

Senators Senjem, Betzold, Sams, Higgins and Rosen introduced—

S. F. No. 853 Referred to the Committee on State & Local Government Operations

1 A bill for an act

2 relating to state government; allowing certain boards

3 to conduct meetings by telephone or other electronic

4 means; amending Minnesota Statutes 2004, sections

5 116J.68, by adding a subdivision; 116L.03, by adding a

6 subdivision; 116L.665, by adding a subdivision;

7 116M.15, by adding a subdivision; 116U.25; proposing

8 coding for new law in Minnesota Statutes, chapter 41A.

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

10 Section 1. [41A.0235] [BOARD MEETINGS BY TELEPHONE OR

11 OTHER ELECTRONIC MEANS.]

12 (a) Notwithstanding section 13D.01, the Minnesota

13 Agricultural and Economic Development Board may conduct a

14 meeting of its members by telephone or other electronic means so

15 long as the following conditions are met:

16 (1) all members of the board participating in the meeting,

17 wherever their physical location, can hear one another and can

18 hear all discussion and testimony;

19 (2) members of the public present at the regular meeting

20 location of the board can hear all discussion and testimony and

21 all votes of members of the board;

22 (3) at least one member of the board is physically present

23 at the regular meeting location; and

24 (4) all votes are conducted by roll call, so each member's

25 vote on each issue can be identified and recorded.

26 (b) Each member of the board participating in a meeting by

27 telephone or other electronic means is considered present at the

1 meeting for purposes of determining a quorum and participating
2 in all proceedings.

3 (c) If telephone or other electronic means is used to
4 conduct a meeting, the board, to the extent practical, shall
5 allow a person to monitor the meeting electronically from a
6 remote location. The board may require the person making such a
7 connection to pay for documented marginal costs that the board
8 incurs as a result of the additional connection.

9 (d) If telephone or other electronic means is used to
10 conduct a regular, special, or emergency meeting, the board
11 shall provide notice of the regular meeting location, of the
12 fact that some members may participate by telephone or other
13 electronic means, and of the provisions of paragraph (c). The
14 timing and method of providing notice is governed by section
15 13D.04.

16 Sec. 2. Minnesota Statutes 2004, section 116J.68, is
17 amended by adding a subdivision to read:

18 Subd. 5. [ADVISORY BOARD MEETINGS.] (a) Notwithstanding
19 section 13D.01, the Small Business Development Center Advisory
20 Board, created pursuant to United State Code, title 15, section
21 648, may conduct a meeting of its members by telephone or other
22 electronic means so long as the following conditions are met:

23 (1) all members of the board participating in the meeting,
24 wherever their physical location, can hear one another and can
25 hear all discussion and testimony;

26 (2) members of the public present at the regular meeting
27 location of the board can hear all discussion and testimony and
28 all votes of members of the board;

29 (3) at least one member of the board is physically present
30 at the regular meeting location; and

31 (4) all votes are conducted by roll call, so each member's
32 vote on each issue can be identified and recorded.

33 (b) Each member of the board participating in a meeting by
34 telephone or other electronic means is considered present at the
35 meeting for purposes of determining a quorum and participating
36 in all proceedings.

1 (c) If telephone or other electronic means is used to
2 conduct a meeting, the board, to the extent practical, shall
3 allow a person to monitor the meeting electronically from a
4 remote location. The board may require the person making such a
5 connection to pay for documented marginal costs that the board
6 incurs as a result of the additional connection.

7 (d) If telephone or other electronic means is used to
8 conduct a regular, special, or emergency meeting, the board
9 shall provide notice of the regular meeting location, of the
10 fact that some members may participate by telephone or other
11 electronic means, and of the provisions of paragraph (c). The
12 timing and method of providing notice is governed by section
13 13D.04.

14 Sec. 3. Minnesota Statutes 2004, section 116L.03, is
15 amended by adding a subdivision to read:

16 Subd. 8. [BOARD MEETINGS.] (a) Notwithstanding section
17 13D.01, the Minnesota Job Skills Partnership Board may conduct a
18 meeting of its members by telephone or other electronic means so
19 long as the following conditions are met:

20 (1) all members of the board participating in the meeting,
21 wherever their physical location, can hear one another and can
22 hear all discussion and testimony;

23 (2) members of the public present at the regular meeting
24 location of the board can hear all discussion and testimony and
25 all votes of members of the board;

26 (3) at least one member of the board is physically present
27 at the regular meeting location; and

28 (4) all votes are conducted by roll call, so each member's
29 vote on each issue can be identified and recorded.

30 (b) Each member of the board participating in a meeting by
31 telephone or other electronic means is considered present at the
32 meeting for purposes of determining a quorum and participating
33 in all proceedings.

34 (c) If telephone or other electronic means is used to
35 conduct a meeting, the board, to the extent practical, shall
36 allow a person to monitor the meeting electronically from a

1 remote location. The board may require the person making such a
2 connection to pay for documented marginal costs that the board
3 incurs as a result of the additional connection.

4 (d) If telephone or other electronic means is used to
5 conduct a regular, special, or emergency meeting, the board
6 shall provide notice of the regular meeting location, of the
7 fact that some members may participate by telephone or other
8 electronic means, and of the provisions of paragraph (c). The
9 timing and method of providing notice is governed by section
10 13D.04.

11 Sec. 4. Minnesota Statutes 2004, section 116L.665, is
12 amended by adding a subdivision to read:

13 Subd. 2a. [COUNCIL MEETINGS.] (a) Notwithstanding section
14 13D.01, the Governor's Workforce Development Council may conduct
15 a meeting of its members by telephone or other electronic means
16 so long as the following conditions are met:

17 (1) all members of the council participating in the
18 meeting, wherever their physical location, can hear one another
19 and can hear all discussion and testimony;

20 (2) members of the public present at the regular meeting
21 location of the council can hear all discussion and testimony
22 and all votes of members of the council;

23 (3) at least one member of the council is physically
24 present at the regular meeting location; and

25 (4) all votes are conducted by roll call, so each member's
26 vote on each issue can be identified and recorded.

