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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **1849**

March 18, 2009

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The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform,
Technology and Elections

1.1 A bill for an act
1.2 relating to local government; removing, extending, or modifying certain
1.3 mandates upon local governmental units; amending Minnesota Statutes
1.4 2008, sections 6.80, by adding a subdivision; 211B.37; 306.243, by adding a
1.5 subdivision; 326B.145; 344.18; 375.12, subdivision 2; 375.17, subdivision 1;
1.6 382.265; 384.151, subdivision 1a; 385.373, subdivision 1a; 386.015, subdivision
1.7 2; 387.20, subdivisions 1, 2; 429.041, subdivisions 1, 2; 469.015; 471.999;
1.8 473.862; 508.12, subdivision 1; proposing coding for new law in Minnesota
1.9 Statutes, chapter 14; repealing Minnesota Statutes 2008, sections 15.435; 373.42;
1.10 384.151, subdivisions 1, 3; 385.373, subdivisions 1, 3; 386.015, subdivisions
1.11 1, 4; 387.20, subdivision 4; 471.661.

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

1.13 Section 1. Minnesota Statutes 2008, section 6.80, is amended by adding a subdivision
1.14 to read:

1.15 Subd. 8. Group applications. Local government units similarly situated for the
1.16 purposes of a specific administrative rule or state procedural law may submit a group
1.17 application for a waiver or temporary exemption. The application must provide all of the
1.18 information required in subdivision 2 with regard to each local government unit included
1.19 in the application to the extent the information differs from any other local government
1.20 unit included in the application. Each local government unit included must provide a
1.21 copy of the application to the exclusive representative certified under section 179A.12
1.22 to represent employees who provide the service or program affected by the requested
1.23 waiver or exemption. Review of the group application shall be the same as for a single
1.24 local government unit's application. If granted, the agreement must be the same for all
1.25 included in the application and it applies to each local government unit that enters into the
1.26 agreement with the state auditor.

2.1 Sec. 2. **[14.128] EFFECTIVE DATE FOR RULES REQUIRING LOCAL**
 2.2 **IMPLEMENTATION.**

2.3 Subdivision 1. **Determination.** An agency must determine if a local government
 2.4 will be required to adopt or amend an ordinance or other regulation to comply with a
 2.5 proposed agency rule. An agency must make this determination before the close of the
 2.6 hearing record or before the agency submits the record to the administrative law judge if
 2.7 there is no hearing. The administrative law judge must review and approve or disapprove
 2.8 the agency's determination. "Local government" means a town, county, or home rule
 2.9 charter or statutory city.

2.10 Subd. 2. **Effective dates.** If the agency determines that the proposed rule requires
 2.11 adoption or amendment of an ordinance or other regulation, or if the administrative law
 2.12 judge disapproves the agency's determination that the rule does not have this effect, the
 2.13 rule may not become effective until:

2.14 (1) the next July 1 or January 1 after notice of final adoption is published in the
 2.15 State Register; or

2.16 (2) a later date provided by law or specified in the proposed rule.

2.17 Subd. 3. **Exceptions.** Subdivision 2 does not apply:

2.18 (1) to a rule adopted under section 14.388, 14.389, or 14.3895, or under another law
 2.19 specifying that the rulemaking procedures of this chapter do not apply;

2.20 (2) if the administrative law judge approves an agency's determination that the rule
 2.21 has been proposed pursuant to a specific federal statutory or regulatory mandate that
 2.22 requires the rule to take effect before the date specified in subdivision 1; or

2.23 (3) if the governor waives application of subdivision 2.

2.24 Sec. 3. Minnesota Statutes 2008, section 211B.37, is amended to read:

2.25 **211B.37 COSTS ASSESSED.**

2.26 Subdivision 1. **Cost of proceedings; statewide ballot questions.** Except as
 2.27 otherwise provided in subdivision 2 and section 211B.36, subdivision 3, the chief
 2.28 administrative law judge shall assess the cost of considering complaints filed under
 2.29 section 211B.32 as provided in this section. Costs of complaints relating to a statewide
 2.30 ballot question or an election for a statewide or legislative office must be assessed against
 2.31 the appropriation from the general fund to the general account of the state elections
 2.32 campaign fund in section 10A.31, subdivision 4. Costs of complaints relating to any
 2.33 other ballot question or elective office must be assessed ~~against the county or counties in~~
 2.34 ~~which the election is held. Where the election is held in more than one county, the chief~~
 2.35 ~~administrative law judge shall apportion the assessment among the counties in proportion~~

3.1 ~~to their respective populations within the election district to which the complaint relates~~
3.2 ~~according to the most recent decennial federal census as provided in subdivision 2.~~

3.3 Subd. 2. **Cost of proceedings; other ballot questions.** The costs of complaints
3.4 relating to a ballot question other than a statewide ballot question or an election for a
3.5 statewide or legislative office must be paid by the parties in the proportions that they agree
3.6 to. Notwithstanding section 14.53 or other law, the Office of Administrative Hearings is
3.7 not liable for the costs. If the parties do not agree to a division of the costs before the
3.8 commencement of mediation, arbitration, or hearing, the costs must be allocated on an
3.9 equitable basis by the mediator, arbitrator, or chief administrative law judge. The chief
3.10 administrative law judge may contract with the parties to a matter for the purpose of
3.11 providing administrative law judges and reporters for an administrative proceeding or
3.12 alternative dispute resolution. The chief administrative law judge shall assess the cost of
3.13 services rendered by the Office of Administrative Hearings as provided by section 14.53.

