exceed the amount appropriated for this purpose, the amortization state aid for actual allocation must be reduced pro rata.

(d) Payment of amortization state aid to municipalities shall be made directly to the municipalities involved in four equal installments on March 15, July 15, September 15 and November 15 annually. Upon receipt of amortization state aid, the municipal treasurer shall transmit the aid amount to the treasurer of the local relief association for immediate deposit in the special fund of the relief association.

(e) The commissioner of revenue shall prescribe and periodically revise the form for and content of the application for the amortization state aid. ~~The amounts required to pay the amortization state aid are hereby annually appropriated from the general fund to the commissioner of revenue.~~

Subd. 1a. SUPPLEMENTARY AMORTIZATION STATE AID. In addition to the amortization state aid under subdivision 1, there is a distribution of supplementary amortization state aid among those local police and salaried firefighters relief associations that receive amortization state aid under subdivision 1. The amount of the distribution is that proportion of the appropriation that the unfunded actuarial accrued liability of each relief association bears to the total unfunded actuarial accrued liabilities of all relief associations as reported

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in the most recent actuarial valuations of the relief associations receiving amortization state aid under subdivision 1. Moneys under this subdivision must be distributed to the relief associations at the same time that fire and police state aid is distributed under section 69.021.

Subd. 2. **CONTINUED ELIGIBILITY.** Any municipality which has qualified for amortization state aid under subdivision 1 shall continue upon application to be entitled to receive amortization state aid and supplementary amortization state aid authorized by ~~Laws 1984, chapter 564, section 48~~ subdivision 1a, after the local police or salaried firefighters' relief association has been consolidated into the public employees police and fire fund.

Sec. 93. Minnesota Statutes 1990, section 469.201, subdivision 2, is amended to read:

Subd. 2. **CITY.** "City" means a city of the first class as defined in section 410.01 and a city of the second class that is designated as an economically depressed area by the United States Department of Commerce. For each city, a port authority, housing and redevelopment authority, or other agency or instrumentality, the jurisdiction of which is the territory of the city, is included within the meaning of city.

Sec. 94. Minnesota Statutes 1990, section 471.468, is amended to read:

471.468 BUILDING PLANS; APPROVAL; EXCEPTIONS.

On site construction or remodeling shall not hereafter be commenced of any building or facility until the plans and specifications of the building or facility have been reviewed and approved by the local authority. The provisions of sections 471.465 to 471.469 are applicable only to contracts awarded subsequent to May 22, 1971. The local authority shall certify in writing that the review and approval under this section have occurred. The certification must be attached to the permit of record.

Sec. 95. **[471.975] PAYMENT OF SALARY DIFFERENTIAL FOR RESERVE FORCES ON ACTIVE DUTY.**

A statutory or home rule charter city, county, town, school district, or other political subdivision may pay to each eligible member of the reserve components of the armed forces of the United States an amount equal to the difference between the member's active duty military salary and the salary the member would be paid as an active political subdivision employee, including any adjustments the member would have received if not on leave of absence. Payments must be made at the intervals at which the member received pay as a political subdivision employee. Back pay authorized by this section may be paid in a lump sum. Such pay shall not extend beyond four years from the date the employee was called to active duty plus such additional time in each case as such employee may be required to serve pursuant to law.

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An eligible member of the reserve components of the armed forces of the United States is a reservist or National Guard member who was an employee of a political subdivision at the time the member was called to active duty and who was or is called to active duty after August 1, 1990, because of Operation Desert Shield, Operation Desert Storm, or any other action taken by the armed forces relating to hostilities between the United States and the Republic of Iraq.

Sec. 96. Minnesota Statutes 1990, section 474A.03, is amended by adding a subdivision to read:

Subd. 4. APPLICATION FEE. Every entitlement issuer and other issuer shall pay to the commissioner a nonrefundable application fee to offset the state cost of program administration. The application fee is \$100 for each \$500,000 of entitlement or allocation requested, with the request rounded to the nearest \$500,000. The minimum fee is \$100. Fees received by the commissioner must be credited to the general fund.

Sec. 97. Minnesota Statutes 1990, section 480.181, is amended by adding a subdivision to read:

Subd. 5. COUNTY TO STATE FUNDING. Whenever a group of court employees is transferred from county to state funding, the provisions of this section shall apply.

Sec. 98. Minnesota Statutes 1990, section 480.24, subdivision 3, is amended to read:

Subd. 3. QUALIFIED LEGAL SERVICES PROGRAM. "Qualified legal services program" means a nonprofit corporation which provides or proposes to provide legal services to eligible clients in civil matters and which is governed by a board of directors composed of attorneys-at-law and consumers of legal services. A qualified legal services program includes farm legal assistance providers that have a proven record of delivery of effective, high-quality legal assistance and have demonstrated experience and expertise in addressing legal issues affecting financially distressed family farmers throughout the state.

Sec. 99. Minnesota Statutes 1990, section 480.242, subdivision 2, is amended to read:

Subd. 2. REVIEW OF APPLICATIONS; SELECTION OF RECIPIENTS. At times and in accordance with any procedures as the supreme court adopts in the form of court rules, applications for the expenditure of civil legal services funds shall be accepted from qualified legal services programs or from local government agencies and nonprofit organizations seeking to establish qualified alternative dispute resolution programs. The applications shall be reviewed by the advisory committee, and the advisory committee, subject to review by the supreme court, shall distribute the funds received pursuant to section 480.241,

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subdivision 2, to qualified legal services programs or to qualified alternative dispute resolution programs submitting applications. ~~Subject to the provisions of subdivision 4;~~ The funds shall be distributed in accordance with the following formula:

(a) Eighty-five percent of the funds distributed shall be distributed to qualified legal services programs that have demonstrated an ability as of July 1, 1982, to provide legal services to persons unable to afford private counsel with funds provided by the federal Legal Services Corporation. The allocation of funds among the programs selected shall be based upon the number of persons with incomes below the poverty level established by the United States Census Bureau who reside in the geographical area served by each program, as determined by the supreme court on the basis of the ~~1980~~ most recent national census. All funds distributed pursuant to this clause shall be used for the provision of legal services in civil and farm legal assistance matters as prioritized by program boards of directors to eligible clients.

(b) Fifteen percent of the funds distributed may be distributed (1) to other qualified legal services programs for the provision of legal services in civil matters to eligible clients, including programs which organize members of the private bar to perform services and programs for qualified alternative dispute resolution, ~~or~~ (2) to programs for training mediators operated by nonprofit alternative dispute resolution corporations. ~~Grants may be made pursuant to this clause only until June 30, 1987, or~~ (3) to qualified legal services programs to provide family farm legal assistance for financially distressed state farmers. The family farm legal assistance must be directed at farm financial problems including, but not limited to, liquidation of farm property including bankruptcy, farm foreclosure, repossession of farm assets, restructuring or discharge of farm debt, farm credit and general debtor-creditor relations, and tax considerations. If all the funds to be distributed pursuant to this clause cannot be distributed because of insufficient acceptable applications, the remaining funds shall be distributed pursuant to clause (a).

A person is eligible for legal assistance under this section if the person is an eligible client as defined in section 480.24, subdivision 2, or:

(1) is a state resident;

(2) is or has been a farmer or a family shareholder of a family farm corporation within the preceding 24 months;

(3) has a debt-to-asset ratio greater than 50 percent;

(4) has a reportable federal adjusted gross income of \$15,000 or less in the previous year; and

(5) is financially unable to retain legal representation.

Qualifying farmers and small business operators whose bank loans are held by the Federal Deposit Insurance Corporation are eligible for legal assistance under this section.

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Sec. 100. Minnesota Statutes 1990, section 480.242, is amended by adding a subdivision to read:

Subd. 5. PERMISSIBLE FAMILY FARM LEGAL ASSISTANCE ACTIVITIES. Qualified legal services programs that receive funds under the provisions of subdivision 2 may provide the following types of farm legal assistance activities:

(1) legal backup and research support to attorneys throughout the state who represent financially distressed farmers;

(2) direct legal advice and representation to eligible farmers in the most effective and efficient manner, giving special emphasis to enforcement of legal rights affecting large numbers of farmers;

(3) legal information to individual farmers;

(4) general farm related legal education and training to farmers, private attorneys, legal services staff, state and local officials, state-supported farm management advisors, and the public;

(5) an incoming, statewide, toll-free telephone line to provide the advice and referral described in this subdivision; and

(6) legal advice and representation to eligible persons whose bank loans are held by the Federal Deposit Insurance Corporation.

Sec. 101. Minnesota Statutes 1990, section 481.10, is amended to read:

481.10 CONSULTATION WITH PERSONS RESTRAINED.

All officers or persons having in their custody a person restrained of liberty upon any charge or cause alleged, except in cases where imminent danger of escape exists, shall admit any resident attorney retained by or in behalf of the person restrained, or whom the restrained person may desire to consult, to a private interview at the place of custody. Such custodians, upon request of the person restrained, as soon as practicable, and before other proceedings shall be had, shall notify any attorney residing in the county of the request for a consultation with the attorney. Reasonable telephone access to the attorney shall be provided to the person restrained at no charge to the attorney or to the person restrained. Every officer or person who shall violate any provision of this section shall be guilty of a misdemeanor and, in addition to the punishment prescribed therefor shall forfeit \$100 to the person aggrieved, to be recovered in a civil action.

Sec. 102. Minnesota Statutes 1990, section 484.73, is amended by adding a subdivision to read:

Subd. 4. FEE ON REQUEST FOR TRIAL AFTER ARBITRATION. Upon making a request for trial, the moving party shall, unless permitted to proceed in forma pauperis, pay to the court administrator a fee of \$100.

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Sec. 103. Minnesota Statutes 1990, section 490.123, subdivision 1, is amended to read:

Subdivision 1. **FUND CREATION; CONTRIBUTIONS REVENUE AND AUTHORIZED DISBURSEMENTS.** The "judges' retirement fund" must be credited with all contributions, all interest, and all other income authorized by law. From this fund there are appropriated the payments authorized by sections 490.121 to 490.132, in the amounts and at the times provided, including the necessary and reasonable expenses of the Minnesota state retirement system in administering the fund and the transfers to the Minnesota postretirement investment fund.

Subd. 1a. **MEMBER CONTRIBUTION RATES.** (a) A judge who is covered by the federal old age, survivors, disability, and health insurance program shall contribute to the fund from each salary payment a sum equal to ~~one-half of one percent of salary, plus~~ a sum equal to the salary multiplied by the rate of employee tax specified in the Federal Insurance Contributions Act as defined in section 355.01, subdivision 9, but in aggregate not less than seven percent of salary. In addition, a judge referred to in section 355.392, subdivision 1, clause (b), shall contribute to the fund from each salary payment a sum equal to an additional three-quarters of one four percent of salary. The balance of all money necessary for administering sections 490.121 to 490.132 and the judges' retirement fund, including payment of retirement compensation and other benefits under sections 490.121 to 490.132, must be contributed to the fund by the state.

Money certified by the executive director of the Minnesota state retirement system to the commissioner of finance as needed to meet the state's obligations to the judges' retirement fund must be transferred to the fund at least once a month.

(b) A judge not so covered shall contribute to the fund from each salary payment a sum equal to 8.15 percent of salary.

(c) The contribution under this subdivision is payable by salary deduction.

Subd. 1b. **EMPLOYER CONTRIBUTION RATE.** The employer contribution rate on behalf of a judge is 22 percent of salary.

The employer contribution must be paid by the state court administrator and is payable at the same time as member contributions under subdivision 1a are remitted.

Sec. 104. Minnesota Statutes 1990, section 490.124, subdivision 4, is amended to read:

Subd. 4. **DISABILITY RETIREMENT.** From and after disability retirement date, a disabled judge shall be entitled to continuation of the judge's full salary payable by the judge's employer, as if the judge's office were not vacated by retirement, for a period of up to ~~two~~ one full ~~years~~ year, but in no event

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beyond the judge's mandatory retirement date. Thereafter a disability retirement annuity computed as provided in subdivision 1 shall be paid, provided that the judge shall receive a minimum annuity of 25 percent of the judge's final average compensation.

Sec. 105. Minnesota Statutes 1990, section 593.48, is amended to read:

593.48 COMPENSATION OF JURORS AND TRAVEL REIMBURSEMENT.

A juror shall be reimbursed for round-trip travel between the juror's residence and the place of holding court at a rate of ~~15 to 24 cents per mile determined by the supreme court~~, and shall be compensated at a rate of \$15 for each day of required attendance at sessions of the court. Except in the eighth judicial district where the state shall pay directly, the compensation and reimbursement shall be paid out of the county treasury upon receipt of authorization to pay from the jury commissioner. These jury costs shall be reimbursed monthly by the supreme court upon submission of an invoice by the county treasurer. A monthly report of payments to jurors shall be sent to the jury commissioner within two weeks of the end of the month in the form required by the jury commissioner.

Sec. 106. Minnesota Statutes 1990, section 609.101, subdivision 1, is amended to read:

Subdivision 1. **SURCHARGES AND ASSESSMENTS.** (a) When a court sentences a person convicted of a felony, gross misdemeanor, or misdemeanor, other than a petty misdemeanor such as a traffic or parking violation, and if the sentence does not include payment of a fine, the court shall impose an assessment of not less than \$25 nor more than \$50. If the sentence for the felony, gross misdemeanor, or misdemeanor includes payment of a fine of any amount, including a fine of less than \$100, the court shall impose a surcharge on the fine of ten percent of the fine. This section applies whether or not the person is sentenced to imprisonment and when the sentence is suspended.

(b) In addition to the assessments in paragraph (a), the court shall assess the following surcharges after a person is convicted:

(1) for a person charged with a felony, \$25;

(2) for a person charged with a gross misdemeanor, \$15;

(3) for a person charged with a misdemeanor other than a traffic, parking, or local ordinance violation, \$10; and

(4) for a person charged with a local ordinance violation other than a parking or traffic violation, \$5.

The surcharge must be assessed for the original charge, whether or not it is subsequently reduced. A person charged on more than one count may be assessed

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only one surcharge under this paragraph, but must be assessed for the most serious offense. This paragraph applies whether or not the person is sentenced to imprisonment and when the sentence is suspended.

(c) The court may not waive payment or authorize payment of the assessment or surcharge in installments unless it makes written findings on the record that the convicted person is indigent or that the assessment or surcharge would create undue hardship for the convicted person or that person's immediate family.

(d) If the court fails to waive or impose an assessment required by ~~this section~~ paragraph (a), the court administrator shall correct the record to show imposition of an assessment of \$25 if the sentence does not include payment of a fine, or if the sentence includes a fine, to show an imposition of a surcharge of ten percent of the fine. If the court fails to waive or impose an assessment required by paragraph (b), the court administrator shall correct the record to show imposition of the assessment described in paragraph (b).

(e) Except for assessments and surcharges imposed on persons convicted of violations described in section 97A.065, subdivision 2, the court shall collect and forward to the commissioner of finance the total amount of the ~~assessment assessments or surcharge surcharges~~ and the commissioner shall credit all money so forwarded to the general fund.

(f) If the convicted person is sentenced to imprisonment, the chief executive officer of the correctional facility in which the convicted person is incarcerated may collect the assessment or surcharge from any earnings the inmate accrues for work performed in the correctional facility and forward the amount to the commissioner of finance, indicating the part that was imposed for violations described in section 97A.065, subdivision 2, which must be credited to the game and fish fund.

Sec. 107. STATE TRAILS GRANT.

From the sum appropriated for state trails in S.F. No. 1533, the commissioner of natural resources may grant up to \$150,000 to the joint powers board, Cannon Valley Trail, for Cannon River Valley Trail development.

Sec. 108. Laws 1990, chapter 610, article 1, section 27, is amended to read:

Sec. 27. **MILITARY AFFAIRS.** To the adjutant general to prepare plans for an education center at Camp Ripley 200,000

The adjutant general shall use the unencumbered balance from the appropriation in Laws 1984, chapter 597, section 9, paragraph (d), for the purposes stated in paragraph (d), and for the planning of a new armory and military affairs building. The department of military

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~~affairs shall continue to occupy the veterans service building until the department has secured the federal funds and the legislature has acted on a governor's recommendation for funding of a new armory/military affairs building.~~

Sec. 109. SBIR MARKETING AND TECHNICAL ASSISTANCE PROGRAM.

Minnesota project innovation may establish a small business innovation research (SBIR) marketing and technical assistance program. Minnesota project innovation may conduct the following activities under the SBIR marketing and technical assistance program:

- (1) market the federal SBIR grant program to scientists, engineers, and entrepreneurs;
- (2) provide technical assistance to persons applying for federal SBIR grants;
- (3) assist persons applying for federal SBIR grants with securing equity financing to commercialize new technologies; and
- (4) provide technical assistance to persons in gaining access to technology developed through the efforts of the federal government.

Sec. 110. EIGHTH DISTRICT PILOT PROJECT: REPORT.