27 (b) Each member of the council participating in a meeting
28 by telephone or other electronic means is considered present at
29 the meeting for purposes of determining a quorum and
30 participating in all proceedings.

31 (c) If telephone or other electronic means is used to
32 conduct a meeting, the council, to the extent practical, shall
33 allow a person to monitor the meeting electronically from a
34 remote location. The council may require the person making such
35 a connection to pay for documented marginal costs that the
36 council incurs as a result of the additional connection.

1 (d) If telephone or other electronic means is used to
2 conduct a regular, special, or emergency meeting, the council
3 shall provide notice of the regular meeting location, of the
4 fact that some members may participate by telephone or other
5 electronic means, and of the provisions of paragraph (c). The
6 timing and method of providing notice is governed by section
7 13D.04.

8 Sec. 5. Minnesota Statutes 2004, section 116M.15, is
9 amended by adding a subdivision to read:

10 Subd. 5. [BOARD MEETING.] (a) Notwithstanding section
11 13D.01, the Urban Initiative Board may conduct a meeting of its
12 members by telephone or other electronic means so long as the
13 following conditions are met:

14 (1) all members of the board participating in the meeting,
15 wherever their physical location, can hear one another and can
16 hear all discussion and testimony;

17 (2) members of the public present at the regular meeting
18 location of the board can hear all discussion and testimony and
19 all votes of members of the board;

20 (3) at least one member of the board is physically present
21 at the regular meeting location; and

22 (4) all votes are conducted by roll call, so each member's
23 vote on each issue can be identified and recorded.

24 (b) Each member of the board participating in a meeting by
25 telephone or other electronic means is considered present at the
26 meeting for purposes of determining a quorum and participating
27 in all proceedings.

28 (c) If telephone or other electronic means is used to
29 conduct a meeting, the board, to the extent practical, shall
30 allow a person to monitor the meeting electronically from a
31 remote location. The board may require the person making such a
32 connection to pay for documented marginal costs that the board
33 incurs as a result of the additional connection.

34 (d) If telephone or other electronic means is used to
35 conduct a regular, special, or emergency meeting, the board
36 shall provide notice of the regular meeting location, of the

1 fact that some members may participate by telephone or other
2 electronic means, and of the provisions of paragraph (c). The
3 timing and method of providing notice is governed by section
4 13D.04.

5 Sec. 6. Minnesota Statutes 2004, section 116U.25, is
6 amended to read:

7 116U.25 [EXPLORE MINNESOTA TOURISM COUNCIL.]

8 (a) The director shall be advised by the Explore Minnesota
9 Tourism Council consisting of up to 28 voting members appointed
10 by the governor for four-year terms, including:

11 (1) the director of Explore Minnesota Tourism who serves as
12 the chair;

13 (2) eleven representatives of statewide associations
14 representing bed and breakfast establishments, golf, festivals
15 and events, counties, convention and visitor bureaus, lodging,
16 resorts, trails, campgrounds, restaurants, and chambers of
17 commerce;

18 (3) one representative from each of the four tourism
19 marketing regions of the state as designated by the office;

20 (4) six representatives of the tourism business
21 representing transportation, retail, travel agencies, tour
22 operators, travel media, and convention facilities;

23 (5) one or more ex-officio nonvoting members including at
24 least one from the University of Minnesota Tourism Center;

25 (6) four legislators, two from each house, one each from
26 the two largest political party caucuses in each house,
27 appointed according to the rules of the respective houses; and

28 (7) other persons, if any, as designated from time to time
29 by the governor.

30 (b) The council shall act to serve the broader interests of
31 tourism in Minnesota by promoting activities that support,
32 maintain, and expand the state's domestic and international
33 travel market, thereby generating increased visitor
34 expenditures, tax revenue, and employment.

35 (c) Filling of membership vacancies is as provided in
36 section 15.059. The terms of one-half of the members shall be

1 coterminous with the governor and the terms of the remaining
2 one-half of the members shall end on the first Monday in January
3 one year after the terms of the other members. Members may
4 serve until their successors are appointed and qualify. Members
5 are not compensated. A member may be reappointed.

6 (d) The council shall meet at least four times per year and
7 at other times determined by the council. Notwithstanding
8 section 15.059, the council does not expire.

9 (e) Notwithstanding section 13D.01, the Explore Minnesota
10 Tourism Council may conduct a meeting of its members by
11 telephone or other electronic means so long as the following
12 conditions are met:

13 (1) all members of the council participating in the
14 meeting, wherever their physical location, can hear one another
15 and can hear all discussion and testimony;

16 (2) members of the public present at the regular meeting
17 location of the council can hear all discussion and testimony
18 and all votes of members of the council;

19 (3) at least one member of the council is physically
20 present at the regular meeting location; and

21 (4) all votes are conducted by roll call, so each member's
22 vote on each issue can be identified and recorded.

23 (f) Each member of the council participating in a meeting
24 by telephone or other electronic means is considered present at
25 the meeting for purposes of determining a quorum and
26 participating in all proceedings.

27 (g) If telephone or other electronic means is used to
28 conduct a meeting, the council, to the extent practical, shall
29 allow a person to monitor the meeting electronically from a
30 remote location. The council may require the person making such
31 a connection to pay for documented marginal costs that the
32 council incurs as a result of the additional connection.

33 (h) If telephone or other electronic means is used to
34 conduct a regular, special, or emergency meeting, the council
35 shall provide notice of the regular meeting location, of the
36 fact that some members may participate by telephone or other

- 1 electronic means, and of the provisions of paragraph (g). The
- 2 timing and method of providing notice is governed by section
- 3 13D.04.