3.14 Sec. 4. Minnesota Statutes 2008, section 306.243, is amended by adding a subdivision
3.15 to read:

3.16 Subd. 6. **Abandonment; end of operation as cemetery.** A county that has accepted
3.17 responsibility for an abandoned cemetery may prohibit further burials in the abandoned
3.18 cemetery, and may cease all acceptance of responsibility for new burials.

3.19 Sec. 5. Minnesota Statutes 2008, section 326B.145, is amended to read:

3.20 **326B.145 ANNUAL REPORT.**

3.21 Beginning with the first report filed by June 30, 2003, each municipality shall
3.22 annually report by June 30 to the department, in a format prescribed by the department, all
3.23 construction and development-related fees collected by the municipality from developers,
3.24 builders, and subcontractors if the cumulative fees collected exceeded ~~\$5,000~~ \$10,000 in
3.25 the reporting year. The report must include:

3.26 (1) the number and valuation of units for which fees were paid;

3.27 (2) the amount of building permit fees, plan review fees, administrative fees,
3.28 engineering fees, infrastructure fees, and other construction and development-related
3.29 fees; and

3.30 (3) the expenses associated with the municipal activities for which fees were
3.31 collected.

4.1 **EFFECTIVE DATE.** This section is effective on the day following final enactment,
4.2 and is repealed on December 31, 2013, at which time this section reverts to the statute as
4.3 it existed on the day of final enactment.

4.4 Sec. 6. Minnesota Statutes 2008, section 344.18, is amended to read:

4.5 **344.18 COMPENSATION OF VIEWERS.**

4.6 Fence viewers must be paid for their services by the person employing them ~~at the~~
4.7 ~~rate of \$15 each for each day's employment. \$60 must be deposited with the town or city~~
4.8 ~~treasurer before the service is performed. Upon completion of the service, any of the \$60~~
4.9 ~~not spent to compensate the fence viewers must be returned to the depositor. The town~~
4.10 board may by resolution require the person employing the fence viewers to post a bond or
4.11 other security acceptable to the board for the total estimated costs before the viewing takes
4.12 place. The total estimated costs may include the cost of professional and other services,
4.13 hearing costs, administrative costs, recording costs, and other costs and expenses which
4.14 the town may incur in connection with the viewing.

4.15 Sec. 7. Minnesota Statutes 2008, section 375.12, subdivision 2, is amended to read:

4.16 Subd. 2. **Small claims totaled.** Individualized itemized accounts, claims or
4.17 demands allowed by the county board pursuant to section 471.38, subdivision 1, need not
4.18 be published pursuant to subdivision 1, if the amount allowed from each claim is ~~\$300~~
4.19 \$5,000 or less. The official proceedings following the itemization of accounts required
4.20 shall contain a statement showing the total number of claims that did not exceed ~~\$300~~
4.21 \$5,000 and their total dollar amount.

4.22 Sec. 8. Minnesota Statutes 2008, section 375.17, subdivision 1, is amended to read:

4.23 Subdivision 1. **Statement contents; summaries.** Annually, not later than the first
4.24 Tuesday after the first Monday in March, the county board shall make a full and accurate
4.25 statement of the receipts and expenditures of the preceding year, which shall contain a
4.26 statement of the assets and liabilities, a summary of receipts, disbursements, and balances
4.27 of all county funds together with a detailed statement of each fund account, under the form
4.28 and style prescribed by and on file with the state auditor. The prescribed form and any
4.29 changes or modifications of it shall so far as practical be uniform for all counties. Annually
4.30 the board shall publish the statement or a summary of the statement in a form as prescribed
4.31 by the state auditor, for one issue in a duly qualified legal newspaper in the county. In lieu
4.32 of publication in the duly qualified newspaper, the county board may post the summary

5.1 budget on a Web site, as defined by section 331A.12, subdivision 1, paragraph (b), or in a
5.2 newspaper or general circulation in the county that is not a qualified newspaper.

5.3 Sec. 9. Minnesota Statutes 2008, section 382.265, is amended to read:

5.4 **382.265 CLERK HIRE IN CERTAIN COUNTIES.**

5.5 In all counties of this state where the amount of clerk hire now or hereafter provided
5.6 by law for any county office shall be insufficient to meet the requirements of said office,
5.7 the county officer in need of additional clerk hire shall prepare a petition and statement
5.8 setting forth therein the amount of additional clerk hire needed and file the same with the
5.9 county auditor, who shall present the same to the board of county commissioners at the
5.10 next meeting of said board. If the board of county commissioners shall grant said petition
5.11 by majority vote of all members elected to the board, then the amount of additional clerk
5.12 hire requested in said petition shall thereupon become effective for said office. Said board
5.13 shall act on any such petition within 60 days from the time it has been filed with the
5.14 county auditor. If the board of county commissioners shall determine that the amount of
5.15 additional clerk hire requested in said petition is excessive and more than is necessary for
5.16 said office, it shall fix the amount of such additional clerk hire to be allowed, if any, and
5.17 notify such officer thereof. ~~If said county officer or any taxpayer of the county shall be~~
5.18 ~~dissatisfied with the decision of the board of county commissioners, the officer may, at~~
5.19 ~~the officer's own expense, within ten days after the decision of said board, appeal to the~~
5.20 ~~district court. The district court, either in term or vacation and upon ten days' notice to~~
5.21 ~~the chair of the board of county commissioners, shall hear such appeal and summarily~~
5.22 ~~determine the amount of additional clerk hire needed by an order, a copy of which shall~~
5.23 ~~be filed with the county auditor.~~

