

## CHAPTER 3

### LEGISLATURE

3.088	Leave of absence.	3.887	Legislative water commission.
3.195	Reports to the legislature.	3.922	Indian affairs council.
3.736	Tort claims.	3.9221	Indian tribes; compacts to be negotiated.
3.846	Publication of notice of exempt rules.	3.9223	Council on affairs of Spanish-speaking people.
3.85	Legislative commission on pensions and retirement.	3.9225	Council on Black Minnesotans.
3.862	Advisory commission on intergovernmental relations.	3.9226	Council on Asian-Pacific Minnesotans.
3.8625	Transportation study board.	3.97	Audit policy; creation of commission; transfer of functions of public examiner; access to data.
3.863	Duties.	3.971	Powers and duties of legislative auditor.
3.864	Special studies.	3.98	Fiscal notes.
3.865	Repealed.	3.982	Fiscal notes for state-mandated actions.
3.866	Repealed.		
3.873	Legislative commission on children, youth, and their families.		
3.885	Legislative commission on planning and fiscal policy.		

#### 3.088 LEAVE OF ABSENCE.

Subdivision 1. **Leave of absence without pay.** Subject to this section, any appointed officer or employee of a political subdivision, municipal corporation, or school district of the state or an institution of learning maintained by the state who serves as a legislator or is elected to a full-time city or county office in Minnesota is entitled to a leave of absence from the public office or to employment without pay when on the business of the office, with right of reinstatement as provided in this section.

*[For text of subs 2 to 6, see M.S.1990]*

**History:** 1991 c 308 s 1

#### 3.195 REPORTS TO THE LEGISLATURE.

Subdivision 1. **Distribution of reports.** (a) A report to the legislature required of a department or agency shall be made, unless otherwise specifically required by law, by filing one copy with the secretary of the senate, one copy with the chief clerk of the house of representatives, and six copies with the legislative reference library. The same distribution procedure shall be followed for other reports and publications unless otherwise requested by a legislator or the legislative reference library.

(b) A public entity as defined in section 16B.122, shall not distribute a report or publication to a member or employee of the legislature, except the secretary of the senate, the chief clerk of the house of representatives, and the legislative reference library, unless the entity has determined that the member or employee wants the reports or publications published by that entity or the member or employee has requested the report or publication. This prohibition applies to both mandatory and voluntary reports and publications. A report or publication may be summarized in an executive summary and distributed as the entity chooses. Distribution of a report to legislative committee or commission members during a committee or commission hearing is not prohibited by this section.

(c) A report or publication produced by a public entity may not be sent to both the home address and the office address of a representative or senator unless mailing to both addresses is requested by the representative or senator.

(d) Reports, publications, periodicals, and summaries under this subdivision must be printed in a manner consistent with section 16B.122.

*[For text of subs 2 and 3, see M.S.1990]*

**History:** 1991 c 337 s 1

**3.736 TORT CLAIMS.**

*[For text of subs 1 and 2, see M.S.1990]*

**Subd. 3. Exclusions.** Without intent to preclude the courts from finding additional cases where the state and its employees should not, in equity and good conscience, pay compensation for personal injuries or property losses, the legislature declares that the state and its employees are not liable for the following losses:

(a) a loss caused by an act or omission of a state employee exercising due care in the execution of a valid or invalid statute or rule;

(b) a loss caused by the performance or failure to perform a discretionary duty, whether or not the discretion is abused;

(c) a loss in connection with the assessment and collection of taxes;

(d) a loss caused by snow or ice conditions on a highway or public sidewalk that does not abut a publicly owned building or a publicly owned parking lot, except when the condition is affirmatively caused by the negligent acts of a state employee;

(e) a loss caused by wild animals in their natural state, except as provided in section 3.7371;

(f) a loss other than injury to or loss of property or personal injury or death;

(g) a loss caused by the condition of unimproved real property owned by the state, which means land that the state has not improved, state land that contains idled or abandoned mine pits or shafts, and appurtenances, fixtures, and attachments to land that the state has neither affixed nor improved;

(h) a loss incurred by a user arising from the construction, operation, or maintenance of the outdoor recreation system, as defined in section 86A.04, or for a loss arising from the construction, operation, maintenance, or administration of grants-in-aid trails as defined in section 85.018, or for a loss arising from the construction, operation, or maintenance of a water access site created by the iron range resources and rehabilitation board, except that the state is liable for conduct that would entitle a trespasser to damages against a private person. For the purposes of this clause, a water access site, as defined in section 86A.04 or created by the iron range resources and rehabilitation board, that provides access to an idled, water filled mine pit, also includes the entire water filled area of the pit and, further, includes losses caused by the caving or slumping of the mine pit walls;