- 1 Senator moves to amend S.F. No. 853 as follows:
- 2 Page 1, line 12, after "13D.01" insert "and if compliance
- 3 with section 13D.02 is impractical"
- 4 Page 2, line 19, after "13D.01" insert "and if compliance
- 5 with section 13D.02 is impractical"
- 6 Page 3, line 17, after "13D.01" insert "and if compliance
- 7 with section 13D.02 is impractical"
- 8 Page 4, line 14, after "13D.01" insert "and if compliance
- 9 with section 13D.02 is impractical"
- 10 Page 5, line 11, after "13D.01" insert "and if compliance
- 11 with section 13D.02 is impractical"
- 12 Page 7, line 9, after "13D.01" insert "and if compliance
- 13 with section 13D.02 is impractical"

1 Senator moves to amend S.F. No. 853 as follows:

2 Page 1, after line 9, insert:

3 "Section 1. [13D.021] [EMERGENCY MEETINGS CONDUCTED BY
4 TELEPHONE OR OTHER ELECTRONIC MEANS CONDITIONS.]

5 Subdivision 1. [CONDITIONS.] (a) A meeting governed by
6 section 13D.01, subdivisions 1, 2, 4, and 5, and this section
7 and called for the purposes of declaring a local emergency under
8 section 12.29 or responding to a local emergency under section
9 12.37, may be conducted by telephone or other electronic means
10 so long as:

11 (1) all members of the body participating in the meeting,
12 wherever their physical location, can hear one another and can
13 hear all discussion and testimony;

14 (2) members of the public present at the regular meeting
15 location of the body participating in the meeting can hear all
16 discussion and testimony and all votes of members of the body
17 participating in the meeting;

18 (3) at least one member of the body participating in the
19 meeting is physically present at the regular meeting location;
20 and

21 (4) all votes are conducted by roll call, so each member's
22 vote on each issue can be identified and recorded.

23 (b) Each member of the body participating in a meeting by
24 telephone or other electronic means is considered present at the
25 meeting for purposes of determining a quorum and participating
26 in all proceedings.

27 (c) If telephone or other electronic means is used to
28 conduct a meeting, the body participating in the meeting, to the
29 extent practical, shall allow a person to monitor the meeting
30 electronically from a remote location. The body participating
31 in the meeting may require the person making such a connection
32 to pay for documented marginal costs that the body participating
33 in the meeting incurs as a result of the additional connection.

34 (d) If telephone or other electronic means is used to
35 conduct an emergency meeting, the body participating in the
36 meeting shall provide notice of the meeting location, of the

1 fact that some members may participate by telephone or other
2 electronic means, and of the provisions of paragraph (c) to the
3 extent practical."

4 Renumber the sections in sequence and correct the internal
5 references

6 Amend the title accordingly

**Senate Counsel, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

S.F. No. 893 -Authorizing County Boards to Contract for the Sale of Biomass

Author: Senator David J. Tomassoni

Prepared by: Daniel P. McGowan, Senate Counsel (651/296-4397)



Date: February 22, 2005

The proposed legislation authorizes the county auditor with the approval of the county board to: (1) grant leases up to 25 years for the production or removal of closed-loop biomass or short rotation woody crops from tax-forfeited land, which would be in addition to the current law allowing similar leases for the removal of peat; and (2) to sell closed-loop biomass or short rotation woody crops to a municipal public utility or to an organized or incorporated governmental subdivision.

Minnesota Statutes, section 216B.2424, defines "farm grown closed-loop biomass" as biomass that is intentionally cultivated, harvested, and prepared for use, in whole or in part, as a fuel for the generation of electricity that, when combusted, releases an amount of carbon dioxide that is less than approximately equal to carbon dioxide absorbed by the biomass fuel during its growing cycle. Furthermore, it is fired in a new or substantially retrofitted electric gas generating facility that is located within 400 miles of the site of the biomass production and is designed to use biomass to meet at least 75 percent of its fuel requirements. The statute further defines the biomass fuel sources as poplar, aspen, willow, switch grass, sorghum, alfalfa, and cultivated prairie grass.

DPM:vs

Senators Tomassoni, Bakk and Saxhaug introduced—

S. F. No. 893 Referred to the Committee on State & Local Government Operations

1 A bill for an act

2 relating to counties; authorizing county boards to
3 contract for the sale of biomass; amending Minnesota
4 Statutes 2004, section 282.04, subdivision 1.

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

6 Section 1. Minnesota Statutes 2004, section 282.04,
7 subdivision 1, is amended to read:

8 Subdivision 1. [TIMBER SALES; LAND LEASES AND USES.] (a)

9 The county auditor may sell timber upon any tract that may be
10 approved by the natural resources commissioner. Except as
11 provided in paragraph (k), the sale of timber shall be made for
12 cash at not less than the appraised value determined by the
13 county board to the highest bidder after not less than one
14 week's published notice in an official paper within the county.
15 Any timber offered at the public sale and not sold may
16 thereafter be sold at private sale by the county auditor at not
17 less than the appraised value thereof, until the time as the
18 county board may withdraw the timber from sale. The appraised
19 value of the timber and the forestry practices to be followed in
20 the cutting of said timber shall be approved by the commissioner
21 of natural resources.