The supreme court shall report to the legislature by February 1, 1993, on the results of the eighth district pilot project and its implications for extending the takeover of local court costs to additional judicial districts. The report must include, but need not be limited to, the following:

- (1) recommendations on how district court employees might organize and bargain collectively with the supreme court or its designated agent;
- (2) an analysis of personnel and classification issues that would arise if the pilot project were extended to additional judicial districts;
- (3) findings on the cost of continuing the pilot project through June 30, 1995; and
- (4) findings on the cost of and a proposed schedule for extending the pilot project to additional judicial districts.

Sec. 111. FINDINGS.

The legislature finds that the state of Minnesota faces immediate and serious financial problems. As a result, public employers may have insufficient resources to maintain their work forces at the current level. The legislature determines that the public interest is best served if public employers' budgets

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can be balanced without layoffs of public employees. Section 112 is enacted as a temporary measure to help solve the financial crisis facing units of state and local government, while minimizing layoffs of public employees.

Sec. 112. EMPLOYER-PAID HEALTH INSURANCE.

Subdivision 1. STATE EMPLOYEES. A state employee, as defined in Minnesota Statutes, section 43A.02, subdivision 21, or an employee of the state university system, community college system, Minnesota state retirement system, the teachers retirement association, or the public employees retirement association, is eligible for state-paid hospital, medical, and dental benefits if the person:

(1) is eligible for state-paid insurance under Minnesota Statutes, section 43A.18, or other law;

(2) has at least 25 years of service in the state civil service as defined in Minnesota Statutes, section 43A.02, subdivision 10, or at least 25 years of service as an employee of the Minnesota state retirement system, the teachers retirement association, or the public employees retirement association or a combination of any two or more of them;

(3) upon retirement is immediately eligible for a retirement annuity;

(4) is at least 55 and not yet 65 years of age; and

(5) retires on or after July 1, 1991, and before October 1, 1991.

In addition to those eligible under clause (5), a person defined in Minnesota Statutes, section 43A.02, subdivision 27, who meets the requirements of clauses (1) to (4) and who has more than 30 years of service in the state civil service is eligible under this subdivision if the person retires after January 1, 1991, and before May 20, 1991.

Subd. 2. OTHER PUBLIC EMPLOYEES. The University of Minnesota or the governing body of a city, county, or other political subdivision of the state may provide employer-paid hospital, medical, and dental benefits to a person who:

(1) is eligible for employer-paid insurance under collective bargaining agreements or personnel plans in effect on the day before the effective date of this section;

(2) has at least 25 years of service with the employer who will pay for the benefits after retirement;

(3) upon retirement is immediately eligible for a retirement annuity;

(4) is at least 55 and not yet 65 years of age; and

(5) retires on or after July 1, 1991, and before October 1, 1991.

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An employer that pays for insurance under this section may not exclude any eligible employees.

Subd. 3. CONDITIONS; COVERAGE. An employee who is eligible both for the health insurance benefit under this section and for an early retirement incentive under a collective bargaining agreement or personnel plan established by the employer must select either the early retirement incentive in the collective bargaining agreement, personnel plan, or the incentive provided under this section, but may not receive both. For purposes of this section, a person retires when the person terminates active employment and applies for retirement benefits. The retired employee is eligible for single and dependent coverages and employer payments to which the person was entitled immediately before retirement, subject to any changes in coverage and employer and employee payments through collective bargaining or personnel plans, for employees in positions equivalent to the position from which the employee retired. The retired employee is not eligible for employer-paid life insurance. Eligibility ceases when the retired employee attains the age of 65, or when the employee chooses not to receive the retirement benefits for which the employee has applied, or when the employee is eligible for employer-paid health insurance from a new employer. Coverages must be coordinated with relevant health insurance benefits provided through the federally sponsored Medicare program. Nothing in this section obligates, limits, or otherwise affects the right of the University of Minnesota to provide employer-paid hospital, medical, and dental benefits and life insurance to any person.

Subd. 4. RULE OF 90. An employee who retires under this section using the rule of 90 must not be included in the calculations required by Minnesota Statutes, section 356.85.

Subd. 5. APPLICATION OF OTHER LAWS. Unilateral implementation of this section by a public employer is not an unfair labor practice for purposes of chapter 179A. The authority provided in this section for an employer to pay health insurance costs for certain retired employees is not subject to the limits in section 179A.20, subdivision 2a.

Sec. 113. INTERNATIONAL PURCHASES; SALES AND USE TAX.

The commissioner of revenue shall review federal customs declarations and make an effort to collect the amounts owed for sales and use tax on international purchases by travelers entering the state from international destinations. The commissioner shall report to the legislature no later than January 31, 1992, on the cost-effectiveness of this activity.

Sec. 114. PREEMPTION; FEDERAL PERMIT.

Notwithstanding any other law finally enacted during the 1991 session of the legislature, issuance of a federal permit may not be the sole grounds for exempting an applicant from a permit otherwise required under Minnesota Statutes, sections 116C.91 to 116C.95.

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Sec. 115. VOLUNTARY UNPAID LEAVE OF ABSENCE.

Appointing authorities in the executive branch of state government may allow each employee to take an unpaid leave of absence under the terms of this section for up to 160 hours during the period ending June 30, 1993. Each appointing authority approving such a leave shall allow the employee to continue accruing vacation and sick leave, be eligible for paid holidays and insurance benefits, accrue seniority, and accrue service credit in state retirement plans permitting service credits for authorized leaves of absence as if the employee had actually been employed during the time of the leave. If the leave of absence is for one full pay period or longer, any holiday pay shall be included in the first payroll warrant after return from the leave of absence. The appointing authority shall attempt to grant requests for unpaid leaves of absence consistent with the need to continue efficient operation of the agency. However, each appointing authority shall retain discretion to grant or refuse to grant requests for leaves of absence and to schedule and cancel leaves, subject to applicable provisions of collective bargaining agreements and compensation plans. Approval of leave under this section must be given by the appointing authority in writing, with a copy to the commissioner of finance.

Sec. 116. RADIO STUDY.

The metropolitan council shall study and report to the legislature by December 31, 1992, on the need for and the feasibility of a regional 800 MHz trunked radio system that could include police, fire, emergency medical, metropolitan 911, public works services, metropolitan agencies, school districts, and special districts. Money for this study may be borrowed from the right-of-way acquisition loan fund established by Minnesota Statutes, section 473.167, subdivision 3. The study must also recommend a way to repay the loan.

Sec. 117. REPEALER.

Subdivision 1. COURT ADMINISTRATION. Laws 1989, chapter 335, article 3, section 54, subdivision 8, as amended by Laws 1989, First Special Session chapter 1, article 5, section 47, and Laws 1990, chapter 604, article 9, section 14, is repealed.

Subd. 2. BILLBACK. Minnesota Statutes 1990, sections 3C.035, subdivision 2; and 3C.056, are repealed.

Subd. 3. FAMILY FARM LEGAL ASSISTANCE. Minnesota Statutes 1990, sections 480.250; 480.252; 480.254; and 480.256, are repealed.

Subd. 4. POLICE AND FIRE AMORTIZATION AID. Laws 1984, chapter 564, section 48, is repealed.

Subd. 5. TRADE PROMOTION. Minnesota Statutes 1990, section 116J.967, is repealed.

Subd. 6. HENNEPIN COUNTY. Minnesota Statutes 1990, section 383B.119, subdivision 2, is repealed.

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Sec. 118. EFFECTIVE DATES.

Subdivision 1. MILITARY PAY DIFFERENTIAL. Sections 68 and 95 are effective the day following final enactment and authorize back pay to the date the employee was called to active duty after August 1, 1990.

Subd. 2. EARLY RETIREMENT INCENTIVES. Sections 111 and 112 are effective the day following final enactment.

Subd. 3. COURT ADMINISTRATION. Section 105 is effective July 1, 1992. Section 117, subdivision 1, is effective for taxes levied in 1991, payable in 1992, and thereafter.

Subd. 4. STATE FINANCE. Sections 48, 53, 54, 55, 56, and 58 are effective the day following final enactment and apply to bonds and certificates issued before or after they take effect.

Subd. 5. TAX CREDIT CARDS. Section 84 is effective the day following final enactment.

Subd. 6. JUDGES' DISABILITY RETIREMENT. Section 104 is effective for disability retirement dates occurring after June 30, 1991.

ARTICLE 2**STATE PLANNING AGENCY****Section 1. STATE PLANNING AGENCY ABOLISHED; DUTIES TRANSFERRED.**

The responsibilities of the commissioner of the state planning agency are transferred under Minnesota Statutes, section 15.039, as more specifically provided in the following sections of this article to the following agencies:

(1) the office of state demographer, the environmental quality board, responsibility for conducting a generic environmental impact statement on timber harvesting, office of dispute resolution, action for children council, ground-water monitoring, and high-level nuclear waste are transferred to the office of strategic and long-range planning.

(2) the land management information center, the developmental disability council, and the office of telecommunications policy are transferred to the commissioner of administration;

(3) the office of environmental education, and environmental conservation library grants are transferred to the commissioner of education;

(3) the state's Washington, D.C., office, the Great Lakes protection fund,

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and the Council of Great Lakes Governors are transferred to the office of the governor;

(4) youth employment demonstration grants are transferred to the commissioner of jobs and training;

(5) the adult literacy council is transferred to the commissioner of education;

(6) regional planning and the community resources program are transferred to the commissioner of trade and economic development;

(7) the governmental training service is transferred to the commissioner of employee relations; and

(8) human resources development is transferred to the commissioner of human services.

The position of state planning commissioner and the state planning agency are abolished.

, Sec. 2. [4A.01]

The office of strategic and long-range planning is created, with a director appointed by the governor.

The office of strategic and long-range planning must develop an integrated long-range plan for the state. The office must coordinate activities among all levels of government and must stimulate public interest and participation in the future of the state.

The office must act in coordination with the commissioner of finance, affected state agencies, and the legislature in the planning and financing of major public programs

Sec. 3. [4A.02] STATE DEMOGRAPHER.

The director shall appoint a state demographer. The demographer must be professionally competent in demography and must possess demonstrated ability based upon past performance. The demographer shall:

(1) continuously gather and develop demographic data relevant to the state;

(2) design and test methods of research and data collection;

(3) periodically prepare population projections for the state and designated regions and periodically prepare projections for each county or other political subdivision of the state as necessary to carry out the purposes of this section;

(4) review, comment on, and prepare analysis of population estimates and projections made by state agencies, political subdivisions, other states, federal agencies, or nongovernmental persons, institutions, or commissions;

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(5) serve as the state liaison with the federal bureau of the census, coordinate state and federal demographic activities to the fullest extent possible, and aid the legislature in preparing a census data plan and form for each decennial census;

(6) compile an annual study of population estimates on the basis of county, regional, or other political or geographical subdivisions as necessary to carry out the purposes of this section and section 4;

(7) by January 1 of each year, issue a report to the legislature containing an analysis of the demographic implications of the annual population study and population projections;

(8) prepare maps for all counties in the state, all municipalities with a population of 10,000 or more, and other municipalities as needed for census purposes, according to scale and detail recommended by the federal bureau of the census, with the maps of cities showing precinct boundaries;

(9) prepare an estimate of population and of the number of households for each governmental subdivision for which the metropolitan council does not prepare an annual estimate, and convey the estimates to the governing body of each political subdivision by May 1 of each year; and

(10) prepare an estimate of population and number of households for an area annexed by a governmental subdivision subject to levy limits under sections 275.50 to 275.56 if a municipal board order under section 414.01, subdivision 14, exists for the annexation and if the population of the annexed area is equal to at least 50 people or at least ten percent of the population of a governmental subdivision or unorganized territory that is losing area by the annexation.

An estimate under clause (10) must be an estimate of the population as of the date, within 12 months after the annexation occurs, for which a population estimate for the governmental subdivision is made either by the state demographer under clause (9) or by the metropolitan council.

Sec. 4. [4A.03] POPULATION ESTIMATES AND PROJECTIONS; SUBMISSION BY STATE AGENCIES.

Each state agency shall submit to the director for comment all population estimates and projections prepared by it before:

(1) submitting the estimates and projections to the legislature or the federal government to obtain approval of grants;

(2) the issuance of bonds based upon those estimates and projections; or

(3) releasing a plan based upon the estimates and projections.

Sec. 5. Minnesota Statutes 1990, section 3.885, subdivision 3, is amended to read:

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Subd. 3. **STAFF.** (a) The commission may:

(1) employ and fix the salaries of professional, technical, clerical, and other staff of the commission;

(2) employ and discharge staff solely on the basis of their fitness to perform their duties and without regard to political affiliation;

(3) buy necessary furniture, equipment, and supplies;

(4) enter into contracts for necessary services, equipment, office, and supplies;

(5) provide its staff with computer capability necessary to carry out assigned duties. The computer should be capable of receiving data and transmitting data to computers maintained by the executive and judicial departments of state government that are used for budgetary and revenue purposes; and

(6) use other legislative staff.

(b) The commission may hire an executive director and delegate any of its authority under paragraph (a) to that person. The executive director shall be appointed by the chair and vice-chair to a four-year term, shall serve in the unclassified service, and is subject to removal by a majority vote of the members of either the senate or the house of representatives.

(c) The legislative coordinating commission shall provide office space and administrative support to the committee. ~~The state planning agency shall report to the committee, and the committee may make recommendations to the state planning agency.~~

Sec. 6. Minnesota Statutes 1990, section 3.885, subdivision 6, is amended to read:

Subd. 6. **MANDATE, STATE AID, AND STATE PROGRAM REVIEWS.** (a) The commission shall, after consultation with the governor and with the chairs of the standing committees of the legislature, select mandates and state programs for review. When selecting mandates, state aids, or state programs to be reviewed, the commission shall give priority to those that involve state payments to local units of government.

(b) The governor is responsible for the performance of the reviews. Staff from affected agencies, staff from the department of finance ~~and the state planning agency~~, and legislative staff shall participate in the reviews.

(c) At the direction of the commission, reviews of state programs shall include:

(1) a precise and complete description of the program;

(2) the need the program is intended to address;

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(3) the recommended goals and measurable objectives of the program to meet those needs;

(4) program outcomes and measures which identify:

(i) results in meeting stated needs, goals, and objectives;

(ii) administrative efficiency, which, when appropriate, shall include number of program staff and clients served, timeliness in processing clients and rates and administrative cost as a percent of total program expenditures;

(iii) unanticipated program outcomes;

(iv) program expenditures compared with program appropriations;

(v) historical cost trends and projected program growth, including reasons for fiscal and program growth, for all levels of government involved in the program;

(vi) if rules or guidelines or instructions have been promulgated for a program, a review of their efficacy in helping to meet program goals and objectives and in administering the program in a cost-effective way; and

(vii) quality control monitoring and sanctions including a review of the level of training, experience, skill, and standards of staff;

(5) recommended changes in the program that would lead to its policy objectives being achieved more efficiently or effectively, or at lower cost; and

(6) additional issues requested by the commission.

(d) The following state aids and associated state mandates shall be reviewed:

(1) local aids and credits including local government aid, homestead and agricultural credit aid, disparity reduction aid, taconite homestead credit and aids, tax increment financing, and fiscal disparities;

(2) human services aids including community health services aids, correctional program aids, and social service program and administrative aids;

(3) elementary and secondary education aids including school district general fund aids and levies, school district capital expenditure fund aids and levies, school district debt service fund aids and levies, and school district community service fund aids and levies; and

(4) general government aids including natural resource aids, environmental protection aids, transportation aids, economic development aids, and general infrastructure aids.

(e) At the direction of the commission, the reviews of state aids and state mandates involving state financing of local government activities listed in paragraph (d) shall include:

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- (1) the employment status, wages, and benefits of persons employed in administering the programs;
 - (2) the desirable applicability of state procedural laws and rules;
 - (3) methods for increasing political subdivision options in providing their share, if any, of program costs;
 - (4) desirable redistributions of funding responsibilities for the program and the time period during which any recommended funding distribution should occur;
 - (5) opportunities for reducing program mandates and giving political subdivisions more flexibility in meeting program needs;
 - (6) comparability of treatment of similar units of government;
 - (7) the effect of the state aid or mandate on the distribution of tax burdens among individuals, based upon ability to pay;
 - (8) coordination of the payment or allocation formula with other state aid programs;
 - (9) incentives that have been created for local spending decisions, and whether the incentives should be changed;
 - (10) ways in which political subdivisions have changed their revenue-raising behavior since receiving these grants; and
 - (11) consideration of the program's consistency with the policies set forth in section 3.882.
- (f) Each review shall also include an assessment of the accountability of all government agencies that participate in administration of the program.
- (g) Each review that is intended to be considered in the development of the governor's budget recommendations for the following year shall be completed and submitted to the commission no later than November 15.

Sec. 7. [4.46] WASHINGTON OFFICE.

The governor may appoint employees for the Washington, D.C., office of the state of Minnesota and may prescribe their duties. In the operation of the office, the governor may expend money appropriated by the legislature for promotional purposes in the same manner as private persons, firms, corporations, and associations expend money for promotional purposes. Promotional expenditures for food, lodging, or travel are not governed by the travel rules of the commissioner of employee relations.