(i) a loss of benefits or compensation due under a program of public assistance or public welfare, except if state compensation for loss is expressly required by federal law in order for the state to receive federal grants-in-aid;

(j) a loss based on the failure of a person to meet the standards needed for a license, permit, or other authorization issued by the state or its agents;

(k) a loss based on the usual care and treatment, or lack of care and treatment, of a person at a state hospital or state corrections facility where reasonable use of available appropriations has been made to provide care;

(l) loss, damage, or destruction of property of a patient or inmate of a state institution;

(m) a loss for which recovery is prohibited by section 169.121, subdivision 9;

(n) a loss caused by an aeration, bubbler, water circulation, or similar system used to increase dissolved oxygen or maintain open water on the ice of public waters, that is operated under a permit issued by the commissioner of natural resources;

(o) a loss incurred by a visitor to the Minnesota zoological garden, except that the state is liable for conduct that would entitle a trespasser to damages against a private person; and

(p) a loss arising out of a person's use of a logging road on public land that is maintained exclusively to provide access to timber on that land by harvesters of the timber, and is not signed or otherwise held out to the public as a public highway.

The state will not pay punitive damages.

*[For text of subds 4 to 11, see M.S.1990]*

**History:** 1991 c 313 s 1

### 3.846 PUBLICATION OF NOTICE OF EXEMPT RULES.

Subdivision 1. **Requirement.** No rule, as defined in section 14.02, subdivision 4, that is exempt from the rulemaking provisions of chapter 14, has the force and effect of law unless a notice has been published and filed under subdivision 2 before its effective date.

*[For text of subds 2 and 3, see M.S.1990]*

Subd. 4. **Nonapplication.** This section does not apply to section 14.03, subdivision 3.

**History:** 1991 c 259 s 1,2

**NOTE:** Subdivisions 1 and 4, as amended by Laws 1991, chapter 259, sections 1 and 2, are effective July 1, 1992. See Laws 1991, chapter 259, section 25.

### 3.85 LEGISLATIVE COMMISSION ON PENSIONS AND RETIREMENT.

*[For text of subds 1 to 10, see M.S.1990]*

Subd. 11. **Valuations and reports to legislature.** (a) The commission shall contract with an established actuarial consulting firm to conduct annual actuarial valuations for the retirement plans named in paragraph (b). The contract must include provisions for performing cost analyses of proposals for changes in benefit and funding policies.

(b) The contract for actuarial valuation must include the following retirement plans:

- (1) the teachers retirement plan, teachers retirement association;
  - (2) the general state employees retirement plan, Minnesota state retirement system;
  - (3) the correctional employees retirement plan, Minnesota state retirement system;
  - (4) the state patrol retirement plan, Minnesota state retirement system;
  - (5) the judges retirement plan, Minnesota state retirement system;
  - (6) the Minneapolis employees retirement plan, Minneapolis employees retirement fund;
  - (7) the public employees retirement plan, public employees retirement association;
  - (8) the public employees police and fire plan, public employees retirement association;
  - (9) the Duluth teachers retirement plan, Duluth teachers retirement fund association;
  - (10) the Minneapolis teachers retirement plan, Minneapolis teachers retirement fund association;
  - (11) the St. Paul teachers retirement plan, St. Paul teachers retirement fund association;
  - (12) the legislators retirement plan, Minnesota state retirement system;
  - (13) the elective state officers retirement plan, Minnesota state retirement system;
- and

(14) the public employees local government correctional service retirement plan, public employees retirement association, if there are any participants in that plan.

(c) The contract must specify completion of annual actuarial valuation calculations on a fiscal year basis with their contents as specified in section 356.215, and the standards for actuarial work adopted by the commission.

The contract must specify completion of annual experience data collection and processing and a quadrennial published experience study for the plans listed in paragraph (b), clauses (1), (2), and (7), as provided for in the standards for actuarial work adopted by the commission. The experience data collection, processing, and analysis must evaluate the following:

- (1) individual salary progression;
- (2) rate of return on investments based on current asset value;
- (3) payroll growth;
- (4) mortality;
- (5) retirement age;
- (6) withdrawal; and
- (7) disablement.