22 (b) Payment of the full sale price of all timber sold on
23 tax-forfeited lands shall be made in cash at the time of the
24 timber sale, except in the case of oral or sealed bid auction
25 sales, the down payment shall be no less than 15 percent of the

1 appraised value, and the balance shall be paid prior to
2 entry except as provided in paragraph (k). In the case of
3 auction sales that are partitioned and sold as a single sale
4 with predetermined cutting blocks, the down payment shall be no
5 less than 15 percent of the appraised price of the entire timber
6 sale which may be held until the satisfactory completion of the
7 sale or applied in whole or in part to the final cutting block.
8 The value of each separate block must be paid in full before any
9 cutting may begin in that block. With the permission of the
10 county contract administrator the purchaser may enter unpaid
11 blocks and cut necessary timber incidental to developing logging
12 roads as may be needed to log other blocks provided that no
13 timber may be removed from an unpaid block until separately
14 scaled and paid for. If payment is provided as specified in
15 this paragraph as security under paragraph (a) and no cutting
16 has taken place on the contract, the county auditor may credit
17 the security provided, less any down payment required for an
18 auction sale under this paragraph, to any other contract issued
19 to the contract holder by the county under this chapter to which
20 the contract holder requests in writing that it be credited,
21 provided the request and transfer is made within the same
22 calendar year as the security was received.

23 (c) The county board may require final settlement on the
24 basis of a scale of cut products. Any parcels of land from
25 which timber is to be sold by scale of cut products shall be so
26 designated in the published notice of sale under paragraph (a),
27 in which case the notice shall contain a description of the
28 parcels, a statement of the estimated quantity of each species
29 of timber, and the appraised price of each species of timber for
30 1,000 feet, per cord or per piece, as the case may be. In those
31 cases any bids offered over and above the appraised prices shall
32 be by percentage, the percent bid to be added to the appraised
33 price of each of the different species of timber advertised on
34 the land. The purchaser of timber from the parcels shall pay in
35 cash at the time of sale at the rate bid for all of the timber
36 shown in the notice of sale as estimated to be standing on the

1 land, and in addition shall pay at the same rate for any
2 additional amounts which the final scale shows to have been cut
3 or was available for cutting on the land at the time of sale
4 under the terms of the sale. Where the final scale of cut
5 products shows that less timber was cut or was available for
6 cutting under terms of the sale than was originally paid for,
7 the excess payment shall be refunded from the forfeited tax sale
8 fund upon the claim of the purchaser, to be audited and allowed
9 by the county board as in case of other claims against the
10 county. No timber, except hardwood pulpwood, may be removed
11 from the parcels of land or other designated landings until
12 scaled by a person or persons designated by the county board and
13 approved by the commissioner of natural resources. Landings
14 other than the parcel of land from which timber is cut may be
15 designated for scaling by the county board by written agreement
16 with the purchaser of the timber. The county board may, by
17 written agreement with the purchaser and with a consumer
18 designated by the purchaser when the timber is sold by the
19 county auditor, and with the approval of the commissioner of
20 natural resources, accept the consumer's scale of cut products
21 delivered at the consumer's landing. No timber shall be removed
22 until fully paid for in cash. Small amounts of timber not
23 exceeding \$3,000 in appraised valuation may be sold for not less
24 than the full appraised value at private sale to individual
25 persons without first publishing notice of sale or calling for
26 bids, provided that in case of a sale involving a total
27 appraised value of more than \$200 the sale shall be made subject
28 to final settlement on the basis of a scale of cut products in
29 the manner above provided and not more than two of the sales,
30 directly or indirectly to any individual shall be in effect at
31 one time.

32 (d) As directed by the county board, the county auditor may
33 lease tax-forfeited land to individuals, corporations or
34 organized subdivisions of the state at public or private sale,
35 and at the prices and under the terms as the county board may
36 prescribe, for use as cottage and camp sites and for

1 agricultural purposes and for the purpose of taking and removing
2 of hay, stumps, sand, gravel, clay, rock, marl, and black dirt
3 from the land, and for garden sites and other temporary uses
4 provided that no leases shall be for a period to exceed ten
5 years; provided, further that any leases involving a
6 consideration of more than \$12,000 per year, except to an
7 organized subdivision of the state shall first be offered at
8 public sale in the manner provided herein for sale of timber.
9 Upon the sale of any leased land, it shall remain subject to the
10 lease for not to exceed one year from the beginning of the term
11 of the lease. Any rent paid by the lessee for the portion of
12 the term cut off by the cancellation shall be refunded from the
13 forfeited tax sale fund upon the claim of the lessee, to be
14 audited and allowed by the county board as in case of other
15 claims against the county.

16 (e) As directed by the county board, the county auditor may
17 lease tax-forfeited land to individuals, corporations, or
18 organized subdivisions of the state at public or private sale,
19 at the prices and under the terms as the county board may
20 prescribe, for the purpose of taking and removing for use for
21 road construction and other purposes tax-forfeited stockpiled
22 iron-bearing material. The county auditor must determine that
23 the material is needed and suitable for use in the construction
24 or maintenance of a road, tailings basin, settling basin, dike,
25 dam, bank fill, or other works on public or private property,
26 and that the use would be in the best interests of the public.
27 No lease shall exceed ten years. The use of a stockpile for
28 these purposes must first be approved by the commissioner of
29 natural resources. The request shall be deemed approved unless
30 the requesting county is notified to the contrary by the
31 commissioner of natural resources within six months after
32 receipt of a request for approval for use of a stockpile. Once
33 use of a stockpile has been approved, the county may continue to
34 lease it for these purposes until approval is withdrawn by the
35 commissioner of natural resources.

36 (f) The county auditor, with the approval of the county

1 board is authorized to grant permits, licenses, and leases to
2 tax-forfeited lands for the depositing of stripping, lean ores,
3 tailings, or waste products from mines or ore milling plants,
4 upon the conditions and for the consideration and for the period
5 of time, not exceeding 15 years, as the county board may
6 determine. The permits, licenses, or leases are subject to
7 approval by the commissioner of natural resources.

8 (g) Any person who removes any timber from tax-forfeited
9 land before said timber has been scaled and fully paid for as
10 provided in this subdivision is guilty of a misdemeanor.