Sec. 8. Minnesota Statutes 1990, section 15.06, subdivision 1, is amended to read:

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Subdivision 1. **APPLICABILITY.** This section applies to the following departments or agencies: the departments of administration, agriculture, commerce, corrections, jobs and training, education, employee relations, trade and economic development, finance, health, human rights, labor and industry, natural resources, public safety, public service, human services, revenue, transportation, and veterans affairs; the housing finance, ~~state planning~~, and pollution control agencies; the office of commissioner of iron range resources and rehabilitation; the bureau of mediation services; and their successor departments and agencies. The heads of the foregoing departments or agencies are "commissioners."

Sec. 9. Minnesota Statutes 1990, section 15A.081, subdivision 1, is amended to read:

Subdivision 1. **SALARY RANGES.** The governor shall set the salary rate within the ranges listed below for positions specified in this subdivision, upon approval of the legislative commission on employee relations and the legislature as provided by section 43A.18, subdivisions 2 and 5:

Salary Range

Effective

July 1, 1987

\$57,500-\$78,500

- Commissioner of finance;
- Commissioner of education;
- Commissioner of transportation;
- Commissioner of human services;
- Commissioner of revenue;
- Commissioner of public safety;
- Executive director, state board of investment;
- Commissioner of gaming;
- Director of the state lottery;

\$50,000-\$67,500

- Commissioner of administration;

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Commissioner of agriculture;
Commissioner of commerce;
Commissioner of corrections;
Commissioner of jobs and training;
Commissioner of employee relations;
Commissioner of health;
Commissioner of labor and industry;
Commissioner of natural resources;
Commissioner of trade and economic development;
Chief administrative law judge; office of
administrative hearings;
Commissioner, pollution control agency;
~~Commissioner, state planning agency;~~
Director, office of waste management;
Commissioner, housing finance
agency;
Executive director, public employees
retirement association;
Executive director, teacher's
retirement association;
Executive director, state retirement
system;
Chair, metropolitan council;
Chair, regional transit board;
\$42,500-\$60,000
Commissioner of human rights;
Commissioner, department of public service;

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Commissioner of veterans' affairs;
Commissioner, bureau of mediation services;
Commissioner, public utilities commission;
Member, transportation regulation board;
Ombudsman for corrections;
Ombudsman for mental health and retardation.

Sec. 10. [16B.92] LAND MANAGEMENT INFORMATION CENTER.

Subdivision 1. PURPOSE. The purpose of the land management information center is to foster integration of environmental information and provide services in computer mapping and graphics, environmental analysis, and small systems development. The commissioner, through the center, shall periodically study land use and natural resources on the basis of county, regional, and other political subdivisions.

Subd. 2. FEES. The commissioner shall set fees under section 16A.128, subdivision 2, reflecting the actual costs of providing the center's information products and services to clients. Fees collected must be deposited in the state treasury and credited to the land management information center revolving account. Money in the account is appropriated to the commissioner for operation of the land management information system, including the cost of services, supplies, materials, labor, and equipment, as well as the portion of the general support costs and statewide indirect costs of the department that is attributable to the land management information system. The commissioner may require a state agency to make an advance payment to the revolving fund sufficient to cover the agency's estimated obligation for a period of 60 days or more. If the revolving fund is abolished or liquidated, the total net profit from operations must be distributed to the funds from which purchases were made. The amount to be distributed to each fund must bear to the net profit the same ratio as the total purchases from each fund bear to the total purchases from all the funds during a period of time that fairly reflects the amount of net profit each fund is entitled to receive under this distribution.

Sec. 11. Minnesota Statutes 1990, section 17.49, subdivision 1, is amended to read:

Subdivision 1. **PROGRAM ESTABLISHED.** The commissioner shall establish and promote a program for the commercial raising of fish in fish farms in consultation with an advisory committee consisting of the University of Minnesota, the commissioner of natural resources, the commissioner of agriculture, the commissioner of trade and economic development, ~~the commissioner of the state planning agency~~; representatives of private fish raising industry, and the chairs of the environment and natural resources committees of the house of representatives and senate.

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Sec. 12. Minnesota Statutes 1990, section 62D.122, is amended to read:

62D.122 MEDIATION.

When current parties to a health maintenance organization contract between providers of health care services and the health maintenance organization believe they will be unable to reach agreement on the terms of renewal or maintenance of the agreement, either party may request the commissioner of health to order that the dispute be submitted to mediation. The parties to the dispute shall enter mediation upon the order of the commissioner of health. Whether or not a request for mediation from one of the parties has been received, the commissioner shall order mediation if failure to reach agreement would significantly impair access to health care services on the part of current enrollees of that health maintenance organization. The commissioner shall be a participant in the mediation. In determining whether access to health care services for current enrollees will be significantly impaired, the commissioner shall consider:

- (1) the number of enrollees affected,
- (2) the ability of the plan to make alternate arrangements with other participating providers for the provision of health care services to the affected enrollees,
- (3) the availability of nonparticipating providers who may become participating providers for those with whom the health maintenance organization is in dispute,
- (4) the time remaining until termination of the provider contract, and
- (5) whether failure to resolve the dispute may establish a precedent for similar disputes in other parts of the state or might impede competition among health plans.

During the period in which the dispute is in mediation, no action to terminate provider or enrollee contracts may be taken by either party. Participation in mediation shall be required of all parties for a period of not more than 30 days. Notice of termination of provider agreements, as required under section 62D.08, subdivision 5, shall take effect no earlier than 31 days after the first day of mediation under this section.

When mediation is ordered by the commissioner, arrangements for mediation shall be made through ~~either the office of dispute resolution in the state planning agency, or~~ the office of administrative hearings.

Costs of the mediation shall be borne equally by the health maintenance organization and the health care providers unless otherwise agreed to by the parties. The office of administrative hearings shall establish rates for mediation services comparable to those charged by mediators listed with the office of dispute resolution.

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The mediator shall not have authority to impose a settlement or otherwise bind a participant to a nonvoluntary resolution of the dispute; however, any agreement reached as a result of the mediation shall be enforceable.

Except as otherwise provided under chapter 13 and sections 62D.03 and 62D.14, the commissioner shall make public the results of any mediation agreement.

Sec. 13. Minnesota Statutes 1990, section 103B.311, subdivision 7, is amended to read:

Subd. 7. **DATA ACQUISITION.** The data collected under this section that has common value as determined by the state planning agency director of the office of strategic and long-range planning for natural resources planning must be provided and integrated into the Minnesota land management information systems geographic and summary data bases according to published data compatibility guidelines.

Sec. 14. Minnesota Statutes 1990, section 103B.315, subdivision 5, is amended to read:

Subd. 5. **STATE REVIEW.** (a) After conducting the public hearing but before final adoption, the county board must submit its comprehensive water plan, all written comments received on the plan, a record of the public hearing under subdivision 4, and a summary of changes incorporated as a result of the review process to the board for review. The board shall complete the review within 90 days after receiving a comprehensive water plan and supporting documents. The board shall consult with the departments of agriculture, health, and natural resources; the pollution control agency; ~~the state planning agency;~~ the environmental quality board; and other appropriate state agencies during the review.

(b) The board may disapprove a comprehensive water plan if the board determines the plan is not consistent with state law. If a plan is disapproved, the board shall provide a written statement of its reasons for disapproval. A disapproved comprehensive water plan must be revised by the county board and resubmitted for approval by the board within 120 days after receiving notice of disapproval of the comprehensive water plan, unless the board extends the period for good cause. The decision of the board to disapprove the plan may be appealed by the county to district court.

Sec. 15. Minnesota Statutes 1990, section 103F.761, subdivision 1, is amended to read:

Subdivision 1. **PROJECT COORDINATION TEAM; MEMBERSHIP.** The commissioner shall establish and chair a project coordination team made up of representatives of the pollution control agency, department of natural resources, board of water and soil resources, department of agriculture, department of health, state planning agency; Minnesota extension service, University

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of Minnesota agricultural experiment stations, United States Army Corps of Engineers, United States Environmental Protection Agency, United States Department of Agriculture Agricultural Stabilization and Conservation Service, United States Department of Agriculture Soil Conservation Service, metropolitan council, Association of Minnesota Counties, League of Minnesota Cities, Minnesota Association of Townships, and other agencies as the commissioner may determine.

Sec. 16. Minnesota Statutes 1990, section 103H.101, subdivision 4, is amended to read:

Subd. 4. **INFORMATION GATHERING.** The commissioner of natural resources shall coordinate the collection of state and local information to identify sensitive areas. Information must be automated on or accessible to systems developed at the land management information center ~~of the state planning agency.~~

Sec. 17. Minnesota Statutes 1990, section 103H.175, subdivision 1, is amended to read:

Subdivision 1. **MONITORING RESULTS TO BE SUBMITTED TO THE STATE PLANNING AGENCY LAND MANAGEMENT INFORMATION CENTER.** The results of monitoring groundwater quality by state agencies and political subdivisions must be submitted to the state planning agency land management information center.

Sec. 18. Minnesota Statutes 1990, section 103H.175, subdivision 2, is amended to read:

Subd. 2. **COMPUTERIZED DATA BASE.** The state planning agency land management information center shall maintain a computerized data base of the results of groundwater quality monitoring in a manner that is accessible to the pollution control agency, department of agriculture, department of health, and department of natural resources. The state planning agency center shall assess the quality and reliability of the data and organize the data in a usable format.

Sec. 19. Minnesota Statutes 1990, section 115A.072, subdivision 1, is amended to read:

Subdivision 1. **WASTE EDUCATION COALITION.** (a) The office shall provide for the development and implementation of a program of general public education on waste management in cooperation and coordination with the pollution control agency, metropolitan council, department of education, department of agriculture, ~~state planning agency,~~ environmental quality board, environmental education board, educational institutions, other public agencies with responsibility for waste management or public education, and three other persons who represent private industry and who have knowledge of or expertise in recycling and solid waste management issues. The objectives of the program are to: develop increased public awareness of and interest in environmentally sound

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waste management methods; encourage better informed decisions on waste management issues by business, industry, local governments, and the public; and disseminate practical information about ways in which households and other institutions and organizations can improve the management of waste.

(b) The office shall appoint an advisory task force, to be called the waste education coalition, of up to 18 members to advise the office in carrying out its responsibilities under this section and whose membership represents the agencies and entities listed in this subdivision.

Sec. 20. Minnesota Statutes 1990, section 116C.03, subdivision 2, is amended to read:

Subd. 2. **MEMBERSHIP.** The members of the board are the ~~commissioner of the state~~ director of the office of strategic and long-range planning agency, the commissioner of public service, the commissioner of the pollution control agency, the commissioner of natural resources, the director of the office of waste management, the commissioner of agriculture, the commissioner of health, the commissioner of transportation, the chair of the board of water and soil resources, and a representative of the governor's office designated by the governor. The governor shall appoint five members from the general public to the board, subject to the advice and consent of the senate. At least two of the five public members must have knowledge of and be conversant in water management issues in the state. Notwithstanding the provisions of section 15.06, subdivision 6, members of the board may not delegate their powers and responsibilities as board members to any other person.

Sec. 21. Minnesota Statutes 1990, section 116C.03, subdivision 4, is amended to read:

Subd. 4. Staff and consultant support for board activities shall be provided by the state office of strategic and long-range planning agency. This support shall be provided based upon an annual budget and work program developed by the board and certified to the ~~commissioner of the state planning agency~~ by the chair of the board. The board shall have the authority to request and require staff support from all other agencies of state government as needed for the execution of the responsibilities of the board.

Sec. 22. Minnesota Statutes 1990, section 116C.03, subdivision 5, is amended to read:

Subd. 5. The board shall contract with the ~~commissioner of the state~~ office of strategic and long-range planning agency for administrative services necessary to the board's activities. The services shall include personnel, budget, payroll and contract administration.

Sec. 23. Minnesota Statutes 1990, section 116C.712, subdivision 3, is amended to read:

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Subd. 3. **COUNCIL STAFF.** Staff support for council activities must be provided by the state office of strategic and long-range planning agency. State departments and agencies must cooperate with the council in the performance of its duties. Upon the request of the chair of the council, the governor may, by order, require a state department or agency to furnish assistance necessary to carry out the council's functions under this chapter.

Sec. 24. Minnesota Statutes 1990, section 116C.712, subdivision 5, is amended to read:

Subd. 5. **ASSESSMENT.** (a) A person, firm, corporation, or association in the business of owning or operating a nuclear fission electrical generating plant in this state shall pay an assessment to cover the cost of:

(1) monitoring the federal high-level radioactive waste program under the Nuclear Waste Policy Act, United States Code, title 42, sections 10101 to 10226;

(2) advising the governor and the legislature on policy issues relating to the federal high-level radioactive waste disposal program;

(3) surveying existing literature and activity relating to radioactive waste management, including storage, transportation, and disposal, in the state;

(4) an advisory task force on low-level radioactive waste deregulation, created by a law enacted in 1990 until July 1, 1996; and

(5) other general studies necessary to carry out the purposes of this subdivision.

The assessment must not be more than the appropriation to the state office of strategic and long-range planning agency for these purposes.

(b) The state planning agency office shall bill the owner or operator of the plant for the assessment at least 30 days before the start of each quarter. The assessment for the second quarter of each fiscal year must be adjusted to compensate for the amount by which actual expenditures by the state planning agency office for the preceding year were more or less than the estimated expenditures previously assessed. The billing may be made as an addition to the assessments made under section 116C.69. The owner or operator of the plant must pay the assessment within 30 days after receipt of the bill. The assessment must be deposited in the state treasury and credited to the special revenue fund.

(c) The authority for this assessment terminates when the department of energy eliminates Minnesota from further siting consideration for high-level radioactive waste by starting construction of a high-level radioactive waste disposal site in another state. The assessment required for any quarter must be reduced by the amount of federal grant money received by the state office of strategic and long-range planning agency for the purposes listed in this section.

(d) The state director of the office of strategic and long-range planning

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agency must report annually by July 1 to the legislative commission on waste management on activities assessed under paragraph (a).

Sec. 25. Minnesota Statutes 1990, section 124C.03, subdivision 2, is amended to read:

Subd. 2. **MEMBERS; MEETINGS; OFFICERS.** The interagency adult learning advisory council shall have ~~16 to 18~~ 15 to 17 members. Members must have experience in educating adults or in programs addressing welfare recipients and incarcerated, unemployed, and underemployed people.

The members of the interagency adult learning advisory council are appointed as follows:

(1) ~~one member appointed by the commissioner of the state planning agency;~~

(2) one member appointed by the commissioner of jobs and training;

(3) (2) one member appointed by the commissioner of human services;

(4) (3) one member appointed by the director of the refugee and immigrant assistance division of the department of human services;

(5) (4) one member appointed by the commissioner of corrections;

(6) (5) one member appointed by the commissioner of education;

(7) (6) one member appointed by the chancellor of the state board of technical colleges;

(8) (7) one member appointed by the chancellor of community colleges;

(9) (8) one member appointed by the Minnesota adult literacy campaign or by another nonprofit literacy organization, as designated by the commissioner of ~~the state planning agency~~ education;

(10) (9) one member appointed by the council on Black Minnesotans;

(11) (10) one member appointed by the Spanish-speaking affairs council;

(12) (11) one member appointed by the council on Asian-Pacific Minnesotans;

(13) (12) one member appointed by the Indian affairs council; and

(14) (13) one member appointed by the disability council.

Up to four additional members of the council may be nominated by the participating agencies. Based on the council's recommendations, the commissioner of ~~the state planning agency~~ education must appoint at least two, but not more than four, additional members. Nominees shall include, but are not limited to,

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representatives of local education, government, nonprofit agencies, employers, labor organizations, and libraries.

The council shall elect its officers.

Sec. 26. Minnesota Statutes 1990, section 124C.03, subdivision 3, is amended to read:

Subd. 3. **STAFF.** The commissioner of ~~the state planning agency~~ education shall provide space and administrative services to the council. The commissioner may contract for staff for the council.

Sec. 27. Minnesota Statutes 1990, section 124C.03, subdivision 8, is amended to read:

Subd. 8. **STANDARDS FOR QUALIFIED PROGRAMS.** (a) Except as provided in paragraph (b) and subdivision 9, a program qualifying for a grant must:

(1) be directed to the unemployed, the underemployed, the incarcerated, public assistance recipients, or to non-English speaking immigrants;

(2) integrate learning and support services such as child care, transportation, and counseling;

(3) have intensive learning that maximizes the weekly hours available to learners;

(4) be accessible year-round and during daytime or evening hours as needed, except where otherwise appropriate to learners' needs;

(5) have individualized learning plans and outcome based learning;

(6) provide instruction in transferable basic skills;

(7) have context based learning linked to individual occupational or self-sufficiency goals;

(8) provide for reporting and evaluation;

(9) have appropriate coordination and differentiation of services among adult literacy services and agencies in the local area;

(10) be coordinated with human services and employment and training agencies, as appropriate to the target population; and

(11) maximize use of available local resources.

(b) The commissioner of ~~the state planning agency~~ education may waive a standard because of client need or local conditions. The reason for the waiver must be documented.

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

Sec. 28. Minnesota Statutes 1990, section 124C.03, subdivision 9, is amended to read:

Subd. 9. **INNOVATION GRANTS.** The commissioner of ~~the state planning agency~~ education may award grants for innovative programs. An innovation grant need not comply with the standards in subdivision 8. The nature and extent of the proposed innovation must be described in the award.