(d) The actuary retained by the commission shall annually prepare a report to the legislature, including the commentary on the actuarial valuation calculations for the plans named in paragraph (b) and summarizing the results of the actuarial valuation calculations. The commission-retained actuary shall include with the report the actuary's recommendations concerning the appropriateness of the support rates to achieve proper funding of the retirement funds by the required funding dates. The commission-retained actuary shall, as part of the quadrennial published experience study, include recommendations to the legislature on the appropriateness of the actuarial valuation assumptions required for evaluation in the study.

(e) If the actuarial gain and loss analysis in the actuarial valuation calculations indicates a persistent pattern of sizable gains or losses, as directed by the commission, the actuary retained by the commission shall prepare a special experience study for a plan listed in paragraph (b), clause (3), (4), (5), (6), (8), (9), (10), (11), (12), (13), or (14), in the manner provided for in the standards for actuarial work adopted by the commission.

(f) The term of the contract between the commission and the actuary retained by the commission is two years, plus not to exceed two one-year extensions before competitive bidding. The contract is subject to competitive bidding procedures as specified by the commission.

**Subd. 12. Allocation of actuarial cost.** (a) The commission shall assess each retirement plan specified in subdivision 11, paragraph (b), for a portion of the compensation paid to the actuary retained by the commission for the actuarial valuation calculations and quadrennial experience studies. The assessment is 72 percent of the amount of contract compensation for the actuarial consulting firm retained by the commission for actuarial valuation calculations, including the public employees police and fire plan consolidation accounts of the public employees retirement association, annual experience data collection and processing, and quadrennial experience studies.

The portion of the total assessment payable by each retirement system or pension plan must be determined as follows:

(1) Each pension plan specified in subdivision 11, paragraph (b), clauses (1) to (14), must pay the following indexed amount based on its total active, deferred, inactive, and benefit recipient membership:

up to 2,000 members, inclusive	\$2.55 per member
2,001 through 10,000 members	\$1.13 per member
over 10,000 members	\$0.11 per member

The amount specified is applicable for the assessment of the July 1, 1991, to June 30, 1992, fiscal year actuarial compensation amounts. For the July 1, 1992, to June 30, 1993, fiscal year and subsequent fiscal year actuarial compensation amounts, the amount specified must be increased at the same percentage increase rate as the implicit price deflator for state and local government purchases of goods and services for the 12-month period ending with the first quarter of the calendar year following the completion date for the actuarial valuation calculations, as published by the federal Department of Commerce, and rounded upward to the nearest full cent.

(2) The total per-member portion of the allocation must be determined, and that total per-member amount must be subtracted from the total amount for allocation. Of the remainder dollar amount, the following per-retirement system and per-pension plan charges must be determined and the charges must be paid by the system or plan:

(i) 37.87 percent is the total additional per-retirement system charge, of which one-seventh must be paid by each retirement system specified in subdivision 11, paragraph (b), clauses (1), (2), (6), (7), (9), (10), and (11).

(ii) 62.13 percent is the total additional per-pension plan charge, of which one-thirteenth must be paid by each pension plan specified in subdivision 11, paragraph (b), clauses (1) to (13), if there are not any participants in the plan specified in subdivision 11, paragraph (b), clause (14), or of which one-fourteenth must be paid by each pension plan specified in subdivision 11, paragraph (b), clauses (1) to (14), if there are participants in the plan specified in subdivision 11, paragraph (b), clause (14).

(b) The assessment must be made following the completion of the actuarial valuation calculations and the experience analysis. The amount of the assessment is appropriated from the retirement fund applicable to the retirement plan. Receipts from assessments must be deposited in the state treasury and credited to the general fund.

*History: 1991 c 269 art 3 s 1*

## ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

### 3.862 ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.

Subdivision 1. **Creation.** An advisory commission on intergovernmental relations is created.

Subd. 2. **Definitions.** (a) "Local government trust fund" or "trust fund" means the trust fund established under section 16A.711.

(b) "Metropolitan area" means the seven-county metropolitan area defined in section 473.121.

(c) "Special taxing district" means a special taxing district as defined in section 477A.011, subdivision 2a.

Subd. 3. **Duties.** (a) By February 1 of each year, the commission shall submit to the speaker of the house and president of the senate recommendations for a formula or formulas to allocate the receipts of the local government trust fund to cities, counties, special taxing districts, and towns for the fiscal year beginning in the next calendar year. A recommendation of the commission must be approved by a three-fourths majority vote of the commission. Recommendations may be adopted, modified, or rejected by a bill enacted into law.

