

must serve in that capacity and perform the duties, functions, and responsibilities required by statute until the completion of the term of office to which the person was elected or until a vacancy occurs in the office, whichever occurs earlier.

**Subd. 4. FOUR-FIFTHS VOTE; REVERSE REFERENDUM.** The county board may provide for the appointment of the county recorder and combination of the recorder's duties with those of the county assessor as permitted in this section without an affirmative vote of the voters of the county if the resolution to make the office appointed and to combine the duties with those of the assessor is approved by 80 percent of the members of the county board. Before the adoption of the resolution, the county board must publish a resolution notifying the public of its intent to consider adopting the option once each week for two consecutive weeks in the official publication of the county. Following the publication, the county board shall provide an opportunity at its next regular meeting for public comment relating to the option, prior to formally adopting the option. The option may be implemented without the submission of the question of its implementation to the voters of the county, unless within 30 days after the second publication of the resolution, a petition requesting a referendum, signed by at least ten percent of the registered voters of the county, is filed with the county auditor. If a petition is filed, the option may be implemented unless disapproved by a majority of the voters of the county voting on the question at a regular or special election.

#### **Sec. 6. EFFECTIVE DATE.**

Sections 1 to 4 of this act are effective the day after the governing body of Carlton county and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3. Section 5 is effective the day after the governing body of Pine county and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

Presented to the governor March 20, 2002

Signed by the governor March 22, 2002, 2:11 p.m.

### **CHAPTER 264—H.F.No. 2796**

*An act relating to local government; authorizing the city of Minneapolis to construct a new asphalt plant as part of a joint venture with a private enterprise; requiring local approval.*

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

#### **Section 1. JOINT VENTURE ASPHALT PLANT AUTHORIZED.**

(a) Notwithstanding its city charter or any other law to the contrary, the city of Minneapolis may enter into a joint venture or other business arrangement with a private entity, for the construction, operation, management, and sharing of output for

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an asphalt production facility, without competitive bidding, in accordance with this section.

(b) Before entry into the agreement, the city shall issue a request for proposals and may consider, among other factors:

(1) the ability of the joint venture to provide a lower cost and reliable supply of asphalt for municipal purposes over a 25-year period, as compared to public ownership and operation;

(2) the economies of management and management experience and ability in the joint venture;

(3) the ability of the city to share costs or earn revenue from ancillary services, such as laboratory testing, for the joint venture participant;

(4) the environmental improvements possible in a larger facility, including environmental improvements resulting from consolidation of nearby asphalt production facilities with the city's facility at a single site; and

(5) the community development benefits from entry into the joint venture.

(c) The weight to be given to any factor listed in paragraph (b) is in the discretion of the city.

(d) The joint venture may provide for joint ownership and management of the facility or for other business and property arrangements as the city determines to be in its overall best interest.

(e) Notwithstanding paragraphs (a), (b), (c), and (d), all construction contracts for the physical production facility and material inputs for asphalt production must be competitively bid, by the joint venture, according to procedures consistent with section 471.345. Nothing in this act shall be construed as requiring the city to enter into any joint venture, or to assume any costs necessary to implement the joint venture, including any costs of redevelopment or any costs or environmental remediation arising from the acquisition of private property transferred to the city or to the Minneapolis community development agency for redevelopment.

(f) An employee of the city of Minneapolis at the time of the creation of the joint venture or other business arrangement who performs services at the asphalt production facility shall continue to be considered a "public employee," and a private entity that is a party to the joint venture or other business arrangement must recognize all exclusive bargaining representatives and existing labor agreements that apply to employees of the city of Minneapolis, as provided by Minnesota Statutes, section 471A.10.

## **Sec. 2. EFFECTIVE DATE; LOCAL APPROVAL.**

Section 1 is effective the day after the governing body of the city of Minneapolis and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

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Presented to the governor March 20, 2002

Signed by the governor March 22, 2002, 2:12 p.m.

### CHAPTER 265—H.F.No. 2792

*An act relating to the environment; providing for the indemnification of municipalities participating in household hazardous waste programs; amending Minnesota Statutes 2000, section 115A.96, subdivision 1, by adding a subdivision.*

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

Section 1. Minnesota Statutes 2000, section 115A.96, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** The following definitions apply to this section:

(a) "Household" means a single detached dwelling unit or a single unit of a multiple dwelling unit and appurtenant structures.

(b) "Household hazardous waste" means waste generated from household activity that exhibits the characteristics of or that is listed as hazardous waste under agency rules, but does not include waste from commercial activities that is generated, stored, or present in a household.

(c) "Collection site" means a permanent or temporary designated location with scheduled hours for collection where individuals may bring household hazardous wastes.

(d) "Municipality" has the meaning given it in section 466.01, subdivision 1.

Sec. 2. Minnesota Statutes 2000, section 115A.96, is amended by adding a subdivision to read:

**Subd. 7. INDEMNIFICATION; MUNICIPALITIES.** (a) A municipality, when operating or participating in a household hazardous waste management program pursuant to a contract with the agency under this section or other law, is an employee of the state, certified to be acting within the scope of employment, for purposes of the indemnification provisions of section 3.736, subdivision 9, for claims that arise out of the transportation, management, or disposal of any waste covered by the contract:

(1) from and after the time the waste permanently leaves the municipality's possession and comes into the possession of the agency's authorized transporter; and

(2) during the time the waste is transported between the municipality's facilities by the agency's authorized transporter.

(b) The state is not obligated to defend or indemnify a municipality under this subdivision to the extent of the municipality's liability insurance. The municipality's right to indemnify is not a waiver of the limitations, defenses, and immunities available to either the municipality or the state by law.

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