Sec. 29. Minnesota Statutes 1990, section 124C.03, subdivision 10, is amended to read:

Subd. 10. **NO FUNDING REQUIRED.** The commissioner of ~~the state planning agency~~ education need not award a grant for any proposal that, in the determination of the commissioner does not meet the standards in subdivision 8.

Sec. 30. Minnesota Statutes 1990, section 124C.03, subdivision 12, is amended to read:

Subd. 12. **GEOGRAPHIC DISTRIBUTION.** The commissioner of ~~the state planning agency~~ education shall seek to award grants throughout the state, taking into account the incidence of the target population. It shall provide technical assistance to local agencies to enhance fulfillment of this subdivision.

Sec. 31. Minnesota Statutes 1990, section 124C.03, subdivision 14, is amended to read:

Subd. 14. **GRANT SCHEDULE.** ~~The commissioner of the state planning agency must award initial grants by April 1, 1990. Beginning in 1991,~~ Grants must be awarded by July 1 of each year. Grants may be awarded for a period not to exceed 24 months.

Sec. 32. Minnesota Statutes 1990, section 124C.03, subdivision 15, is amended to read:

Subd. 15. **LOCAL AND REGIONAL JOINT PLANNING.** The commissioner of ~~the state planning agency~~ education may require grant applicants and existing adult basic education providers in a locality to present a joint services plan as a condition of receiving a grant under this section.

Sec. 33. Minnesota Statutes 1990, section 124C.03, subdivision 16, is amended to read:

Subd. 16. **REPORTING AND EVALUATION.** The commissioner of ~~the state planning agency~~ education shall evaluate the performance of the grantees and report to the legislature by November 15 of each year, except that a preliminary report may be submitted by February 15, 1991.

Sec. 34. Minnesota Statutes 1990, section 126A.02, subdivision 1, is amended to read:

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Subdivision 1. **DIRECTOR.** The director of environmental education is appointed by the commissioner of ~~the state planning agency~~ education. The director may initiate, develop, implement, evaluate, and market informal environmental education programs; shall promote state government and private sector policy that is consistent with the environmental education programs established in section 126A.08; and may coordinate informal environmental education with the K-12 and post-secondary environmental education programs developed by the department of education and the state's post-secondary institutions.

Sec. 35. Minnesota Statutes 1990, section 126A.02, subdivision 2, is amended to read:

Subd. 2. **BOARD MEMBERS.** A 17-member board shall advise the director. The board is made up of the commissioners of the ~~state planning agency~~; department of natural resources; the pollution control agency; the department of agriculture; the department of education; the director of the office of strategic and long-range planning; the chair of the board of water and soil resources; the executive director of the higher education coordinating board; the executive secretary of the board of teaching; the director of the extension service; and eight citizen members representing diverse interests appointed by the governor. The governor shall appoint one citizen member from each congressional district. The citizen members are subject to section 15.0575. Two of the citizen members appointed by the governor must be licensed teachers currently teaching in the K-12 system. The governor shall annually designate a member to serve as chair for the next year.

Sec. 36. Minnesota Statutes 1990, section 126A.03, is amended to read:

126A.03 STAFF.

The ~~state planning agency~~ commissioner of education shall provide staff and consultant support for the office of environmental education. The support must be based on an annual budget and work program developed by the director and certified to the commissioner of ~~the state planning agency~~ education by the chair of the office's advisory board. The director may request staff support from any other agency of the executive branch as needed to execute the responsibilities of the director.

Sec. 37. Minnesota Statutes 1990, section 144.70, subdivision 2, is amended to read:

Subd. 2. **INTERAGENCY COOPERATION.** In completing the report required by subdivision 1, in fulfilling the requirements of sections 144.695 to 144.703, and in undertaking other initiatives concerning health care costs, access, or quality, the commissioner of health shall cooperate with and consider potential benefits to other state agencies that have a role in the market for health services or the market for health plans. Other agencies include the department of employee relations, as administrator of the state employee health benefits program; the department of human services, as administrator of health services

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entitlement programs; the department of commerce, in its regulation of health plans; the department of labor and industry, in its regulation of health service costs under workers' compensation; ~~and the state planning agency, in its planning for the state's health service needs.~~

Sec. 38. Minnesota Statutes 1990, section 145.926, subdivision 1, is amended to read:

Subdivision 1. **ADMINISTRATION.** The commissioner of state planning education shall administer the way to grow/school readiness program, in consultation with the ~~commissioners~~ commissioner of human services ~~and education~~, to promote intellectual, social, emotional, and physical development and school readiness of children prebirth to age five by coordinating and improving access to community-based and neighborhood-based services that support and assist all parents in meeting the health and developmental needs of their children at the earliest possible age.

Sec. 39. Minnesota Statutes 1990, section 145.926, subdivision 4, is amended to read:

Subd. 4. **PILOT PROJECTS.** The commissioner of state planning education shall award grants for one pilot project in each of the following areas of the state:

- (1) a first class city located within the metropolitan area as defined in section 473.121, subdivision 2;
- (2) a second class city located within the metropolitan area as defined in section 473.121, subdivision 2;
- (3) a city with a population of 50,000 or more that is located outside of the metropolitan area as defined in section 473.121, subdivision 2; and
- (4) the area of the state located outside of the metropolitan area as defined in section 473.121, subdivision 2.

To the extent possible, the commissioner of state planning shall award grants to applicants with experience or demonstrated ability in providing comprehensive, multidisciplinary, community-based programs with objectives similar to those listed in subdivision 2, or in providing other human services or social services programs using a multidisciplinary, community-based approach.

Sec. 40. Minnesota Statutes 1990, section 145.926, subdivision 5, is amended to read:

Subd. 5. **APPLICATIONS.** Each grant application must propose a five-year program designed to accomplish the purposes of this section. The application must be submitted on forms provided by the commissioner of state planning education. The grant application must include:

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(1) a description of the specific neighborhoods that will be served under the program and the name, address, and a description of each community agency or agencies with which the applicant intends to contract to provide services using grant money;

(2) a letter of intent from each community agency identified in clause (1) that indicates the agency's willingness to participate in the program and approval of the proposed program structure and components;

(3) a detailed description of the structure and components of the proposed program and an explanation of how each component will contribute to accomplishing the purposes of this section;

(4) a description of how public and private resources, including schools, health care facilities, government agencies, neighborhood organizations, and other resources, will be coordinated and made accessible to families in target neighborhoods, including letters of intent from public and private agencies indicating their willingness to cooperate with the program;

(5) a detailed, proposed budget that demonstrates the ability of the program to accomplish the purposes of this section using grant money and other available resources, including funding sources other than a grant; and

(6) a comprehensive evaluation plan for measuring the success of the program in meeting the objectives of the overall grant program and the individual grant project, including an assessment of the impact of the program in terms of at least three of the following criteria:

- (i) utilization rates of community services;
- (ii) availability of support systems for families;
- (iii) birth weights of newborn babies;
- (iv) child accident rates;
- (v) utilization rates of prenatal care;
- (vi) reported rates of child abuse; and
- (vii) rates of health screening and evaluation.

Sec. 41. Minnesota Statutes 1990, section 145.926, subdivision 7, is amended to read:

Subd. 7. **ADVISORY COMMITTEES.** The commissioner of ~~state planning~~ education shall establish a program advisory committee consisting of persons knowledgeable in child development, child and family services, and the needs of people of color and high risk populations; and representatives of the commissioners of ~~state planning~~ human services and education. Each grantee must establish a program advisory board of 12 or more members to advise the

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grantee on program design, operation, and evaluation. The board must include representatives of local units of government and representatives of the project area who reflect the geographic, cultural, racial, and ethnic diversity of that community.

Sec. 42. Minnesota Statutes 1990, section 145.926, subdivision 8, is amended to read:

Subd. 8. **REPORT.** The commissioner of ~~state planning~~ education shall provide a biennial report to the legislature on the program administration and the activities of projects funded under this section.

Sec. 43. Minnesota Statutes 1990, section 145A.02, subdivision 16, is amended to read:

Subd. 16. **POPULATION.** "Population" means the total number of residents of the state or any city or county as established by the last federal census, by a special census taken by the United States Bureau of the Census, by the state demographer under section ~~116K.04, subdivision 4 3,~~ or by an estimate of city population prepared by the metropolitan council, whichever is the most recent as to the stated date of count or estimate.

Sec. 44. Minnesota Statutes 1990, section 145A.09, subdivision 6, is amended to read:

Subd. 6. **BOUNDARIES OF COMMUNITY HEALTH SERVICE AREAS.** The community health service area of a multicounty or multicity community health board must be within a region designated under sections 462.381 to 462.398, unless this condition is waived by the commissioner with the approval of the regional development commission directly involved or the metropolitan council, if appropriate. In a region without a regional development commission, the commissioner of the ~~state planning agency~~ trade and economic development shall act in place of the regional development commission.

Sec. 45. Minnesota Statutes 1990, section 214.141, is amended to read:

214.141 ADVISORY COUNCIL; MEMBERSHIP.

There is established a human services occupations advisory council to assist the commissioner of health in formulating policies and rules pursuant to section 214.13. The commissioner shall determine the council's duties and shall establish procedures for its proper functioning, including, but not limited to, methods for selecting temporary members and methods of communicating recommendations and advice to the commissioner for consideration. The council shall consist of no more than 15 members. Thirteen members shall be appointed by the commissioner, one of whom the commissioner shall designate as chair. The members shall be selected as follows: four members shall represent currently licensed or registered human services occupations; two members shall represent human services occupations which are not currently registered; two members

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shall represent licensed health care facilities, which can include a health maintenance organization as defined in section 62D.02; one member shall represent the higher education coordinating board; ~~one member shall represent the state planning agency~~; one member shall represent a third party payor to health care costs; and ~~two~~ three members shall be public members as defined by section 214.02.

In cases in which the council has been charged by the commissioner to evaluate an application submitted under the provisions of section 214.13, the commissioner may appoint to the council as temporary voting members, for the purpose of evaluating that application alone, one or two representatives from among the appropriate licensed or registered human services occupations or from among the state agencies that have been identified under section 214.13, subdivision 2. In determining whether a temporary voting member or members should be appointed and which human services occupations or state agencies should be represented by temporary voting members, the commissioner shall attempt to systematically involve those who would be most directly affected by a decision to credential a particular applicant group and who are not already represented on the council. The terms of temporary voting members shall not exceed 12 months. The terms of the other council members, the compensation and removal of all members, and the expiration of the council shall be as provided in section 15.059.

Sec. 46. Minnesota Statutes 1990, section 256H.25, subdivision 1, is amended to read:

Subdivision 1. **MEMBERSHIP.** By January 1, 1990, the commissioner of ~~the state planning agency~~ health shall convene and chair an interagency advisory committee on child care. In addition to the commissioner, members of the committee are the commissioners of each of the following agencies and departments: ~~health~~, human services, jobs and training, public safety, education, and the higher education coordinating board. The purpose of the committee is to improve the quality and quantity of child care and the coordination of child care related activities among state agencies.

Sec. 47. Minnesota Statutes 1990, section 268.361, subdivision 3, is amended to read:

Subd. 3. **COMMISSIONER.** "Commissioner" means the commissioner of ~~the state planning agency~~ jobs and training.

Sec. 48. Minnesota Statutes 1990, section 275.14, is amended to read:

275.14 CENSUS.

For the purposes of sections 275.124 to 275.16, the population of a city shall be that established by the last federal census, by a special census taken by the United States Bureau of the Census, by an estimate made by the metropolitan council, or by the state demographer made according to section ~~116K.04~~, ~~subdivision 4~~ 3, whichever has the latest stated date of count or estimate, before

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July 2 of the current levy year. The population of a school district must be as certified by the department of education from the most recent federal census.

In any year in which no federal census is taken pursuant to law in any school district affected by sections 275.124 to 275.16 a population estimate may be made and submitted to the state demographer for approval as hereinafter provided. The school board of a school district, in case it desires a population estimate, shall pass a resolution by July 1 containing a current estimate of the population of the school district and shall submit the resolution to the state demographer. The resolution shall describe the criteria on which the estimate is based and shall be in a form and accompanied by the data prescribed by the state demographer. The state demographer shall determine whether or not the criteria and process described in the resolution provide a reasonable basis for the population estimate and shall inform the school district of that determination within 30 days of receipt of the resolution. If the state demographer determines that the criteria and process described in the resolution do not provide a reasonable basis for the population estimate, the resolution shall be of no effect. If the state demographer determines that the criteria and process do provide a reasonable basis for the population estimate, the estimate shall be treated as the population of the school district for the purposes of sections 275.124 to 275.16 until the population of the school district has been established by the next federal census or until a more current population estimate is prepared and approved as provided herein, whichever occurs first. The state demographer shall establish guidelines for acceptable population estimation criteria and processes. The state demographer shall issue advisory opinions upon request in writing to cities or school districts as to proposed criteria and processes prior to their implementation in an estimation. The advisory opinion shall be final and binding upon the demographer unless the demographer can show cause why it should not be final and binding.

In the event that a census tract employed in taking a federal or local census overlaps two or more school districts, the county auditor shall, on the basis of the best information available, allocate the population of said census tract to the school districts involved.

The term "council," as used in sections 275.124 to 275.16, means any board or body, whether composed of one or more branches, authorized to make ordinances for the government of a city within this state.

Sec. 49. Minnesota Statutes 1990, section 275.51, subdivision 6, is amended to read:

Subd. 6. **POPULATION AND HOUSEHOLD ESTIMATES.** For the purpose of determining the amount of tax that a governmental subdivision may levy in accordance with limitation established by this chapter, the population or the number of households of the governmental subdivision shall be that established by the last federal census, by a census taken pursuant to section 275.14, or by an estimate made by the metropolitan council, or by the state demographer

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made pursuant to section ~~116K.04, subdivision 4 3~~, whichever is the most recent as to the stated date of count or estimate, for the calendar year preceding the current levy year. If the area included in a governmental subdivision has increased due to annexation in the 12 months prior to the most recent population estimate for the calendar year preceding the current levy year and the adjusted levy limit base is modified under section 275.54, subdivision 3, the percentage increases in population and households determined in subdivision 3h are to be based on the change in population and number of households in the area included in the governmental subdivision before the annexation.

Sec. 50. Minnesota Statutes 1990, section 275.54, subdivision 3, is amended to read:

Subd. 3. **ADJUSTMENTS AFTER ANNEXATION.** If the area included within the governmental subdivision is increased due to annexation in the 12 months prior to the most recent population estimate for the calendar year preceding the current levy year and the state demographer prepares a population estimate for the annexed area under section ~~116K.04, subdivision 4, paragraph (1) 3~~, the governmental subdivision's adjusted levy limit base under section 275.51, subdivision 3h, must be adjusted in the following manner:

(a) A percentage will be calculated equal to the percentage increase in population in the governmental subdivision due to annexation determined by dividing the population of the annexed area by the population of the governmental subdivision excluding the annexed area, using population estimates for the calendar year preceding the current levy year.

(b) The governmental subdivision's adjusted levy limit base under section 275.51, subdivision 3h, after giving effect to paragraphs (a) and (b) of subdivision 3h, but before any other paragraphs in section 275.51, subdivision 3h, shall be increased by the percentage calculated in paragraph (a) of this subdivision.

For purposes of section 275.51, subdivision 3f, the term "adjusted levy limit base" includes the adjustment made under this subdivision for the preceding year.

Sec. 51. Minnesota Statutes 1990, section 299A.30, subdivision 2, is amended to read:

Subd. 2. **DUTIES.** (a) The assistant commissioner shall gather and make available information on demand reduction and supply reduction throughout the state, foster cooperation among drug program agencies, and assist agencies and public officials in training and other programs designed to improve the effectiveness of demand reduction and supply reduction.

(b) The assistant commissioner shall coordinate the distribution of funds received by the state of Minnesota through the federal Anti-Drug Abuse Act. ~~The assistant commissioner may obtain technical assistance from the state planning agency to perform this function.~~ The assistant commissioner shall recom-

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mend to the commissioner recipients of grants under sections 299A.33 and 299A.34, after consultation with the drug abuse prevention resource council.

(c) The assistant commissioner shall:

(1) after consultation with all drug program agencies operating in the state, develop a state drug strategy encompassing the efforts of those agencies and taking into account all money available for demand reduction and supply reduction, from any source;

(2) submit the strategy to the governor and the legislature by January 15 of each year, along with a summary of demand reduction and supply reduction during the preceding calendar year;

(3) assist appropriate professional and occupational organizations, including organizations of law enforcement officers, prosecutors, and educators, in developing and operating informational and training programs to improve the effectiveness of demand reduction and supply reduction; and

(4) provide information and assistance to drug program agencies, both directly and by functioning as a clearinghouse for information from other drug program agencies.