(b) In preparing its recommendations for intergovernmental aid formulas, the commission shall consider and balance the following goals:

(1) equalizing the access of local governments to fiscal resources relative to the need for and cost of providing local services;

(2) increasing accountability for state and local fiscal decisions;

(3) compensating for spillovers in the cost and benefits of local services; and

(4) funding municipal and county programs that are required by state law or that can only be appropriately provided on a uniform statewide basis. The commission may establish other recommendations for intergovernmental aid formulas to be financed from trust fund money.

(c) The commission shall study elements of state and local intergovernmental relations it considers appropriate. The studies may include examination of (1) requirements under state law that local governments provide services or benefits not funded by state appropriations, and (2) development of incentives or mechanisms for increased local efficiencies through cooperation or combination of local government units.

Subd. 4. **Membership; terms.** (a) For July 1, 1991, through June 30, 1992, the commission consists of 20 members as follows:

(1) Five members of the house of representatives, appointed by the speaker. At least two of the members must represent districts located outside of the metropolitan area;

(2) Five members of the senate, appointed by the subcommittee on committees of the committee on rules. At least two of the members must represent districts located outside of the metropolitan area;

(3) Four city officials, appointed by the governor from a slate of at least eight city officials submitted by the League of Minnesota Cities. At least four of the officials on the slate must reside outside the metropolitan area; at least two of the officials appointed must reside outside of the metropolitan area;

(4) Three county officials, appointed by the governor from a slate of at least six county officials submitted by the Association of Minnesota Counties. At least two of the officials on the slate must reside outside the metropolitan area; at least one of the officials appointed must be from a county located outside of the metropolitan area;

(5) One town official, appointed by the governor from a slate of at least two submitted by the Minnesota Association of Township Officers; and

(6) Two representatives of the executive branch of state government, appointed by the governor.

(b) Beginning July 1, 1992, the membership of the commission is reduced to 14 members. The legislative membership is reduced to two members of the house of representatives and two members of the senate. At least two of these members, one from each house, must represent a district located outside of the metropolitan area. In appointing members of the commission in 1991, the speaker and the subcommittee on committees shall each designate three of the members as 1991 appointments. The terms of these members expire on June 30, 1992.

(c) The terms of nonlegislative members are as provided by section 15.059 for advisory councils and committees. The terms of legislative members are for two calendar years. Legislative members are members only so long as they are members of the legislature.

**Subd. 5. Compensation.** Legislative members of the commission are compensated as provided in section 3.101. Nonlegislative members are compensated as provided under section 15.059.

**Subd. 6. Staff.** In carrying out its duties the commission may request information and assistance from the department of revenue and other state agencies.

**History:** 1991 c 291 art 2 s 1

## TRANSPORTATION STUDY BOARD

### 3.8625 TRANSPORTATION STUDY BOARD.

**Subdivision 1. Board created; membership.** A transportation study board is created. The board shall consist of the following members:

(1) seven members of the senate, with not more than five of the same political party, appointed by the senate committee on committees; and

(2) seven members of the house of representatives, with not more than five of the same political party, appointed by the speaker of the house. Appointments are for two-year terms beginning July 1 of each odd-numbered year. Vacancies must be filled in the same manner as the original appointments.

**Subd. 2. Officers.** The board shall elect a chair and vice-chair from among its members. The chair must alternate biennially between a member of the house and a member of the senate. The vice-chair must be a house member when the chair is a senate member, and a senate member when the chair is a house member.

**Subd. 3. Staff.** The board may employ professional, technical, consulting, and clerical services. The board may use legislative staff to provide legal counsel, research, secretarial, and clerical assistance.

Subd. 4. **Expenses and reimbursement.** The members of the board may receive per diem payments when attending meetings and other commission business. Members, employees, and legislative staff must be reimbursed for expenses actually and necessarily incurred in the performance of their duties under the rules governing legislators and legislative employees.

Subd. 5. **Expiration.** This section expires July 1, 1993.

**History:** 1991 c 233 s 35; 1991 c 298 art 8 s 3

### 3.863 DUTIES.

The transportation study board shall perform the following duties:

- (1) review and participate with the house of representatives and senate transportation committees in developing recommendations for state transportation policies;
- (2) monitor state transportation programs, expenditures, and activities;
- (3) review and participate in the coordination of legislative initiatives that affect state and local transportation agencies; and
- (4) propose special studies to the legislature and conduct studies at the direction of the legislature.