11 (h) The county auditor may, with the approval of the county
12 board, and without first offering at public sale, grant leases,
13 for a term not exceeding 25 years, for the removal of peat and
14 for the production or removal of closed-loop biomass as defined
15 in section 216B.2424, subdivision 1, or short rotation woody
16 crops from tax-forfeited lands upon the terms and conditions as
17 the county board may prescribe. Any lease for the removal of
18 peat from tax-forfeited lands must first be reviewed and
19 approved by the commissioner of natural resources if the lease
20 covers 320 or more acres. No lease for the removal of peat
21 shall be made by the county auditor pursuant to this section
22 without first holding a public hearing on the auditor's
23 intention to lease. One printed notice in a legal newspaper in
24 the county at least ten days before the hearing, and posted
25 notice in the courthouse at least 20 days before the hearing
26 shall be given of the hearing.

27 (i) Notwithstanding any provision of paragraph (c) to the
28 contrary, the St. Louis County auditor may, at the discretion of
29 the county board, sell timber to the party who bids the highest
30 price for all the several kinds of timber, as provided for sales
31 by the commissioner of natural resources under section 90.14.
32 Bids offered over and above the appraised price need not be
33 applied proportionately to the appraised price of each of the
34 different species of timber.

35 (j) In lieu of any payment or deposit required in paragraph
36 (b), as directed by the county board and under terms set by the

1 county board, the county auditor may accept an irrevocable bank
2 letter of credit in the amount equal to the amount otherwise
3 determined in paragraph (b), exclusive of the down payment
4 required for an auction sale in paragraph (b). If an
5 irrevocable bank letter of credit is provided under this
6 paragraph, at the written request of the purchaser, the county
7 may periodically allow the bank letter of credit to be reduced
8 by an amount proportionate to the value of timber that has been
9 harvested and for which the county has received payment. The
10 remaining amount of the bank letter of credit after a reduction
11 under this paragraph must not be less than 20 percent of the
12 value of the timber purchased. If no cutting of timber has
13 taken place on the contract for which a letter of credit has
14 been provided, the county may allow the transfer of the letter
15 of credit to any other contract issued to the contract holder by
16 the county under this chapter to which the contract holder
17 requests in writing that it be credited.

18 (k) A county board may, without first offering at public
19 sale, enter into a contract with a municipal public utility as
20 defined in section 216B.02 or to an organized or incorporated
21 governmental subdivision of the state for the sale of
22 closed-loop biomass, as defined in section 216B.2424,
23 subdivision 1, or short rotation woody crops.

**Senate Counsel, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

S.F. No. 877 - Minnesota Humanities Commission

Author: Senator LeRoy A. Stumpf

Prepared by: Thomas S. Bottern, Senate Counsel (651/296-3810) *TSB*

Date: February 23, 2005

Section 1. Subdivision 1. [REPORTS.] requires the Minnesota Humanities Commission to submit an annual report to the Legislature regarding the use of state funds.

Subdivision 2. [HUMANITIES CENTER.] authorizes the Minnesota Humanities Commission to establish a Humanities Center and to establish two institutes, including the Minnesota Institute for Lifelong Learning, and the Minnesota Institute for the Advancement of Teaching. Paragraph (b) also authorizes the Humanities Center to provide educational and cultural programs to schools and community organizations throughout Minnesota.

Section 2. [EFFECTIVE DATE.] makes the bill effective the day following final enactment.

TSB:rer

Senator Stumpf introduced—

S. F. No. 877 Referred to the Committee on State & Local Government Operations

1 A bill for an act
2 relating to state government; establishing a Minnesota
3 Humanities Commission; proposing coding for new law in
4 Minnesota Statutes, chapter 138.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
6 Section 1. [138.911] [MINNESOTA HUMANITIES COMMISSION.]
7 Subdivision 1. [REPORTS.] The Minnesota Humanities
8 Commission shall report to the legislature by September 1 of
9 each year on the use of state funds appropriated to the
10 commission. The report shall include an itemized account of the
11 programs and projects supported and the source of money for
12 each. The report shall show actual expenditures for the fiscal
13 year ending the preceding June 30 and proposed expenditures for
14 the fiscal year beginning the preceding July 1.

15 Subd. 2. [HUMANITIES CENTER.] (a) The Minnesota Humanities
16 Commission may establish a humanities center to ensure balance
17 in public education and in the cultural life of the state, and
18 to improve humanities education through the establishment of two
19 institutes: the Minnesota Institute for Lifelong Learning, and
20 the Minnesota Institute for the Advancement of Teaching.

21 (b) The humanities center may transport people and
22 resources to small towns, rural communities, and urban settings
23 to provide grants, technical assistance, and high quality
24 educational and cultural programs to schools and community
25 organizations throughout Minnesota.

1 (c) The Minnesota Institute for the Advancement of Teaching
2 may conduct seminars and other activities for the recognition of
3 the teaching profession and the advancement of teaching in
4 Minnesota.

5 Sec. 2. [EFFECTIVE DATE.]

6 Section 1 is effective the day following final enactment.

Senate Counsel, Research,
and Fiscal Analysis

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

S.F. No. 819 - State Employee Whistler-blower Investigations

Author: Senator John Marty

Prepared by: Thomas S. Bottern, Senate Counsel (651/296-3810) *TSB*

Date: February 23, 2005

This bill provides a variety of procedures and resources that must be used when certain state employees are involuntarily terminated. These procedures include the preservation of specified employee records, the provision of an ombudsman for state employee whistle-blower investigations, and a prohibition on terminating a state employee because the state employee reports serious waste, inefficiency, or a mismanagement.