Sec. 52. Minnesota Statutes 1990, section 299A.31, subdivision 1, is amended to read:

Subdivision 1. **ESTABLISHMENT; MEMBERSHIP.** A drug abuse prevention resource council consisting of ~~16~~ 17 members is established. The commissioners of public safety, education, health, and human services, ~~and the state planning agency~~; and the attorney general shall each appoint one member from among their employees. The speaker of the house of representatives and the subcommittee on committees of the senate shall each appoint a legislative member. The governor shall appoint an additional ten members who shall demonstrate knowledge in the area of drug abuse prevention, shall represent the demographic and geographic composition of the state and, to the extent possible, shall represent the following groups: parents, educators, clergy, local government, racial and ethnic minority communities, professional providers of drug abuse prevention services, volunteers in private, nonprofit drug prevention programs, and the business community. The members shall designate one of the governor's appointees as chair of the council. Compensation and removal of members are governed by section 15.059.

Sec. 53. Minnesota Statutes 1990, section 299A.40, subdivision 4, is amended to read:

Subd. 4. **ASSISTANT COMMISSIONER; ADMINISTRATION OF GRANTS.** The assistant commissioner shall develop a process for administering grants under subdivision 3. The process must be compatible with the community grant program ~~administered by the state planning agency~~ under the Drug

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Free Schools and Communities Act, Public Law Number 100-690. The process for administering the grants must include establishing criteria the assistant commissioner shall apply in awarding grants. The assistant commissioner shall issue requests for proposals for grants under subdivision 3. The request must be designed to obtain detailed information about the applicant and other information the assistant commissioner considers necessary to evaluate and select a grant recipient. The applicant shall submit a proposal for a grant on a form and in a manner prescribed by the assistant commissioner. The assistant commissioner shall award grants under this section so that 50 percent of the funds appropriated for the grants go to the metropolitan area comprised of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties, and 50 percent of the funds go to the area outside the metropolitan area. The process for administering the grants must also include procedures for monitoring the recipients' use of grant funds and reporting requirements for grant recipients.

Sec. 54. Minnesota Statutes 1990, section 368.01, subdivision 1a, is amended to read:

Subd. 1a. **CERTAIN OTHER TOWNS.** A town with a population of 1,000 or more that does not qualify under subdivision 1, shall have the enumerated powers upon an affirmative vote of its electors at the annual town meeting. The population must be established by the most recent federal decennial census, special census as provided in section 368.015, or population estimate by the state demographer made according to section ~~116K.04, subdivision 4~~ 3, whichever has the latest stated date of count or estimate.

Sec. 55. Minnesota Statutes 1990, section 373.40, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** For purposes of this section, the following terms have the meanings given.

(a) "Bonds" means an obligation as defined under section 475.51.

(b) "Capital improvement" means acquisition or betterment of public lands, buildings, or other improvements within the county for the purpose of a county courthouse, administrative building, health or social service facility, correctional facility, jail, law enforcement center, hospital, morgue, library, park, and roads and bridges. An improvement must have an expected useful life of five years or more to qualify. "Capital improvement" does not include light rail transit or any activity related to it or a recreation or sports facility building (such as, but not limited to, a gymnasium, ice arena, racquet sports facility, swimming pool, exercise room or health spa), unless the building is part of an outdoor park facility and is incidental to the primary purpose of outdoor recreation.

(c) "Commissioner" means the commissioner of trade and economic development.

(d) "Metropolitan county" means a county located in the seven-county met-

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ropolitan area as defined in section 473.121 or a county with a population of 90,000 or more.

(e) "Population" means the population established by the most recent of the following (determined as of the date the resolution authorizing the bonds was adopted):

- (1) the federal decennial census,
- (2) a special census conducted under contract by the United States Bureau of the Census, or
- (3) a population estimate made either by the metropolitan council or by the state demographer under section ~~116K.04, subdivision 4, clause (10)~~ 3.

(f) "Tax capacity" means total taxable market value, but does not include captured market value.

Sec. 56. Minnesota Statutes 1990, section 402.045, is amended to read:

402.045 FUNCTION OF COMMISSIONER OF STATE PLANNING AGENCY HUMAN SERVICES.

The commissioner of ~~state planning agency~~ shall have human services has authority for human services development. The commissioner may appoint professional and clerical staff as the commissioner deems necessary. The commissioner of ~~state planning agency~~ shall:

- (1) Support the development of human services boards and provide technical assistance to the boards;
- (2) Disburse and monitor grants as may be available to assist human services board development;
- (3) Receive and coordinate the review of annual human services board plans;
- (4) Cooperate with other state agencies in assisting local human services integration projects; and
- (5) Maintain a file on reports, policies and documents pertaining to human services boards.

Sec. 57. Minnesota Statutes 1990, section 462.384, subdivision 7, is amended to read:

Subd. 7. "Commissioner" means the commissioner of ~~state planning agency exercising the authority conferred by sections 116K.01 to 116K.13~~ trade and economic development.

Sec. 58. Minnesota Statutes 1990, section 462.396, subdivision 2, is amended to read:

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Subd. 2. On or before August 20 each year, the commission shall submit its proposed budget for the ensuing calendar year showing anticipated receipts, disbursements and ad valorem tax levy with a written notice of the time and place of the public hearing on the proposed budget to each county auditor and municipal clerk within the region and those town clerks who in advance have requested a copy of the budget and notice of public hearing. On or before October 1 each year, the commission shall adopt, after a public hearing held not later than September 20, a budget covering its anticipated receipts and disbursements for the ensuing year and shall decide upon the total amount necessary to be raised from ad valorem tax levies to meet its budget. After adoption of the budget and no later than October 1, the secretary of the commission shall certify to the auditor of each county within the region the county share of the tax, which shall be an amount bearing the same proportion to the total levy agreed on by the commission as the net tax capacity of the county bears to the net tax capacity of the region. For taxes levied in 1990 and thereafter, the maximum amounts of levies made for the purposes of sections 462.381 to 462.398 are the following amounts, less the sum of regional planning grants from the state planning agency commissioner to that region: for Region 1, \$180,337; for Region 2, \$150,000; for Region 3, \$353,110; for Region 5, \$195,865; for Region 6E, \$197,177; for Region 6W, \$150,000; for Region 7E, \$158,653; for Region 8, \$206,107; for Region 9, \$343,572. The auditor of each county in the region shall add the amount of any levy made by the commission within the limits imposed by this subdivision to other tax levies of the county for collection by the county treasurer with other taxes. When collected the county treasurer shall make settlement of the taxes with the commission in the same manner as other taxes are distributed to political subdivisions.

Sec. 59. Minnesota Statutes 1990, section 466A.05, subdivision 1, is amended to read:

Subdivision 1. **PAYMENT OF STATE MONEY.** Upon receiving from a city the certification that a community resources program has been adopted or modified, the commissioner of state planning trade and economic development shall, within 30 days after receiving the certification, pay to the city the amount of state money identified as necessary to implement the community resources program. State money may be paid to the city only to the extent that the appropriation limit for the city specified in subdivision 2 is not exceeded.

Sec. 60. Minnesota Statutes 1990, section 469.203, subdivision 4, is amended to read:

Subd. 4. **CITY APPROVAL OF PROGRAM.** (a) Before adoption of a revitalization program under paragraph (b), the city must submit a preliminary program to the commissioner, the state planning agency commissioner of trade and economic development, and the Minnesota housing finance agency for their comments. The city may not adopt the revitalization program until comments have been received from the state agencies or 30 days have elapsed without response after the program was sent to them. Comments received by the city

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from the state agencies within the 30-day period must be responded to in writing by the city before adoption of the program by the city.

(b) The city may adopt a revitalization program only after holding a public hearing after the program has been prepared. Notice of the hearing must be provided in a newspaper of general circulation in the city and in the most widely circulated community newspaper in the targeted neighborhoods not less than ten days nor more than 30 days before the date of the hearing.

(c) A certification by the city that a revitalization program has been approved by the city council for the targeted neighborhood must be provided to the commissioner together with a copy of the program. A copy of the program must also be provided to the Minnesota housing finance agency and the ~~state planning agency~~ commissioner of trade and economic development.

(d) A revitalization program for the city may be modified at any time by the city council after a public hearing, notice of which is published in a newspaper of general circulation in the city and in the targeted neighborhood at least ten days nor more than 30 days before the date of the hearing. If the city council determines that the proposed modification is a significant modification to the program originally certified under paragraph (c), the city council shall implement the revitalization program approval and certification process of this subdivision for the proposed modification.

Sec. 61. Minnesota Statutes 1990, section 469.207, subdivision 1, is amended to read:

Subdivision 1. **ANNUAL FINANCIAL AUDIT.** In 1989 and subsequent years, at the end of each calendar year, the legislative auditor shall conduct a financial audit to review the spending of state money under sections 469.201 to 469.207. Before spending state money to implement a revitalization program, the city must consult with the legislative auditor to determine appropriate accounting methods and principles that will assist the legislative auditor in conducting its financial audit. The results of the financial audit must be submitted to the legislative audit commission, the commissioner, ~~the state planning agency,~~ and the Minnesota housing finance agency.

Sec. 62. Minnesota Statutes 1990, section 469.207, subdivision 2, is amended to read:

Subd. 2. **ANNUAL REPORT.** A city that begins to implement a revitalization program in a calendar year must, by March 1 of the succeeding calendar year, provide a detailed report on the revitalization program or programs being implemented in the city. The report must describe the status of the program implementation and analyze whether the intended outcomes identified in section 469.203, subdivision 1, clause (4), are being achieved. The report must include at least the following:

- (1) the number of housing units, including lost units, removed, created, lost,

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replaced, relocated, and assisted as a result of the program. The level of rent of the units and the income of the households affected must be included in the report;

(2) the number and type of commercial establishments removed, created, and assisted as a result of a revitalization program. The report must include information regarding the number of new jobs created by category, whether the jobs are full-time or part-time, and the salary or wage levels of both new and expanded jobs in the affected commercial establishments;

(3) a description of a statement of the cost of the public improvement projects that are part of the program and the number of jobs created for each \$20,000 of money spent on commercial projects and applicable public improvement projects;

(4) the increase in the tax capacity for the city as a result of the assistance to commercial and housing assistance; and

(5) the amount of private investment that is a result of the use of public money in a targeted neighborhood.

The report must be submitted to the commissioner, the Minnesota housing finance agency, ~~the state planning agency~~, and the legislative audit commission, and must be available to the public.

Sec. 63. Minnesota Statutes 1990, section 473.156, subdivision 1, is amended to read:

Subdivision 1. **PLAN COMPONENTS.** The metropolitan council shall develop a short-term and long-term plan for existing and expected water use and supply in the metropolitan area. The plan shall be submitted to and reviewed by ~~the state planning agency~~ and the commissioner of natural resources for consistency with the statewide drought plan under section 103G.293. At a minimum, the plans must:

(1) update the data and information on water supply and use within the metropolitan area;

(2) identify alternative courses of action, including water conservation initiatives and economic alternatives, in case of drought conditions;

(3) recommend approaches to resolving problems that may develop because of water use and supply with consideration given to problems that occur outside of the metropolitan area, but which have an effect within the area; and

(4) be consistent with the statewide drought plan under section 103G.293.

Sec. 64. Minnesota Statutes 1990, section 477A.011, subdivision 3, is amended to read:

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Subd. 3. **POPULATION.** Population means the population established by the most recent federal census, by a special census conducted under contract with the United States Bureau of the Census, by a population estimate made by the metropolitan council, or by a population estimate of the state demographer made pursuant to section ~~116K.04, subdivision 4, clause (10)~~ 3, whichever is the most recent as to the stated date of the count or estimate for the preceding calendar year. The term "per capita" refers to population as defined by this subdivision.

Sec. 65. Minnesota Statutes 1990, section 477A.011, subdivision 3a, is amended to read:

Subd. 3a. **NUMBER OF HOUSEHOLDS.** Number of households means the number of households established by the most recent federal census, by a special census conducted under contract with the United States bureau of the census, by an estimate made by the metropolitan council, or by an estimate of the state demographer made pursuant to section ~~116K.04, subdivision 4~~ 3, whichever is the most recent as to the stated date of the count or estimate for the preceding calendar year.

Sec. 66. Minnesota Statutes 1990, section 477A.014, subdivision 4, is amended to read:

Subd. 4. ~~The commissioner of state~~ director of the office of strategic and long-range planning shall annually bill the commissioner of revenue for one-half of the costs incurred by the state ~~planning agency demographer~~ in the preparation of materials required by section ~~116K.04, subdivision 4, clause (10)~~ 3. The commissioner of revenue shall deduct these amounts from the next payments to be made to appropriate local units of government. Amounts deducted must be credited to the general fund.

Sec. 67. Minnesota Statutes 1990, section 504.34, subdivision 5, is amended to read:

Subd. 5. **NOTICE; REQUEST FOR COMMENTS.** A government unit subject to this section must provide for public input in preparing the annual housing impact report, including a public comment period and a public hearing. The government unit must publish notice of its draft annual housing impact report in a newspaper of general circulation in the city by the deadline for completion of the draft annual housing impact report. The notice must include a request for comments on the draft annual housing impact report within the 30 days following the notice, and the date, time, and location of the public hearing on the draft annual housing impact report, to be held within 15 to 30 days following the date of notice. Copies of the notice must be sent to the neighborhood and citizen participation organizations, district planning councils, housing referral and information services, shelters, homeless and tenants advocacy groups, and legal aid offices in the city where the displaced low-income housing was located. Copies of the notice and the draft annual housing impact report must be submitted to ~~the state planning agency and~~ the Minnesota housing finance agency.

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Sec. 68. Minnesota Statutes 1990, section 504.34, subdivision 6, is amended to read:

Subd. 6. **FINAL ANNUAL HOUSING IMPACT REPORT.** In preparing and approving a final annual housing impact report, a government unit subject to this section must consider comments received during the comment period and at the public hearing on the draft report. The final report shall be prepared within 30 days following the deadline for receipt of comments on the draft annual housing impact report. The government unit shall publish notice of the final annual housing impact report in a newspaper of general circulation in the city. Copies of the notice must be sent to neighborhood and citizen participation organizations, district planning councils, housing referral and information services, shelters, homeless and tenants advocacy groups, and legal aid offices in the city where the displaced low-income housing was located. Copies of the notice and the draft annual housing impact report must be submitted to ~~the state planning agency and~~ the Minnesota housing finance agency.

Sec. 69. **REPEALER.**

Minnesota Statutes 1990, sections 40A.02, subdivision 2; 40A.08; 116K.01; 116K.02; 116K.03; 116K.04; 116K.05; 116K.06; 116K.07; 116K.08; 116K.09; 116K.10; 116K.11; 116K.12; 116K.13; 116K.14; 144.861; and 144.874, subdivision 7, are repealed.

ARTICLE 3

PUBLIC DEFENSE

Section 1. Minnesota Statutes 1990, section 590.05, is amended to read:

590.05 INDIGENT PETITIONERS.

A person financially unable to obtain counsel who desires to pursue the remedy provided in section 590.01 ~~is entitled to be represented~~ may apply for representation by the state public defender. The state public defender shall be ~~appointed to~~ represent such person ~~pursuant to~~ under the applicable provisions of ~~Minnesota Statutes 1965, sections 611.14 to 611.29, if the person has not already had a direct appeal of the conviction. The state public defender may represent, without charge, all other persons pursuing a postconviction remedy under section 590.01, who are financially unable to obtain counsel.~~

Sec. 2. Minnesota Statutes 1990, section 611.14, is amended to read:

611.14 RIGHT TO REPRESENTATION BY PUBLIC DEFENDER.

The following persons who are financially unable to obtain counsel; ~~shall be~~ are entitled to be represented by a public defender:

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(a) (1) a person charged with a felony or gross misdemeanor, including a person charged ~~pursuant to~~ under sections 629.01 to 629.29;

(b) (2) a person appealing from a conviction of a felony or gross misdemeanor, or a person convicted of a felony or gross misdemeanor who is pursuing a postconviction proceeding, ~~after the time for appeal from the judgment has expired and who has not already had a direct appeal of the conviction;~~

(c) (3) a person who is entitled to be represented by counsel ~~pursuant to the provisions of~~ under section 609.14, subdivision 2;

(d) (4) a minor who is entitled to be represented by counsel ~~pursuant to the provisions of~~ under section 260.155, subdivision 2, if the judge of the juvenile court concerned has requested and received the approval of a majority of the district court judges of the judicial district to utilize the services of the public defender in such cases, and approval of the compensation on a monthly, hourly, or per diem basis to be paid for such services ~~pursuant to~~ under section 260.251, subdivision 2, clause (e); or

(e) (5) a person, entitled by law to be represented by counsel, charged with an offense within the trial jurisdiction of a ~~municipal, county, or probate~~ district court, if the trial judge or a majority of the trial judges of the court concerned have requested and received approval of a majority of the district court judges of the judicial district to utilize the services of the public defender in such cases and approval of the compensation on a monthly, hourly, or per diem basis to be paid for such services by the county ~~or municipality~~ within the court's jurisdiction.

Sec. 3. Minnesota Statutes 1990, section 611.17, is amended to read:

611.17 FINANCIAL INQUIRY; STATEMENTS.

(a) Each judicial district must screen requests under paragraph (b).