**History:** 1991 c 298 art 8 s 4

### 3.864 SPECIAL STUDIES.

Subdivision 1. **Studies.** The board shall conduct the studies in subdivisions 2 to 8 by January 1, 1993. The board may request the commissioner of transportation to conduct any of the studies and report to the board and the legislature.

Subd. 2. **Highway planning process.** The board shall review the department of transportation's policies and procedures for identifying, evaluating, prioritizing, and implementing trunk highway development projects. The board shall not propose, identify, or otherwise select any specific project or category of projects. The board shall report to the legislature and the commissioner of transportation on the results of the study with recommendations to the commissioner of transportation on changes in the department's policies and procedures and to the legislature on changes in law governing those policies and procedures.

Subd. 3. **Highway jurisdiction.** The board shall conduct a study of the functional classification of all streets and highways in Minnesota. The study shall include:

- (1) development of a state jurisdiction plan, including:
  - (i) criteria for determining the functional class of every street and highway in the state;
  - (ii) identification of the appropriate jurisdiction of every street and highway, based on functional class; and
  - (iii) criteria for determining when jurisdiction should be based on factors other than functional class;
- (2) recommendations for implementing the jurisdiction plan; and
- (3) recommendations for changes in law to facilitate future jurisdiction transfers, including establishment of a highway jurisdiction board.

The board shall report to the legislature and the commissioner of transportation on the results of the study.

Subd. 4. **Light rail transit.** The board shall review and report to the legislature on preliminary engineering plans for light rail transit adopted by the commissioner of transportation under Laws 1991, chapter 298, article 7.

Subd. 5. **State-aid distribution.** The board shall study unresolved issues relating to distribution of the county state-aid highway fund and the municipal state-aid street fund. These issues may include, but are not limited to:

- (1) formulas for distributing money;
- (2) methods of measuring and quantifying the factors used in the formulas;

- (3) the role of screening boards in the distribution of state-aid funds;
- (4) methods to mitigate reductions in state aid resulting from changes in state-aid formulas and distribution procedures; and
- (5) appropriate levels of state participation in the cost of constructing and maintaining county state-aid highways and municipal state-aid streets.

Subd. 6. **Local participation in trunk highway projects.** The board shall study the role of local units of government in funding trunk highway construction or reconstruction projects. The study must recommend guidelines for local participation and the types of projects for which participation is feasible and desirable.

Subd. 7. **Increased use of high-occupancy vehicles.** The board shall study incentives for increasing the use of high-occupancy vehicles and shall evaluate:

- (1) tax incentives to employees;
- (2) tax incentives and other incentives to employers;
- (3) parking charges designed to discourage single-occupant vehicles and promote high-occupancy vehicles;
- (4) road pricing on freeways and other commuting routes;
- (5) staggered work hours;
- (6) expanded availability and reduced cost of regular-route transit; and
- (7) increased use of demand-responsive transit to meet the needs of persons otherwise automobile dependent.

Subd. 8. **Local financing study.** Before the 1992 legislative session, the board and the legislature shall study the use and effect of methods other than property tax revenues to finance local transportation improvements, including impact fees, transportation utility fees, and similar methods.

**History:** 1991 c 298 art 8 s 5

**3.865** [Repealed, 1991 c 265 art 8 s 20]

**3.866** [Repealed, 1991 c 265 art 8 s 20]

## LEGISLATIVE COMMISSION ON CHILDREN, YOUTH, AND FAMILIES

### 3.873 LEGISLATIVE COMMISSION ON CHILDREN, YOUTH, AND THEIR FAMILIES.

Subdivision 1. **Establishment.** A legislative commission on children, youth, and their families is established to study state policy and legislation affecting children and youth and their families. The commission shall make recommendations about how to ensure and promote the present and future well-being of Minnesota children and youth and their families, including methods for helping state and local agencies to work together.

Subd. 2. **Membership and terms.** The commission consists of 16 members that reflect a proportionate representation from each party. Eight members from the house shall be appointed by the speaker of the house and eight members from the senate shall be appointed by the subcommittee on committees of the committee on rules and administration. The membership must include members of the following committees in the house and the senate: health and human services, governmental operations, education, judiciary, and appropriations or finance. The commission must have representatives from both rural and metropolitan areas. The terms of the members are for two years beginning on January 1 of each odd-numbered year.

Subd. 3. **Officers.** The commission shall elect a chair and vice-chair from among its members. The chair must alternate biennially between a member of the house and a member of the senate. When the chair is from one body, the vice-chair must be from the other body.