5.24 Sec. 10. Minnesota Statutes 2008, section 384.151, subdivision 1a, is amended to read:

5.25 Subd. 1a. **Implementation.** (a) The county board of each of the counties ~~specified~~
5.26 ~~in subdivision 1~~ of less than 75,000 population annually shall set by resolution the salary
5.27 of the county auditor which shall be paid to the county auditor at such intervals as the
5.28 board shall determine but not less often than once each month.

5.29 (b) At the January meeting prior to the first date on which applicants may file for the
5.30 office of county auditor the board shall set by resolution the minimum salary to be paid the
5.31 county auditor for the term next following.

5.32 (c) In the event a vacancy occurs in the office of county auditor the board may
5.33 set the annual salary for the remainder of the calendar year at an amount less than was
5.34 set for that year.

6.1 ~~(d) The board, in any case specified in this subdivision, may not set the annual~~
 6.2 ~~salary at an amount less than the minimums provided in this subdivision but it may set~~
 6.3 ~~the salary in excess of such minimums.~~

6.4 ~~(e)~~ (d) The salary of the county auditor shall not be reduced during the term for
 6.5 which the auditor was elected or appointed.

6.6 ~~(f)~~ (e) In the event that duties are assigned to the auditor which are in addition to
 6.7 duties as auditor, additional compensation may be provided for the additional duties. The
 6.8 county board by resolution shall determine the additional compensation which shall be
 6.9 paid and specify the duties for which the additional compensation is to be paid.

6.10 Sec. 11. Minnesota Statutes 2008, section 385.373, subdivision 1a, is amended to read:

6.11 Subd. 1a. **Implementation.** (a) The county board of each of the counties ~~specified~~
 6.12 ~~in subdivision 1~~ of less than 75,000 population annually shall set by resolution the salary
 6.13 of the county treasurer which shall be paid to the county treasurer at such intervals as the
 6.14 board shall determine but not less often than once each month.

6.15 (b) At the January meeting prior to the first date on which applicants may file for the
 6.16 office of county treasurer the board shall set by resolution the minimum salary to be paid
 6.17 the county treasurer for the term next following.

6.18 (c) In the event a vacancy occurs in the office of county treasurer the board may
 6.19 set the annual salary for the remainder of the calendar year at an amount less than was
 6.20 set for that year.

6.21 ~~(d) The board in no case may set the annual salary at an amount less than the~~
 6.22 ~~minimums provided in this subdivision but it may set the salary in excess of the minimums.~~

6.23 ~~(e)~~ (d) The salary of the county treasurer shall not be reduced during the term for
 6.24 which the treasurer was elected or appointed.

6.25 ~~(f)~~ (e) In the event that duties are assigned to the treasurer which are in addition to
 6.26 duties as treasurer, additional compensation may be provided for the additional duties.
 6.27 The county board by resolution shall determine the additional compensation which shall
 6.28 be paid and specify the duties for which the additional compensation is to be paid.

6.29 Sec. 12. Minnesota Statutes 2008, section 386.015, subdivision 2, is amended to read:

6.30 Subd. 2. **Board's salary procedure.** (a) The county board of each of the counties
 6.31 ~~specified in subdivision 1~~ of less than 75,000 population annually shall set by resolution
 6.32 the salary of the county recorder which shall be paid to the county recorder at such
 6.33 intervals as the board shall determine but not less often than once each month.

7.1 (b) At the January meeting prior to the first date on which applicants may file for the
 7.2 office of county recorder the board shall set by resolution the minimum salary to be paid
 7.3 county recorder for the term next following.

7.4 (c) In the event a vacancy occurs in the office of the county recorder the board
 7.5 may set the annual salary for the remainder of the calendar year at an amount less than
 7.6 was set for that year.

7.7 ~~(d) The board in any case specified in this subdivision may not set the annual salary~~
 7.8 ~~at an amount less than the minimum provided in subdivision 1 but it may set the salary in~~
 7.9 ~~excess of such minimums.~~

7.10 ~~(e)~~ (d) The salary of the county recorder shall not be reduced during the term for
 7.11 which the recorder is elected or appointed.

7.12 ~~(f)~~ (e) In the event that duties are assigned to the county recorder which are in
 7.13 addition to duties as county recorder, additional compensation may be provided for
 7.14 the additional duties. The county board by resolution shall determine the additional
 7.15 compensation which shall be paid and specify the duties for which the additional
 7.16 compensation is to be paid.