Section 1 [CERTAIN EMPLOYEE RECORDS.] requires state agencies to preserve records relating to a state employee who is involuntarily terminated from employment for at least three years. Provides the terminated employee with the opportunity to review all records. Paragraph (b) creates liability for a state agency that violates this requirement and provides costs and attorney fees for employees who successfully enforce their rights under the statute. This section also requires reinstatement of the terminated employee, including lost wages, and health and retirement benefits if this procedure is violated. The section is effective retroactively to January 1, 2002.

Section 2 [OMBUDSMAN FOR STATE EMPLOYEE WHISTLER-BLOWER INVESTIGATIONS.] authorizes the Commissioner of Administration to appoint an ombudsman serving in the classified service for state employee whistle-blower investigations. Specifies that the ombudsman may perform duties for the Department of Administration besides those listed in statute for the ombudsman position.

Subdivision 2 [DUTIES; AGENCY NOTIFICATION.] provides the ombudsman with direct oversight authority of all employee investigations involving allegations of retaliatory discharge under the whistle-blower statute. If an agency commencing an investigation of an employee believes that substantial discipline for the employee may result from the investigation, it must notify the

ombudsman. In addition, the agency is required to notify terminated employees about the availability of the ombudsman. This subdivision sets forth the ombudsman's duties, including: (1) conducting independent evaluations of each investigation; (2) providing comments and recommendations to agencies and employees involved in each investigation; (3) reporting to the Legislature and the public about the general conduct of employee investigations and procedures for terminating employees; (4) providing information concerning the investigatory and contested case hearing process for individuals involved in those proceedings; (5) operating a toll-free telephone help line for employees involved in investigations or separations from employment involving whistleblower allegations; and (6) performing the duties of the office in a manner that eliminates overlapping and duplication with any other state services.

Subdivision 3 [INDEPENDENCE OF ACTION.] provides independence for the Office of the Ombudsman from the Commissioner of Administration when providing testimony to the legislature and when contacting state employees affected by this section.

Subdivision 4 [CONFIDENTIALITY.] specifies that all information received in the course of performing duties of the office may not be released without the written consent of the individual affected by the investigations.

Subdivision 5 [QUALIFICATIONS.] requires the ombudsman to have knowledge about employment law and internal investigatory processes, and experience in dealing with state agencies, interpreting laws, public speaking, and management.

Subdivision 6 [OFFICE SUPPORT.] requires the Commissioner of Administration to provide the ombudsman with necessary office support.

Section 3 [DISCHARGE, SUSPENSION, DEMOTION FOR CAUSE, SALARY DECREASE.] clarifies that if an employee is discharged from the unclassified service while the employee is on leave from the classified service, all procedures necessary for terminating the employee from the classified service must be followed if the employee is to be terminated from that position as well.

Section 4 [PUBLIC EMPLOYERS.] prohibits the state and political subdivisions of this state from discharging, disciplining, threatening, penalizing, or otherwise discriminating against an employee who in good faith, reports on serious waste, inefficiency, or mismanagement in the employee's place of employment, even if there is no violation of federal or state law. Paragraph (c) provides an employee who is involuntarily discharged in violation of this section of law to seek review of the discharge under contested case proceedings in chapter 14. Allows parties to any contested case proceeding reasonable access to relevant documents and witnesses before the hearing begins. In evaluating the case, the administrative law judge may consider the quality and integrity of any investigative process that was used by the agency.

TSB:rer

Senators Marty, Skoglund, Betzold, Neville and Moua introduced--

S.F. No. 819: Referred to the Committee on State and Local Government Operations.

1 A bill for an act

2 relating to state government; preserving access to
3 certain data for terminated state employees; creating
4 a position for an ombudsman for state employee
5 whistle-blower investigations; prohibiting public
6 employers from retaliating against employees who
7 report waste or mismanagement; providing access to a
8 contested case hearing for employees who claim
9 whistle-blower status; amending Minnesota Statutes
10 2004, sections 43A.33, subdivision 1; 181.932, by
11 adding a subdivision; proposing coding for new law in
12 Minnesota Statutes, chapters 15; 16B.

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

14 Section 1. [15.175] [CERTAIN EMPLOYEE RECORDS.]

15 (a) Data, records, files, and all written or electronic
16 materials of, or relating to, a state employee who is
17 involuntarily terminated from employment with a state agency
18 must be preserved for a period of at least three years after the
19 employee's termination from employment, or a longer period as
20 required under section 138.17. A state employee who has been
21 terminated may request the opportunity to review all data
22 covered by this section. An agency responding to a request made
23 under this section must provide a response within ten days after
24 receiving a written request.

25 (b) A state agency that destroys, shreds, or alters data,
26 records, files, or materials in violation of this requirement is
27 liable to the employee for damages resulting from that
28 violation, plus costs and reasonable attorney fees incurred by
29 the employee in enforcing the employee's rights under this

1 section. In addition, the employee is also entitled to
2 reinstatement to the position from which the employee was
3 terminated, plus reimbursement for lost wages and health and
4 retirement benefits.

5 [EFFECTIVE DATE.] This section is effective retroactively
6 from January 1, 2002.

7 Sec. 2. [16B.395] [OMBUDSMAN FOR STATE EMPLOYEE
8 WHISTLE-BLOWER INVESTIGATIONS.]

9 Subdivision 1. [APPOINTMENT.] The commissioner shall
10 appoint an ombudsman in the classified service for state
11 employee whistle-blower investigations. The ombudsman may
12 perform other duties for the Department of Administration
13 besides those included in this section.