Subd. 4. **Staff.** The commission may use existing legislative staff to provide legal counsel, research, fiscal, secretarial, and clerical assistance.



**Subd. 5. Information collection; intergovernmental coordination.** (a) The commission may conduct public hearings and otherwise collect data and information necessary to its purposes.

(b) The commission may request information or assistance from any state agency or officer to assist the commission in performing its duties. The agency or officer shall promptly furnish any information or assistance requested.

(c) Before implementing new or substantially revised programs relating to the subjects being studied by the commission under subdivision 7, the commissioner responsible for the program shall prepare an implementation plan for the program and shall submit the plan to the commission for review and comment. The commission may advise and make recommendations to the commissioner on the implementation of the program and may request the changes or additions in the plan it deems appropriate.

(d) By July 1, 1991, the responsible state agency commissioners, including the commissioners of education, health, human services, jobs and training, and corrections, shall prepare data for presentation to the commission on the state programs to be examined by the commission under subdivision 7, paragraph (a).

(e) To facilitate coordination between executive and legislative authorities, the governor shall appoint a person to act as liaison between the commission and the governor.

**Subd. 6. Legislative reports and recommendations.** The commission shall make recommendations to the legislature to implement combining education, and health and human services and related support services provided to children and their families by the departments of education, human services, health and other state agencies into a single state department of children and families to provide more effective and efficient services. The commission also shall make recommendations to the legislature or committees, as it deems appropriate to assist the legislature in formulating legislation. To facilitate coordination between executive and legislative authorities, the commission shall review and evaluate the plans and proposals of the governor and state agencies on matters within the commission's jurisdiction and shall provide the legislature with its analysis and recommendations. Any analysis and recommendations must integrate recommendations for the design of an education service delivery system under section 124.2721, subdivision 4a. The commission shall report its final recommendations under this subdivision and subdivision 7, paragraph (a), by January 1, 1993. The commission shall submit a progress report by January 1, 1992.

**Subd. 7. Priorities.** The commission shall give priority to studying and reporting to the legislature on the matters described in this subdivision.

(a) The commission must study and report on methods of improving legislative consideration of children and family issues and coordinating state agency programs relating to children and families, including the desirability, feasibility, and effects of creating a new state department of children's services, or children and family services, in which would be consolidated the responsibility for administering state programs relating to children and families.

(b) The commission must study and report on methods of consolidating or coordinating local health, correctional, educational, job, and human services, to improve the efficiency and effectiveness of services to children and families and to eliminate duplicative and overlapping services. The commission shall evaluate and make recommendations on programs and projects in this and other states that encourage or require local jurisdictions to consolidate the delivery of services in schools or other community centers to reduce the cost and improve the coverage and accessibility of services.

(c) The commission must study and report on methods of improving and coordinating educational, social, and health care services that assist children and families during the early childhood years. The commission's study must include an evaluation of the following: early childhood health and development screening services, headstart, child care, and early childhood family education.

(d) The commission must study and report on methods of improving and coordi-

nating the practices of judicial, correctional, and social service agencies in placing juvenile offenders and children who are in need of protective services or treatment.

**Subd. 8. Expenses and reimbursements.** The per diem and mileage costs of the members of the commission must be reimbursed as provided in section 3.101. The health and human services, governmental operations, education, judiciary, and appropriations or finance committees in the house and the senate shall share equally the responsibility to pay commission members' per diem and mileage costs from their committee budgets.

**Subd. 9. Expiration.** The commission expires on June 30, 1994.

**History:** 1991 c 265 art 8 s 1

### 3.885 LEGISLATIVE COMMISSION ON PLANNING AND FISCAL POLICY.

*[For text of subs 1 to 2, see M.S.1990]*

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

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

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

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

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

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

(6) use other legislative staff.

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

(c) The legislative coordinating commission shall provide office space and administrative support to the committee.