7.17 Sec. 13. Minnesota Statutes 2008, section 387.20, subdivision 1, is amended to read:

7.18 Subdivision 1. **Counties under 75,000.** ~~(a) The sheriffs of all counties of the state~~
 7.19 ~~with less than 75,000 inhabitants according to the 1960 federal census shall receive yearly~~
 7.20 ~~salaries for all services rendered by them for their respective counties, not less than the~~
 7.21 ~~following amounts according to the then last preceding federal census:~~

7.22 ~~(1) in counties with less than 10,000 inhabitants, \$6,000;~~

7.23 ~~(2) in counties with 10,000 but less than 20,000 inhabitants, \$6,500;~~

7.24 ~~(3) in counties with 20,000 but less than 30,000 inhabitants, \$7,000;~~

7.25 ~~(4) in counties with 30,000 but less than 40,000 inhabitants, \$7,500;~~

7.26 ~~(5) in counties with 40,000 or more inhabitants, \$8,000.~~

7.27 ~~(b)~~ (a) In addition to ~~such~~ the sheriff's salary ~~each~~, the sheriff shall be reimbursed for
 7.28 all expenses incurred in the performance of official duties for the sheriff's county and the
 7.29 claim for ~~such~~ the expenses shall be prepared, allowed, and paid in the same manner as
 7.30 other claims against counties are prepared, allowed, and paid except that the expenses
 7.31 incurred by ~~such~~ the sheriffs in the performance of service required of them in connection
 7.32 with insane persons either by a district court or by law and a per diem for deputies and
 7.33 assistants necessarily required under ~~such~~ the performance of ~~such~~ the services shall be
 7.34 allowed and paid as provided by the law regulating the apprehension, examination, and
 7.35 commitment of insane persons; provided that any sheriff or deputy receiving an annual

8.1 salary shall pay over any per diem received to the county in the manner and at the time
8.2 prescribed by the county board, but not less often than once each month.

8.3 ~~(e)~~ (b) All claims for livery hire shall state the purpose for which such livery was
8.4 used and have attached thereto a receipt for the amount paid for such livery signed by
8.5 the person of whom it was hired.

8.6 ~~(d)~~ (c) A county may pay a sheriff or deputy as compensation for the use of a
8.7 personal automobile in the performance of official duties a mileage allowance prescribed
8.8 by the county board or a monthly or other periodic allowance in lieu of mileage. The
8.9 allowance for automobile use is not subject to limits set by other law.

8.10 Sec. 14. Minnesota Statutes 2008, section 387.20, subdivision 2, is amended to read:

8.11 Subd. 2. **Board procedure, details.** (a) The county board of each of the counties
8.12 ~~specified in this section~~ of less than 75,000 population annually shall set by resolution the
8.13 salary of the county sheriff which shall be paid to the county sheriff at such intervals as the
8.14 board shall determine, but not less often than once each month.

8.15 (b) At the January meeting prior to the first date on which applicants may file for the
8.16 office of county sheriff the board shall set by resolution the minimum salary to be paid the
8.17 county sheriff for the term next following.

8.18 (c) In the event a vacancy occurs in the office of county sheriff, the board may
8.19 set the annual salary for the remainder of the calendar year at an amount less than was
8.20 set for that year.

8.21 ~~(d) The board in any case specified in this subdivision may not set the annual~~
8.22 ~~salary at an amount less than the minimum provided in this subdivision, but it may set~~
8.23 ~~the salary in excess of such minimums.~~

8.24 ~~(e)~~ (d) The salary of the county sheriff shall not be reduced during the term for
8.25 which the sheriff was elected or appointed.

8.26 Sec. 15. Minnesota Statutes 2008, section 429.041, subdivision 1, is amended to read:

8.27 Subdivision 1. **Plans and specifications, advertisement for bids.** When the
8.28 council determines to make any improvement, it shall let the contract for all or part of
8.29 the work, or order all or part of the work done by day labor or otherwise as authorized by
8.30 subdivision 2, no later than one year after the adoption of the resolution ordering such
8.31 improvement, unless a different time limit is specifically stated in the resolution ordering
8.32 the improvement. The council shall cause plans and specifications of the improvement
8.33 to be made, or if previously made, to be modified, if necessary, and to be approved and
8.34 filed with the clerk, and if the estimated cost exceeds ~~\$50,000~~ the amount in section

9.1 471.345, subdivision 3, shall advertise for bids for the improvement in the newspaper and
9.2 such other papers and for such length of time as it may deem advisable. If the estimated
9.3 cost exceeds ~~\$100,000~~ twice the amount in section 471.345, subdivision 3, publication
9.4 shall be made no less than three weeks before the last day for submission of bids once
9.5 in the newspaper and at least once in either a newspaper published in a city of the first
9.6 class or a trade paper. To be eligible as such a trade paper, a publication shall have all
9.7 the qualifications of a legal newspaper except that instead of the requirement that it shall
9.8 contain general and local news, such trade paper shall contain building and construction
9.9 news of interest to contractors in this state, among whom it shall have a general circulation.
9.10 The advertisement shall specify the work to be done, shall state the time when the bids
9.11 will be publicly opened for consideration by the council, which shall be not less than ten
9.12 days after the first publication of the advertisement when the estimated cost is less than
9.13 ~~\$100,000~~ twice the amount in section 471.345, subdivision 3, and not less than three
9.14 weeks after such publication in other cases, and shall state that no bids will be considered
9.15 unless sealed and filed with the clerk and accompanied by a cash deposit, cashier's check,
9.16 bid bond, or certified check payable to the clerk, for such percentage of the amount of the
9.17 bid as the council may specify. In providing for the advertisement for bids the council
9.18 may direct that the bids shall be opened publicly by two or more designated officers or
9.19 agents of the municipality and tabulated in advance of the meeting at which they are to
9.20 be considered by the council. Nothing herein shall prevent the council from advertising
9.21 separately for various portions of the work involved in an improvement, or from itself,
9.22 supplying by such means as may be otherwise authorized by law, all or any part of the
9.23 materials, supplies, or equipment to be used in the improvement or from combining two or
9.24 more improvements in a single set of plans and specifications or a single contract.