14 Subd. 2. [DUTIES; AGENCY NOTIFICATION.] The ombudsman
15 shall provide direct oversight of all employee investigations
16 and separations from employment that involve allegations of
17 retaliatory discharge under section 181.932. If an agency
18 investigating an employee determines that it appears reasonably
19 likely that substantial discipline for the employee will result
20 from the investigation, such as demotion or termination, then
21 the agency must immediately notify the ombudsman,
22 notwithstanding any restrictions in chapter 13. In addition,
23 any agency terminating an employee must provide the employee
24 with information about the services provided by the ombudsman
25 and with the ombudsman's toll-free telephone number. The
26 ombudsman's duties include, but are not limited to:

27 (1) conducting independent evaluations of all aspects of
28 each investigation;

29 (2) monitoring, reviewing, and providing comments and
30 recommendations to agencies and employees involved in each
31 investigation;

32 (3) providing reports to the legislature and the public
33 about the conduct of employee investigations and procedures used
34 to discharge employees;

35 (4) providing information concerning the process for
36 investigations and contested case hearings to individuals

1 involved in those proceedings;

2 (5) operating a toll-free telephone line to provide free,
3 confidential help with individual problems and grievances
4 related to employee investigations and separations from
5 employment involving allegations relevant to section 181.932;
6 and

7 (6) performing the ombudsman's duties in cooperation and
8 coordination with governmental entities and private
9 organizations as appropriate so as to eliminate overlap and
10 duplication to the extent practicable.

11 Subd. 3. [INDEPENDENCE OF ACTION.] In carrying out the
12 duties imposed by this section, the ombudsman may act
13 independently of the commissioner in providing testimony to the
14 legislature, and contacting and making periodic reports to state
15 employees affected by this section.

16 Subd. 4. [CONFIDENTIALITY.] All personal information
17 received by the ombudsman received in the course of performing
18 duties under this section must be kept confidential within the
19 Office of the Ombudsman and may not be released without the
20 written consent of the affected individual.

21 Subd. 5. [QUALIFICATIONS.] The ombudsman must be
22 knowledgeable about employment law and internal investigations
23 used for allegations of employee misconduct. The ombudsman must
24 be experienced in dealing with state agencies and employees,
25 interpretation of laws and regulations, investigation, record
26 keeping, report writing, public speaking, and management.

27 Subd. 6. [OFFICE SUPPORT.] The commissioner shall provide
28 the ombudsman with the necessary office space, supplies,
29 equipment, and clerical support to effectively perform the
30 duties imposed by this section.

31 Sec. 3. Minnesota Statutes 2004, section 43A.33,
32 subdivision 1, is amended to read:

33 Subdivision 1. [DISCHARGE, SUSPENSION, DEMOTION FOR CAUSE,
34 SALARY DECREASE.] Managers and employees shall attempt to
35 resolve disputes through informal means prior to the initiation
36 of disciplinary action. No permanent employee in the classified

1 service shall be reprimanded, discharged, suspended without pay,
2 or demoted, except for just cause. The discharge of an employee
3 from unclassified service who is on leave from the classified
4 service does not affect or rescind the application of the
5 procedures under this section to the discharge, if any, of the
6 employee from the classified service.

7 Sec. 4. Minnesota Statutes 2004, section 181.932, is
8 amended by adding a subdivision to read:

9 Subd. 1a. [PUBLIC EMPLOYERS.] (a) The state, including a
10 state postsecondary educational institution or a political
11 subdivision of the state as defined in section 6.56, subdivision
12 1, may not discharge, discipline, threaten, penalize, or
13 otherwise discriminate against an employee regarding the
14 employee's compensation, terms, conditions, location, or
15 privileges of employment because the employee, in good faith,
16 reports or is in the process of preparing a report regarding
17 serious waste, inefficiency, or mismanagement in the employee's
18 place of employment that diminishes the value the public
19 receives from the employer, even though the waste, inefficiency,
20 or mismanagement reported does not in itself violate any federal
21 or state law or rule.

22 (b) An employer covered by this subdivision shall establish
23 policies and procedures designed to ensure that reports
24 submitted by its employees under this subdivision or subdivision
25 1 are promptly and impartially investigated and that reporting
26 employees are afforded the protections set out in this section
27 and section 181.933.

28 (c) A state employee who is involuntarily discharged from
29 the unclassified service and who claims the discharge violated
30 this subdivision or subdivision 1 may seek review of the
31 discharge under the contested case procedures in sections 14.48
32 to 14.69. The jurisdiction of the Office of Administrative
33 Hearings is limited to a determination whether the discharge was
34 in violation of this subdivision or subdivision 1 and the
35 provision of any appropriate remedies. The parties to the
36 contested case proceeding must be allowed access to relevant

1 documents and witnesses for a reasonable period of time before
2 the hearing on a proceeding under this paragraph. The
3 administrative law judge must consider the quality and integrity
4 of the investigative process, if any, used by the agency when
5 reviewing evidence submitted by the agency.

Senators Marko and LeClair introduced--

S.F. No. 532: Referred to the Committee on State and Local Government Operations.

1 A bill for an act
2 relating to Washington County; making the library
3 board advisory to the county board.
4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
5 Section 1. [WASHINGTON COUNTY LIBRARY.]
6 The Washington County Board shall direct, operate, and
7 manage the Washington County library system. The county library
8 board consisting of seven members who reside in the county
9 library service area shall be appointed by the county board.
10 The library board shall provide advice and make recommendations
11 on any matter pertaining to the library system to the county
12 board and the library director and shall exercise the powers and
13 perform the duties delegated to it by the county board, which
14 may include, but are not limited to, the establishment of rules
15 governing library operations, review of the annual operating
16 budget for submission to the county board, development of a
17 long-range plan and acceptance of gift and trust funds. The
18 library board shall determine the contents of the collections of
19 the library system and shall be responsible for the use of
20 library meeting rooms.

Senators Marty, Skoglund, Betzold, Neuville and Moua introduced--

S.F. No. 819: Referred to the Committee on State and Local Government Operations.

