

landfill, incineration or other disposal method subject to the rules and regulations of the agency.

(b) Ash produced by the fluidized bed sewage sludge incinerators operated by the board is not subject to rules adopted by the agency under section 115A.97, subdivision 3, provided that the ash is disposed of under the rules of the agency relating to the disposal of industrial solid waste.

Sec. 2. EFFECTIVE DATE.

This act is effective the day following final enactment.

Presented to the governor May 12, 1993

Signed by the governor May 14, 1993, 10:06 p.m.

CHAPTER 192—S.F.No. 1620

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; transferring certain duties and functions; amending Minnesota Statutes 1992, sections 3.971, by adding a subdivision; 8.15; 16A.011, subdivisions 5, 6, and 14; 16A.04, subdivision 1; 16A.055, subdivision 1; 16A.06, subdivision 4; 16A.065; 16A.10, subdivisions 1 and 2; 16A.105; 16A.11, subdivisions 1 and 3; 16A.129, by adding a subdivision; 16A.15, subdivisions 1, 5, and 6; 16A.152, by adding subdivisions; 16A.1541; 16A.28; 16A.281; 16A.58; 16A.69, subdivision 2; 16A.72; 16B.24, subdivision 9; 16B.41; 16B.43, subdivision 1; 16B.92; 43A.045; 192.501, subdivision 2; 196.051, subdivision 3; 196.054, subdivision 2; 198.16; 240A.02, subdivision 1; 240A.03, by adding a subdivision; 270.063; 271.07; 309.501; 352.96, subdivision 3; 354B.05; 356.24, subdivision 1; 357.021, subdivisions 1a and 2; 357.022; 357.08; 357.18, subdivision 3; 484.74, subdivision 1; 484.76, subdivision 1; 508.82; 508A.82; 548.23; 548.30; 549.02; 593.48; and 609.101, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 3; 11A; 13; 15; 15A; 16A; 197; and 609; proposing coding for new law as Minnesota Statutes, chapter 491A; repealing Minnesota Statutes 1992, sections 13.072; 16A.095, subdivision 3; 16A.123; 16A.128; 16A.1281; 16A.35; 16A.45, subdivisions 2 and 3; 16A.80; 290A.24; and 309.502; Laws 1989, chapter 335.

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

Section 1. STATE GOVERNMENT 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 "1993," "1994," and "1995," where used in this act,

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

mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1993, June 30, 1994, or June 30, 1995, respectively.

SUMMARY BY FUND

	1993	1994	1995	BIENNIAL TOTAL
General	\$650,000	\$ 335,939,000	\$ 332,409,000	\$ 668,348,000
Environmental		206,000	206,000	412,000
Highway User		1,669,000	1,669,000	3,338,000
State Government				
Special Revenue		2,378,000	2,378,000	4,756,000
Special Revenue		4,338,000	4,338,000	8,676,000
Trunk Highway		1,032,000	1,032,000	2,064,000
Workers' Compensation		3,897,000	3,902,000	7,799,000
Game and Fish		140,000	140,000	280,000
TOTAL		349,599,000	346,074,000	695,673,000
			APPROPRIATIONS	
			Available for the Year	
			Ending June 30	
			1994	1995

Sec. 2. LEGISLATURE

Subdivision 1. Total Appropriation		46,009,000	48,909,000
	Summary by Fund		
General	45,977,000	48,877,000	
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	14,736,000	15,787,000
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\$1,275,000 of the carryforward balance of the appropriation to the senate for fiscal year 1993 is canceled to the general fund.

Subd. 3. House of Representatives	20,500,000	21,904,000
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Funds previously appropriated to the house of representatives and carried forward into the biennium beginning July 1, 1993, may be used only as provided in this section. The first \$400,000 of any carryforward must be placed in a special account that may be used only for special sessions, interim activity, or

other public hearing or outreach purposes and related activities. Any additional funds may be used only for technology or telecommunication system improvements and related activities.

Subd. 4. Legislative Coordinating Commission		6,835,000	7,342,000
	Summary by Fund		
General	6,803,000	7,237,000	
Trunk Highway	32,000	32,000	
(a) Legislative Reference Library			
1994	1995		
903,000	874,000		
(b) Revisor of Statutes			
3,994,000	4,413,000		
(c) Great Lakes Commission			
40,000	40,000		
(d) Legislative Commission on the Economic Status of Women			
180,000	175,000		
(e) Legislative Commission on Employee Relations			
106,000	104,000		
(f) Legislative Commission on Pensions and Retirement			
504,000	524,000		
(g) Legislative Commission on Planning and Fiscal Policy			
57,000	56,000		

The second 50 percent of the appropriation to the department of finance for the statewide systems project is available only if the commissioner of finance seeks and receives a recommendation from the legislative commission on planning and fiscal policy on the degree to which the project will improve legislative access to information on the systems. The recommendation is advisory only. Failure of the commission to make a recommendation within 30 days of the commissioner's request shall be

considered a negative recommendation. The commissioner shall seek a recommendation no later than October 1, 1993.

The legislative commission on planning and fiscal policy shall appoint a working group to work with the department of finance to facilitate improved legislative access to executive branch budgeting and accounting information that is public data.

(h) Legislative Commission to Review Administrative Rules

136,000	134,000
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(i) Legislative Commission on Waste Management

179,000	177,000
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(j) Legislative Water Commission

99,000	99,000
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The legislative water commission shall report to the legislature by March 1, 1994, on water supply constraints in the area to be served by the Lewis and Clark rural water system. The report shall include the commission's analysis of the environmental and public policy aspects of importing or exporting water from the state.

(k) Mississippi River Parkway Commission

42,000	32,000	
	Summary by Fund	
General	10,000	
Trunk Highway	32,000	32,000

\$10,000 the first year is from the general fund to the Mississippi river parkway commission to study the feasibility of starting an annual "Mississippi river games" competition. The sports event would rotate between the Twin Cities, St. Louis, Memphis, and New Orleans. The study shall consider possible events and potential sources of funding. The

study must include methods for ensuring that there will be an approximately equal number of participants of each gender in the games. The commission shall report to the state government divisions of the house and senate by February 1, 1994.

(l) Legislative Coordinating Commission - General Support

273,000	267,000
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(m) Legislative Coordinating Commission - Nongeneral Support

463,000	516,000
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\$70,000 the first year and \$72,000 the second year are reserved for unanticipated costs of agencies in this subdivision and subdivision 5. The legislative coordinating commission may transfer necessary amounts from this appropriation to the appropriations of the agencies 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.

\$95,000 the first year and \$99,000 the second year are for the state contribution to the National Conference of State Legislatures.

\$83,000 the first year and \$87,000 the second year are for the state contribution to the Council of State Governments.

\$182,000 the first year and \$233,000 the second year are for the subcommittee on geographic information systems.

\$8,000 the first year and \$8,000 the second year are for the regent candidate advisory council.

\$25,000 the first year and \$15,000 the second year are for the higher education board candidate advisory council.

Notwithstanding Laws 1991, chapter 356, article 9, section 8, the terms of the members of the initial higher education board shall expire as provided by this section. Four of the members appointed by the governor shall have their terms expire in three years, one in five years, and one in seven years from July 1, 1991. One member appointed by each higher education system shall have a term expiring five years from July 1, 1991, and one member appointed by each higher education system shall have a term expiring seven years from July 1, 1991. Members shall choose their terms by lot.

The legislative coordinating commission shall study the feasibility of coordinating television production and other public outreach facilities between the house of representatives and the senate.

The legislative coordinating commission shall study the feasibility of allowing senators whose offices are in the state office building and who are concerned about personal security to park in the state office building parking ramp.

(n) General Reduction
 (141,000) (142,000)

The legislative coordinating commission shall make a general reduction of \$283,000 in either year of the biennium from the legislative commissions. None of the reduction may be taken from the legislative auditor, the legislative audit commission, or the legislative commission on employee relations.

Subd. 5. Legislative Audit Commission	3,938,000	3,949,000
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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	3,923,000	3,934,000

\$115,000 the first year and \$115,000 the second year is for review of agency performance reports.

Subd. 6. Compensation Council

The salary increases for legislators and constitutional officers recommended in 1989 by the compensation council to take effect January 6, 1992, must not take effect until January 2, 1995.

A compensation council shall be appointed by September 1, 1993, in the manner provided in Minnesota Statutes, section 15A.082, subdivision 2. The compensation council, in consultation with outside compensation specialists, must evaluate and make recommendations to the senate committee on governmental operations and reform and the house committee on governmental operations and gambling on compensation levels, and procedures for periodically reviewing and adjusting compensation levels, for positions listed in Minnesota Statutes, sections 15A.081, subdivisions 1, 7, and 7b; and 15A.082, subdivision 1. The report must include comparisons with other comparable positions in the public and private sector and consider the non-monetary rewards of public service. The compensation council expires upon submission of the recommendations required by Minnesota Statutes, section 15A.082, subdivision 3.

Sec. 3. SUPREME COURT

Subdivision 1. Total Appropriation	\$ 18,135,000	\$ 18,135,000
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The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Supreme Court Operations
3,860,000 3,860,000

\$2,500 the first year and \$2,500 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.

\$25,000 the first year and \$25,000 the second year are to implement the racial bias task force recommendations.

Subd. 3. Civil Legal Services
4,507,000 4,507,000

\$4,507,000 the first year and \$4,507,000 the second year are for legal service to low-income clients and for family farm legal assistance under Minnesota Statutes, section 480.242. 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 480.242.

Subd. 4. Family Law Legal Services
877,000 877,000

\$877,000 the first year and \$877,000 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. 5. State Court Administration
7,237,000 7,237,000

\$75,000 of the appropriation in Laws 1992, chapter 571, article 18, section 8, is available until expended for the advisory task force on the juvenile justice system.

Subd. 6. Law Library Operations

1,654,000 1,654,000

Sec. 4. COURT OF APPEALS	5,700,000	5,700,000
Sec. 5. DISTRICT COURTS	60,423,000	60,423,000
Sec. 6. BOARD OF JUDICIAL STANDARDS	177,000	177,000
Sec. 7. TAX COURT	518,000	515,000
Sec. 8. GOVERNOR AND LIEUTENANT GOVERNOR	3,470,000	3,471,000

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

\$16,000 the first year and \$16,000 the second year are for necessary expenses in the normal performance of the governor's duties for which no other reimbursement is provided.

\$1,000 the first year and \$1,000 the second year are for necessary expenses in the normal performance of the lieutenant governor's duties for which no other reimbursement is provided.

\$95,000 the first year and \$95,000 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 majority leader and the minority leader of the senate and the speaker and

the minority leader of the house of representatives regarding the timing of the seminars.

By August 15 of each year, the commissioner of finance shall report to the chairs of the jobs, energy, and community development finance division of the senate and the state government division of the house of representatives those personnel costs incurred by the office of the governor and the lieutenant governor that were supported by appropriations to other agencies during the previous fiscal year. The office of the governor shall inform the chairs of the divisions before initiating any interagency agreements.

Sec. 9. STATE AUDITOR	7,210,000	7,439,000
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\$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.

The total amount accumulated during the biennium ending June 30, 1993 for potential back pay of salary and benefits for an employee of the state auditor who was discharged from employment on April 15, 1991, but who is contesting the discharge, shall be carried forward by the office of the state auditor for use in the biennium ending June 30, 1995.

\$45,000 each year is for annual compliance audits for Hennepin county.

Sec. 10. STATE TREASURER	2,461,000	2,473,000
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\$1,135,000 each year is for the treasurer to pay for banking services by fees rather than by compensating balances.

Sec. 11. ATTORNEY GENERAL

Subdivision 1. Total Appropriation	22,641,000	22,470,000
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	Summary by Fund	
General	20,282,000	20,111,000
Special Revenue	178,000	178,000
Environmental	115,000	115,000
State Government		
Special Revenue	2,066,000	2,066,000

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

Subd. 2. Government Services		
5,087,000	5,087,000	
	Summary by Fund	
General	3,021,000	3,021,000
State Government		
Special Revenue	2,066,000	2,066,000
Subd. 3. Public and Human Resources		
4,840,000	4,358,000	
	Summary by Fund	
General	4,662,000	4,180,000
Special Revenue	178,000	178,000

\$500,000 the first year for the Mille Lacs treaty litigation is available for expenditure with the approval of the governor after consultation with the legislative advisory commission under Minnesota Statutes, section 3.30. Any unencumbered balance remaining in the first year does not cancel, but is available for the second year.

Subd. 4. Law Enforcement		
4,172,000	4,193,000	
	Summary by Fund	
General	4,057,000	4,078,000
Environmental	115,000	115,000

Subd. 5. Legal Policy and Administration

2,846,000 2,846,000

Subd. 6. Business Regulation
4,310,000 4,317,000

\$15,000 the first year and \$15,000 the second year to the business regulation program of the attorney general to conduct, or contract for, data collection and

analysis regarding gender equity in high school athletics.

Subd. 7. Solicitor General

2,138,000 2,138,000

In order to increase the accountability of all parties and to simplify the current practices for paying for legal services, the attorney general shall establish a task force to review and make recommendations to the legislature regarding funding options to pay for all legal services provided to executive branch agencies. In addition to attorney general staff, members of the task force shall include fiscal staff from both houses of the legislature, staff of the department of finance, and staff from small and large executive branch client agencies. The ability to pay shall not be the only criteria used to allocate legal services. The task force shall study funding options that insure the availability of legal services from the attorney general's office essential to meet program needs of all executive branch agencies. The attorney general shall report the recommendations of the task force to the legislature by March 1, 1994.

Subd. 8. General Reduction

(752,000) (469,000)

The attorney general shall allocate the general reduction among the office's programs.

Sec. 12. INVESTMENT BOARD

2,013,000 2,031,000

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

\$50,000 the first year and \$50,000 the second year are to evaluate bids for deferred compensation options and to review periodically the performance of companies currently under contract. All

these costs must be assessed against the companies that have been awarded contracts.

Sec. 13. ADMINISTRATIVE HEARINGS

3,797,000 3,802,000

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

\$100,000 each year is for an internship program in which students at Minnesota law schools will serve as law clerks for judges in the workers' compensation division.

\$180,000 each year is for additional clerical support for workers' compensation judges.

Sec. 14. OFFICE OF STRATEGIC AND LONG-RANGE PLANNING

3,576,000 3,596,000

\$844,000 the first year and \$866,000 the second year are for the land management information center.

Sec. 15. ADMINISTRATION

Subdivision 1. Total Appropriation

28,370,000 27,200,000

Summary by Fund

General	24,148,000	22,978,000
Special Revenue	4,160,000	4,160,000
State Government Special Revenue	62,000	62,000

Subd. 2. Operations Management

4,823,000 4,645,000

Before purchasing and implementing electronic data interchange technology in the procurement process, the department must: (1) plan a reengineering of the process and develop a plan for implementing the reengineering; (2) develop policies and procedures on trading partner agreements for the project; (3) complete a life cycle analysis;

and (4) develop a technology implementation plan. All plans and policies in this paragraph must be approved by the information policy office before hardware or software for the project is purchased.