9.25 Sec. 16. Minnesota Statutes 2008, section 429.041, subdivision 2, is amended to read:

9.26 Subd. 2. **Contracts; day labor.** In contracting for an improvement, the council shall
9.27 require the execution of one or more written contracts and bonds, conditioned as required
9.28 by law. The council shall award the contract to the lowest responsible bidder or it may
9.29 reject all bids. If any bidder to whom a contract is awarded fails to enter promptly into
9.30 a written contract and to furnish the required bond, the defaulting bidder shall forfeit to
9.31 the municipality the amount of the defaulter's cash deposit, cashier's check, bid bond, or
9.32 certified check, and the council may thereupon award the contract to the next lowest
9.33 responsible bidder. When it appears to the council that the cost of the entire work projected
9.34 will be less than ~~\$50,000~~ the amount in section 471.345, subdivision 3, or whenever no
9.35 bid is submitted after proper advertisement or the only bids submitted are higher than

10.1 the engineer's estimate, the council may advertise for new bids or, without advertising
10.2 for bids, directly purchase the materials for the work and do it by the employment of day
10.3 labor or in any other manner the council considers proper. The council may have the
10.4 work supervised by the city engineer or other qualified person but shall have the work
10.5 supervised by a registered engineer if done by day labor and it appears to the council that
10.6 the entire cost of all work and materials for the improvement will be more than ~~\$25,000~~
10.7 the lowest amount in section 471.345, subdivision 4. In case of improper construction
10.8 or unreasonable delay in the prosecution of the work by the contractor, the council may
10.9 order and cause the suspension of the work at any time and relet the contract, or order
10.10 a reconstruction of any portion of the work improperly done, and where the cost of
10.11 completion or reconstruction necessary will be less than ~~\$50,000~~ the amount in section
10.12 471.345, subdivision 3, the council may do it by the employment of day labor.

10.13 Sec. 17. Minnesota Statutes 2008, section 469.015, is amended to read:

10.14 **469.015 LETTING OF CONTRACTS; PERFORMANCE BONDS.**

10.15 Subdivision 1. **Bids; notice.** All construction work, and work of demolition or
10.16 clearing, and every purchase of equipment, supplies, or materials, necessary in carrying
10.17 out the purposes of sections 469.001 to 469.047, that involve expenditure of ~~\$50,000~~ the
10.18 amount in section 471.345, subdivision 3, or more shall be awarded by contract. Before
10.19 receiving bids the authority shall publish, once a week for two consecutive weeks in an
10.20 official newspaper of general circulation in the community a notice that bids will be
10.21 received for that construction work, or that purchase of equipment, supplies, or materials.
10.22 The notice shall state the nature of the work and the terms and conditions upon which the
10.23 contract is to be let, naming a time and place where bids will be received, opened and read
10.24 publicly, which time shall be not less than seven days after the date of the last publication.
10.25 After the bids have been received, opened and read publicly and recorded, the authority
10.26 shall award the contract to the lowest responsible bidder, provided that the authority
10.27 reserves the right to reject any or all bids. Each contract shall be executed in writing, and
10.28 the person to whom the contract is awarded shall give sufficient bond to the authority for its
10.29 faithful performance. If no satisfactory bid is received, the authority may readvertise. The
10.30 authority may establish reasonable qualifications to determine the fitness and responsibility
10.31 of bidders and to require bidders to meet the qualifications before bids are accepted.

10.32 Subd. 1a. **Best value alternative.** As an alternative to the procurement method
10.33 described in subdivision 1, the authority may issue a request for proposals and award the
10.34 contract to the vendor or contractor offering the best value under a request for proposals as
10.35 described in section 16C.28, subdivision 1, paragraph (a), clause (2), and paragraph (c).

11.1 Subd. 2. **Exception; emergency.** If the authority by a vote of four-fifths of its
11.2 members shall declare that an emergency exists requiring the immediate purchase of
11.3 any equipment or material or supplies at a cost in excess of ~~\$50,000~~ the amount in
11.4 section 471.345, subdivision 3, but not exceeding ~~\$75,000~~ one-half again as much as
11.5 the amount in section 471.345, subdivision 3, or making of emergency repairs, it shall
11.6 not be necessary to advertise for bids, but the material, equipment, or supplies may be
11.7 purchased in the open market at the lowest price obtainable, or the emergency repairs may
11.8 be contracted for or performed without securing formal competitive bids. An emergency,
11.9 for purposes of this subdivision, shall be understood to be unforeseen circumstances or
11.10 conditions which result in the placing in jeopardy of human life or property.