(b) Upon a request for the appointment of counsel, the court shall make appropriate inquiry into the financial circumstances of the applicant, who shall submit a financial statement under oath or affirmation setting forth the applicant's assets and liabilities, source or sources of income, and any other information required by the court. The state public defender shall furnish appropriate forms for the financial statements. The information contained in the statement shall be confidential and for the exclusive use of the court except for any prosecution under section 609.48. A refusal to execute the financial statement or produce financial records constitutes a waiver of the right to the appointment of a public defender.

Sec. 4. Minnesota Statutes 1990, section 611.18, is amended to read:

611.18 APPOINTMENT OF PUBLIC DEFENDER.

If it appears to a court that a person requesting the appointment of counsel

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satisfies the requirements of this chapter, the court shall order the appropriate public defender to represent the person at all further stages of the proceeding through appeal, if any. For ~~those persons~~ a person appealing from a conviction, or a person pursuing a post conviction proceeding, ~~after the time for appeal has expired and who has not already had a direct appeal of the conviction~~, the state public defender shall be appointed. For ~~all other persons~~ a person covered by section 611.14, clause (1), a district public defender shall be appointed to represent ~~them~~ that person. If (a) conflicting interests exist, (b) the district public defender for any other reason is unable to act, or (c) the interests of justice require, the state public defender may be ordered to represent a person. When the state public defender is directed by a court to represent a defendant or other person, the state public defender may assign the representation to any district public defender. If at any stage of the proceedings, including an appeal, the court finds that the defendant is financially unable to pay counsel whom the defendant had retained, the court may appoint the appropriate public defender to represent the defendant, as provided in this section. Prior to any court appearance, a public defender may represent a person accused of violating the law, who appears to be financially unable to obtain counsel, and shall continue to represent the person unless it is subsequently determined that the person is financially able to obtain counsel. The representation may be made available at the discretion of the public defender, upon the request of the person or someone on the person's behalf. Any law enforcement officer may notify the public defender of the arrest of any such person.

Sec. 5. Minnesota Statutes 1990, section 611.20, is amended to read:

611.20 SUBSEQUENT ABILITY TO PAY COUNSEL.

If at any time after the state public defender or a district public defender has been directed to act, the court having jurisdiction in the matter is satisfied that the defendant or other person is financially able to obtain counsel or to make partial payment for the representation, the court may terminate the appointment of the public defender, unless the person so represented is willing to pay therefor. If a public defender continues the representation, the court shall direct payment for such representation as the interests of justice may dictate. Any payments directed by the court shall be recorded by the court administrator, who shall transfer the payments to the governmental unit responsible for the costs of the public defender. The judicial district may investigate the financial status of a defendant or other person for whom a public defender has been appointed and may act to collect payments directed by the court.

If at any time after appointment a public defender should have reason to believe that a defendant is financially able to obtain counsel or to make partial payment for counsel, it shall be the public defender's duty to so advise the court so that appropriate action may be taken.

Sec. 6. Minnesota Statutes 1990, section 611.215, subdivision 1, is amended to read:

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

Subdivision 1. **STRUCTURE; MEMBERSHIP.** (a) The state board of public defense is a part of, but is not subject to the administrative control of, the judicial branch of government. The state board of public defense shall consist of seven members including:

(1) ~~a district court judge appointed by the supreme court;~~

(2) four attorneys admitted to the practice of law, well acquainted with the defense of persons accused of crime, but not employed as prosecutors, appointed by the supreme court; and

(3) ~~two~~ (2) three public members appointed by the governor.

After the expiration of the terms of persons appointed to the board before March 1, 1991, the appointing authorities may not appoint a person who is a judge to be a member of the state board of public defense, other than as a member of the ad hoc board of public defense.

(b) All members shall demonstrate an interest in maintaining a high quality, independent defense system for those who are unable to obtain adequate representation. Appointments to the board shall include qualified women and members of minority groups. At least three members of the board shall be from judicial districts other than the first, second, fourth, and tenth judicial districts. The terms, compensation, and removal of members shall be as provided in section 15.0575. The chair shall be elected by the members from among the membership for a term of two years.

(c) In addition, the state board of public defense shall consist of ~~an 11-member~~ a nine-member ad hoc board when considering the appointment of district public defenders under section 611.26, subdivision 2. The terms of chief district public defenders currently serving shall terminate in accordance with the staggered term schedule set forth in section 611.26, subdivision 2.

Sec. 7. Minnesota Statutes 1990, section 611.215, subdivision 1a, is amended to read:

Subd. 1a. **CHIEF ADMINISTRATOR.** ~~The chair of the state board of public defense may, subject to the approval of the board, state public defender~~ shall appoint a chief administrator who must be chosen solely on the basis of training, experience, and other qualifications, and who will serve at the pleasure of the ~~board~~ state public defender. The chief administrator need not be licensed to practice law. The chief administrator shall attend all meetings of the board, but may not vote, and shall:

(1) enforce all resolutions, rules, regulations, or orders of the board;

(2) ~~appoint and remove all subordinate officers and regular employees of the board upon the basis of merit and fitness, subject to the provisions of a personnel code adopted by the board;~~

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~~(2)~~ (3) present to the board and the state public defender plans, studies, and reports prepared for ~~board the board's and the state public defender's~~ purposes and recommend to the board and the state public defender for adoption measures necessary to enforce or carry out the powers and duties of the board and the state public defender, or to efficiently administer the affairs of the board and the state public defender;

~~(4)~~ (3) keep the board fully advised as to its financial condition, and prepare and submit to the board its annual budget and other financial information as it may request;

~~(5)~~ (4) recommend to the board the adoption of rules and regulations necessary for the efficient operation of the board and its functions; and

~~(6)~~ (5) perform other duties prescribed by the board and the state public defender.

Sec. 8. Minnesota Statutes 1990, section 611.215, subdivision 2, is amended to read:

Subd. 2. **DUTIES AND RESPONSIBILITIES.** (a) ~~The state board of public defense shall appoint the state public defender, who serves full time for a term of four years. The board shall prepare an annual report to the governor, the legislature, and the supreme court on the operation of the state public defender's office, district defender systems, and public defense corporations. The board shall approve and recommend to the legislature a budget for the board, the office of state public defender, the judicial district public defenders, and the public defense corporations.~~

(b) The board shall establish procedures for distribution of state funding under this chapter to the state and district public defenders; ~~including Hennepin and Ramsey county public defenders~~; and to the public defense corporations.

~~(b)~~ (c) The state public defender with the approval of the board shall establish standards for the offices of the state and district public defenders and for the conduct of all appointed counsel systems. The standards must include, but are not limited to:

(1) standards needed to maintain and operate an office of public defender including requirements regarding the qualifications, training, and size of the legal and supporting staff for a public defender or appointed counsel system;

(2) standards for public defender caseloads;

(3) standards and procedures for the eligibility for appointment, assessment, and collection of the costs for legal representation provided by public defenders or appointed counsel;

(4) standards for contracts between a board of county commissioners and a county public defender system for the legal representation of indigent persons;

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(5) standards prescribing minimum qualifications of counsel appointed under the board's authority or by the courts; and

(6) standards ensuring the economical independent, competent, and efficient delivery of legal services, including alternatives to the present geographic boundaries of the public defender districts representation of clients whose cases present conflicts of interest, in both the trial and appellate courts.

(d) The board may require the reporting of statistical data, budget information, and other cost factors by the state and district public defenders and appointed counsel systems.

~~The state board of public defense shall design and conduct programs for the training of all state and district public defenders, appointed counsel, and attorneys for public defense corporations funded in section 611.26.~~

Sec. 9. Minnesota Statutes 1990, section 611.23, is amended to read:

611.23 OFFICE OF STATE PUBLIC DEFENDER; APPOINTMENT; SALARY.

The ~~office~~ of state public defender is under the supervision of responsible to the state board of public defense. The state public defender shall be appointed by the state board of public defense for a term of four years, except as otherwise provided in this section, and until a successor is appointed and qualified. The state public defender shall be a full-time qualified attorney, licensed to practice law in this state, serve in the unclassified service of the state, and be removed only for cause by the appointing authority. Vacancies in the office shall be filled by the appointing authority for the unexpired term. The salary of the state public defender shall be fixed by the state board of public defense but must not exceed the salary of the chief deputy attorney general. Terms of the state public defender shall commence on ~~January~~ July 1. The state public defender shall devote full time to the performance of duties and shall not engage in the general practice of law.

Sec. 10. Minnesota Statutes 1990, section 611.24, is amended to read:

611.24 ORGANIZATION OF OFFICE; ASSISTANTS.

The state public defender shall supervise the operation, activities, policies and procedures of the state public defender system. The state public defender, ~~subject to the limitations imposed by, and the supervision of, the state board of public defense, may shall~~ employ or retain assistant state public defenders, a chief administrator, a deputy state public defender in charge of appellate services, and other personnel as may be necessary to discharge the ~~function~~ functions of the office. An assistant state public defender shall be a qualified attorney, licensed to practice law in this state, serve in the unclassified service of the state if employed, and serve at the pleasure of the appointing authority at a salary or retainer fee not to exceed reasonable compensation for comparable ser-

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vices performed for other governmental agencies or departments. Retained or part-time employed assistant state public defenders may engage in the general practice of law.

Sec. 11. Minnesota Statutes 1990, section 611.25, subdivision 1, is amended to read:

Subdivision 1. **REPRESENTATION.** The state public defender shall represent, without charge, a defendant or other person appealing from a conviction ~~or pursuing a postconviction proceeding after the time for appeal has expired when the state public defender is directed to do so by a judge of the district court, of the court of appeals or of the supreme court of a felony or gross misdemeanor.~~ The state public defender shall represent, without charge, a person convicted of a felony or gross misdemeanor who is pursuing a postconviction proceeding and who has not already had a direct appeal of the conviction. The state public defender may represent, without charge, all other persons pursuing a postconviction remedy under section 590.01, who are financially unable to obtain counsel. The state public defender shall represent any other person, who is financially unable to obtain counsel, when directed to do so by the supreme court or the court of appeals, except that the state public defender shall not represent a person in any action or proceeding in which a party is seeking a monetary judgment, recovery or award. When requested by a district public defender or appointed counsel, the state public defender may assist the district public defender, appointed counsel, or an organization designated in section 611.216 in the performance of duties, including trial representation in matters involving legal conflicts of interest or other special circumstances, and assistance with legal research and brief preparation. When the state public defender is directed by a court to represent a defendant or other person, the state public defender may, ~~with the court's approval,~~ assign the representation to any district public defender.

Sec. 12. Minnesota Statutes 1990, section 611.25, is amended by adding a subdivision to read:

Subd. 3. DUTIES. The state public defender shall prepare an annual report to the board and a report to the governor, the legislature, and the supreme court on the operation of the state public defender's office, district defender systems, and public defense corporations. The state public defender may require the reporting of statistical data, budget information, and other cost factors by the chief district public defenders and appointed counsel systems. The state public defender shall design and conduct programs for the training of all state and district public defenders, appointed counsel, and attorneys for public defense corporations funded under section 611.26. The state public defender shall establish policies and procedures to administer the district public defender system, consistent with standards adopted by the state board of public defense.

Sec. 13. Minnesota Statutes 1990, section 611.26, subdivision 2, is amended to read:

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Subd. 2. **APPOINTMENT; TERMS.** The state board of public defense shall appoint a chief district public defender for each judicial district. When appointing a chief district public defender, the state board of public defense membership shall be increased to include two judges residents of the district ~~and two county commissioners of the counties within~~ appointed by the chief judge of the district to reflect the characteristics of the population served by the public defender in that district. The additional members shall serve only in the capacity of selecting the district public defender. ~~The judges within the district shall elect their two ad hoc members. The two county commissioners within the district shall be selected by the county boards of the counties within the district.~~ The ad hoc state board of public defense shall appoint a chief district public defender only after requesting and giving reasonable time to receive any recommendations from the public, the local bar association, the judges of the district, and the county commissioners within the district. Each chief district public defender shall be a qualified attorney, licensed to practice law in this state. The chief district public defender shall be appointed for a term of four years, beginning ~~November~~ January 1, pursuant to the following staggered term schedule: (1) ~~in 1987, the third and eighth districts;~~ (2) ~~in 1988, the first and tenth districts;~~ (3) ~~in 1989, the fifth and ninth districts;~~ (4) ~~in 1990, the sixth and seventh districts;~~ (5) ~~in 1991 1992, the second, fourth, and eighth districts; and~~ (6) (2) ~~in 1992 1993, the first, third, fourth, and tenth districts; (3) in 1994, the fifth and ninth districts; and (4) in 1995, the sixth and seventh districts.~~ The chief district public defenders shall serve for ~~staggered~~ four-year terms and may be removed for cause upon the order of the state board of public defense. Vacancies in the office shall be filled by the appointing authority for the unexpired term.

Sec. 14. Minnesota Statutes 1990, section 611.26, subdivision 3, is amended to read:

Subd. 3. **COMPENSATION.** (a) The compensation of the chief district public defender shall be set by the board of public defense. The compensation of each assistant district public defender shall be set by the chief district public defender with the approval of the board of public defense. The compensation for chief district public defenders may not exceed the prevailing compensation for county attorneys within the district, and the compensation for assistant district public defenders may not exceed the prevailing compensation for assistant county attorneys within the district. To assist the board of public defense in determining prevailing compensation under this subdivision, counties shall provide to the board information on the compensation of county attorneys, including salaries and benefits, rent, secretarial staff, and other pertinent budget data. For purposes of this subdivision, compensation means salaries, cash payments, and employee benefits including paid time off and group insurance benefits, and other direct and indirect items of compensation including the value of office space provided by the employer.

(b) This subdivision does not limit the rights of public defenders to collectively bargain with their employers.

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Sec. 15. Minnesota Statutes 1990, section 611.26, is amended by adding a subdivision to read:

Subd. 3a. (a) Notwithstanding subdivision 3 or any other law to the contrary, compensation and economic benefit increases for chief district public defenders and assistant district public defenders, who are full-time county employees, shall be paid out of the budget for that judicial district public defender's office.

(b) Those budgets for district public defender services under the jurisdiction of the state board of public defense shall be eligible for adjustments to their base budgets in the same manner as other state agencies. In making biennial budget base adjustments, the commissioner of finance shall consider the budgets for district public defender services, as allocated by the state board of public defense, in the same manner as other state agencies.

Sec. 16. Minnesota Statutes 1990, section 611.26, subdivision 4, is amended to read:

Subd. 4. ASSISTANT PUBLIC DEFENDERS. A chief district public defender shall appoint assistants who are qualified attorneys licensed to practice law in this state and other staff as the chief district public defender finds prudent and necessary subject to the standards adopted by the state ~~board of public defense~~ defender. Assistant district public defenders must be appointed to ensure broad geographic representation and caseload distribution within the district. Each assistant district public defender serves at the pleasure of the chief district public defender.

Sec. 17. Minnesota Statutes 1990, section 611.26, subdivision 6, is amended to read:

Subd. 6. PERSONS DEFENDED. The district public defender shall represent, without charge, a defendant charged with a felony or a gross misdemeanor when so directed by the district court. In the second, third, fourth, sixth, and eighth districts only, the district public defender shall also represent a defendant charged with a misdemeanor when so directed by the district court and shall represent a minor in the juvenile court when so directed by the juvenile court.

Sec. 18. Minnesota Statutes 1990, section 611.26, subdivision 7, is amended to read:

Subd. 7. OTHER EMPLOYMENT. Chief district public defenders and assistant district public defenders may engage in the general practice of law where not employed on a full time basis.

Sec. 19. Minnesota Statutes 1990, section 611.26, is amended by adding a subdivision to read:

Subd. 9. INSURANCE. Notwithstanding any other law to the contrary, district public defenders and assistant district public defenders, and their employ-

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ees and their dependents, may elect to enroll in the appropriate life insurance, hospital, medical and dental benefits, and optional coverages of their respective host county, as designated by the state board of public defense under section 611.27, subdivision 2, at the time, in the manner, and under conditions of eligibility as established by the host county for its employees. The host county must provide for payroll deductions to be made in the same manner and under the same conditions as provided for an eligible county employee and the employee's dependents. Nothing in this subdivision obligates the state or county to payments in the absence of an appropriation for those purposes.

Sec. 20. Minnesota Statutes 1990, section 611.26, is amended by adding a subdivision to read:

Subd. 10. SERVICES. The chief district public defender is responsible for the administration of public defender services in the district, consistent with standards adopted by the state board of public defense and the policies and procedures adopted by the state public defender.

Sec. 21. Minnesota Statutes 1990, section 611.27, subdivision 1, is amended to read:

Subdivision 1. (a) The total compensation and expenses, including office equipment and supplies, of the district public defender are to be paid by the county or counties comprising the judicial district.

(b) A district public defender shall annually submit a comprehensive budget to the state board of public defense. The budget shall be in compliance with standards and forms required by the board and must, at a minimum, include detailed substantiation as to all revenues and expenditures. The district public defender shall, at times and in the form required by the board, submit reports to the board concerning its operations, including the number of cases handled and funds expended for these services.

Within ten days after an assistant district public defender is appointed, the district public defender shall certify to the state board of public defense the compensation that has been recommended for the assistant.