The department shall assure that the EDI project is coordinated with the statewide systems project. The department shall involve affected state agencies and others in project planning and implementation.

Amounts appropriated for the EDI initiative may be spent in either year of the biennium.

The department of human services shall transfer \$33,000 each year to the department of administration to expand bulk purchasing of medical supplies for the medical assistance program.

Subd. 3. Intertechnologies Group

	Summary by Fund	
General	3,528,000	2,372,000
Special Revenue	4,160,000	4,160,000

The appropriation from the special revenue fund each year of \$4,160,000 is for recurring costs of 911 emergency telephone service.

\$3,450,000 is appropriated as a loan from the general fund to the intertechnologies revolving fund for development of the STARS system. This amount must be repaid before the end of the biennium. Plans for expenditure of these funds must be approved by the information policy office before the funds are spent.

\$2,000,000 must be transferred from the intertechnology revolving fund to the general fund.

Notwithstanding any other law to the

defined in Minnesota Statutes, section 4.071, in the special revenue fund.

\$1,271,000 the first year and \$1,272,000 the second year are for matching grants for public television.

\$600,000 the first year and \$600,000 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. Special emphasis shall be given by public television grant recipients for children's programming such as the Sesame Street preschool educational program and extending Mr. Rogers Neighborhood to child care.

\$300,000 the first year and \$300,000 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.

\$356,000 the first year and \$331,000 the second year are for equipment grants to public radio stations. These grants must be allocated after considering the recommendations of the Association of Minnesota Public Educational Radio Stations and Minnesota Public Radio, Inc.

\$25,000 the first year and \$25,000 the second year are for grants to the Twin Cities regional cable channel.

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.

\$80,000 each year is for transfer to the bureau of mediation services for the office of dispute resolution.

All grants made by the System of Technology to Achieve Results (STAR) shall be distributed in a manner to ensure that grants are awarded throughout the state.

Subd. 6. Management Analysis

535,000 609,000

The management analysis division shall study the desirability of creating an independent information policy office. The division shall report its findings to the legislative commission on planning and fiscal policy by December 1, 1993. The commission shall make recommendations for any needed legislative changes to the house of representatives and senate governmental operations committees by February 1, 1994.

Subd. 7. Information Policy Office

1,809,000 1,836,000

\$181,000 the first year and \$185,000 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 intergovernmental information systems advisory council.

\$115,000 the first year and \$90,000 the second year are for giving opinions under Minnesota Statutes, section 13.072.

Sec. 16. CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD

326,000 334,000

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

\$75,000 the first year and \$82,000 the second year are to create a memorial to Hubert H. Humphrey in the capitol area. Of these amounts, up to \$75,000

may be used by the board to select an appropriate site for the memorial. \$82,000 is available only as matched, one state dollar for three dollars, by contributions from nonstate sources. The board shall establish design requirements, choose the design, and oversee construction of the memorial. In establishing the memorial, the board may accept money from nonstate sources and contract with other private or public agencies. The appropriation is available until expended.

Sec. 17. FINANCE

Subdivision 1. Total Appropriation	24,527,000	16,662,000
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The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Economic Analysis		
	289,000	300,000

Subd. 3. Accounting Services		
	19,303,000	12,711,000

\$4,640,000 the first year and \$3,869,000 the second year are to implement the accounts receivable project. The commissioner of finance may transfer money to the commissioners of human services and revenue and the attorney general. Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

\$10,300,000 the first year and \$4,700,000 the second year are for the statewide systems project. If the appropriation for the statewide systems project in either year is insufficient, the appropriation for the other year is available. The commissioner of finance shall report monthly during the biennium ending June 30, 1995, to the chairs of the senate finance committee and the house of representatives ways and

means committee on the expenditure of this appropriation and the progress of the statewide systems project.

\$285,000 is for transfer by August 1, 1993, to the legislative commission on planning and fiscal policy for the purpose of improving legislative access to executive branch budgeting and accounting information. None of the other money appropriated in this section for the statewide systems project may be spent until the transfer to the legislative commission on planning and fiscal policy has occurred.

The budgeting and accounting portions of the statewide systems project must be designed so that all public data in these systems are available to the legislature at the time the data are available to executive branch agencies.

The commissioner of finance, in consultation with affected agencies, shall reengineer work processes in preparation for the new state accounting, purchasing, and personnel systems.

The commissioner shall develop a joint work plan with the department of administration to implement electronic data interchange. The commissioner shall prepare plans for migrating to open systems, and shall develop plans for an automated interface with the local government financial system. The commissioner must submit these plans to the information policy office for review and approval.

Subd. 4. Budget Analysis and Operations

2,089,000	2,147,000
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By October 1, 1994, the commissioner of finance shall coordinate the preparation of a report which identifies the estimated direct and indirect budget

savings anticipated from the enacted funding of investment initiatives within the fiscal year 1994-1995 budget. The report shall identify current and estimated future funding requirements as well as direct and indirect benefits by year covering the current and two future biennia. The commissioner shall subsequently report to the legislative commission on planning and fiscal policy by November 1 of each year documented costs and savings compared to original estimates. Each agency shall retain responsibility for monitoring and documenting savings. If actual savings and benefits vary from original estimates, the report must include agency plans to ensure ongoing savings.

Subd. 5. Cash and Debt Management
 1,544,000 126,000

\$1,422,000 the first year is for grants to the cities of Minneapolis and St. Paul for debt service payments due on bonds issued for metropolitan area parks.

Subd. 6. Management and Administrative Services
 1,302,000 1,378,000

Sec. 18. EMPLOYEE RELATIONS

Subdivision 1. Total Appropriation 8,059,000 7,932,000

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

Subd. 2. Human Resources Management
 6,439,000 6,424,000

Thirty percent of the amount used each year to fund grants to the government training service is from the general fund. Seventy percent of the amount used each year to fund grants to the government training service must be subtracted from the amount that would otherwise be payable to local govern-

ment aid under Minnesota Statutes, chapter 477A.

In order to maximize the delivery of services to the public, if layoffs of state employees as defined in Minnesota Statutes, chapter 43A, are necessary during the biennium ending June 30, 1995, the agency shall make every effort to reduce at least the same percentage of management and supervisory personnel as line and support personnel.

State agencies must demonstrate that they cannot use available staff before hiring outside consultants or services. As state agencies implement reductions in their operating budgets in the biennium ending June 30, 1995, agencies shall give priority to reducing spending on professional and technical contracts before laying off permanent employees. Agencies must report on the specific manner in which this directive is implemented to the senate finance and house ways and means committees by February 1, 1994, and February 1, 1995. 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 by February 1, 1995, to the senate finance and house of representatives ways and means committees.

\$375,000 the first year and \$370,000 the second year is to begin implementation of the human resource management project recommendations regarding performance management system training, retraining project grants, centralized recruitment and redeployment, communications, and policy development.

The commissioner shall seek to enhance

the availability of the job-sharing program under Minnesota Statutes, sections 43A.40 to 43A.46 to the extent that: (1) additional employees wish to participate in the program; and (2) use of the program is consistent with effective management of state agencies.

Subd. 3. Employee Insurance

1,620,000	1,508,000
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\$104,000 the first year and \$104,000 the second year from the general fund are for the right-to-know contracts administered through the employee insurance division.

Any refund to the state from the workers' compensation reinsurance association before July 1, 1995, is to be deposited in the general fund. The portion of the refund that is not attributable to the general fund shall be paid to the proper fund by the commissioner of finance.

\$1,416,000 the first year and \$1,312,000 the second year from the general fund are for workers' compensation reinsurance premiums.

\$100,000 each year is for a health promotion and disease prevention grant program for state agencies. A state agency may apply to the commissioner of employee relations for a grant of up to \$25,000. In evaluating grant applications, the commissioner shall give highest priority to proposals that will maximize health care cost savings, maximize increased productivity, and minimize workers compensation claims. Each agency that receives a grant under this section must establish a committee that includes affected employees. The committee must assist the agency in planning, implementing, and evaluating the programs implemented with grant funds. The commissioner of employee

relations must report to the legislature by January 15, 1996. The report must evaluate the results of the grant program, including the effect of the program on health care costs, workers' compensation claims, and productivity.

Sec. 19. REVENUE

Subdivision 1. Total Appropriation		73,531,000	74,087,000
	Summary by Fund		
General	71,446,000	72,002,000	
Environmental	91,000	91,000	
Highway User	1,669,000	1,669,000	

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

Subd. 2. Income Tax System

36,208,000	36,643,000
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\$3,100,000 each year is to improve direct services to taxpayers, expand individual and small business audit and nonfiler detection, and to provide ongoing development and support for new return filing and payment technologies.

Subd. 3. Withholding Tax System

5,651,000	5,639,000
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Subd. 4. Sales and Use Tax System

25,519,000	25,637,000
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	Summary by Fund		
General	23,459,000	23,577,000	
Environmental	91,000	91,000	
Highway User	1,669,000	1,669,000	
Local Government			
Trust	300,000	300,000	

Subd. 5. Property Tax System

6,128,000	6,143,000
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\$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 credited to 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. 6. Reporting

The commissioner shall report quarterly to the chairs of the senate finance and tax committees and house of representatives ways and means and tax committees and to the commissioner of finance on all funds expended and corresponding revenues received in the audit and collection divisions.

Sec. 20. AMATEUR SPORTS COMMISSION	451,000	451,000
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\$15,000 each year is available for promotion of women's sports.

Sec. 21. COMMISSIONER OF HUMAN RIGHTS	3,211,000	3,171,000
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For 1993 - \$150,000

This appropriation is to pay workers' compensation claims.

Of this appropriation, \$40,000 is for enhancement of information systems. Before purchasing hardware and software, the department shall develop an agencywide strategic information plan and submit the plan to the information policy office for review and approval. The department shall use the plan to determine future system management needs, including administration, software project management, support staffing, and information asset security. The department shall develop a project information system life cycle analysis to identify costs, benefits, and risks, and a comprehensive records retention schedule for paper and electronic records. With the approval of the information policy office, the balance of the \$40,000 appropriation not needed for analysis of information management functions, can be used by the department to purchase hardware and software.

Sec. 22. MILITARY AFFAIRS

Subdivision 1. Total Appropriation	9,248,000	9,249,000
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The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Maintenance of Training
Facilities

5,361,000	5,362,000
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The appropriation for planning and remodeling grants for 12 armories scheduled to be sold or disposed of pursuant to Laws 1992, chapter 511, article 2, section 50, is available until June 30, 1995.

Subd. 3. General Support

1,537,000	1,537,000
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\$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. 4. Enlistment Incentives

2,350,000	2,350,000
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\$1,530,750 the first year and \$1,604,250 the second year are for the tuition reimbursement program.

\$484,250 the first year and \$410,750 the second year are for the reenlistment bonus program.

Obligations for the reenlistment bonus program, suspended on December 31, 1991, shall be paid from the amounts available within the entire enlistment incentives 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.

Sec. 23. VETERANS AFFAIRS	3,103,000	3,119,000
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Of this appropriation, \$310,000 is for grants to county veterans offices for training of county veterans service officers.

\$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, 1995, 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.

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 government and the house governmental operations and gambling committee division on state government finance.

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

Sec. 24. VETERANS OF FOREIGN WARS	31,000	31,000
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For carrying out the provisions of Laws 1945, chapter 455.

Sec. 25. MILITARY ORDER OF THE PURPLE HEART	10,000	10,000
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Sec. 26. DISABLED AMERICAN VETERANS	12,000	12,000
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For carrying out the provisions of Laws 1941, chapter 425.

Sec. 27. STATE-PAID INSURANCE SUPPLEMENT

Subdivision 1. Appropriations	4,890,000	4,890,000
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Except as limited by the direct appropriations in this section, the amounts necessary to pay increases in employer-paid insurance benefits during the biennium are appropriated to the commissioner of finance from the various funds in the state treasury from which salaries are paid. In the case of salaries that are paid from one fund, but that fund is reimbursed by another fund, the amounts necessary to make those reimbursements are also appropriated.

Summary by Fund

General	3,750,000	3,750,000
Game and Fish	140,000	140,000
Trunk Highway	1,000,000	1,000,000

Subd. 2. Increases Covered

The state-paid insurance benefit increases covered by this section are those paid 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, state university system, and community college system who are paid from state appropriations. The increases must be authorized by current law, be authorized by appropriate resolutions for employees of the legislature, or result from collective bargaining agreements and changes in employer-paid insurance benefits associated with those agreements which are given interim approval by the legislative commission on employee relations under Minnesota Statutes, sections 3.855 and 43A.18, or 179A.22, subdivision 4.

By January 1, 1994, the commissioner

of employee relations must estimate any increases covered by this section and certify the amount necessary for each agency. During the biennium, the commissioner of finance shall transfer the necessary amounts to the proper accounts and shall promptly notify the house of representatives ways and means committee and the senate finance committee of the amount transferred to each appropriation account. If the appropriated amounts are insufficient, the commissioner of finance shall proportionally allocate available funding among agencies. Any appropriation balance remaining the first year does not cancel, but is available for the second year.

Sec. 28. GENERAL CONTINGENT ACCOUNTS

		550,000	550,000
	Summary by Fund		
General	200,000	200,000	
Special Revenue	250,000	250,000	
Workers' Compensation	100,000	100,000	

The appropriations in this section must be spent with the approval of the governor after consultation with the legislative 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.

The special revenue appropriation is available to be transferred to the attorney general when the costs to provide legal services to the health boards exceed the biennial appropriation to the attorney general from the special revenue fund. The boards receiving the additional services shall set their fees to cover the costs.

Sec. 29. TORT CLAIMS 300,000 300,000

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. 30. MINNESOTA STATE
RETIREMENT SYSTEM**

2,200,000 2,200,000

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

(a) Legislators

2,000,000 2,000,000

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

(b) Constitutional Officers

200,000 200,000

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. 31. 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 under Minnesota Statutes, section 356.865.

**Sec. 32. POLICE AND FIRE AMORT-
IZATION AID**

3,970,000 6,055,000

\$3,417,000 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. The reduction of \$2,085,000 the first year from amounts otherwise payable as amortization aid and supplemental amortization aid is due to excess investment earnings by the Minneapolis police and fire relief associations and reduces the aid apportionment otherwise payable to the city of Minneapolis on July 15, August 31, September 15, and November 15, 1993.

\$553,000 the first year and \$1,000,000 the second year are to the commissioner of revenue 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.

Sec. 33. BASE CUT TRANSFERS.

For any agency assigned base cuts in this act, 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. 34. [3.196] AUDITS.

The house of representatives and the senate shall each contract with the state auditor or a certified public accountant to perform an audit at least biennially.

Sec. 35. Minnesota Statutes 1992, section 3.971, is amended by adding a subdivision to read:

Subd. 3. The legislative auditor, on a biennial schedule, shall review agency performance reports to review and comment on the appropriateness, validity, and reliability of the outcome measures and data collection efforts. The legislative auditor shall report the findings to agencies, the governor, the speaker of the house of representatives, and the president of the senate.