11.11 Subd. 3. **Performance and payment bonds.** Performance and payment bonds shall
11.12 be required from contractors for any works of construction as provided in and subject
11.13 to all the provisions of sections 574.26 to 574.31 except for contracts entered into by
11.14 an authority for an expenditure of less than ~~\$50,000~~ the minimum threshold amount in
11.15 section 471.345, subdivision 3.

11.16 Subd. 4. **Exceptions.** (a) An authority need not require competitive bidding in the
11.17 following circumstances:

11.18 (1) in the case of a contract for the acquisition of a low-rent housing project:

11.19 (i) for which financial assistance is provided by the federal government;

11.20 (ii) which does not require any direct loan or grant of money from the municipality
11.21 as a condition of the federal financial assistance; and

11.22 (iii) for which the contract provides for the construction of the project upon land that
11.23 is either owned by the authority for redevelopment purposes or not owned by the authority
11.24 at the time of the contract but the contract provides for the conveyance or lease to the
11.25 authority of the project or improvements upon completion of construction;

11.26 (2) with respect to a structured parking facility:

11.27 (i) constructed in conjunction with, and directly above or below, a development; and

11.28 (ii) financed with the proceeds of tax increment or parking ramp general obligation
11.29 or revenue bonds;

11.30 (3) until August 1, 2009, with respect to a facility built for the purpose of facilitating
11.31 the operation of public transit or encouraging its use:

11.32 (i) constructed in conjunction with, and directly above or below, a development; and

11.33 (ii) financed with the proceeds of parking ramp general obligation or revenue bonds
11.34 or with at least 60 percent of the construction cost being financed with funding provided
11.35 by the federal government; and

12.1 (4) in the case of any building in which at least 75 percent of the usable square
12.2 footage constitutes a housing development project if:

12.3 (i) the project is financed with the proceeds of bonds issued under section 469.034 or
12.4 from nongovernmental sources;

12.5 (ii) the project is either located on land that is owned or is being acquired by the
12.6 authority only for development purposes, or is not owned by the authority at the time the
12.7 contract is entered into but the contract provides for conveyance or lease to the authority
12.8 of the project or improvements upon completion of construction; and

12.9 (iii) the authority finds and determines that elimination of the public bidding
12.10 requirements is necessary in order for the housing development project to be economical
12.11 and feasible.

12.12 (b) An authority need not require a performance bond for the following projects:

12.13 (1) a contract described in paragraph (a), clause (1);

12.14 (2) a construction change order for a housing project in which 30 percent of the
12.15 construction has been completed;

12.16 (3) a construction contract for a single-family housing project in which the authority
12.17 acts as the general construction contractor; or

12.18 (4) a services or materials contract for a housing project.

12.19 For purposes of this paragraph, "services or materials contract" does not include
12.20 construction contracts.

12.21 Subd. 5. **Security in lieu of bond.** The authority may accept a certified check or
12.22 cashier's check in the same amount as required for a bond in lieu of a performance bond
12.23 for contracts entered into by an authority for an expenditure of less than ~~\$50,000~~ the
12.24 minimum threshold amount in section 471.345, subdivision 3. The check must be held by
12.25 the authority for 90 days after the contract has been completed. If no suit is brought within
12.26 the 90 days, the authority must return the amount of the check to the person making it. If a
12.27 suit is brought within the 90-day period, the authority must disburse the amount of the
12.28 check pursuant to the order of the court.

12.29 Sec. 18. Minnesota Statutes 2008, section 471.999, is amended to read:

12.30 **471.999 REPORT TO LEGISLATURE.**

12.31 The commissioner of finance shall report to the legislature by January 1 of each
12.32 year on the status of compliance with section 471.992, subdivision 1, by governmental
12.33 subdivisions.

12.34 The report must include a list of the political subdivisions in compliance with section
12.35 471.992, subdivision 1, and the estimated cost of compliance. The report must also

13.1 include a list of political subdivisions found by the commissioner to be not in compliance,
13.2 the basis for that finding, recommended changes to achieve compliance, estimated cost
13.3 of compliance, and recommended penalties, if any. The commissioner's report must
13.4 include a list of subdivisions that did not comply with the reporting requirements of this
13.5 section. The commissioner may request, and a subdivision shall provide, any additional
13.6 information needed for the preparation of a report under this subdivision.

13.7 Notwithstanding any rule to the contrary, beginning in 2005, a political subdivision
13.8 must report on its compliance with the requirements of sections 471.991 to 471.999 no
13.9 more frequently than once every ~~three~~ five years, unless the political subdivision was
13.10 found by the commissioner to be not in compliance in its most recent report, in which
13.11 case the political subdivision's next report must be made within three years. No report
13.12 from a political subdivision is required for 2003 and 2004.

13.13 Sec. 19. Minnesota Statutes 2008, section 473.862, is amended to read:

13.14 **473.862 METRO COUNTIES OTHER THAN HENNEPIN, RAMSEY,**
13.15 **ANOKA, AND DAKOTA.**

13.16 Subdivision 1. **Contents of plan.** Comprehensive plans of counties shall contain at
13.17 least the following:

13.18 (a) Except for the counties of Hennepin ~~and~~, Ramsey, Anoka, and Dakota, a land
13.19 use plan as specified in section 473.859, subdivision 2, for all unincorporated territory
13.20 within the county;

13.21 (b) A public facilities plan which shall include all appropriate matters specified
13.22 in section 473.859, subdivision 3, including a transportation plan, and a description of
13.23 existing and projected solid waste disposal sites and facilities;

13.24 (c) An implementation program, as specified in section 473.859, subdivision 4.

