

itself or by transferring the principal or declarant to a health care provider who has that capability. Any transfer of a principal or declarant under this paragraph must be done promptly and, if necessary to preserve the life of the principal or declarant, by emergency means. This paragraph does not apply if a living will under chapter 145B or a durable power of attorney for health care indicates an intention to the contrary.

(b) A health care provider who is unwilling to provide directed health care under paragraph (a) that the provider has the legal and actual capability of providing may transfer the principal or declarant to another health care provider willing to provide the directed health care but the provider shall take all reasonable steps to ensure provision of the directed health care until the principal or declarant is transferred.

(c) Nothing in this section alters any legal obligation or lack of legal obligation of a health care provider to provide health care to a principal or declarant who refuses, has refused, or is unable to pay for the health care.

Sec. 17. **REPEALER.**

Minnesota Statutes 1992, section 145B.10, is repealed.

Sec. 18. **EFFECTIVE DATE.**

Sections 1 and 14 are effective August 1, 1993, and apply to offenses committed on or after that date.

Presented to the governor May 17, 1993

Signed by the governor May 20, 1993, 2:04 p.m.

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**CHAPTER 313—S.F.No. 1062**

*An act relating to metropolitan government and urban planning; establishing a metropolitan radio systems planning committee under the metropolitan council.*

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

Section 1. **DEFINITIONS.**

Subdivision 1. GENERAL. For the purposes of sections 1 to 6 the following terms have the meanings given in this section.

Subd. 2. PLANNING COMMITTEE. "Planning committee" means the metropolitan radio systems planning committee.

Subd. 3. LOCAL ELECTED OFFICIAL. "Local elected official" means any elected official of a local government, including, among others, tribal leaders from the Shakopee Mdewakanton Sioux community.

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Subd. 4. LOCAL GOVERNMENT. "Local government" means any county, home rule charter, or statutory city, town, and the Mdewakanton Sioux community.

Subd. 5. METROPOLITAN AREA. "Metropolitan area" means the area defined in Minnesota Statutes, section 473.121, subdivision 2.

Subd. 6. 800 MEGAHERTZ. "800 megahertz" means the following 800 megahertz channels: 821 to 824 and 866 to 869 megahertz.

## Sec. 2. PLANNING COMMITTEE; MEMBERSHIP.

Subdivision 1. GENERAL. The metropolitan radio systems planning committee is established under the metropolitan council.

Subd. 2. MEMBERSHIP. The planning committee consists of 31 members. Sixteen must be local elected officials appointed by the metropolitan council member from that member's metropolitan council district. One county board member must be appointed by the county board of each of the seven counties in the metropolitan area.

The 24th member must be appointed by the metropolitan council to represent the regional agencies, special districts, and other regional users of the system. The council's representative does not have to be an elected official. The 25th member must be appointed by the sheriffs of the metropolitan counties from among their number. The 26th member must be appointed by the chiefs of police of the metropolitan area from among their number. The 27th member must be appointed by the fire chiefs of the metropolitan area from among their number. The 28th member must be appointed from among the emergency medical service providers of the metropolitan area from among their number. The 29th member must be the director of electronic communications for the department of transportation. The 30th member must be appointed by the International Brotherhood of Electrical Workers Local 292. The 31st member must be appointed by the Minnesota chapter of the association of public safety communications organizations. The members must be appointed within 30 days of the effective date of this act.

Subd. 3. CHAIR. The chair of the planning committee must be elected by a majority vote of the members of the planning committee.

## Sec. 3. DUTIES OF THE PLANNING COMMITTEE.

Subdivision 1. GENERAL. The metropolitan council shall provide all staff and resources necessary to allow the planning committee to discharge its duties specified in this section.

Subd. 2. PLANNING. The planning committee shall:

(1) review the report and findings of the regional trunked radio task force and related metropolitan council recommendations;

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(2) provide additional study of the current and future needs and capacities of radio systems in the metropolitan area both by local government unit and by user group;

(3) conduct a detailed analysis of all feasible options to address those needs;

(4) prepare a detailed plan allowing for coordinated, efficient, and cost-effective use of new 800 megahertz channels; and

(5) develop and evaluate feasible options to provide the most cost-effective public sector radio communications for the metropolitan area for both short-term and long-term needs.

**Subd. 3. REVIEW CONSIDERATIONS.** In performing its duties under this section, the planning committee may include the following considerations:

(1) identification and documentation of current uses, needs, and capacities, including growth and expansion capacities, by local government and by each major user group;

(2) estimation of two-year, five-year, and ten-year future needs by each local government and by each major user group;

(3) identification, based on analysis of clauses (1) and (2), of the relevant criteria by which a system or systems could be determined to meet the current and future needs;

(4) analysis of existing and projected technology based on the criteria established in clause (3) to develop at least three options for meeting current and future needs;

(5) identification by local government and by major user group, of the anticipated level and timeline for utilization of each option developed in clause (4);

(6) analysis of the expected cost of each option, including all regional, state, and local capital and operating costs associated with implementing each option, assuming the utilization levels and timelines identified in clause (5); or

(7) development of options for allocation of costs among local governments and user groups under the various funding mechanisms under the options developed in clause (4).

The analysis required by clause (6) must include, at a minimum, obtaining responses to "requests for information" for budgetary cost estimates for the options from at least two private vendors.

**Subd. 4. PUBLIC MEETINGS.** After completing its duties under subdivisions 2 and 3, the planning committee shall prepare a draft report which the metropolitan council shall provide to local governments and major user groups in the metropolitan area. The draft report must also be made available to the

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public. After preparing and disseminating the draft report and before presenting the final report to the legislature, the metropolitan council in conjunction with the planning committee shall hold at least one public meeting in each metropolitan council district on the draft report at which it shall explain the report and seek public comment. A record must be kept of the public comments received and a summary of such comments shall be prepared.

Subd. 5. REPORT. By February 1, 1994, the metropolitan council shall report to the legislature its findings and recommendations as well as a summary of the public comment as called for in subdivisions 2 to 4. The report must also identify any changes in statutory authority necessary to provide for implementation of the three most preferred options.

#### Sec. 4. LOCAL PARTICIPATION.

Local governments and user groups shall cooperate with the planning committee in its preparation of the regional plan to ensure that local needs are met. No local government in the metropolitan area may apply to the Federal Communications Commission for 800 megahertz channels as defined herein prior to May 1, 1994, without prior approval of the metropolitan council. No state agency may apply to the Federal Communications Commission for 800 megahertz channels prior to May 1, 1994, if the application would directly affect the metropolitan area.

#### Sec. 5. USE OF LOANS.

The metropolitan council may not borrow more than \$100,000 from funds available under Minnesota Statutes, section 473.167, for the study and development of the metropolitan radio systems plan.

#### Sec. 6. APPLICATION.

This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

#### Sec. 7. EFFECTIVE DATE.

This act is effective the day following final enactment and expires June 30, 1994.

Presented to the governor May 17, 1993

Signed by the governor May 20, 1993, 2:13 p.m.

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