Sec. 36. Minnesota Statutes 1992, section 8.15, is amended to read:

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

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, except that the attorney general may not assess the department of human rights for legal representation on behalf of complaining parties who have filed a charge of discrimination with the department. The assessment against appropriations from other than the general fund must be the full cost of providing the services. The assessment against appropriations supported by fees must be included in the fee calculation. The assessment against appropriations from the general fund not supported by fees must be one-half of the 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; except that the attorney general may not assess a county any fee for legal services rendered in connection with a psychopathic personality commitment proceeding under section 526.10 for which the attorney general assumes responsibility under section 8.01.

Sec. 37. [11A.075] DISCLOSURE OF EXPENSE REIMBURSEMENT.

(a) A member or employee of the state board must annually disclose expenses paid for or reimbursed by: (1) each investment advisor, consultant, or outside money manager under contract to the state board; (2) each investment advisor, consultant, or outside money manager that has bid on a contract offered by the state board during that year; and (3) each business, including officers or employees of the business, in which the state board has invested money under the board's control during the annual reporting period. The disclosure requirement of this paragraph does not apply to expenses or reimbursements from an investment advisor, consultant, money manager or business if the board member or employee received less than \$50 during the annual reporting period from that person or entity.

(b) For purposes of this section, expenses include payments or reimbursements for meals, entertainment, transportation, lodging, and seminars.

(c) The disclosure required by this section must be filed with the ethical practices board by April 15 each year. Each disclosure report must cover the previous calendar year. The statement must be on a form provided by the ethical practices board. An individual who fails to file the form required by this section or who files false information, is subject to penalties specified in sections 10A.09 and 10A.10.

Sec. 38. [13.072] OPINIONS BY THE COMMISSIONER.

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

Subdivision 1. OPINION; WHEN REQUIRED. (a) Upon request of a state agency, statewide system, or political subdivision, the commissioner may give a written opinion on any question relating to public access to government data, rights of subjects of data, or classification of data under this chapter or other Minnesota statutes governing government data practices. Upon request of any person who disagrees with a determination regarding data practices made by a state agency, statewide system, or political subdivision, the commissioner may give a written opinion regarding the person's rights as a subject of government data or right to have access to government data. If the commissioner determines that no opinion will be issued, the commissioner shall give the state agency, statewide system, political subdivision, or person requesting the opinion notice of the decision not to issue the opinion within five days of receipt of the request. If this notice is not given, the commissioner shall issue an opinion within 20 days of receipt of the request. For good cause and upon written notice to the person requesting the opinion, the commissioner may extend this deadline for one additional 30-day period. The notice must state the reason for extending the deadline. The state agency, statewide system, or political subdivision must be provided a reasonable opportunity to explain the reasons for its decision regarding the data. The commissioner or the state agency, statewide system, or political subdivision may choose to give notice to the subject of the data concerning the dispute regarding the data.

(b) This section does not apply to a question involving the exercise of a discretionary power specifically granted by statute to a responsible authority to withhold or grant access to government data in a manner different than the data's general statutory classification.

(c) A written opinion issued by the attorney general shall take precedence over an opinion issued by the commissioner under this section.

Subd. 2. EFFECT. Opinions issued by the commissioner under this section are not binding on the state agency, statewide system, or political subdivision whose data is the subject of the opinion, but must be given deference by a court in a proceeding involving the data. The commissioner shall arrange for public dissemination of opinions issued under this section. This section does not preclude a person from bringing any other action under this chapter or other law in addition to or instead of requesting a written opinion. A state agency, statewide system, political subdivision, or person that acts in conformity with a written opinion of the commissioner is not liable for compensatory or exemplary damages or awards of attorneys fees in actions under section 13.08 or for a penalty under section 13.09.

Subd. 3. FEE. A state agency, statewide system, or political subdivision that requests an opinion must pay a fee of \$200 for each request.

Sec. 39. [15.90] PURPOSE.

The purposes of sections 15.90 to 15.92 are:

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(1) to generate information so that the legislature can determine the extent to which state programs are successful;

(2) to develop clear goals and priorities for state programs;

(3) to strengthen accountability to Minnesotans by providing a record of state government's performance in providing effective and efficient services; and

(4) to create appropriate incentives and systems that will allow and encourage the best work by state employees.

Sec. 40. [15.91] PERFORMANCE REPORTING FOR AGENCIES OF STATE GOVERNMENT.

Subdivision 1. DEFINITION. For purposes of sections 15.90 to 15.92, "agency" means a department or agency, as designated in section 15.01.

Subd. 2. PERFORMANCE REPORTS. (a) Each agency shall develop a performance report for its operations. The report shall include each of the following items or an explanation of why an item does not apply to the agency:

(1) a statement of the mission, goals, and objectives of the agency including those set forth in statute;

(2) measures and goals of the output and outcome of the agency;

(3) identification of priority and other service populations, or other service measures, under current law and how those populations are expected to change within the period of the report;

(4) plans for how outcome information can be used as an incentive for improving state programs and program outcomes;

(5) requests for statutory flexibility needed to reach outcome goals;

(6) explanation of outcome information that could be available with new data collection systems; and

(7) other information that may be required.

The goals required under clause (1): (i) must be simple declarative statements of intent; (ii) should carry benchmarks for accomplishment; and (iii) should be specific enough so citizens can measure progress year to year.

(b) Each agency shall issue a draft report by November 1, 1993, a first annual report by September 1, 1994, and annual updated reports no later than September 1 of each year beginning in 1995. A report must cover a period of four years previous and two years in the future from the date that it is required to be issued, including previous forecasts versus actual measures.

(c) Each agency shall send a copy of each report issued to the governor, the

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speaker of the house of representatives, the president of the senate, the legislative commission on planning and fiscal policy, the legislative auditor, the commissioner of finance, and two copies to the legislative reference library.

(d) The legislative auditor shall review the drafts and give comments to agencies and the legislature before September 1, 1994, and shall review and give comments on annual reports on a rotating biennial schedule.

(e) State agency reports shall be compiled as required in this paragraph. The commissioner of finance, in consultation with the commissioner of administration, the legislative commission on planning and fiscal policy, and the finance committees and divisions of the house of representatives and senate, shall:

(1) develop forms and instructions for the use of the agencies in the preparation of their reports;

(2) work with individual agencies to determine acceptable measures of workload, output, and outcome for use in reports; and

(3) request any needed additional information concerning any agency report submitted.

Each agency shall include citizens, agency clients, consumer and advocacy groups, worker participation committees, managers, elected officials, and contractors in its planning.

Sec. 41. [15.92] WORKER PARTICIPATION COMMITTEES.

(a) In the development of outcome measures and incentive programs, each agency shall create a committee including representatives of employees and employers. The committee must be given adequate time to perform the functions prescribed in paragraph (b). Each exclusive representative of employees shall select a committee member from each of its bargaining units in each affected agency. The head of each agency shall select an employee member from each unit of employees not represented by an exclusive representative. The agency head shall also appoint one or more committee members to represent the agency. The number of members appointed by the agency head, however, may not exceed the total number of members representing bargaining units.

(b) A committee established under paragraph (a) shall:

(1) identify other employer and employee issues related to improving the delivery of the agency's program and services;

(2) identify barriers to the effective and efficient delivery of services;

(3) participate in the development of the agency's outcome measures and incentive programs; and

(4) meet as desired for the purpose of developing solutions to problems shared by employees and employer within the agency.

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

Sec. 42. [15A.086] LIMITS ON BONUS PAYMENTS.

Notwithstanding any law to the contrary, an employee of the state lottery or of a public corporation or nonprofit corporation created by law may not receive bonus payments in any year that exceed ten percent of the employee's base salary for that year. For purposes of this section, bonus payments include any combination of merit pay, achievement awards, or any other cash payments in addition to base salary, other than severance pay or overtime or holiday pay. Groups covered by this section include, but are not limited to, the Workers' Compensation Reinsurance Association, the Minnesota Insurance Guaranty Association, the Fair plan, the Joint Underwriters Association, the Minnesota Joint Underwriters Association, the Life and Health Guaranty Association, the Minnesota Comprehensive Health Association, the Minnesota State High School League, Minnesota Technology, Inc., Agricultural Utilization Research Institute, Minnesota Project Outreach Corporation, State Fund Mutual Insurance Company, the World Trade Center Corporation, and the State Agricultural Society. This section does not give any entity authority to grant a bonus not otherwise authorized by law.

Sec. 43. Minnesota Statutes 1992, section 16A.011, subdivision 5, is amended to read:

Subd. 5. **APPROPRIATIONS WAYS AND MEANS COMMITTEE.** "Appropriations Ways and means committee" means the ~~appropriations~~ chief fiscal committee of the house of representatives.

Sec. 44. Minnesota Statutes 1992, section 16A.011, subdivision 6, is amended to read:

Subd. 6. **BIENNIUM.** "Biennium" means a period of two consecutive fiscal years beginning in an odd-numbered calendar year and ending in the next odd-numbered calendar year. ~~On July 1, 1984, the current biennium is the 1983-1985 biennium.~~

Sec. 45. Minnesota Statutes 1992, section 16A.011, subdivision 14, is amended to read:

Subd. 14. **FISCAL YEAR.** "Fiscal year" means the period beginning at midnight between June 30 and July 1 and ending 12 months later. ~~On July 1, 1984, the current fiscal year is 1985.~~

Sec. 46. Minnesota Statutes 1992, section 16A.04, subdivision 1, is amended to read:

Subdivision 1. **TO PREPARE, CONSULT, SUPERVISE.** The commissioner shall prepare the biennial budget with ~~four-year~~ projections on revenues and expenditures for both the biennial budget period and the biennium following the biennial budget period. The governor shall supervise the preparation unless there is a governor-elect, who then shall provide the supervision.

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

Sec. 47. Minnesota Statutes 1992, section 16A.055, subdivision 1, is amended to read:

Subdivision 1. **LIST.** The commissioner shall:

(1) receive and record all money paid into the state treasury and safely keep it until lawfully paid out;

(2) manage the state's financial affairs;

(3) keep the state's general account books according to generally accepted government accounting principles;

(4) keep expenditure and revenue accounts according to generally accepted government accounting principles;

(5) develop, provide instructions for, prescribe, and manage a state uniform accounting system;

(6) provide to the state the expertise to ensure that all state funds are accounted for under generally accepted government accounting principles; and

(7) coordinate the development of, and ~~develop~~ maintain standards for, internal auditing in state agencies and, in cooperation with the commissioner of administration, report to the legislature and the governor by December 31, ~~1990~~ of even-numbered years, on progress made.

Sec. 48. Minnesota Statutes 1992, section 16A.06, subdivision 4, is amended to read:

Subd. 4. ~~**OBJECTIVES REPORTING AGENCY PERFORMANCE.**~~ The commissioner from time to time shall require each executive agency to write objectives on the department's form for its authorized activities and functions. The objectives must be specific as to amount and time so that their performance can be measured. The objectives must cover the current and the next biennium. Executive agencies shall prepare performance-based budget plans according to schedules, forms, and standards as established by the commissioner. The commissioner may also require other periodic reports of agency performance.

Sec. 49. Minnesota Statutes 1992, section 16A.065, is amended to read:

16A.065 PREPAY SOFTWARE, SUBSCRIPTIONS, UNITED STATES DOCUMENTS.

~~Despite~~ Notwithstanding section 16A.41, subdivision 1, the commissioner may allow an agency to make advance deposits or payments for software or software maintenance services for state-owned or leased electronic data processing equipment, for sole source maintenance agreements where it is not ~~cost effective~~ cost-effective to pay in arrears, for exhibit booth space rental when required by the renter to guarantee the availability of space, for registration fees where

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advance payment is required or advance payment discount is provided, and for newspaper, magazine, and other subscription fees customarily paid for in advance. The commissioner may also allow advance deposits by any department with the Library of Congress and federal Supervisor of Documents for items to be purchased from those federal agencies.

Sec. 50. Minnesota Statutes 1992, section 16A.10, subdivision 1, is amended to read:

Subdivision 1. ~~BY MAY 1 AND SEPTEMBER 1 BUDGET FORMAT.~~ In each even-numbered calendar year the commissioner shall prepare the budget forms and instructions for all agencies, subject to the approval of the governor. The commissioner shall consult with request and receive advisory recommendations from the chairs of the senate finance committee and house of representatives appropriations ways and means committee, as well as their respective division chairs, before adopting a format for the biennial budget document. By May 1 June 15, the commissioner shall send the proposed budget forms to the appropriations and finance committees. The committees have until June 1 July 15 to give the commissioner their advisory recommendations on possible improvements. By September 1, the commissioner shall send each agency enough forms to make its budget estimates. To facilitate this consultation, the commissioner shall establish a working group consisting of executive branch staff and designees of the chairs of the senate finance and house of representatives ways and means committees. The commissioner must involve this group in all stages of development of budget forms and instructions. The forms budget format must show actual expenditures and receipts for the two most recent fiscal years, estimated expenditures and receipts for the current fiscal year, and estimates for each fiscal year of the next biennium, and an estimated appropriation balance at the end of the current fiscal year. Estimated expenditures must be classified by funds and character of expenditures and may be subclassified by programs and activities. Agency revenue estimates must show how the estimates were made and what factors were used. Receipts must be classified by funds, programs, and activities. Expenditure and revenue estimates must be based on the law in existence at the time the estimates are prepared.

Sec. 51. Minnesota Statutes 1992, section 16A.10, subdivision 2, is amended to read:

Subd. 2. ~~BY OCTOBER 1 AND NOVEMBER 15 30.~~ By October 1 15 of each even-numbered year, an agency must file the following with the commissioner:

- (1) its budget and departmental earnings estimates for the most recent and current fiscal years;
- (2) its upcoming biennial budget and departmental earnings estimates;
- (3) a comprehensive and integrated statement of agency missions and outcome and performance measures; and

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

(4) a concise explanation of any requests for increased appropriations, expansion planned changes in the level of services; or new activities;

(3) a statement of work done during the current biennium and proposed for the next biennium; and

(4) a list of each employee's name, title, and salary.

The commissioner shall prepare and file the budget estimates for an agency failing to file them. By November ~~15~~ 30, the commissioner shall send the final budget format, departmental earnings report, agency budget plans or requests for the next biennium, and copies of the filed material to the appropriations ways and means and finance committees, except that the commissioner shall not be required to transmit information that identifies executive branch budget decision items. At this time, a list of each employee's name, title, and salary must be available to the legislature, either on paper or through electronic retrieval.

Sec. 52. Minnesota Statutes 1992, section 16A.105, is amended to read:

16A.105 DEBT CAPACITY FORECAST.

By ~~January 14~~ December 1 of each ~~odd-numbered~~ even-numbered year the governor shall submit to the legislature a debt capacity forecast. The debt capacity forecast must include statements of the indebtedness of the state for bonds, notes, and other forms of long-term indebtedness that are not accounted for in proprietary or fiduciary funds, including general obligation bonds, moral obligation bonds, revenue bonds, loans, grants payable, and capital leases. The forecast must show the actual amount of the debt service for at least the past two completed fiscal years, and the estimated amount for the current fiscal year and the next six fiscal years, the debt authorized and unissued, the condition of the sinking funds, and the borrowing capacity for the next six fiscal years.