13.25 Subd. 2. **Towns with no plan by 1976.** Each county other than Hennepin ~~and~~,
13.26 Ramsey, Anoka, and Dakota shall prepare, with the participation and assistance of the
13.27 town, the comprehensive plan for any town within the county which fails by December
13.28 31, 1976, to take action by resolution pursuant to section 473.861, subdivision 2 and shall
13.29 prepare all or part of any plan delegated to it pursuant to section 473.861, subdivision 2.

13.30 Subd. 3. **Towns that cannot plan.** Each county other than Hennepin ~~and~~, Ramsey,
13.31 Anoka, and Dakota shall prepare, with the participation and assistance of the town, the
13.32 comprehensive plan for each town within the county not authorized to plan under sections
13.33 462.351 to 462.364, or under special law.

13.34 Sec. 20. Minnesota Statutes 2008, section 508.12, subdivision 1, is amended to read:

14.1 Subdivision 1. **Examiner and deputy examiner.** ~~The judges of the district court~~
 14.2 county board shall appoint a competent attorney in each county within their respective
 14.3 districts to be an examiner of titles and legal adviser to the registrar in said county, to
 14.4 which examiner all applications to register title to land are referred without further order,
 14.5 and may appoint attorneys to serve as deputy examiners who shall act in the name of the
 14.6 examiner and under the examiner's supervision and control, and the deputy's acts shall be
 14.7 the acts of the examiners. The examiner of titles and deputy examiners shall hold office
 14.8 subject to the will and discretion of the ~~district court~~ county board by whom appointed.
 14.9 The examiner's compensation and that of the examiner's deputies shall be fixed and
 14.10 determined by the ~~court board~~ county board and paid in the same manner as the compensation of other
 14.11 county employees is paid except that in all counties having fewer than 75,000 inhabitants,
 14.12 and in Stearns, Dakota, Scott, Wright, and Olmsted Counties the fees and compensation
 14.13 of the examiners for services as legal adviser to the registrar shall be determined by the
 14.14 ~~judges of the district court~~ county board and paid in the same manner as the compensation
 14.15 of other county employees is paid, but in every other instance shall be paid by the person
 14.16 applying to have the person's title registered or for other action or relief which requires the
 14.17 services, certification or approval of the examiner.

14.18 Sec. 21. **MORATORIUM PROHIBITING ADOPTION OF CERTAIN RULES.**

14.19 Subdivision 1. **Shoreland rules.** Notwithstanding any rulemaking authority
 14.20 provided in Minnesota Statutes, chapters 84; 130A; 103B; 103E; 103F; 103G; 115;
 14.21 116; 394; 396; and 462, the commissioner of natural resources may not adopt any rule
 14.22 concerning shoreland use that requires any expenditure by a county for modification of a
 14.23 county ordinance or for enforcement of the rule.

14.24 Subd. 2. **Environmental Quality Board rules.** Notwithstanding any rulemaking
 14.25 authority provided in Minnesota Statutes, chapters 14; 116D; 116G; and 216E, the
 14.26 Environmental Quality Board may not adopt any rule that requires any expenditure by a
 14.27 county for modification of a county ordinance or enforcement of the rule.

14.28 Subd. 3. **Department of Corrections; correctional facilities.** Notwithstanding any
 14.29 rulemaking authority provided in Minnesota Statutes, chapter 241, the commissioner of
 14.30 corrections may not adopt a rule that requires an upgrade to a correctional facility operated
 14.31 by a county or that increases the cost of operating a jail operated by the county.

14.32 Subd. 4. **Expiration.** This section expires July 1, 2011.

14.33 Sec. 22. **RECORD RETENTION TASK FORCE; REPORT TO LEGISLATURE.**

15.1 The Records Retention Task Force of the Minnesota Clerks and Finance Officers
15.2 Association, in conjunction with the Minnesota Historical Society, must conduct a study
15.3 to review the permanent retention schedules applicable to the records of all governmental
15.4 bodies in the state. The task force study must contain recommendations for future
15.5 methods of determining the appropriate time for the retention of various classes of records
15.6 maintained by the governmental bodies and the task force must report its findings to
15.7 the appropriate standing committees of the senate and house of representatives whose
15.8 jurisdiction includes the maintenance of public records by February 15, 2010.

15.9 Sec. 23. **REPEALER.**

15.10 Minnesota Statutes 2008, sections 15.435; 373.42; 384.151, subdivisions 1 and 3;
15.11 385.373, subdivisions 1 and 3; 386.015, subdivisions 1 and 4; 387.20, subdivision 4;
15.12 and 471.661, are repealed.

15.435 AIRLINE TRAVEL CREDIT.

(a) Whenever public funds are used to pay for airline travel by an elected official or public employee, any credits or other benefits issued by any airline must accrue to the benefit of the public body providing the funding. In the event the issuing airline will not honor a transfer or assignment of any credit or benefit, the individual passenger shall report receipt of the credit or benefit to the public body issuing the initial payment within 90 days of receipt.