*[For text of subs 4 and 5, see M.S.1990]*

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

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

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

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

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

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

(4) program outcomes and measures which identify:

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

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

- (iii) unanticipated program outcomes;
  - (iv) program expenditures compared with program appropriations;
  - (v) historical cost trends and projected program growth, including reasons for fiscal and program growth, for all levels of government involved in the program;
  - (vi) if rules or guidelines or instructions have been promulgated for a program, a review of their efficacy in helping to meet program goals and objectives and in administering the program in a cost-effective way; and
  - (vii) quality control monitoring and sanctions including a review of the level of training, experience, skill, and standards of staff;
- (5) recommended changes in the program that would lead to its policy objectives being achieved more efficiently or effectively, or at lower cost; and
- (6) additional issues requested by the commission.
- (d) The following state aids and associated state mandates shall be reviewed:
- (1) local aids and credits including local government aid, homestead and agricultural credit aid, disparity reduction aid, taconite homestead credit and aids, tax increment financing, and fiscal disparities;
  - (2) human services aids including community health services aids, correctional program aids, and social service program and administrative aids;
  - (3) elementary and secondary education aids including school district general fund aids and levies, school district capital expenditure fund aids and levies, school district debt service fund aids and levies, and school district community service fund aids and levies; and
  - (4) general government aids including natural resource aids, environmental protection aids, transportation aids, economic development aids, and general infrastructure aids.
- (e) At the direction of the commission, the reviews of state aids and state mandates involving state financing of local government activities listed in paragraph (d) shall include:
- (1) the employment status, wages, and benefits of persons employed in administering the programs;
  - (2) the desirable applicability of state procedural laws and rules;
  - (3) methods for increasing political subdivision options in providing their share, if any, of program costs;
  - (4) desirable redistributions of funding responsibilities for the program and the time period during which any recommended funding distribution should occur;
  - (5) opportunities for reducing program mandates and giving political subdivisions more flexibility in meeting program needs;
  - (6) comparability of treatment of similar units of government;
  - (7) the effect of the state aid or mandate on the distribution of tax burdens among individuals, based upon ability to pay;
  - (8) coordination of the payment or allocation formula with other state aid programs;
  - (9) incentives that have been created for local spending decisions, and whether the incentives should be changed;
  - (10) ways in which political subdivisions have changed their revenue-raising behavior since receiving these grants; and
  - (11) consideration of the program's consistency with the policies set forth in section 3.882.
- (f) Each review shall also include an assessment of the accountability of all government agencies that participate in administration of the program.
- (g) Each review that is intended to be considered in the development of the governor's budget recommendations for the following year shall be completed and submitted to the commission no later than November 15.

*[For text of subs 7 to 9, see M.S.1990]*

**History:** 1991 c 345 art 2 s 5,6

### 3.887 LEGISLATIVE WATER COMMISSION.

*[For text of subs 1 to 4, see M.S.1990]*

**Subd. 5. Powers and duties.** (a) The legislative water commission shall review water policy reports and recommendations of the environmental quality board, the biennial report of the board of water and soil resources, and other water-related reports as may be required by law or the legislature.

(b) The commission shall oversee the activities of the pollution control agency under sections 116.16 to 116.181 relating to water pollution control.

(c) The commission may conduct public hearings and otherwise secure data and comments.

(d) The commission shall make recommendations as it deems proper to assist the legislature in formulating legislation.

(e) Data or information compiled by the legislative water commission or its subcommittees shall be made available to the legislative commission on Minnesota resources and standing and interim committees of the legislature on request of the chair of the respective commission or committee.

*[For text of subs 6 to 8, see M.S.1990]*

**History:** 1991 c 337 s 2

### 3.922 INDIAN AFFAIRS COUNCIL.

*[For text of subs 1 and 2, see M.S.1990]*

**Subd. 3. Compensation; expenses; expiration.** Compensation of nonlegislator members is as provided in section 15.059. Expenses of the council shall be approved by two of any three members of the council designated by the council and then be paid in the same manner as other state expenses. The executive secretary shall inform the commissioner of finance in writing of the names of the persons authorized to approve expenses.

*[For text of subs 4 to 7, see M.S.1990]*

**Subd. 8. Advisory council.** An advisory council on urban Indians is created to advise the board on the unique problems and concerns of Minnesota Indians who reside in urban areas of the state. The council shall be appointed by the board and consist of five Indians residing in the vicinity of Minneapolis, St. Paul, and Duluth. At least one member of the council shall be a resident of each city. The terms, compensation, and removal of members are as provided in section 15.059.

*[For text of subd 9, see M.S.1990]*

**History:** 1991 c 292 art 3 s 1,2

### 3.9221 INDIAN TRIBES; COMPACTS TO BE NEGOTIATED.

*[For text of subs 1 to 4, see M.S.1990]*

**Subd. 5. Report.** The governor, the attorney general, and the governor's designated representatives shall report to the house and senate committees having jurisdiction over gambling regulation semiannually. This report shall contain information on compacts negotiated, and an outline of prospective negotiations.