Sec. 53. Minnesota Statutes 1992, section 16A.11, subdivision 1, is amended to read:

Subdivision 1. **WHEN.** The governor shall submit a three-part budget to the legislature. Parts one and two, the budget message and detailed operating budget, must be submitted by the fourth ~~Monday~~ Tuesday in January in each odd-numbered year. Part three, the detailed recommendations as to capital expenditure, ~~need not be~~ must be submitted ~~until June 15~~ as follows: agency capital budget requests by June 15 of each odd-numbered year; preliminary governor's recommendations by September 1 of each odd-numbered year; and final recommendations by February 1 of each even-numbered year.

Sec. 54. Minnesota Statutes 1992, section 16A.11, subdivision 3, is amended to read:

Subd. 3. **PART TWO: DETAILED BUDGET.** Part two of the budget, the detailed budget estimates both of expenditures and revenues, shall contain any statements on the financial plan which the governor believes desirable or which may be required by the legislature. Part of the budget must be prepared using

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performance-based budgeting concepts. In this subdivision, "performance-based budgeting" means a budget system that identifies agency outcomes and results and provides comprehensive information regarding actual and proposed changes in funding and outcomes. The detailed estimates shall include the budget request plan of each agency arranged in tabular form so it may readily be compared with the governor's budget for each agency. They shall also include, as part of each agency's organization chart, a summary of the personnel employed by the agency, showing the complement approved by the legislature full-time equivalent positions for the current biennium, additional complement positions authorized through the governor or the commissioner, positions transferred into or out of the agency, additional part-time and seasonal positions and the number of full-time equivalent employees of all kinds employed by the agency on June 30 of the last complete fiscal year. The summary of the number of employees must list employees by employment status, including but not limited to full-time unlimited, part-time unlimited, full-time or part-time seasonal, intermittent, full-time or part-time temporary, full-time or part-time emergency, and other. The summary of personnel shall also be shown for each functional division of the agency, and for each fund and type of appropriation.

Any increase in complement with the exception of federal positions, approved by the commissioner of finance as temporary positions, shall be reflected in the governor's budget recommendations to the legislature as change request items. These positions are not permanent positions until the legislature has approved the change request items.

Sec. 55. [16A.122] WORK FORCE PLANNING AND REPORTING.

Subdivision 1. AGENCY AUTHORIZED WORK FORCE. Within any limits imposed by law, state agencies may establish full-time, part-time, or seasonal positions as necessary to carry out assigned responsibilities and missions except that actual levels of employment are limited by availability of appropriated funding for salaries and benefits.

Subd. 2. TRANSFERS FROM GRANTS PROHIBITED. Unless otherwise provided by law, an agency must not use grant or flow-through funds for salaries or other operating purposes.

Subd. 3. WORK FORCE REPORTING. The commissioner shall prepare quarterly work force reports as required for accurate reporting of state employment levels, whether for internal analysis or for nationwide comparisons of public employment levels. The reports shall express total employment in terms of full-time equivalent positions; shall indicate changes from previous reporting periods; and shall take into account all positions, including full-time, part-time, temporary, and other employees. In this subdivision, a full-time equivalent position means 2,080 working hours per year; except that the number of work hours may vary, depending upon the exact number of working days in any given year. Independent contractors are not to be included within the definition of a full-time equivalent position.

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Subd. 4. BUDGET REPORTING. For purposes of budgetary reporting, position counts must be expressed as full-time equivalents as stipulated in subdivision 3. Estimated positions must be based on actual funding in the year indicated. The biennial budget document submitted to the legislature by the governor shall indicate full-time equivalent base level positions, the number of projected positions, and the number of positions for each of the two years before the base year. The governor's budget recommendations shall clearly specify any proposed changes in full-time equivalent positions. All fiscal notes and any other budgetary items submitted to the legislature shall specify relevant changes, both in full-time equivalent positions and accompanying changes in salary dollars.

Sec. 56. [16A.1285] DEPARTMENTAL EARNINGS.

Subdivision 1. DEFINITIONS. In this section, "departmental earnings" means any charge for goods and services and any regulatory, licensure, or other similar charges levied by any state agency and paid by individuals, businesses, or other nonstate entities. This definition must not be construed to include general taxes collected by a state agency or charges for services provided by one state agency to another state agency.

Subd. 2. POLICY. Unless otherwise provided by law, specific charges falling within definitions stipulated in subdivision 1 must be set in the manner prescribed in this subdivision provided that: (1) agencies, when setting, adjusting, or authorizing any charge for goods or services that are of direct, immediate, and primary benefit to an individual, business, or other nonstate entity, shall set the charges at a level that neither significantly over recovers nor under recovers costs, including overhead costs, involved in providing the services; or (2) that agencies, when setting, adjusting, or establishing regulatory, licensure, or other charges that are levied, in whole or in part, in the public interest shall recover, but are not limited to, the costs involved in performance and administration of the functions involved.

Subd. 3. DUTIES OF THE COMMISSIONER OF FINANCE. The commissioner of finance shall classify, monitor, analyze, and report all departmental earnings that fall within the definition established in subdivision 1. Specifically, the commissioner shall:

(1) establish and maintain a classification system that clearly defines and distinguishes categories and types of departmental earnings and takes into account the purpose of the various earnings types and the extent to which various earnings types serve a public or private interest;

(2) prepare a biennial report that documents collection costs, purposes, and yields of all departmental earnings, the report to be submitted to the legislature on or before November 30 of each even-numbered year and to include estimated data for the year in which the report is prepared, actual data for the two years immediately before, and estimates for the two years immediately following; and

(3) prepare and maintain a detailed directory of all departmental earnings.

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

Subd. 4. RULEMAKING. (a) Unless otherwise exempted or unless specifically set by law, all charges for goods and services, licenses, and regulation must be established or adjusted as provided in chapter 14; except that agencies may establish or adjust individual charges when:

(1) charges for goods and services are provided for the direct and primary use of a private individual, business, or other similar entity;

(2) charges are nonrecurring;

(3) charges would produce insignificant revenues;

(4) charges are billed within or between state agencies; or

(5) charges are for admissions to or for use of public facilities operated by the state, if the charges are set according to prevailing market conditions to recover operating costs.

(b) In addition to the exceptions in paragraph (a), agencies may adjust charges, with the approval of the commissioner of finance, if the proposed adjustments are within consumer price level (CPI) ranges stipulated by the commissioner of finance, if the adjustments do not change the type or purpose of the item being adjusted.

(c) Any departmental earnings changes or adjustments authorized by the commissioner of finance must be reported to the chairs of the senate committee on finance and the house ways and means committee before August 1 of each year.

Subd. 5. PROCEDURE. The commissioner of finance shall review and comment on all departmental charges submitted for approval under chapter 14. The commissioner's comments and recommendations must be included in the statement of need and reasonableness and must address any fiscal and policy concerns raised during the review process.

Sec. 57. Minnesota Statutes 1992, section 16A.129, is amended by adding a subdivision to read:

Subd. 3. CASH ADVANCES. When the operations of any nongeneral fund account would be impeded by projected cash deficiencies resulting from delays in the receipt of grants, dedicated income, or other similar receivables, and when the deficiencies would be corrected within the budget period involved, the commissioner of finance may transfer general fund cash reserves into the accounts as necessary to meet cash demands. The cash flow transfers must be returned to the general fund as soon as sufficient cash balances are available in the account to which the transfer was made. Any interest earned on general fund cash flow transfers accrues to the general fund and not to the accounts or funds to which the transfer was made.

Sec. 58. Minnesota Statutes 1992, section 16A.15, subdivision 1, is amended to read:

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

Subdivision 1. **REDUCTION.** (a) If the commissioner determines that probable receipts for the general fund will be less than anticipated, and that the amount available for the remainder of the biennium will be less than needed, the commissioner shall, with the approval of the governor, and after consulting the legislative advisory commission, reduce the amount in the budget reserve and cash flow reserve account ~~established in subdivision 6~~ as needed to balance expenditures with revenue.

(b) An additional deficit shall, with the approval of the governor, and after consulting the legislative advisory commission, be made up by reducing unexpended allotments of any prior appropriation or transfer. Notwithstanding any other law to the contrary, the commissioner is empowered to defer or suspend prior statutorily created obligations which would prevent effecting such reductions.

(c) If the commissioner determines that probable receipts for any other fund, appropriation, or item will be less than anticipated, and that the amount available for the remainder of the term of the appropriation or for any allotment period will be less than needed, the commissioner shall notify the agency concerned and then reduce the amount allotted or to be allotted so as to prevent a deficit.

(d) In reducing allotments, the commissioner may consider other sources of revenue available to recipients of state appropriations and may apply allotment reductions based on all sources of revenue available.

(e) In like manner, the commissioner shall reduce allotments to an agency by the amount of any saving that can be made over previous spending plans through a reduction in prices or other cause.

Sec. 59. Minnesota Statutes 1992, section 16A.15, subdivision 5, is amended to read:

Subd. 5. **NOTICE TO COMMITTEES.** The commissioner shall notify the committees on finance and taxes and tax laws of the senate and the committees on ~~appropriations~~ ways and means and taxes of the house of representatives of a reduction in an allotment under ~~subdivision 4~~ this section. The notice must be in writing and delivered within 15 days of the commissioner's act. The notice must specify:

- (1) the amount of the reduction in the allotment;
- (2) the agency and programs affected;
- (3) the amount of any payment withheld; and
- (4) any additional information the commissioner determines is appropriate.

Sec. 60. Minnesota Statutes 1992, section 16A.15, subdivision 6, is amended to read:

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

Subd. 6. **BUDGET RESERVE AND CASH FLOW RESERVE ACCOUNT ESTABLISHED.** A budget ~~reserve~~ and cash flow ~~reserve~~ account is created in the general fund in the state treasury. The commissioner of finance shall, ~~as authorized from time to time by law,~~ restrict part or all of the ~~budgetary balance before reserves~~ in the general fund ~~for use as may be necessary to fund~~ the budget ~~reserve~~ and cash flow ~~reserve~~ account ~~as provided by law from time to time.~~ The commissioner of finance shall transfer from the budget and cash flow ~~reserve~~ account the amount necessary to bring the total amount, including any existing balance in the account on July 1, 1992, to \$240,000,000. The amounts restricted shall remain in the account until drawn down under subdivision 4 or increased under section 16A.1541.

Sec. 61. Minnesota Statutes 1992, section 16A.152, is amended by adding a subdivision to read:

Subd. 3. USE. The use of the budget reserve should be governed by principles based on the full economic cycle rather than the budget cycle. The budget reserve may be used when a negative budgetary balance is projected and when objective measures, such as reduced growth in total wages, retail sales, or employment, reflect downturns in the state's economy.

Sec. 62. Minnesota Statutes 1992, section 16A.152, is amended by adding a subdivision to read:

Subd. 5. RESTORATION. The restoration of the budget reserve should be governed by principles based on the full economic cycle rather than the budget cycle. Restoration of the budget reserve should occur when objective measures, such as increased growth in total wages, retail sales, or employment, reflect upturns in the state's economy. The budget reserve should be restored before new or increased spending commitments are made.

Sec. 63. Minnesota Statutes 1992, section 16A.1541, is amended to read:

16A.1541 ADDITIONAL REVENUES; PRIORITY.

If on the basis of a forecast of general fund revenues and expenditures the commissioner of finance determines that there will be a positive unrestricted budgetary general fund balance at the close of the biennium, the commissioner of finance must allocate money to the budget ~~reserve~~ and cash flow ~~reserve~~ account until the total amount in the account equals five percent of total general fund appropriations for the current biennium as established by the most recent legislative session. Beginning in November 1990, forecast unrestricted budgetary general fund balances are first appropriated to restore the budget ~~reserve~~ and cash flow ~~reserve~~ account to \$550,000,000 and then to reduce the property tax levy recognition percent under section 121.904, subdivision 4a, to 27 percent before money is allocated to the budget ~~reserve~~ and cash flow ~~reserve~~ account under the preceding sentence.

The amounts necessary to meet the requirements of this section are appropriated from the general fund.

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Sec. 64. Minnesota Statutes 1992, section 16A.28, is amended to read:

16A.28 TREATMENT OF UNUSED APPROPRIATIONS.

Subdivision 1. **CARRYFORWARD.** Agencies may carry forward unexpended and unencumbered nongrant operating balances from the first year of a biennium into the second year of the biennium.

Subd. 2. USE OF CARRYFORWARD. No money shall be carried forward without the approval of the commissioner of finance.

Subd. 3. LAPSE. Except as specifically provided for in appropriation acts, a part of an appropriation subject to this section Any portion of any appropriation not carried forward and remaining unexpended and unencumbered at the close of a fiscal year lapses. The commissioner shall see that the remainder is returned to the fund from which it was originally appropriated. Any appropriation amounts not carried forward and remaining unexpended and unencumbered at the close of a biennium lapse to the fund from which the appropriation was made.

Subd. 2 **4. REINSTATEMENT; FINAL LAPSE.** The commissioner may reinstate a lapsed appropriation within three months of the lapse. A reinstated appropriation lapses again no later than three months after it first lapsed. A payment under a reinstated appropriation may be made only under section 16A.15, subdivision 3.

Subd. 3 **5. PERMANENT IMPROVEMENTS.** An appropriation for permanent improvements, including the acquisition of real property does not lapse until the purposes of the appropriation are determined by the commissioner, after consultation with the affected agencies, to be accomplished or abandoned.

Subd. 4 **6. CANCELED SEPTEMBER 1.** On September 1 all allotments and encumbrances for the last fiscal year shall be canceled unless an agency head certifies to the commissioner that there is an encumbrance for services rendered or goods ordered in the last fiscal year, or certifies that funding will be carried forward under subdivision 1. The commissioner may: reinstate the part of the cancellation needed to meet the certified encumbrance or charge the certified encumbrance against the current year's appropriation.

Subd. 5 **7. EXCEPTIONS.** Except as otherwise expressly provided by law, subdivisions 1 to 4 6 apply to every appropriation of a stated sum for a specified purpose or purposes heretofore or hereafter made, but do not, unless expressly provided by law, apply to any fund or balance of a fund derived wholly or partly from special taxes, fees, earnings, fines, federal grants, or other sources that are by law appropriated for special purposes by standing, continuing, or revolving appropriations.

Sec. 65. Minnesota Statutes 1992, section 16A.281, is amended to read:

16A.281 APPROPRIATIONS TO LEGISLATURE EXEMPT.