(b) By July 1, 1993, the appropriate authorities in the executive, legislative, and judicial branches of the state and the governing body of each political subdivision shall develop and implement policies covering accrual of credits or other benefits issued by an airline whenever public funds are used to pay for airline travel by a public employee or an elected or appointed official. The policies must apply to all airline travel, regardless of where or how tickets are purchased. The policies must include procedures for reporting receipt of credits or other benefits.

373.42 COUNTY FACILITIES GROUP.

Subdivision 1. **Establishment.** Each county outside of the seven-county metropolitan area must establish a county facilities group by July 1, 1992.

Subd. 2. **Membership.** A county facilities group consists of at least one representative from the county board, one representative from each city located within the county, one representative from each school district located within the county, up to three representatives of townships selected by the county board, and two other members selected by the county board. Under this section, a school district is located within a county if it has an administrative office or a facility or a planned facility under section 123B.71 in the county.

Subd. 3. **Duties.** The county facilities group shall develop an inventory of all public buildings located within the county. The inventory shall include an assessment of the condition of each public building and document any under used space in the buildings.

Subd. 4. **Comment.** The county facilities group shall review and comment on any proposed joint facility and may submit comments to the commissioner of education on any school district facility that is proposed within the county.

384.151 SALARIES, FEES, BUDGET; COUNTIES UNDER 75,000; APPEALS.

Subdivision 1. **Minimum salaries.** The county auditors in all counties of the state with less than 75,000 inhabitants according to the 1960 federal census, shall receive as full compensation for services rendered by them for their respective counties, annual salaries, not less than the following amounts based on the population according to the then last preceding federal census:

- (1) in counties with less than 10,000 inhabitants, \$6,000;
- (2) in counties with 10,000 but less than 20,000 inhabitants, \$6,500;
- (3) in counties with 20,000 but less than 30,000 inhabitants, \$7,000;
- (4) in counties with 30,000 but less than 40,000 inhabitants, \$7,500;
- (5) in counties with 40,000 or more inhabitants, \$8,000.

Subd. 3. **Other salary laws.** This section shall not be construed as repealing any existing law which provides for a higher minimum salary in any county than the amount provided in subdivision 1, but shall be deemed to supersede the provisions of any act setting a maximum salary for the county auditor in any of the counties specified in subdivision 1.

385.373 SALARIES, FEES, BUDGET; COUNTIES UNDER 75,000; APPEALS.

Subdivision 1. **Salary schedule.** The county treasurers in all counties of the state, with less than 75,000 inhabitants according to the 1960 federal census, shall receive as full compensation for services rendered by them for their respective counties, annual salaries, not less than the following amounts based on the population according to the then last preceding federal census:

- (1) in counties with less than 10,000 inhabitants, \$6,000;
- (2) in counties with 10,000 but less than 20,000 inhabitants, \$6,500;
- (3) in counties with 20,000 but less than 30,000 inhabitants, \$7,000;
- (4) in counties with 30,000 but less than 40,000 inhabitants, \$7,500;
- (5) in counties with 40,000 or more inhabitants, \$8,000.

Subd. 3. **Other salary laws.** This section shall not be construed as repealing any existing law which provides for a higher minimum salary in any county than the amount provided in

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subdivision 1, but shall be deemed to supersede the provisions of any act setting a maximum salary for the county treasurer in any of the counties specified in subdivision 1.

386.015 SALARIES, FEES, BUDGET; COUNTIES UNDER 75,000; APPEALS.

Subdivision 1. **Minimum salaries.** The county recorder in all counties of the state with less than 75,000 inhabitants according to the 1960 federal census shall receive as full compensation for services rendered by them as county recorder and registrar of titles for their respective counties annual salaries not less than the following amounts based on the population according to the then last preceding federal census:

- (1) in counties with less than 10,000 inhabitants, \$6,000;
- (2) in counties with 10,000 but less than 20,000 inhabitants, \$6,500;
- (3) in counties with 20,000 but less than 30,000 inhabitants, \$7,000;
- (4) in counties with 30,000 but less than 40,000 inhabitants, \$7,500;
- (5) in counties with 40,000 or more inhabitants, \$8,000.

Subd. 4. **Other salary laws.** This section shall not be construed as repealing any existing law which provides for a higher minimum salary in any county than the amount provided in subdivision 1, but shall be deemed to supersede the provisions of any act setting a maximum salary for the county recorder in any of the counties specified in subdivision 1.

387.20 SALARIES, FEES, BUDGETS; APPEALS.

Subd. 4. **Other maximums, minimums.** This section shall not be construed as repealing any existing law which provides for a higher minimum salary in any county than the amount provided in subdivision 1, but shall be deemed to supersede the provisions of any act setting a maximum salary for the county sheriff in any of the counties specified in subdivision 1.

471.661 OUT-OF-STATE TRAVEL.

By January 1, 2006, the governing body of each statutory or home rule charter city, county, school district, regional agency, or other political subdivision, except a town, must develop a policy that controls travel outside the state of Minnesota for the applicable elected officials of the relevant unit of government. The policy must be approved by a recorded vote and specify:

- (1) when travel outside the state is appropriate;
- (2) applicable expense limits; and
- (3) procedures for approval of the travel.

The policy must be made available for public inspection upon request and reviewed annually. Subsequent changes to the policy must be approved by a recorded vote.