(c) The state board of public defense shall transmit the proposed budget of each district public defender to the respective district court administrators and county budget officers for comment before the board's final approval of the budget. The board shall determine and certify to the respective county boards a final comprehensive budget for the office of the district public defender that includes all expenses. After the board determines the allocation of the state funds authorized pursuant to paragraph (e), the board shall apportion the expenses of the district public defenders among the several counties and each county shall pay its share in monthly installments. The county share is the proportion of the total expenses that the population in the county bears to the total population in the district as determined by the last federal census. If the district public defender or an assistant district public defender is temporarily transferred to a county not

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situated in that public defender's judicial district; said county shall pay the proportionate part of that public defender's expenses for the services performed in said county.

(d) Reimbursement for actual and necessary travel expenses in the conduct of the office of the district public defender shall be charged to either (1) the general expenses of the office, (2) the general expenses of the district for which the expenses were incurred if outside the district, or (3) the office of the state public defender if the services were rendered for that office.

(e) Money appropriated to the state board of public defense for the board's administration, for the state public defender, for the judicial district public defenders, and for the public defense corporations shall be expended as determined by the board. In distributing funds to district public defenders, the board shall consider the geographic distribution of public defenders, the equity of compensation among the judicial districts, public defender caseloads, and the results of the weighted case load study.

Sec. 22. Minnesota Statutes 1990, section 611.27, subdivision 4, is amended to read:

Subd. 4. **COUNTY PORTION OF COSTS.** That portion of subdivision 1 directing counties to pay the costs of public defense service shall not be in effect between July 1, ~~1990~~ 1991, and July 1, ~~1994~~ 1993. This subdivision only relates to costs associated with felony and gross misdemeanor public defense services ~~and in all judicial districts and to juvenile and misdemeanor public defense services in the second, third, fourth, sixth, and eighth judicial districts.~~

Sec. 23. Minnesota Statutes 1990, section 611.27, is amended by adding a subdivision to read:

Subd. 5. DISTRICT PUBLIC DEFENDER BUDGETS. The board of public defense may only fund those items and services in district public defender budgets which were included in the original budgets of district public defender offices as of January 1, 1990. All other public defense related costs remain the responsibility of the counties unless the state specifically appropriates for these. The cost of additional state funding of these items and services must be offset by reductions in local aids in the same manner as the original state takeover.

Sec. 24. Minnesota Statutes 1990, section 611.27, is amended by adding a subdivision to read:

Subd. 6. DISTRICT PUBLIC DEFENDERS; REPORTING CASES. The state board of public defense shall adopt and implement a uniform system for reporting of hours and cases by district public defenders. District public defenders shall provide whatever assistance the board requires in order to implement this reporting system.

Sec. 25. Minnesota Statutes 1990, section 611.27, is amended by adding a subdivision to read:

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Subd. 7. PUBLIC DEFENDER SERVICES; RESPONSIBILITY. Notwithstanding subdivision 4, the state's obligation for the costs of the public defender services is limited to the appropriations made to the board of public defense. Services and expenses beyond those appropriated for shall be the responsibility of the counties within a judicial district. Expenses shall be distributed among the counties in proportion to their populations.

Sec. 26. Laws 1989, chapter 335, article 1, section 7, is amended to read:

Sec. 7. BOARD OF PUBLIC DEFENSE 2,665,000 19,485,000

Approved Complement - 31

During the biennium, legal assistance to Minnesota prisoners shall serve the civil legal needs of persons confined to state institutions.

None of this appropriation shall be used to pay for lawsuits against public agencies or public officials to change social or public policy.

\$100,000 the first year is a one-time appropriation for the costs of the weighted case load study of the public defender system and public defense services.

\$16,910,000 the second year is for the costs of ~~felony and gross misdemeanor district~~ public defense services statewide and all public defense costs in the second and fourth judicial districts.

Takeover of the costs of public defense services shall be considered a part of the base level funding for the 1992-1993 biennium. Nothing in this act shall be construed to build into the base level for the 1992-1993 biennium any additional costs of the public defense system which have not been appropriated in this act.

Public defense obligations incurred by counties before July 1, 1990, remain the obligation of the counties and must be paid by the counties based on their population within the judicial district.

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Sec. 27. Laws 1989, chapter 335, article 3, section 44, as amended by Laws 1990, chapter 604, article 9, section 13, is amended to read:

Sec. 44. **APPLICATION.**

Sections 45 to 54, except the parts of section 54, that by their terms have broader application, apply only in the eighth judicial district for the period from January 1, 1990, to December 31, ~~1991~~ 1993.

Those parts of section 54, having broader application, apply statewide for the period from July 1, 1989, to December 31, ~~1991~~ 1993.

Sec. 28. **TRANSFER OF POSITIONS TO OFFICE OF THE STATE PUBLIC DEFENDER.**

The employees of the state board of public defense are transferred to the office of the state public defender.

Sec. 29. **TERM; STATE PUBLIC DEFENDER.**

The term of the state public defender serving on May 15, 1991, ends three years from July 1, 1991.

Sec. 30. **REPEALER.**

Minnesota Statutes 1990, sections 383B.63, subdivision 1; 611.215, subdivision 4; 611.26, subdivision 1; 611.261; 611.28; 611.29; and Laws 1989, chapter 335, article 3, section 38, are repealed.

Sec. 31. **EFFECTIVE DATE.**

Sections 1, 2, 4, 11, 17, 19, and 29 are effective on the day following final enactment.

ARTICLE 4

PENSIONS AND RETIREMENT

Section 1. Minnesota Statutes 1990, section 275.125, subdivision 6a, is amended to read:

Subd. 6a. **MINNEAPOLIS CIVIL SERVICE RETIREMENT LEVY.** (1) In addition to the excess levy authorized in subdivision 6, in 1976 any district within a city of the first class which was authorized in 1975 to make a retirement levy under Minnesota Statutes 1974, section 275.127 and chapter 422A may levy an amount per pupil unit which is equal to the amount levied in 1975 payable 1976, under Minnesota Statutes 1974, section 275.127 and chapter 422A, divided by the number of pupil units in the district in 1976-1977.

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(2) In 1979 and each year thereafter, any district which qualified in 1976 for an extra levy under clause (1) shall be allowed to levy the same amount as levied for retirement in 1978 under this clause reduced each year by ten percent of the difference between the amount levied for retirement in 1971 under Minnesota Statutes 1971, sections 275.127 and 422.01 to 422.54 and the amount levied for retirement in 1975 under Minnesota Statutes 1974, section 275.127 and chapter 422A.

(3) In 1991 and each year thereafter, a district to which this subdivision applies may levy an additional amount required for contributions to the Minneapolis employees retirement fund as a result of the maximum dollar amount limitation on state contributions to the fund imposed under section 422A.101, subdivision 3. The additional levy shall not exceed the most recent amount certified by the board of the Minneapolis employees retirement fund as the district's share of the contribution requirement in excess of the maximum state contribution under section 422A.101, subdivision 3.

Sec. 2. Minnesota Statutes 1990, section 275.50, subdivision 5a, is amended to read:

Subd. 5a. **SPECIAL LEVIES; LOCAL.** "Special levies" also includes those portions of ad valorem taxes levied by the following governmental subdivisions for the years and purposes given in the cited laws:

(1) Goodhue county for the county historical society as provided in Laws 1990, chapter 604, article 3, section 50;

(2) the city of Windom for a municipal hospital as provided in Laws 1990, chapter 604, article 3, section 51;

(3) Koochiching county for ambulance service as provided in Laws 1990, chapter 604, article 3, section 52;

(4) Douglas county for solid waste management as provided in Laws 1990, chapter 604, article 3, section 53;

(5) the city of Bemidji and Beltrami county to pay bonds for an airport terminal as provided in Laws 1990, chapter 604, article 3, section 57;

(6) Ramsey county to pay bonds for a facility for the arts and sciences as provided in Laws 1990, chapter 604, article 3, section 58;

(7) the city of Rosemount for an armory as provided in Laws 1990, chapter 604, article 3, section 59;

(8) the cities of Maple Grove, Brooklyn Park, Brooklyn Center, and Coon Rapids for peace officer salaries and benefits as provided in Laws 1990, chapter 604, article 3, section 60; ~~and~~

(9) a city described in and for debt service as provided in Laws 1990, chapter 604, article 3, section 61; and

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(10) the city of Minneapolis for certain retirement fund contributions as provided in section 14.

Sec. 3. Minnesota Statutes 1990, section 356.215, subdivision 4d, is amended to read:

Subd. 4d. **INTEREST AND SALARY ASSUMPTIONS.** For funds governed by chapters 3A, 352, 352B, 352C, 353, 353C, 354 other than the variable annuity fund governed by section 354.62, and 490, the actuarial valuation shall use a preretirement interest assumption of 8.5 percent, a postretirement interest assumption of five percent, and an assumption that in each future year the salary on which a retirement or other benefit is based is 1.065 multiplied by the salary for the preceding year. For funds governed by chapter 354A, the actuarial valuation shall use preretirement and postretirement assumptions of 8.5 percent and an assumption that in each future year the salary on which a retirement or other benefit is based is 1.065 multiplied by the salary for the preceding year, but the actuarial valuation shall reflect the payment of postretirement adjustments to retirees shall be based on the methods specified in the bylaws of the fund as approved by the legislature. For a fund governed by chapter 422A, the actuarial valuation shall use a preretirement interest assumption of six percent, a postretirement interest assumption of five percent, and an assumption that in each future year the salary on which a retirement or other benefit is based is 1.04 multiplied by the salary for the preceding year. For all other funds, the actuarial valuation shall use a preretirement interest assumption of five percent, a postretirement interest assumption of five percent, and an assumption that in each future year the salary on which a retirement or other benefit is based is 1.035 multiplied by the salary for the preceding year.

For funds governed by chapters 3A, 352C, and 490, the actuarial valuation shall use a preretirement interest assumption of 8.5 percent, a postretirement interest assumption of five percent, and an assumption that in each future year in which the salary amount payable is not determinable from section 3.099, 15A.081, subdivision 6, or 15A.083, subdivision 1, whichever is applicable, or from applicable compensation council recommendations under section 15A.082, the salary on which a retirement or other benefit is based is 1.065 multiplied by the known or computed salary for the preceding year, whichever is applicable.

Sec. 4. Minnesota Statutes 1990, section 356.215, subdivision 4g, is amended to read:

Subd. 4g. **AMORTIZATION CONTRIBUTIONS.** In addition to the exhibit indicating the level normal cost, the actuarial valuation shall contain an exhibit indicating the additional annual contribution which would be required to amortize the unfunded actuarial accrued liability. For funds governed by chapters 3A, 352, 352B, 352C, 353, 353C, 354, 354A, and 490, the additional contribution shall be calculated on a level percentage of covered payroll basis by the established date for full funding which is in effect when the valuation is pre-

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pared. The level percent additional contribution shall be calculated assuming annual payroll growth of 6.5 percent. For all other funds, the additional annual contribution shall be calculated on a level annual dollar amount basis.

If, for any fund other than the Minneapolis employees retirement fund, after the first actuarial valuation date occurring after June 1, 1989, there has not been a change in the actuarial assumptions used for calculating the actuarial accrued liability of the fund, a change in the benefit plan governing annuities and benefits payable from the fund, a change in the actuarial cost method used in calculating the actuarial accrued liability of all or a portion of the fund, or a combination of the three, which change or changes by themselves without inclusion of any other items of increase or decrease produce a net increase in the unfunded actuarial accrued liability of the fund, the established date for full funding for the first actuarial valuation made after June 1, 1989, and each successive actuarial valuation shall be the first actuarial valuation date which occurs after June 1, 2020.

If, for any fund or plan other than the Minneapolis employees retirement fund, after the first actuarial valuation date occurring after June 1, 1989, there has been a change in any or all of the actuarial assumptions used for calculating the actuarial accrued liability of the fund, a change in the benefit plan governing annuities and benefits payable from the fund, a change in the actuarial cost method used in calculating the actuarial accrued liability of all or a portion of the fund, or a combination of the three, and the change or changes, by themselves and without inclusion of any other items of increase or decrease, produce a net increase in the unfunded actuarial accrued liability in the fund, the established date for full funding shall be determined using the following procedure:

(i) the unfunded actuarial accrued liability of the fund shall be determined in accordance with the plan provisions governing annuities and retirement benefits and the actuarial assumptions in effect before an applicable change;

(ii) the level annual dollar contribution or level percentage, whichever is applicable, which is needed to amortize the unfunded actuarial accrued liability amount determined pursuant to subclause (i) by the established date for full funding in effect prior to the change shall be calculated using the interest assumption specified in subdivision 4d in effect before the change;

(iii) the unfunded actuarial accrued liability of the fund shall be determined in accordance with any new plan provisions governing annuities and benefits payable from the fund and any new actuarial assumptions and the remaining plan provisions governing annuities and benefits payable from the fund and actuarial assumptions in effect before the change;

(iv) the level annual dollar contribution or level percentage, whichever is applicable, which is needed to amortize the difference between the unfunded actuarial accrued liability amount calculated pursuant to subclause (i) and the unfunded actuarial accrued liability amount calculated pursuant to subclause (iii) over a period of 30 years from the end of the plan year in which the applica-

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ble change is effective shall be calculated using the applicable interest assumption specified in subdivision 4d in effect after any applicable change;

(v) the level annual dollar or level percentage amortization contribution pursuant to subclause (iv) shall be added to the level annual dollar amortization contribution or level percentage calculated pursuant to subclause (ii);

(vi) the period in which the unfunded actuarial accrued liability amount determined in subclause (iii) will be amortized by the total level annual dollar or level percentage amortization contribution computed pursuant to subclause (v) shall be calculated using the interest assumption specified in subdivision 4d in effect after any applicable change, rounded to the nearest integral number of years, but which shall not exceed a period of 30 years from the end of the plan year in which the determination of the established date for full funding using the procedure set forth in this clause is made and which shall not be less than the period of years beginning in the plan year in which the determination of the established date for full funding using the procedure set forth in this clause is made and ending by the date for full funding in effect before the change; and

(vii) the period determined pursuant to subclause (vi) shall be added to the date as of which the actuarial valuation was prepared and the date obtained shall be the new established date for full funding.

For the Minneapolis employees retirement fund, the established date for full funding shall be June 30, ~~2017~~ 2020.

Sec. 5. [356.865] SUPPLEMENTAL BENEFIT; LUMP SUM PAYMENTS; MINNEAPOLIS EMPLOYEES RETIREMENT FUND.

Subdivision 1. ENTITLEMENT. Any person who is receiving either an annuity that was computed under the laws in effect before March 5, 1974, or a "\$2 bill and annuity" annuity from the Minneapolis employees retirement fund is entitled to receive a supplemental benefit lump sum payment from the retirement fund in the amount specified in subdivision 2.

Subd. 2. AMOUNT OF PAYMENT. (a) For any person receiving an annuity or benefit on November 30, 1991, and entitled to receive a supplemental benefit lump sum payment under subdivision 1, the payment is \$28 for each full year of allowable service credited to the person by the retirement fund.

In 1992 and each following year, each eligible benefit recipient shall receive the amount received in the preceding year increased by the same percentage applied on the most recent January 1 to regular annuities paid from the Minneapolis employees retirement fund.

(b) The payment provided for in this section is payable on December 1, 1991, to those persons receiving an annuity or benefit on November 30, 1991. In subsequent years, the payment must be made on December 1 to those persons receiving an annuity or benefit on the preceding November 30. This section does

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not authorize payment to an estate if the annuity or benefit recipient dies before the November 30 eligibility date. Notwithstanding section 356.18, the payment provided for in this section must be paid automatically unless the intended recipient files a written notice with the retirement fund requesting that it not be paid.

Subd. 3. COST. The cost of the payments made under this section is the responsibility of the state. The annual amortization amount must be added to the annual state contribution amount determined under section 422A.101, subdivision 3, effective July 1, 1991.

Sec. 6. Minnesota Statutes 1990, section 422A.05, is amended by adding a subdivision to read:

Subd. 2c. STANDING; PARTIES. In addition to other parties with claims under statute or the common law, the state and a political subdivision that helps to finance a plan have standing to sue on behalf of all taxpayers and the plan beneficiaries for an alleged breach of fiduciary duty. If a suit is brought by the state or a political subdivision under this subdivision, no separate suit regarding the same claims on behalf of taxpayers of the state or a political subdivision or of beneficiaries may be allowed, and any suit then pending on behalf of taxpayers of the state or a political subdivision or of beneficiaries must be dismissed unless the court determines that its dismissal would prejudice or limit the rights or claims of the taxpayers or beneficiaries. Nothing in this subdivision precludes suits by both the state and an affected political subdivision or suits by the retirement board on behalf of one or more of the funds.

Sec. 7. Minnesota Statutes 1990, section 422A.05, is amended by adding a subdivision to read:

Subd. 2f. ATTORNEY FEES. The court shall award reasonable attorney fees and costs of litigation, in addition to damages and other relief, in a suit where a breach of fiduciary duty is found under subdivision 2a or chapter 356A.