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Except as provided in this section, section 16A.28 does not apply applies to appropriations made to the legislature, the senate, the house of representatives or its committees or commissions. An appropriation made to the legislature, the senate, the house of representatives, or a legislative commission or committee other than a standing committee, if not spent during the first year, may be spent during the second year of a biennium. An unexpended balance not carried forward and remaining unexpended and unencumbered at the end of a biennium lapses and shall be returned to the fund from which appropriated. Balances may be carried forward into the next biennium and credited to special accounts to be used only as follows: (1) for nonrecurring expenditures on investments that enhance efficiency or improve effectiveness; (2) to pay expenses associated with special sessions, interim activities, public hearings, or other public outreach efforts and related activities; and (3) to pay severance costs of involuntary terminations. The approval of the commissioner of finance under section 16A.28, subdivision 2, does not apply to the legislature. An appropriation made to the legislature, the senate, the house of representatives, or a standing committee for all or part of a biennium may be spent in either year of the biennium or the year before or after the biennium.

Sec. 66. [16A.285] ALLOWED APPROPRIATION TRANSFERS.

An agency may transfer state agency operational money between programs within the same fund if: (1) the agency first notifies the commissioner as to the type and intent of the transfer; and (2) the transfer is consistent with legislative intent. If an amount is specified for an item within an activity, that amount must not be transferred or used for any other purpose.

The commissioner shall report the transfers to the chairs of the senate finance and house of representatives ways and means committees.

Sec. 67. Minnesota Statutes 1992, section 16A.58, is amended to read:

16A.58 COMMISSIONER CUSTODIAN OF PAYMENT DOCUMENTS.

The commissioner or the head of a state agency designated by the commissioner is the custodian of original documents on which money has been or may be paid out of or received in the state treasury.

Sec. 68. Minnesota Statutes 1992, section 16A.69, subdivision 2, is amended to read:

Subd. 2. TRANSFER BETWEEN ACCOUNTS. Upon the awarding of final contracts for the completion of a project for construction or other permanent improvement, or upon the abandonment of the project, the agency to whom the appropriation was made may transfer the unencumbered balance in the project account to another project enumerated in the same section of that appropriation act. The transfer must be made only to cover bids for the other project that were higher than was estimated when the appropriation for the

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other project was made and not to cover an expansion of the other project. The money transferred under this section is appropriated for the purposes for which transferred. For transfers by the state board of technical colleges, the total cost of both projects and the required local share for both projects are adjusted accordingly. The agency proposing a transfer shall report to the chair of the senate finance committee and the chair of the house ~~appropriations of~~ representatives ways and means committee before the transfer is made under this subdivision.

Sec. 69. Minnesota Statutes 1992, section 16A.72, is amended to read:

16A.72 INCOME CREDITED TO GENERAL FUND; EXCEPTIONS.

All income, including fees or receipts of any nature, shall be credited to the general fund, except:

- (1) federal aid;
- (2) contributions, or reimbursements received for any account of any division or department for which an appropriation is made by law;
- (3) income to the University of Minnesota;
- (4) income to revolving funds now established in institutions under the control of the commissioners of corrections or human services;
- (5) investment earnings resulting from the master lease program, except that the amount credited to another fund or account may not exceed the amount of the additional expense incurred by that fund or account through participation in the master lease program;
- (6) receipts from the operation of patients' and inmates' stores and vending machines, which shall be deposited in the social welfare fund in each institution for the benefit of the patients and inmates;
- (7) money received in payment for services of inmate labor employed in the industries carried on in the state correctional facilities which receipts shall be credited to the current expense fund of those facilities;
- (8) as provided in sections 16B.57 and 85.22; ~~or~~
- (9) as otherwise provided by law; and
- (10) income to the Minnesota historical society.

Sec. 70. Minnesota Statutes 1992, section 16B.24, subdivision 9, is amended to read:

Subd. 9. **SMOKING IN STATE BUILDINGS.** (a) To protect the public health, comfort, and environment and to protect the nonsmoker's right to a smoke-free environment, smoking in all buildings managed or leased by the

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commissioner under subdivisions 1 and 6 is prohibited except in veterans homes where smoking areas have been designated under a policy adopted in accordance with paragraph (b).

(b) ~~Except as provided in paragraph (e), each state agency shall adopt a smoking policy for the space it occupies. Before placing a policy in effect, the agency shall submit the policy and a plan for implementing it to the commissioner of employee relations. The policy must:~~

(1) ~~prohibit smoking entirely; or~~

(2) A veterans home may permit smoking only in designated areas, providing that existing physical barriers and ventilation systems can be used to prevent the presence of smoke in adjacent nonsmoking areas.

(e) ~~An agency need not adopt a new policy governing an area in which smoking is prohibited under a policy in effect on January 1, 1989.~~

No employee complaining of a ~~smoke-induced discomfort~~ violation of this subdivision to a lessor, lessee, manager, or supervisor may be subjected to any disciplinary action as a result of making the complaint.

Sec. 71. Minnesota Statutes 1992, section 16B.41, as amended by Laws 1993, chapter 4, section 12, is amended to read:

16B.41 STATE INFORMATION SYSTEMS MANAGEMENT POLICY OFFICE.

Subdivision 1. **ESTABLISHMENT AND PURPOSE.** ~~An office of information systems management is created. The information policy office shall develop and establish a policy and standards for state agencies to follow for the development, purchase, and training for information systems. The purpose of the office is to develop, promote, and coordinate a state technology, architecture, standards and guidelines, information needs analysis techniques, contracts for the purchase of equipment and services, and training of state agency personnel on these issues.~~

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,~~

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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 ways and means 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) 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, unless the office has approved the request.

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

(e) 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 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. These standards and guidelines shall emphasize uniformity that encourages information interchange, open systems environments, and portability of information whenever practicable and consistent with an agency's authority and the Minnesota government data practices act. The office, in consultation with the intergovernmental information systems advisory council and the legislative reference library, shall adopt specific standards and guidelines to be met by each state agency within a time period fixed by the office in regard to the following:

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

(1) establishment of methodologies and systems directed at reducing and ultimately eliminating redundant storage of data and encouraging greater use of central databases;

(2) establishment of data retention schedules, disaster recovery plans and systems, security systems, and procedural safeguards concerning privacy of data;

(3) establishment of pricing policies and incentives that encourage electronic transfer of information in electronic forms, while giving due consideration to the value and cost of providing the information in those forms. These pricing policies may include preferential prices for information requested by a public entity for a public purpose; and

(4) establishment of information sales systems that utilize licensing and royalty agreements to the greatest extent possible, together with procedures for agency denial of requests for licenses or royalty agreements by commercial users or resellers of the information. Section 3.751 does not apply to these licensing and royalty agreements and the agreements must include provisions that section 3.751 does not apply and that the state is immune from liability under the agreement.

If an agency needs additional funds to comply with the requirements of this paragraph, the agency must first obtain approval of the proposal by the office as required by paragraph (c) before submitting it to the legislature.

(g) The office must conduct a comprehensive review at least every three years of the information systems investments that have been made by state agencies and higher education institutions. The review must include recommendations on any information systems applications that could be provided in a more cost beneficial manner by an outside source. The office must report the results of its review to the legislature and the governor.

(h) The office shall recommend to the legislature any statutory changes that are necessary or desirable to accomplish the duties described in this subdivision.

(i) The office must report to the legislature by January 15 each year on progress in implementing paragraph (f), clauses (1) to (4).

Subd. 3. STAFF. The office shall function as a division of the department of administration. The commissioner of administration shall ~~appoint an interim office director and other interim staff and~~ provide the necessary administrative support to the office. The ~~employees and~~ director shall serve in the unclassified service through June 30, 1988. On July 1, 1988, the ~~employee positions established by this section, except the position of director, shall be placed in the classified service. The position of director shall remain in the unclassified service.~~

Subd. 4. ~~ADVISORY TASK FORCE.~~ The commissioner must appoint a state information systems advisory task force to help develop and coordinate a state information architecture that is consistent with the information manage-

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ment direction developed by the information policy council, and make recommendations to the commissioner concerning the progress, direction, and needs of the state's information systems. The task force must include representatives of state agencies, the supreme court, higher education systems, librarians, local government, and private industry. The task force must also have two members of the house of representatives appointed by the speaker of the house and two members of the senate appointed by the senate committee on committees. No more than one member from the house of representatives and one from the senate shall be chosen from the same political party. The terms, compensation, and removal of nonlegislative members are as provided in section 15.059, but the task force does not expire until June 30, 1993.

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. 72. Minnesota Statutes 1992, section 16B.43, subdivision 1, is amended to read:

Subdivision 1. **APPLICATION.** The authority of the commissioner under sections 16B.40 to 16B.42, 16B.44, and 16B.45 ~~does not apply~~ applies to ESV-IS, ~~but applies and~~ to SDE-IS and computer-related services provided to the department of education by the department of administration's information services bureau. For purposes of this section, "ESV-IS" and "SDE-IS" have the meanings given them in section 121.93.

Sec. 73. Minnesota Statutes 1992, section 16B.92, is amended to read:

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~~ director, through the center, shall periodically study land use and natural resources on the basis of county, regional, and other political subdivisions.

Subd. 1a. **STATEWIDE NITRATE DATA BASE.** The ~~commissioner~~ director, through the center, shall maintain a statewide nitrate data base containing the data described in section 103A.403.

Subd. 2. **FEES.** The ~~commissioner~~ director 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~~ director for

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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 office~~ that is attributable to the land management information system. The ~~commissioner~~ director 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. 74. TRANSFER OF LAND MANAGEMENT INFORMATION CENTER.

Subdivision 1. TRANSFER. The land management information center is transferred from the department of administration to the office of strategic and long-range planning, under Minnesota Statutes, section 15.039.

Subd. 2. REVISOR INSTRUCTION. In the next edition of Minnesota Statutes, the revisor of statutes shall codify Minnesota Statutes, section 16B.92 in chapter 4A.

Sec. 75. Minnesota Statutes 1992, section 43A.045, is amended to read:

43A.045 RESTRUCTURING.

(a) It is the policy of the state of Minnesota that any restructuring of executive branch agencies ~~be accomplished while ensuring~~ must include efforts to ensure that fair and equitable arrangements are carried out to protect the interests of executive branch employees; and ~~while facilitating to provide~~ 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.

~~For~~ (b) Options available to employees whose positions will be eliminated by implementation of a restructuring plan; ~~options presented to employees~~ must include ~~but not be limited to,~~ at a minimum, 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.

(c) 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.

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

Sec. 76. Minnesota Statutes 1992, section 192.501, subdivision 2, is amended to read:

Subd. 2. **TUITION REIMBURSEMENT.** (a) The adjutant general shall establish a program providing tuition reimbursement for members of the Minnesota national guard in accordance with this section. An active member of the Minnesota national guard serving satisfactorily, as defined by the adjutant general, shall be reimbursed for tuition paid to a post-secondary education institution as defined by section 136A.15, subdivision 5, upon proof of satisfactory completion of course work.

(b) In the case of tuition paid to a public institution located in Minnesota, including any vocational or technical school, tuition is limited to an amount equal to 50 percent of the cost of tuition at that public institution, except as provided in this section. In the case of tuition paid to a Minnesota private institution or vocational or technical school or a public or private institution or vocational or technical school not located in Minnesota, reimbursement is limited to 50 percent of the cost of tuition for lower division programs in the college of liberal arts at the twin cities campus of the University of Minnesota in the most recent academic year, except as provided in this section.

(c) If a member of the Minnesota national guard is killed in the line of state active ~~duty~~ service or federally funded state active service as defined in section 190.05, subdivision 5b, the state shall reimburse 100 percent of the cost of tuition for post-secondary courses satisfactorily completed by any surviving spouse and any surviving dependents who are ~~21~~ 23 years old or younger. Reimbursement for surviving spouses and dependents is limited in amount and duration as is reimbursement for the national guard member.

(d) The amount of tuition reimbursement for each eligible individual shall be determined by the adjutant general according to rules formulated within 30 days of June 4, 1989. Tuition reimbursement received under this section shall not be considered by the Minnesota higher education coordinating board or by any other state board, commission, or entity in determining a person's eligibility for a scholarship or grant-in-aid under sections 136A.095 to 136A.132.

Sec. 77. Minnesota Statutes 1992, section 196.051, subdivision 3, is amended to read:

Subd. 3. **FUNDS.** The commissioner may commingle the funds of persons who are under the commissioner's guardianship pursuant to authority granted by section 196.051. The commissioner shall keep complete and accurate accounts showing each transaction that occurs with respect to the funds of each person under the commissioner's guardianship. Money in a guardianship fund is appropriated to the commissioner to carry out the guardianship.

Sec. 78. Minnesota Statutes 1992, section 196.054, subdivision 2, is amended to read:

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

Subd. 2. **APPROPRIATION.** There is a veterans affairs resources fund in the state treasury. All money received by the department pursuant to subdivision 1 must be deposited in the state treasury and credited to the veterans affairs resources fund. ~~The commissioner may only use Money from the veterans affairs resources fund is appropriated to the commissioner for operation, maintenance, repair of facilities, associated legal fees, and other related expenses used~~ under subdivision 1.

Sec. 79. [197.608] **VETERANS SERVICE OFFICE GRANT PROGRAM.**

Subdivision 1. GRANT PROGRAM. A veterans service office grant program is established to be administered by the commissioner of veterans affairs consisting of grants to counties to enable them to enhance the effectiveness of their veterans service offices.

Subd. 2. RULE DEVELOPMENT. The commissioner of veterans affairs shall consult with the Minnesota association of county veterans service officers in formulating rules to implement the grant program.

Subd. 3. ELIGIBILITY. To be eligible for a grant under this program, a county must:

(1) employ a county veterans service officer as authorized by sections 197.60 and 197.606, who is certified to serve in this position by the commissioner of veterans affairs;

(2) submit a written plan for the proposed expenditures to enhance the functioning of the county veterans service office in accordance with the program rules; and

(3) apply for the grant according to procedures to be established for this program by the commissioner and receive written approval from the commissioner for the grant in advance of making the proposed expenditures.

Subd. 4. GRANT APPLICATION. (a) A grant application must be submitted to the department of veterans affairs according to procedures to be established by the commissioner. The grant application must include a specific description of the plan for enhancing the operation of the county veterans service office.

(b) The commissioner shall approve a grant application only if it meets the criteria for eligibility as established and announced by the commissioner and there are sufficient funds remaining in the grant program to cover the amount of the grant. The commissioner may request modification of a plan. If the commissioner rejects a grant application, written reasons for the rejection must be provided to the applicant county and the county may modify the application and resubmit it.

Subd. 5. QUALIFYING USES. The commissioner of veterans affairs shall determine whether the plan specified in the grant application will enable the applicant county to enhance the effectiveness of its county veterans office.

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Notwithstanding subdivision 3, clause (1), a county may apply for and use a grant for the training and education required by the commissioner for a newly employed county veterans service officer's certificate, or for the continuing education of other staff.