**History:** 1991 c 336 art 2 s 1

**3.9223 COUNCIL ON AFFAIRS OF SPANISH-SPEAKING PEOPLE.**

Subdivision 1. **Membership.** A state council on affairs of Spanish-speaking people is created to consist of seven members appointed by the governor. The demographic composition of the council members shall accurately reflect the demographic composition of Minnesota's Spanish-speaking community, including migrant workers, as determined by the state demographer. Membership, terms, removal of members and filling of vacancies are as provided in section 15.0575. Compensation of members is as provided in section 15.059, subdivision 3. The council shall annually elect from its membership a chair and other officers it deems necessary.

*[For text of subds 2 to 7, see M.S.1990]*

**History:** 1991 c 292 art 3 s 3

**3.9225 COUNCIL ON BLACK MINNESOTANS.**

Subdivision 1. **Creation.** A state council on Black Minnesotans is created to consist of seven members appointed by the governor. The members of the council shall be broadly representative of the Black community of the state and include at least three males and at least three females. Membership terms, compensation, removal of members, and filling of vacancies for nonlegislative members are as provided in section 15.059. Two members of the house of representatives appointed by the speaker and two members of the senate appointed by the subcommittee on committees of the committee on rules and administration shall serve as ex officio, nonvoting members of the council. The council shall annually elect from its membership a chair and other officers it deems necessary.

*[For text of subds 2 to 7, see M.S.1990]*

**History:** 1991 c 292 art 3 s 4

**3.9226 COUNCIL ON ASIAN-PACIFIC MINNESOTANS.**

Subdivision 1. **Creation.** The state council on Asian-Pacific Minnesotans consists of 15 members. Eleven members are appointed by the governor and must be broadly representative of the Asian-Pacific community of the state. Terms, compensation, removal, and filling of vacancies for appointed members are as provided in section 15.059. Two members of the house of representatives appointed under the rules of the house of representatives and two members of the senate appointed under the rules of the senate shall serve as nonvoting members of the council. The council shall annually elect from its membership a chair and other officers it deems necessary.

*[For text of subds 2 to 7, see M.S.1990]*

**History:** 1991 c 292 art 3 s 5

**3.97 AUDIT POLICY; CREATION OF COMMISSION; TRANSFER OF FUNCTIONS OF PUBLIC EXAMINER; ACCESS TO DATA.**

*[For text of subds 1 to 11, see M.S.1990]*

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

**History:** 1991 c 345 art 1 s 38

**3.971 POWERS AND DUTIES OF LEGISLATIVE AUDITOR.**

*[For text of subd 1, see M.S.1990]*

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

**History:** 1991 c 345 art 1 s 39

### 3.98 FISCAL NOTES.

Subdivision 1. The head or chief administrative officer of each department or agency of the state government, including the supreme court, shall prepare a fiscal note at the request of the chair of the standing committee to which a bill has been referred, or the chair of the house appropriations committee, or the chair of the senate committee on finance.

For purposes of this subdivision, "supreme court" includes all agencies, committees, and commissions supervised or appointed by the state supreme court or the state court administrator.

*[For text of subs 2 to 4, see M.S.1990]*

**History:** 1991 c 292 art 8 s 1

### 3.982 FISCAL NOTES FOR STATE-MANDATED ACTIONS.

When a bill is introduced and referred to a standing committee, the commissioner of finance shall determine whether the bill proposes a new or expanded mandate on a political subdivision, a district court, or the public defense system. If the commissioner determines that a new or expanded mandate is proposed, the commissioner shall direct the appropriate department or agency of state government to prepare a fiscal note identifying the projected fiscal impact of the bill on state government and on the affected entity. The commissioner of finance shall be responsible for coordinating the fiscal note process, for assuring the accuracy and completeness of the note, and for ensuring that fiscal notes are prepared, delivered, and updated as provided in this section. The fiscal note shall categorize mandates as program or nonprogram mandates and shall include estimates of the levy impacts of the mandates. To the extent that the bill would impose new fiscal obligations, the note shall indicate the efforts made to reduce those obligations, including consultations made with representatives of the affected entities. Chairs of legislative committees receiving bills on rereferrals from other legislative committees may request that fiscal notes be amended to reflect amendments made to the bills by prior committee action. Preparation of the fiscal notes required in this section shall be consistent with section 3.98. The commissioner of finance shall periodically report to and consult with the legislative commission on planning and fiscal policy on the issuance of the notes.

**History:** 1991 c 292 art 8 s 2