Sec. 8. Minnesota Statutes 1990, section 422A.06, subdivision 1, is amended to read:

Subdivision 1. **CREATION; DIVISIONS OF FUND.** For the purposes of this chapter, there ~~shall be a~~ is established the Minneapolis employees retirement fund; ~~hereafter referred to as the retirement fund. The~~ That retirement fund ~~shall be~~ is subdivided into (1) a deposit accumulation fund, (2) a survivor benefit fund, (3) a disability benefit fund, and (4) a retirement benefit fund. The expense of the administration of the retirement fund ~~shall~~ must be paid from the deposit accumulation fund, less the amount as the retirement board may charge against income of the retirement benefit fund from investments as the cost of handling the investments of the retirement benefit fund.

Sec. 9. Minnesota Statutes 1990, section 422A.06, subdivision 3, is amended to read:

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Subd. 3. **DEPOSIT ACCUMULATION FUND.** The deposit accumulation fund ~~shall consist~~ consists of the assets held in the fund, increased by amounts contributed by or for employees, amounts contributed by the city, amounts contributed by municipal activities supported in whole or in part by revenues other than taxes and amounts contributed by any public corporation, amounts paid by the state and by income from investments. There ~~shall~~ must be paid from the fund the amounts required to be transferred to the retirement benefit fund, or the disability benefit fund, refunds of contributions, death benefits payable on death before retirement ~~which~~ that are not payable from the survivors' benefit fund, postretirement increases in retirement allowances granted ~~pursuant to~~ under Laws 1965, chapter 688, or Laws 1969, chapter 859, and expenses of the administration of the retirement fund which were not charged by the retirement board against the income of the retirement benefit fund from investments as the cost of handling the investments of the retirement benefit fund.

Sec. 10. Minnesota Statutes 1990, section 422A.101, is amended to read:

422A.101 PREPARATION OF FINANCIAL REQUIREMENTS OF FUND; EMPLOYER CONTRIBUTIONS.

Subdivision 1. **FINANCIAL REQUIREMENTS OF FUND.** Prior to August 31 annually, the retirement board, in consultation with the commission-retained actuary, shall prepare an itemized statement of the financial requirements of the fund for the succeeding fiscal year. A copy of the statement shall be submitted to the city council, the board of estimate and taxation of the city, the managing board or chief administrative officer of each city owned public utility, improvement project or municipal activity supported in whole or in part by revenues other than real estate taxes, public corporation, or unit of metropolitan government employing members of the fund, the board of special school district No. 1, and the state commissioner of finance prior to September 15 annually. The statement shall be itemized and shall include the following:

(1) an estimate of the administrative expenses of the fund for the following year, which shall be determined by multiplying the figure for administrative expenses as reported in the most recent actuarial valuation prepared by the commission-retained actuary, including any amounts related to investment activities of the deposit accumulation fund other than actual investment transaction amounts, by the factor of 1.035;

(2) an estimate of the normal cost of the fund expressed as a dollar amount, which shall be determined by applying the normal cost of the fund as reported in the most recent actuarial valuation prepared by the commission-retained actuary and expressed as a percentage of covered payroll to the estimated total covered payroll of all employees covered by the fund for the following year;

(3) an estimate of the contribution required to amortize on a level annual dollar basis the unfunded actuarial accrued liability of the fund by June 30, ~~2017~~ 2020, using an interest rate of ~~five~~ six percent compounded annually as reported in the most recent actuarial valuation, prepared by the commission-

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retained actuary expressed as a dollar amount. In determining the amount of the unfunded actuarial accrued liability of the fund, all assets other than the assets of the retirement benefit fund shall be valued as current assets as defined under section 356.215, subdivision 1, clause ~~(5)~~ (6), and the assets of the retirement benefit fund shall be valued equal to the actuarially determined required reserves for benefits payable from that fund;

(4) the amount of any deficiency in the actual amount of any employer contribution provided for in this section when compared to the required contribution amount certified for the previous year, plus interest on the amount at the rate of six percent per annum.

Subd. 1a. **CITY CONTRIBUTIONS.** Prior to August 31 of each year, the retirement board shall prepare an itemized statement of the financial requirements of the fund payable by the city for the succeeding fiscal year, and a copy of the statement shall be submitted to the board of estimate and taxation and to the city council by September 15. The financial requirements of the fund payable by the city shall be calculated as follows:

(a) a regular employer contribution of an amount equal to the percentage rounded to the nearest two decimal places of the salaries and wages of all employees covered by the retirement fund which equals the difference between the level normal cost plus administrative cost as reported in the annual actuarial valuation prepared by the commission-retained actuary and the employee contributions provided for in section 422A.10 less any amounts contributed toward the payment of the balance of the normal cost not paid by employee contributions by any city owned public utility, improvement project, other municipal activities supported in whole or in part by revenues other than real estate taxes, any public corporation, any employing unit of metropolitan government, or by special school district No. 1 pursuant to subdivision 2;

(b) an additional employer contribution of an amount equal to the percent specified in section 353.27, subdivision 3a, clause (a), multiplied by the salaries and wages of all employees covered by the retirement fund less any amounts contributed toward amortization of the unfunded actuarial accrued liability by June 30, ~~2017~~ 2020, attributable to their respective covered employees by any city owned public utility, improvement project, other municipal activities supported in whole or in part by revenues other than real estate taxes, any public corporation, any employing unit of metropolitan government, or by special school district No. 1 pursuant to subdivision 2; and

(c) a proportional share of an additional employer amortization contribution of an amount equal to \$3,900,000 annually until June 30, ~~2017~~ 2020, based upon the share of the fund's unfunded actuarial accrued liability attributed to the city as disclosed in the annual actuarial valuation prepared by the commission-retained actuary.

The city council shall, in addition to other taxes levied by the city, annually levy a tax equal to the amount of the financial requirements of the fund which

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are payable by the city. The tax, when levied, shall be extended upon the county lists and shall be collected and enforced in the same manner as other taxes levied by the city. If the city does not levy a tax sufficient to meet the requirements of this subdivision, the retirement board shall submit the tax levy statement directly to the county auditor, who shall levy the tax. The tax, when levied, shall be extended upon the county lists and shall be collected and paid into the city treasury to the credit of the retirement fund. Any amount to the credit of the retirement fund shall constitute a special fund and shall be used only for the payment of obligations authorized pursuant to this chapter.

Subd. 2. CONTRIBUTIONS BY OR FOR CITY-OWNED PUBLIC UTILITIES, IMPROVEMENTS, OR MUNICIPAL ACTIVITIES. Contributions by or for any city-owned public utility, improvement project, and other municipal activities supported in whole or in part by revenues other than real estate taxes, any public corporation, any employing unit of metropolitan government, special school district No. 1, or Hennepin county, on account of any employee covered by the fund, shall be calculated as follows:

(a) a regular employer contribution of an amount equal to the percentage rounded to the nearest two decimal places of the salaries and wages of all employees of the employing unit covered by the retirement fund which equals the difference between the level normal cost plus administrative cost reported in the annual actuarial valuation prepared by the commission-retained actuary and the employee contributions provided for in section 422A.10;

(b) an additional employer contribution of an amount equal to the percent specified in section 353.27, subdivision 3a, clause (a), multiplied by the salaries and wages of all employees of the employing unit covered by the retirement fund;

(c) a proportional share of an additional employer amortization contribution of an amount equal to \$3,900,000 annually until June 30, ~~2017~~ 2020, based upon the share of the fund's unfunded actuarial accrued liability attributed to the employer as disclosed in the annual actuarial valuation prepared by the commission-retained actuary.

The city council or any board or commission may, by proper action, provide for the inclusion of the cost of the retirement contributions for employees of any city-owned public utility or for persons employed in any improvement project or other municipal activity supported in whole or in part by revenues other than taxes who are covered by the retirement fund in the cost of operating the utility, improvement project, or municipal activity. The cost of retirement contributions for these employees shall be determined by the retirement board and the respective governing bodies having jurisdiction over the financing of these operating costs.

The cost of the employer contributions on behalf of employees of special school district No. 1 who are covered by the retirement fund shall be the obligation of the school district. Contributions by the school district to the retirement

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fund or any other public pension or retirement fund of which its employees are members must be remitted to the fund each month. An amount due and not transmitted begins to accrue interest at the rate of six percent compounded annually 15 days after the date due. The retirement board shall prepare an itemized statement of the financial requirements of the fund payable by the school district, which shall be submitted prior to September 15. Contributions by the school district shall be made at times designated by the retirement board. The school district may levy for its contribution to the retirement fund only to the extent permitted pursuant to section 275.125, subdivision 6a.

The cost of the employer contributions on behalf of elective officers or other employees of Hennepin county who are covered by the retirement fund pursuant to section 422A.09, subdivision 3, clause (2), 422A.22, subdivision 2, or 488A.115, or Laws 1973, chapter 380, section 3, Laws 1975, chapter 402, section 2, or any other applicable law shall be the obligation of Hennepin county. The retirement board shall prepare an itemized statement of the financial requirements of the fund payable by Hennepin county, which shall be submitted prior to September 15. Contributions by Hennepin county shall be made at times designated by the retirement board. Hennepin county may levy for its contribution to the retirement fund.

Subd. 2a. **CONTRIBUTIONS BY METROPOLITAN AIRPORT COMMISSION AND METROPOLITAN WASTE CONTROL COMMISSION.** The metropolitan airport commission and the waste control commission shall pay to the Minneapolis employees retirement fund annually in installments as specified in subdivision 3 the share of the additional support rate required for full amortization of the unfunded actuarial accrued liabilities by June 30, ~~2017~~ 2020, that is attributable to airport commission or waste control commission employees who are members of the fund. The amount of the payment shall be determined ~~utilizing the most as if the airport and waste control commissions' employer contributions determined under subdivision 2 had also included a proportionate share of a \$1,000,000 annual employer amortization contribution.~~ The amount of this \$1,000,000 annual employer amortization contribution that would have been allocated to each commission would have been based on the share of the fund's unfunded actuarial accrued liability attributed to each commission compared to the total unfunded actuarial accrued liability attributed to all employers under subdivisions 1a and 2. The determinations required under this subdivision must be based on the most recent actuarial valuation prepared by the actuary retained by the legislative commission on pensions and retirement.

Subd. 3. **STATE CONTRIBUTIONS.** (a) The state shall pay to the Minneapolis employees retirement fund annually an amount equal to the financial requirements of the Minneapolis employees retirement fund reported in the actuarial valuation of the fund prepared by the commission-retained actuary pursuant to section 356.215 for the most recent year but based on a target date for full amortization of the unfunded actuarial accrued liabilities by June 30, ~~2017~~ 2020, less the amount of employee contributions required pursuant to sec-

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tion 422A.10, and the amount of employer contributions required pursuant to subdivisions 1a, 2, and 2a. Payments shall be made in four equal installments, occurring on March 15, July 15, September 15, and November 15 annually. The annual state contribution under this subdivision may not exceed \$10,455,000 plus the cost of the annual supplemental benefit determined under section 356.865.

(b) If the amount determined under paragraph (a) exceeds the limitation on the state payment in paragraph (a), the excess must be allocated to and paid to the fund by the employers identified in subdivisions 1a and 2, other than units of metropolitan government. Each employer's share of the excess is proportionate to the employer's share of the fund's unfunded actuarial accrued liability as disclosed in the annual actuarial valuation prepared by the actuary retained by the legislative commission on pensions and retirement compared to the total unfunded actuarial accrued liability attributed to all employers identified in subdivisions 1a and 2, other than units of metropolitan government. Payments must be made in equal installments as set forth in paragraph (a).

Subd. 4. ADDITIONAL EMPLOYER CONTRIBUTION IN CERTAIN INSTANCES. If assets in the deposit accumulation fund are insufficient to make a transfer to the retirement benefit fund, the city of Minneapolis shall pay the amount of that insufficiency to the retirement benefit fund within three days of certification of the insufficiency by the executive director of the fund. The city of Minneapolis may bill any other participating employing unit other than the state for its proportion of the amount paid.

Sec. 11. Minnesota Statutes 1990, section 422A.17, is amended to read:

422A.17 RETIREMENT ALLOWANCE; OPTIONS.

At retirement, any employee who is eligible to receive a service allowance may elect to receive benefits in a retirement allowance payable throughout life or may on retirement elect to receive the actuarial equivalent at that time of annuity, pension, or retirement allowance in a lesser annuity, or a lesser pension, or a lesser retirement allowance, payable throughout life, with the provisions that:

Option I. If the benefit recipient dies before receiving in payments an amount equal to the present value of the benefit recipient's annuity, pension, or retirement allowance, as of the date of the benefit recipient's retirement, the balance shall be paid to the benefit recipient's legal representatives or to such person, having an insurable interest in the benefit recipient's life, as the benefit recipient shall nominate by written designation duly acknowledged and filed with the retirement board as of the date of retirement, or

Option II. Upon the death of the benefit recipient, the benefit recipient's annuity, pension, or retirement allowance shall be continued throughout the life of and paid to the person, having an insurable interest in the benefit recipient's life, as the benefit recipient shall nominate by written designation duly acknowledged and filed with the retirement board as of the date of retirement, or

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Option III. Upon death of the benefit recipient, one-half of the benefit recipient's annuity, pension, or retirement allowance shall be continued throughout the life of and paid to the person, having an insurable interest in the benefit recipient's life, as the benefit recipient shall nominate by written designation duly acknowledged and filed with the retirement board as of the date of retirement, or

Option IV. Other optional retirement allowance forms, including a joint and survivor option under which the benefit recipient receives a normal single-life annuity if the designated optional annuity beneficiary dies before the benefit recipient, shall be paid to the benefit recipient or other person or persons the benefit recipient nominates, provided that the optional annuity is of equivalent actuarial value to the applicable single life annuity calculated under section 422A.15 and is approved by the retirement board.

Any optional retirement allowance shall be computed and determined under a procedure specified by the commission-retained actuary utilizing the appropriate mortality table established by the board of trustees based on the experience of the fund as recommended by the commission-retained actuary and using the applicable postretirement interest rate assumption specified in section 356.215, subdivision 4d.

In adopting optional annuity forms, the board of trustees shall obtain the written recommendation of the commission-retained actuary. The recommendations shall be a part of the permanent records of the board of trustees.

Sec. 12. Minnesota Statutes 1990, section 422A.23, subdivision 2, is amended to read:

Subd. 2. Upon the death of a contributing member after having been in the city service not less than 18 months but before the effective date of retirement, the board shall in lieu of the settlement hereinbefore provided pay to the surviving spouse and/or children of the member under the age of 18, or under the age of 22 if a full-time student at an accredited school, college or university, and single, the following monthly benefit:

(a) Surviving spouse \$325 per month, except for benefits beginning after July 1, 1983, which shall be 30 percent of member's average salary in effect over the last six months of allowable service preceding the month in which the death occurred.

(b) Each surviving child \$150 per month, except for benefits beginning after July 1, 1983, which shall be ten percent of the member's average salary in effect over the last six months of allowable service preceding the month in which the death occurred. Payments for the benefit of any child under the age of 18 years shall be made to the surviving parent, or if there be none, to the legal guardian of such child. The maximum monthly benefit shall not exceed a total of \$750.

(c) Effective for payments made after June 30, 1991, surviving spouse and

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surviving child benefits under paragraphs (a) and (b) beginning on or before July 1, 1983, are increased to \$500 per month and \$225 per month, respectively. The maximum monthly payment under paragraph (b) is increased to \$900. The increased cost resulting from the benefit increases in this paragraph must be allocated to each employing unit listed in section 422A.101, subdivisions 1a, 2, and 2a, on the basis of the additional accrued liability resulting from increased benefits paid to the survivors of employees from that unit.

Sec. 13. TEMPORARY OPTION.

Notwithstanding any law to the contrary, a retired member of the Minneapolis employees retirement fund with a living designated optional annuity recipient may select a joint and survivor option under which the retired member will receive a normal single-life annuity if the designated recipient dies before the retired member. This optional annuity must be the actuarial equivalent of the joint and survivor annuity option existing at the time this option is selected. This option must be exercised before July 1, 1992, according to procedures specified by the board of the Minneapolis employees retirement fund.

Sec. 14. CITY OF MINNEAPOLIS; SPECIAL LEVY.

For taxes levied in 1991, payable in 1992, the city of Minneapolis may levy an amount equal to the amount required to be paid by the city for contributions to the Minneapolis employees retirement fund as a result of the maximum dollar amount limitation on state contributions to the fund imposed under Minnesota Statutes, section 422A.101, subdivision 3. The levy under this section shall not exceed the most recent amount certified by the board of the Minneapolis employees retirement fund as the city's share of the contribution requirement in excess of the maximum state contribution under Minnesota Statutes, section 422A.101, subdivision 3.

Sec. 15. EFFECTIVE DATE.

Section 12, if approved, applies to all benefit payments made after the effective date, including payments to persons who became surviving spouses or surviving children before that date. Section 6 is effective the day following final enactment and applies to all claims pending on that date or filed on or after that date. Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 are effective on approval by the Minneapolis city council and compliance with Minnesota Statutes, section 645.021.

Presented to the governor May 31, 1991

Signed by the governor June 4, 1991, 9:14 p.m.

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