Subd. 6. GRANT AMOUNT. The amount of each grant must be determined by the commissioner of veterans affairs, and may not exceed the lesser of:

(1) the amount specified in the grant application to be expended on the plan for enhancing the effectiveness of the county veterans service office; or

(2) the county's share of the total funds available under the program, determined in the following manner:

(i) if the county's veteran population is less than 1,000, the county's grant share shall be \$2,000;

(ii) if the county's veteran population is 1,000 or more but less than 3,000, the county's grant share shall be \$4,000;

(iii) if the county's veteran population is 3,000 or more but less than 10,000, the county's grant share shall be \$6,000; or

(iv) if the county's veteran population is 10,000 or more, the county's grant share shall be \$8,000.

In any year, only one-half of the counties in each of the four veteran population categories (i) to (iv) shall be awarded grants. Grants shall be awarded on a first-come first-served basis to counties submitting applications which meet the commissioner's criteria as established in the rules. Any county not receiving a grant in any given year shall receive priority consideration for a grant the following year.

In any year, after a period of time to be determined by the commissioner, any amounts remaining from undistributed county grant shares may be reallocated to the other counties which have submitted qualifying application.

The veteran population of each county shall be determined by the figure supplied by the United States Department of Veterans Affairs, as adopted by the commissioner.

Sec. 80. [197.609] EDUCATION PROGRAM.

Subdivision 1. ESTABLISHMENT AND ADMINISTRATION. An education program for county veterans service officers is established to be administered by the commissioner of veterans affairs.

Subd. 2. ELIGIBILITY. To be eligible for the program in this section, a person must currently be employed as a county veterans service officer as authorized by sections 197.60 to 197.606, and be certified to serve in that position by the commissioner of veterans affairs or be serving a probationary period as authorized by section 197.60, subdivision 2.

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Subd. 3. PROGRAM CONTENT. The program in this section must include but is not limited to informing county veteran service officers of the federal, state, and private benefits and services available to veterans, training them in procedures for applying for these benefits, updating them on the changes in these benefits and the eligibility criteria and application procedures, informing them of judicial and regulatory decisions involving veterans programs, training them in the legal procedures for appealing decisions disallowing benefits to veterans, and providing education, information, and training for any other aspects of the veteran service officer position.

Sec. 81. Minnesota Statutes 1992, section 198.16, is amended to read:

198.16 DONATIONS; GENERAL PURPOSES.

The board is authorized to accept on behalf of the state any gift, grant, bequest, or devise made for the purposes of this chapter, and administer the same as directed by the donor. All proceeds therefrom including money derived from the sale of any real or personal property shall be deposited in the state treasury and credited to the Minnesota veterans home endowment, bequest, and devises fund. Said fund shall consist of two accounts, one of which shall include any trusts prescribed by the donor, the other shall include any currently expendable proceeds. Money in the fund is appropriated to the board for the purposes for which it was received. Disbursements from this fund shall be made in the manner provided for the issuance of other state warrants.

Whenever the board shall deem it advisable, in accordance with law, to sell or otherwise dispose of any real or personal property thus acquired, the commissioner of administration upon the request of the board shall sell or otherwise dispose of said property in the manner provided by law for the sale or disposition of other state property by the commissioner of administration.

Sec. 82. Minnesota Statutes 1992, section 240A.02, subdivision 1, is amended to read:

Subdivision 1. **MEMBERSHIP; COMPENSATION; CHAIR.** (a) The Minnesota amateur sports commission consists of ~~nine~~ 12 voting members, four of whom must be experienced in promoting amateur sports. Nine of the voting members shall be appointed by the governor to three-year terms. Two legislators, one from each house appointed according to its rules, shall be nonvoting members. Compensation and removal of members and the filling of membership vacancies are as provided in section 15.0575. A member may be reappointed. The governor shall appoint the chair of the commission after consideration of the commission's recommendation.

(b) The governor, speaker of the house of representatives, and senate majority leader shall each appoint one additional voting member to the commission to a two-year term. The purpose of adding three members to the commission is to ensure gender balance in commission membership. Compensation, removal, and filling of vacancies of members appointed under this paragraph are as provided

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in section 15.0575. A member appointed under this paragraph may be reappointed.

Sec. 83. Minnesota Statutes 1992, section 240A.03, is amended by adding a subdivision to read:

Subd. 15. ADVERTISING. The commission may accept paid advertising in its publications. Funds received from advertising are annually appropriated to the commission for its publications. The commission must annually report the amount of funds received under this subdivision to the chair of the house of representatives ways and means and senate finance committees.

Sec. 84. Minnesota Statutes 1992, section 270.063, is amended to read:

270.063 COLLECTION OF DELINQUENT TAXES; COSTS.

For the purpose of collecting delinquent state tax liabilities, there is appropriated to the commissioner of revenue an amount representing the cost of collection by contract with collection agencies, revenue departments of other states, or attorneys to enable the commissioner to reimburse these agencies, departments, or attorneys for this service; ~~or provide for the operating costs of collection activities of the department of revenue.~~ The commissioner shall report quarterly on the status of this program to the chair of the house tax and appropriation committees and senate tax and finance committees.

Notwithstanding section 16A.15, subdivision 3, the commissioner of revenue may authorize the prepayment of sheriff's fees, attorney fees, fees charged by revenue departments of other states, or court costs to be incurred in connection with the collection of delinquent tax liabilities owed to the commissioner of revenue.

Sec. 85. Minnesota Statutes 1992, section 271.07, is amended to read:

271.07 STENOGRAPHIC REPORT; TRANSCRIPT.

Except in the small claims division, the tax court shall provide for a verbatim stenographic report of all proceedings had before it upon appeals, as required by the laws relating to proceedings in district court. The cost of the stenographic record shall be paid by the party taking the appeal. The cost is a taxable cost under section 271.09.

Sec. 86. Minnesota Statutes 1992, section 309.501, is amended to read:

309.501 REGISTERED COMBINED CHARITABLE ORGANIZATIONS.

Subdivision 1. **DEFINITIONS.** (a) As used in this section, the following terms have the meanings given them.

(b) "Registered combined charitable organization" means ~~an~~ a federated funding organization;

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(1) which is tax exempt under section 501(c)3 of the Internal Revenue Code of 1986, as amended through December 31, ~~1990~~ 1992 (hereinafter "Internal Revenue Code"), and to which contributions are deductible under section 170 of the Internal Revenue Code;

(2) which exists for purposes other than solely fundraising;

(3) which secures funds for distribution to ~~ten~~ 14 or more ~~charitable~~ affiliated agencies in a single, annual consolidated effort;

~~(3)~~ (4) which is governed by a local, independent, voluntary board of directors which represents the broad interests of the public and 90 percent of the directors of the governing board live or work in the community or surrounding area;

(4) (5) which distributes at least 70 percent of its total campaign income and revenue to its affiliated agencies and to the designated agencies it supports and expends no more than 30 percent of its total income and revenue for management and general costs and fund raising costs;

(5) (6) which distributes at least 70 percent of its total campaign income and revenue to affiliated agencies and designated agencies that are incorporated in Minnesota or headquartered in the service area in which the state employee combined charitable campaign takes place;

(7) and each designated or affiliated agency supported by the recipient institution devotes substantially all of its activities directly to providing health, welfare, social, or other human services to individuals;

(6) (8) and each designated or affiliated agency supported by the recipient institution with funds contributed by state employees through the combined charitable campaign provides all or substantially all of its health, welfare, social, or other human services, in the community and surrounding area in which the recipient institution's fund drive state employee combined charitable campaign takes place;

(7) (9) and each charitable agency is affiliated with no more than one registered combined charitable organization within the registered combined charitable organization's service area in the state's employee combined charitable campaign; and

(10) which has been registered with the commissioner of ~~commerce~~ employee relations in accordance with this section.

(c) "Affiliated agency" means a charitable agency that is represented by a federation and has an ongoing relationship with that federation which involves a review and monitoring process to insure financial, managerial, and programmatic responsibility.

(d) "Charitable agency" means a governmental agency or an organization (1)

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which is tax exempt under section 501(c)3 of the Internal Revenue Code; (2) to which contributions are deductible under section 170 of the Internal Revenue Code; and (3) which is in compliance with the provisions of this chapter.

(e) "State employees combined charitable campaign" means the annual state campaign whereby a state employee may designate that the employee's contribution to a registered combined charitable organization may be deducted from the pay of the employee for each pay period.

Subd. 2. **DESIGNATED CONTRIBUTIONS.** A registered combined charitable organization may offer a state officer or employee the option of designating in writing that the amount deducted in section 16A.134, be designated to any charitable agency, whether or not the charitable agency receives funds from the single, annual consolidated effort. A registered combined charitable organization which offers this option shall provide a list of charitable agencies receiving funds and the amount each charitable agency receives in the annual report required pursuant to section 309.53.

Subd. 3. **REGISTRATION.** ~~An~~ (a) In order to participate in the state employee combined charitable campaign, a federated funding organization may shall apply to the commissioner of commerce employee relations as a registered combined charitable organization on or before June 1, 1993, and in 1994 and thereafter on or before March 1 in order to be eligible to participate in the campaign for that year.

~~An~~ (b) A federated funding organization which applies to the commissioner of employee relations shall provide the commissioner with all information the commissioner deems necessary to identify the charitable and tax exempt status of the organization and its compliance with the provisions of this chapter including, but not limited to the following:

(1) a copy of the organization's most recently filed annual report required by section 309.53, which shall also be filed with the attorney general;

(2) assurance of tax exempt status for the federated funding organization and each of the charitable agencies identified by the federated funding organization as an affiliated agency;

(3) assurance of proper registration with the attorney general of Minnesota to solicit contributions in the state of Minnesota for the federated funding organization and each of the charitable agencies identified by the federated funding organization as an affiliated agency. A copy of the registration letter must be available upon request;

(4) an affidavit signed by a duly constituted officer of the federated funding organization attesting to the fact that the federated funding organization and its affiliated agencies are in compliance with each of the provisions of this section;

(5) a list of the board of directors for the federated funding organization which identifies the address for each director; and

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(6) a fee of \$100, or ten percent of the funds raised from state employees in the previous campaign, whichever is less.

(c) A registered combined charitable organization shall disclose in its solicitation and its annual report filed under section 309.53:

(a) (1) gross dollars received in contributions in the prior year;

(b) (2) names of, business addresses, and amount of money distributed to each affiliated charitable agency by the registered combined charitable organization;

(c) (3) percentage of gross dollars contributed which was directly received by the charitable agencies; and

(d) (4) projected percentage of the contribution to be received by the charitable agencies in the year for which the solicitation is being made.

If participating charitable agencies are required to pay any fees to the combined charitable organization, it shall also be disclosed in the solicitation and annual report. In the annual report the combined charitable organization shall include a list of charitable agencies to which donors specifically designated funds, and the amount designated to each agency. Notwithstanding section 309.53, subdivision 1a, each charitable agency shall file the report required in section 309.53. The commissioner shall consult with the attorney general to determine if the combined charitable organization and its charitable agencies are in compliance with this chapter.

(d) The commissioner shall register or not register the application of an organization within 60 days. No organization may apply to the commissioner more than once in a 12-month period calendar year. An organization whose application is denied has ten calendar days after receiving notice of the denial to appeal the decision or file an amended application correcting the deficiency. The commissioner shall register or not register the organization within ten calendar days of the submission of the appeal. If the organization fails to correct the deficiency and registration is denied a second time, the organization may appeal within five calendar days after being notified by the commissioner or the commissioner's designee that the deficiency has not been cured and the organization is not registered. A hearing shall be scheduled by the commissioner of employee relations and shall be held within 15 calendar days after receiving notice of the appeal. The provisions of chapter 14 do not apply to the hearing. The hearing shall be conducted in a manner considered appropriate by the commissioner. The commissioner's determination following the hearing shall be made within five calendar days after the hearing has been completed. Registered combined charitable organizations shall file the report required in section 309.53. The commissioner shall notify the commissioner of finance in writing of the decision to register an organization under this section by July 15.

(e) An organization whose application as a registered combined charitable organization is denied shall not be eligible to participate in the state employee combined charitable campaign for that year. Only organizations that are approved may participate in the state employee combined charitable campaign

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for the year of approval and only contributions authorized during the campaign may be deducted from an employee's pay pursuant to section 16A.134.

Subd. 4. COMPLIANCE WAIVER. This subdivision applies only to the 1993 state employee combined charitable organization fund drive. A registered combined charitable organization that participated in the 1992 state employee's combined charitable organization's fund drive but that would not be qualified to participate in future fund drives because it will not satisfy the standards of this section, may certify to the commissioner of employee relations those provisions of subdivision 1 that it fails to meet and the extent of the inability to meet the specified standards, and may request a waiver of compliance. The commissioner shall issue a waiver to the registered combined charitable organization unless the provisions of subdivision 1 that the registered combined charitable organization fails to meet is subdivision 1, paragraph (b), clause (1) or (5).

To be entitled to a waiver, an organization must apply to the commissioner by the registration dates specified in subdivision 3.

Sec. 87. Minnesota Statutes 1992, section 352.96, subdivision 3, is amended to read:

Subd. 3. EXECUTIVE DIRECTOR TO ADMINISTER SECTION. This section must be administered by the executive director of the system under subdivision 4. Fiduciary activities of the deferred compensation plan must be undertaken in a manner consistent with chapter 356A. If the state board of investment so elects, it may solicit bids for options under subdivision 2, clauses (2) and (3). The state board of investment may retain consulting services to assist it in soliciting and evaluating bids and in the periodic review of companies offering options under subdivision 2, clause (3). The periodic review must occur at least every two years. The state board of investment may annually establish a budget for its costs in the soliciting, evaluating, and periodic review processes. The state board of investment may charge a proportional share of all costs related to the periodic review to each company currently under contract and may charge a proportional share of all costs related to soliciting and evaluating bids to each company selected by the state board. All contracts must be approved before execution by the state board of investment. Contracts must provide that all options in subdivision 2 must: be presented in an unbiased manner and in a manner that conforms to rules adopted by the executive director, be reported on a periodic basis to all employees participating in the deferred compensation program, and not be the subject of unreasonable solicitation of state employees to participate in the program. The contract may not call for any person to jeopardize the tax-deferred status of money invested by state employees under this section. All costs or fees in relation to the options provided under subdivision 2, clause (3), must be paid by the underwriting companies ultimately selected by the state board of investment.

Sec. 88. Minnesota Statutes 1992, section 354B.05, is amended to read:

354B.05 ADMINISTRATION.

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Subdivision 1. **GOVERNING BOARDS.** The state university board shall administer the plan for persons in covered employment under section 354B.01, subdivisions 2, 4, and 5. The community college board shall administer the plan for persons in covered employment under section 354B.01, subdivision 3.

Subd. 2. **PURCHASE OF CONTRACTS.** The state university board and the community college board shall arrange for the purchase of annuity contracts, fixed, variable, or a combination of fixed and variable, or custodial accounts from financial institutions selected by the state board of investment under subdivision 3, to provide retirement ~~and death~~ benefits to members of the plan. The contracts or accounts must be purchased with contributions under section 354B.04 or money or assets otherwise provided by law or by authority of the state university board or community college board and acceptable by the financial institutions from which the contracts or accounts are purchased.

Subd. 3. **SELECTION OF FINANCIAL INSTITUTIONS.** The supplemental investment fund administered by the state board of investment is one of the investment options for the plan. ~~The state university board and the community college board shall of investment may select no more than two other financial institutions to provide annuity contracts or custodial accounts products. Each board may at its discretion change a selection of an institution. Investment programs offered by the institutions must meet the requirements of section 401(a) or 403(b) of the Internal Revenue Code of 1986, as amended. In making their selections, the boards board shall consider at least these criteria:~~

- (1) the experience and ability of the financial institution to provide retirement and death benefits suited to the needs of the covered employees;
- (2) the relationship of the benefits to their cost; and
- (3) the financial strength and stability of the institution.

The state board of investment must periodically review at least every three years each financial institution selected by the state board of investment. The state board of investment may retain consulting services to assist in the periodic review, may establish a budget for its costs in the periodic review process, and may charge a proportional share of those costs to each financial institution selected by the state board of investment. All contracts must be approved by the state board of investment before execution by the state university board and the community college board. The state board of investment shall also establish policies and procedures under section 11A.04, clause (2), to carry out this subdivision.

The chancellor of the state university system and the chancellor of the state community college system shall redeem all shares in the accounts of the Minnesota supplemental investment fund held on behalf of personnel in the supplemental plan who elect an investment option other than the supplemental investment fund, except that shares in the fixed interest account must not be redeemed until the expiration dates for the guaranteed investment contracts.

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The chancellors shall transfer the cash realized to the financial institutions selected by the state university board and the community college board under section 354B.05.

Subd. 4. **BENEFITS OWNED BY MEMBERS.** The retirement ~~and death~~ benefits provided by the annuity contracts or custodial accounts are owned by the trust and must be paid in accordance with the provisions of the plan document.

Sec. 89. **REVIEW BY STATE BOARD OF INVESTMENT.**

The state board of investment shall be responsible for periodic review of each financial institution under the provisions of section 88 as of the effective date of this section. Initial reviews must be with those financial institutions under contract with the state university board and community college board on the effective date of this section. As provided in section 88, the state board of investment may retain consulting services, establish a budget for its costs, and charge a proportional share of those costs to those financial institutions.

Sec. 90. Minnesota Statutes 1992, section 356.24, subdivision 1, is amended to read:

Subdivision 1. **RESTRICTION; EXCEPTIONS.** (a) It is unlawful for a school district or other governmental subdivision or state agency to levy taxes for, or contribute public funds to a supplemental pension or deferred compensation plan that is established, maintained, and operated in addition to a primary pension program for the benefit of the governmental subdivision employees other than:

(1) to a supplemental pension plan that was established, maintained, and operated before May 6, 1971;

(2) to a plan that provides solely for group health, hospital, disability, or death benefits, to the individual retirement account plan established by sections 354B.01 to 354B.04;

(3) to a plan that provides solely for severance pay under section 465.72 to a retiring or terminating employee;

(4) for employees other than personnel employed by the state university board or the community college board and covered by section 354B.07, subdivision 1, to:

(i) the state of Minnesota deferred compensation plan under section 352.96; or

(ii) payment of the applicable portion of the premium on a tax sheltered annuity contract qualified under section 403(b) of the federal Internal Revenue Code, purchased from a qualified insurance company; if provided for in a personnel policy or in the collective bargaining agreement of the public employer

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with the exclusive representative of public employees in an appropriate unit, in an amount matching employee contributions on a dollar for dollar basis, but not to exceed an employer contribution of \$2,000 a year per employee; or

(5) for personnel employed by the state university board or the community college board and covered by section 354B.07, subdivision 1, to the supplemental retirement plan under sections 354B.07 to 354B.09, if provided for in a personnel policy or in the collective bargaining agreement of the public employer with the exclusive representative of the covered employees in an appropriate unit, in an amount matching employee contributions on a dollar for dollar basis, but not to exceed an employer contribution of \$2,000 a year for each employee.

(b) A qualified insurance company is a company that:

(1) meets the definition in section 60A.02, subdivision 4;

(2) is licensed to engage in life insurance or annuity business in the state;

(3) is determined by the commissioner of commerce to have a rating within the top two rating categories by a recognized national rating agency or organization that regularly rates insurance companies; and

(4) is determined by the state board of investment to be among the ten applicant insurance companies with competitive options and investment returns on annuity products. The state board of investment determination must be made on or before January 1, 1993, and must be reviewed periodically. The state board of investment ~~shall~~ may retain actuarial services to assist it in this determination and in its periodic review. The state board of investment ~~shall~~ may annually establish a budget for its costs in ~~the any~~ any determination ~~process~~ and shall and periodic review processes. The state board of investment may charge a proportional share of that budget all costs related to the periodic review to those companies currently under contract and may charge a proportional share of all costs related to soliciting and evaluating bids in a determination process to each ~~insuree~~ insurance company selected by the state board of investment. All contracts must be approved before execution by the state board of investment. The state board of investment shall establish policies and procedures under section 11A.04, clause (2), to carry out this paragraph.

(c) A personnel policy for unrepresented employees or a collective bargaining agreement may establish limits on the number of vendors under paragraph (b), clause (4), that it will utilize and conditions under which the vendors may contact employees both during working hours and after working hours.

Sec. 91. Minnesota Statutes 1992, section 357.021, subdivision 1a, is amended to read:

Subd. 1a. (a) Every person, including the state of Minnesota and all bodies politic and corporate, who shall transact any business in the district court, shall pay to the court administrator of said court the sundry fees prescribed in subdi-

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vision 2. Except as provided in paragraph (d), the court administrator shall transmit the fees monthly to the state treasurer for deposit in the state treasury and credit to the general fund.

(b) In a county which has a screener-collector position, fees paid by a county pursuant to this subdivision shall be transmitted monthly to the county treasurer, who shall apply the fees first to reimburse the county for the amount of the salary paid for the screener-collector position. The balance of the fees collected shall then be forwarded to the state treasurer for deposit in the state treasury and credited to the general fund. In a county in the eighth judicial district which has a screener-collector position, the fees paid by a county shall be transmitted monthly to the state treasurer for deposit in the state treasury and credited to the general fund. A screener-collector position for purposes of this paragraph is an employee whose function is to increase the collection of fines and to review the incomes of potential clients of the public defender, in order to verify eligibility for that service.

(c) No fee is required under this section from the public authority or the party the public authority represents in an action for:

(1) child support enforcement or modification, medical assistance enforcement, or establishment of parentage in the district court, or child or medical support enforcement conducted by an administrative law judge in an administrative hearing under section 518.551, subdivision 10;

(2) civil commitment under chapter 253B;

(3) the appointment of a public conservator or public guardian or any other action under chapters 252A and 525;

(4) wrongfully obtaining public assistance under section 256.98 or 256D.07, or recovery of overpayments of public assistance;

(5) court relief under chapter 260;

(6) forfeiture of property under sections 609.531 to 609.5317;

(7) recovery of amounts issued by political subdivisions or public institutions under sections 246.52, 252.27, 256.045, 256.25, 256.87, 256B.042, 256B.14, 256B.15, 256B.37, and 260.251, or other sections referring to other forms of public assistance; or

(8) restitution under section 611A.04.

(d) The fees collected for child support modifications under subdivision 2, clause (13), must be transmitted to the county treasurer for deposit in the county general fund. The fees must be used by the county to pay for child support enforcement efforts by county attorneys.

Sec. 92. Minnesota Statutes 1992, section 357.021, subdivision 2, is amended to read:

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Subd. 2. **FEE AMOUNTS.** The fees to be charged and collected by the court administrator shall be as follows:

(1) In every civil action or proceeding in said court, the plaintiff, petitioner, or other moving party shall pay, when the first paper is filed for that party in said action, a fee of ~~\$110~~ \$122.

The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper is filed for that party in said action, a fee of ~~\$110~~ \$122.

The party requesting a trial by jury shall pay ~~\$30~~ \$75.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under chapter 103E, except the provisions therein as to appeals.

(2) Certified copy of any instrument from a civil or criminal proceeding, \$5, plus 25 cents per page after the first page, and \$3.50, plus 25 cents per page after the first page for an uncertified copy.

(3) Issuing a subpoena, \$3 for each name.

(4) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, \$10.

(5) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$7.50.

(6) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment of judgment, \$5.

(7) Certificate as to existence or nonexistence of judgments docketed, \$5 for each name certified to.

(8) Filing and indexing trade name; or recording basic science certificate; or recording certificate of physicians, osteopaths, chiropractors, veterinarians, or optometrists, \$5.

(9) For the filing of each partial, final, or annual account in all trusteeships, \$10.

(10) For the deposit of a will, \$5.

(11) For recording notary commission, \$25, of which, notwithstanding subdivision 1a, paragraph (b), \$20 must be forwarded to the state treasurer to be deposited in the state treasury and credited to the general fund.

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(12) When a defendant pleads guilty to or is sentenced for a petty misdemeanor other than a parking violation, the defendant shall pay a fee of \$5.

(13) Filing a motion or response to a motion for modification of child support, a fee fixed by rule or order of the supreme court.

(14) All other services required by law for which no fee is provided, such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.

The fees in clauses (3) and (4) need not be paid by a public authority or the party the public authority represents.

Sec. 93. Minnesota Statutes 1992, section 357.022, is amended to read:

357.022 CONCILIATION COURT FEE.

The court administrator in every county shall charge and collect a filing fee of ~~\$13~~ \$15 where the amount demanded is less than \$2,000 and \$25 where the amount demanded is \$2,000 or more from every plaintiff and from every defendant when the first paper for that party is filed in any conciliation court action. The court administrator shall transmit the fees monthly to the state treasurer for deposit in the state treasury and credit to the general fund.

Sec. 94. Minnesota Statutes 1992, section 357.08, is amended to read:

357.08 PAID BY APPELLANT IN APPEAL.

There shall be paid to the clerk of the appellate courts by the appellant, or moving party or person requiring the service, in all cases of appeal, certiorari, habeas corpus, mandamus, injunction, prohibition, or other original proceeding, when initially filed with the clerk of the appellate courts, the sum of ~~\$200~~ \$250 to the clerk of the appellate courts. An additional filing fee of \$100 shall be required for a petition for accelerated review by the supreme court. A filing fee of ~~\$200~~ \$250 shall be paid to the clerk of the appellate courts upon the filing of a petition for review from a decision of the court of appeals. A filing fee of ~~\$200~~ \$250 shall be paid to the clerk of the appellate courts upon the filing of a petition for permission to appeal. A filing fee of \$100 shall be paid to the clerk of the appellate courts upon the filing by a respondent of a notice of review. The clerk shall transmit the fees to the state treasurer for deposit in the state treasury and credit to the general fund.

The clerk shall not file any paper, issue any writ or certificate, or perform any service enumerated herein, until the payment has been made for it. The clerk shall pay the sum into the state treasury as provided for by section 15A.01.

The charges provided for shall not apply to disbarment proceedings, nor to an action or proceeding by the state taken solely in the public interest, where the state is the appellant or moving party, nor to copies of the opinions of the court furnished by the clerk to the parties before judgment, or furnished to the district

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judge whose decision is under review, or to such law library associations in counties having a population exceeding 50,000, as the court may direct.

Sec. 95. Minnesota Statutes 1992, section 357.18, subdivision 3, is amended to read:

Subd. 3. **SURCHARGE.** In addition to the fees imposed in subdivision 1, a ~~\$2~~ \$4.50 surcharge shall be collected: on each fee charged under subdivision 1, clauses (1) and (6), and for each abstract certificate under subdivision 1, clause (4). ~~Forty~~ Fifty cents of each surcharge shall be retained by the county to cover its administrative costs and ~~\$1.60~~ \$4 shall be paid to the state treasury and credited to the general fund.

Sec. 96. Minnesota Statutes 1992, section 484.74, subdivision 1, is amended to read:

Subdivision 1. **AUTHORIZATION.** Except for good cause shown, in litigation involving an amount in excess of ~~\$50,000~~ \$7,500 in controversy, the presiding judge ~~may shall~~, by order, direct the parties to enter nonbinding alternative dispute resolution. Alternatives may include private trials, neutral expert fact-finding, mediation, minitrials, and other forms of alternative dispute resolution. The guidelines for the various alternatives must be established by the presiding judge and must emphasize early and inexpensive exchange of information and case evaluation in order to facilitate settlement.

Sec. 97. Minnesota Statutes 1992, section 484.76, subdivision 1, is amended to read:

Subdivision 1. **GENERAL.** The supreme court shall establish a statewide alternative dispute resolution program for the resolution of civil cases filed with the courts. The supreme court shall adopt rules governing practice, procedure, and jurisdiction for alternative dispute resolution programs established under this section. The rules shall require the use of nonbinding alternative dispute resolution processes in all civil cases, except for good cause shown by the presiding judge, and must provide an equitable means for the payment of fees and expenses for the use of alternative dispute resolution processes.

Sec. 98. [491A.03] **JUDGES; REFEREES.**

The judges of district court shall serve as judges of conciliation court. A majority of the judges of the district may appoint one or more suitable persons to act as referees in conciliation court; a majority of the judges of the district shall establish qualifications for the office, specify the duties and length of service of referees, and fix their compensation not to exceed an amount per day determined by the chief judge of the judicial district.

Sec. 99. Minnesota Statutes 1992, section 508.82, is amended to read:

508.82 **REGISTRAR'S FEES.**

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

The fees to be paid to the registrar shall be as follows:

(1) of the fees provided herein, five percent of the fees collected under clauses (3), (4), (10), (12), (13), (14), (16), (17), and (18), for filing or memorializing shall be paid to the state treasurer and credited to the general fund; plus a ~~\$2~~ \$4.50 surcharge shall be charged and collected in addition to the total fees charged for each transaction under clauses (2) to (5), (10), (12), (14), and (18), with ~~40~~ 50 cents of this surcharge to be retained by the county to cover its administrative costs and ~~\$1.60~~ \$4 to be paid to the state treasury and credited to the general fund;

(2) for registering each original certificate of title, and issuing a duplicate of it, \$30;

(3) for registering each instrument transferring the fee simple title for which a new certificate of title is issued and for the issuance and registration of the new certificate of title, \$30;

(4) for the entry of each memorial on a certificate and endorsements upon duplicate certificates, \$15;

(5) for issuing each residue certificate, \$20;

(6) for exchange certificates, \$10 for each certificate canceled and \$10 for each new certificate issued;

(7) for each certificate showing condition of the register, \$10;

(8) for any certified copy of any instrument or writing on file in the registrar's office, the same fees allowed by law to county recorders for like services;

(9) for a noncertified copy of any instrument or writing on file in the office of the registrar of titles, or any specified page or part of it, an amount as determined by the county board for each page or fraction of a page specified. If computer or microfilm printers are used to reproduce the instrument or writing, a like amount per image;

(10) for filing two copies of any plat in the office of the registrar, \$30;

(11) for any other service under this chapter, such fee as the court shall determine;

(12) for issuing a duplicate certificate of title pursuant to the directive of the examiner of titles in counties in which the compensation of the examiner is paid in the same manner as the compensation of other county employees, \$50, plus \$10 to memorialize;

(13) for issuing a duplicate certificate of title pursuant to the directive of the examiner of titles in counties in which the compensation of the examiner is not paid by the county or pursuant to an order of the court, \$10;

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

(14) for filing a condominium plat or an amendment to it in accordance with chapter 515, \$30;

(15) for a copy of a condominium plat filed pursuant to chapters 515 and 515A, the fee shall be \$1 for each page of the condominium plat with a minimum fee of \$10;

(16) for filing a condominium declaration and plat or an amendment to it in accordance with chapter 515A, \$10 for each certificate upon which the document is registered and \$30 for the filing of the condominium plat or an amendment thereto;

(17) for the filing of a certified copy of a plat of the survey pursuant to section 508.23 or 508.671, \$10;

(18) for filing a registered land survey in triplicate in accordance with section 508.47, subdivision 4, \$30;

(19) for furnishing a certified copy of a registered land survey in accordance with section 508.47, subdivision 4, \$10.

Sec. 100. Minnesota Statutes 1992, section 508A.82, is amended to read:

508A.82 REGISTRAR'S FEES.

The fees to be paid to the registrar shall be as follows:

(1) of the fees provided herein, five percent of the fees collected under clauses (3), (4), (10), (12), (13), (14), (16), and (18), for filing or memorializing shall be paid to the state treasurer and credited to the general fund; plus a ~~\$2~~ \$4.50 surcharge shall be charged and collected in addition to the total fees charged for each transaction under clauses (2) to (5), (10), (12), (14), and (18), with ~~40~~ 50 cents of this surcharge to be retained by the county to cover its administrative costs and ~~\$1.60~~ \$4 to be paid to the state treasury and credited to the general fund;

(2) for registering each original CPT, and issuing a duplicate of it, \$30;

(3) for registering each instrument transferring the fee simple title for which a new CPT is issued and for the issuance and registration of the new CPT, \$30;

(4) for the entry of each memorial on a certificate and endorsements upon duplicate CPTs, \$15;

(5) for issuing each residue CPT, \$20;

(6) for exchange CPTs, \$10 for each CPT canceled and \$10 for each new CPT issued;

(7) for each certificate showing condition of the register, \$10;

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

(8) for any certified copy of any instrument or writing on file in the registrar's office, the same fees allowed by law to county recorders for like services;

(9) for a noncertified copy of any instrument or writing on file in the office of the registrar of titles, or any specified page or part of it, an amount as determined by the county board for each page or fraction of a page specified. If computer or microfilm printers are used to reproduce the instrument or writing, a like amount per image;

(10) for filing two copies of any plat in the office of the registrar, \$30;

(11) for any other service under sections 508A.01 to 508A.85, the fee the court shall determine;

(12) for issuing a duplicate CPT pursuant to the directive of the examiner of titles in counties in which the compensation of the examiner is paid in the same manner as the compensation of other county employees, \$50, plus \$10 to memorialize;

(13) for issuing a duplicate CPT pursuant to the directive of the examiner of titles in counties in which the compensation of the examiner is not paid by the county or pursuant to an order of the court, \$10;

(14) for filing a condominium plat or an amendment to it in accordance with chapter 515, \$30;

(15) for a copy of a condominium plat filed pursuant to chapters 515 and 515A, the fee shall be \$1 for each page of the plat with a minimum fee of \$10;

(16) for filing a condominium declaration and condominium plat or an amendment to it in accordance with chapter 515A, \$10 for each certificate upon which the document is registered and \$30 for the filing of the condominium plat or an amendment to it;

(17) in counties in which the compensation of the examiner of titles is paid in the same manner as the compensation of other county employees, for each parcel of land contained in the application for a CPT, as the number of parcels is determined by the examiner, a fee which is reasonable and which reflects the actual cost to the county, established by the board of county commissioners of the county in which the land is located;

(18) for filing a registered land survey in triplicate in accordance with section 508A.47, subdivision 4, \$30;

(19) for furnishing a certified copy of a registered land survey in accordance with section 508A.47, subdivision 4, \$10.

Sec. 101. Minnesota Statutes 1992, section 548.23, is amended to read:

548.23 PLEA OF CONFESSION.

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

Judgment in the cases mentioned in section 548.22 may also be entered in the district court in the manner therein provided, and with like effect, upon filing with the court administrator a plea of confession signed by an attorney of such court, together with an instrument signed by the debtor authorizing such confession; but such instrument must be distinct from that containing the bond, contract, or other evidence of the demand for which judgment is confessed. Any person filing a plea of confession and an instrument under this section shall pay the same fee as provided for filing a civil action in district court; except that if the amount of the judgment confessed is not greater than the jurisdictional limit of the conciliation court, the fee shall be in the amount of the filing fee for an action in conciliation court.

Sec. 102. Minnesota Statutes 1992, section 548.30, is amended to read:

548.30 FEES.

Any person filing a foreign judgment shall pay to the court administrator the same fee as provided for filing a civil action in district court, except that if the amount of the judgment is not greater than the jurisdictional limit of the conciliation court, the fee shall be in the amount of the filing fee for an action in conciliation court. Fees for docketing, transcription or other enforcement proceedings shall be as provided for judgments of any district court of this state.

Sec. 103. Minnesota Statutes 1992, section 549.02, is amended to read:

549.02 COSTS IN DISTRICT COURTS.

Subdivision 1. DISTRICT COURT. In actions commenced in the district court, costs shall be allowed as follows:

To plaintiff: (1) Upon a judgment in the plaintiff's favor of \$100 or more in an action for the recovery of money only, ~~\$100~~ \$200. (2) In all other actions, including an action by a public employee for wrongfully denied or withheld employment benefits or rights, except as otherwise specially provided, ~~\$100~~ \$200.

To defendant: Upon discontinuance or dismissal or when judgment is rendered in the defendant's favor on the merits, ~~\$100~~ \$200.

To the prevailing party: \$5.50 for the cost of filing a satisfaction of the judgment.

This section does not apply to actions removed to district court from conciliation court.

Subd. 2. ON APPEAL. Upon a judgment on the merits on appeal to the court of appeals or supreme court, additional costs in the amount of \$300 shall be allowed to the prevailing party.

Sec. 104. Minnesota Statutes 1992, section 593.48, is amended to read:

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

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 and compensated for required attendance at sessions of court and may be reimbursed for additional day care expenses incurred as a result of jury duty at a rate rates 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. 105. Minnesota Statutes 1992, section 609.101, subdivision 4, is amended to read:

Subd. 4. **MINIMUM FINES; OTHER CRIMES.** Notwithstanding any other law:

(1) when a court sentences a person convicted of a felony that is not listed in subdivision 2 or 3, it must impose a fine of not less than 20 percent of the maximum fine authorized by law nor more than the maximum fine authorized by law; and

(2) when a court sentences a person convicted of a gross misdemeanor or misdemeanor that is not listed in subdivision 2, it must impose a fine of not less than 20 percent of the maximum fine authorized by law nor more than the maximum fine authorized by law.

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

The minimum fine required by this subdivision is in addition to the surcharge or assessment required by subdivision 1 and is in addition to any term of imprisonment or restitution imposed or ordered by the court.

Sec. 106. [609.103] PAYMENT BY CREDIT CARD.

The court may permit the defendant to pay any fine, assessment, surcharge, attorney reimbursement obligation, or restitution obligation by credit card. The discount fees assessed by the credit card company shall be borne by the county, except in the eighth judicial district where the cost shall be borne by the state.

Sec. 107. Laws 1989, chapter 335, article 3, section 44, as amended by Laws 1990, chapter 604, article 9, section 13, and Laws 1991, chapter 345, article 3, section 27, is amended to read:

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

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, ~~1993~~ 1999.

Those parts of section 54, having broader application, apply statewide for the period from July 1, 1989, to December 31, ~~1993~~ 1999.

Sec. 108. EARLY RETIREMENT INCENTIVES.

Subdivision 1. EMPLOYER PARTICIPATION. The early retirement incentives provided in this section may be offered to eligible employees by any public employer, as defined in Minnesota Statutes, section 179A.03, subdivision 15. The incentives must be offered to eligible employees of all state agencies if the commissioner of employee relations and the commissioner of finance certify that layoffs in any of the agencies would occur without the incentives.

The incentives in this section do not apply to a teacher, as defined in Minnesota Statutes, section 354.05, subdivision 2, or 354A.011, subdivision 27, employed by a local school board.

Subd. 2. ELIGIBILITY. A person employed by a public employer offering the incentive is eligible to receive the incentive if the person:

(1) has at least 25 years of combined service credit in any Minnesota public pension plans governed by Minnesota Statutes, section 356.30, subdivision 3, or for purposes of the incentive in subdivision 3, paragraph (b) only, is at least 65 years old and has at least one year of combined service credit in these pension plans;

(2) upon retirement is immediately eligible for a retirement annuity from a defined benefit plan, if the person is a member of a defined benefit plan;

(3) is at least 55 years of age; and

(4) retires on or after May 17, 1993, and before January 31, 1994.

Subd. 3. INCENTIVE. (a) A person may not choose both the incentive in paragraph (b) and the incentive in paragraph (c). An employer that is required to or chooses to offer the incentive must offer each employee eligible for both incentives a choice between the incentive in paragraph (b) or the incentive in paragraph (c), except that employers whose employees are covered under Minnesota Statutes, sections 353.29 and 353.30, need not offer both incentives.

(b) For a person covered by a retirement plan established in Minnesota Statutes, section 352.115, 352.116, 353.29 or 353.30, or chapter 354 or 422A, who selects the incentive under this paragraph, the multiplier percentage used to calculate the retirement annuity must be increased for each year of service credit up to 30 years. The amount of the increase is: (i) .25 for each year of service

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

credit calculated under Minnesota Statutes, section 352.115, 352.116, 353.29, or 353.30, or chapter 422A; and (ii) .10 for each year of service credit calculated under Minnesota Statutes, chapter 354 or 354A. If a person has more than 30 years of service credit, the increased multiplier applies only to the first 30 years.

(c) For a person who selects the incentive under this paragraph, the employer must pay for hospital, medical, and dental insurance, under conditions and limitations specified in this section. A person is eligible for this employer-paid insurance only if the person:

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

(2) has at least as many months of service with the current employer as the number of months younger than age 65 the person is at the time of retirement; and

(3) is less than age 65.

(d) An employer that offers incentives under this section may not exclude eligible employees.

Subd. 4. LIMITS ON REHIRING. During the biennium ending June 30, 1995:

(1) an executive branch state agency may not hire a replacement for a person who retires under this subdivision except for (i) correctional guards and persons who provide direct patient care in state institutions; (ii) other positions listed in a position-specific written directive issued by the governor, or by the employing constitutional officer for positions in a constitutional office; or (iii) in the case of the state universities and community colleges, after review by the presidents, the governing boards decide on a case-by-case basis which positions must be replaced to provide for continuity of service on the campuses; and

(2) another public employer may not hire a replacement for a person who retires under this subdivision, except under position-specific action of the governing body.

Subd. 5. CONDITIONS. For purposes of this section, a person retires when the person terminates active employment and applies for retirement benefits. 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. 6. CONDITIONS; INSURANCE COVERAGE. A retired employee is eligible for single and dependent insurance 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

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employer-paid life insurance. Eligibility ceases when the retired employee attains the age of 65, or when the person chooses not to receive the retirement benefits for which the person has applied, or when the person 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.

Subd. 7. APPLICATION OF OTHER LAWS. Unilateral implementation of this section by a public employer is not an unfair labor practice for purposes of Minnesota Statutes, chapter 179A. The requirement in this section for an employer to pay health insurance costs for certain retired employees is not subject to the limits in Minnesota Statutes, section 179A.20, subdivision 2a.

Sec. 109. TRANSFER.

The responsibilities of the commissioner of administration for the office of dispute resolution are transferred under Minnesota Statutes, section 15.039, to the commissioner of mediation services.

Sec. 110. REPEALER.

(a) Minnesota Statutes 1992, section 309.502, is repealed.

(b) Minnesota Statutes 1992, sections 16A.095, subdivision 3; 16A.123; 16A.128; 16A.1281; 16A.35; 16A.45, subdivisions 2 and 3; 16A.80; and 290A.24, are repealed.

(c) Minnesota Statutes 1992, section 13.072, is repealed effective August 1, 1995.

Sec. 111. REVISOR INSTRUCTION.

In the next edition of Minnesota Statutes, the revisor of statutes shall renumber sections 16A.15, subdivision 1, as 16A.152, subdivision 4; 16A.15, subdivision 5, as 16A.152, subdivision 6; 16A.15, subdivision 6, as 16A.152, subdivision 1; 16A.15, subdivision 7, as 16A.152, subdivision 7; 16A.1541 as 16A.152, subdivision 2. The revisor shall also conform cross-references to the renumbered provisions.

Sec. 112. EFFECTIVE DATE.

(a) Section 34 is effective the day after final enactment and requires an audit for fiscal year 1993.

(b) Section 42 is effective the day following final enactment. Section 42 does not apply if prohibited by contract, but the appointing authority must amend the contract as soon as possible to comply with section 42.

(c) Section 76 is effective retroactively to January 1, 1993.

(d) Sections 86, 87, 88, 89, 90, 108, and 110, paragraph (a), are effective on the day following final enactment.

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

(e) Section 65 is effective June 30, 1995, and applies to appropriations to the legislature, the senate, the house of representatives, or a legislative commission or committee that are unexpended and unencumbered on June 30, 1995.

Presented to the governor May 11, 1993

Signed by the governor May 14, 1993, 1:30 p.m.

CHAPTER 193—S.F.No. 1613

VETOED

CHAPTER 194—S.F.No. 1413

An act relating to workers' compensation; excluding certain wages in determining insurance premiums; modifying provisions relating to charges by certain nursing homes; providing for exemption from certain registration requirements; providing for guardians or conservators in certain cases; amending Minnesota Statutes 1992, sections 79.211, subdivision 1; 79.255, by adding a subdivision; 176.091; 176.111, subdivision 5; 176.136, subdivision 1b; and 176.521, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 176; and 525.

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

Section 1. Minnesota Statutes 1992, section 79.211, subdivision 1, is amended to read:

Subdivision 1. **CERTAIN WAGES EXCLUDED FOR RATEMAKING.** The rating association or an insurer shall not include wages paid for a vacation, holiday, or sick leave in the determination of a workers' compensation insurance premium.

An insurer, including the assigned risk plan, shall not include wages paid for work performed in an adjacent state in the determination of a workers' compensation premium if the employer paid a workers' compensation insurance premium to the exclusive state fund of the adjacent state on the wages earned in the adjacent state.

Sec. 2. Minnesota Statutes 1992, section 79.255, is amended by adding a subdivision to read:

Subd. 9. EXEMPTION. A corporation, partnership, sole proprietorship, or other business entity that provides personnel supply arrangements or agreements for the purpose of temporarily supporting or supplementing a client's work force

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