1 A bill for an act

2 relating to state government; preserving access to
3 certain data for terminated state employees; creating
4 a position for an ombudsman for state employee
5 whistle-blower investigations; prohibiting public
6 employers from retaliating against employees who
7 report waste or mismanagement; providing access to a
8 contested case hearing for employees who claim
9 whistle-blower status; amending Minnesota Statutes
10 2004, sections 43A.33, subdivision 1; 181.932, by
11 adding a subdivision; proposing coding for new law in
12 Minnesota Statutes, chapters 15; 16B.

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

14 Section 1. [15.175] [CERTAIN EMPLOYEE RECORDS.]

15 (a) Data, records, files, and all written or electronic
16 materials of, or relating to, a state employee who is
17 involuntarily terminated from employment with a state agency
18 must be preserved for a period of at least three years after the
19 employee's termination from employment, or a longer period as
20 required under section 138.17. A state employee who has been
21 terminated may request the opportunity to review all data
22 covered by this section. An agency responding to a request made
23 under this section must provide a response within ten days after
24 receiving a written request. *This paragraph does not apply to an individual
on a layoff list prepared under Chp
43A*

25 (b) A state agency that destroys, shreds, or alters data,
26 records, files, or materials in violation of this requirement is
27 liable to the employee for damages resulting from that
28 violation, plus costs and reasonable attorney fees incurred by
29 the employee in enforcing the employee's rights under this

1 section. In addition, the employee is also entitled to
2 reinstatement to the position from which the employee was
3 terminated, plus reimbursement for lost wages and health and
4 retirement benefits.

5 [EFFECTIVE DATE.] This section is effective retroactively
6 from January 1, 2002.

7 Sec. 2. [16B.395] [OMBUDSMAN FOR STATE EMPLOYEE
8 WHISTLE-BLOWER INVESTIGATIONS.]

9 Subdivision 1. [APPOINTMENT.] The commissioner shall
10 appoint an ombudsman in the classified service for state
11 employee whistle-blower investigations. The ombudsman may
12 perform other duties for the Department of Administration
13 besides those included in this section.

14 Subd. 2. [DUTIES; AGENCY NOTIFICATION.] The ombudsman
15 shall provide direct oversight of all employee investigations
16 and separations from employment that involve allegations of
17 retaliatory discharge under section 181.932. If an agency
18 investigating an employee determines that it appears reasonably
19 likely that substantial discipline for the employee will result
20 from the investigation, such as demotion or termination, then
21 the agency must immediately notify the ombudsman,
22 notwithstanding any restrictions in chapter 13. In addition,
23 any agency terminating an employee must provide the employee
24 with information about the services provided by the ombudsman
25 and with the ombudsman's toll-free telephone number. The
26 ombudsman's duties include, but are not limited to:

27 (1) conducting independent evaluations of all aspects of
28 each investigation;

29 (2) monitoring, reviewing, and providing comments and
30 recommendations to agencies and employees involved in each
31 investigation;

32 (3) providing reports to the legislature and the public
33 about the conduct of employee investigations and procedures used
34 to discharge employees;

35 (4) providing information concerning the process for
36 investigations and contested case hearings to individuals

1 involved in those proceedings;

2 (5) operating a toll-free telephone line to provide free,
3 confidential help with individual problems and grievances

4 related to employee investigations and separations from
5 employment involving allegations relevant to section 181.932;

6 and

7 (6) performing the ombudsman's duties in cooperation and
8 coordination with governmental entities and private
9 organizations as appropriate so as to eliminate overlap and
10 duplication to the extent practicable.

11 Subd. 3. [INDEPENDENCE OF ACTION.] In carrying out the
12 duties imposed by this section, the ombudsman may act
13 independently of the commissioner in providing testimony to the
14 legislature, and contacting and making periodic reports to state
15 employees affected by this section.

16 Subd. 4. [CONFIDENTIALITY.] All personal information
17 received by the ombudsman received in the course of performing
18 duties under this section must be kept confidential within the
19 Office of the Ombudsman and may not be released without the
20 written consent of the affected individual.

21 Subd. 5. [QUALIFICATIONS.] The ombudsman must be
22 knowledgeable about employment law and internal investigations
23 used for allegations of employee misconduct. The ombudsman must
24 be experienced in dealing with state agencies and employees,
25 interpretation of laws and regulations, investigation, record
26 keeping, report writing, public speaking, and management.

27 Subd. 6. [OFFICE SUPPORT.] The commissioner shall provide
28 the ombudsman with the necessary office space, supplies,
29 equipment, and clerical support to effectively perform the
30 duties imposed by this section.

31 Sec. 3. Minnesota Statutes 2004, section 43A.33,
32 subdivision 1, is amended to read:

33 Subdivision 1. [DISCHARGE, SUSPENSION, DEMOTION FOR CAUSE,
34 SALARY DECREASE.] Managers and employees shall attempt to
35 resolve disputes through informal means prior to the initiation
36 of disciplinary action. No permanent employee in the classified

1 service shall be reprimanded, discharged, suspended without pay,
2 or demoted, except for just cause. The discharge of an employee
3 from unclassified service who is on leave from the classified
4 service does not affect or rescind the application of the
5 procedures under this section to the discharge, if any, of the
6 employee from the classified service.

7 Sec. 4. Minnesota Statutes 2004, section 181.932, is
8 amended by adding a subdivision to read:

9 Subd. 1a. [PUBLIC EMPLOYERS.] (a) The state, including a
10 state postsecondary educational institution or a political
11 subdivision of the state as defined in section 6.56, subdivision
12 1, may not discharge, discipline, threaten, penalize, or
13 otherwise discriminate against an employee regarding the
14 employee's compensation, terms, conditions, location, or
15 privileges of employment because the employee, in good faith,
16 reports or is in the process of preparing a report regarding
17 serious waste, inefficiency, or mismanagement in the employee's
18 place of employment that diminishes the value the public
19 receives from the employer, even though the waste, inefficiency,
20 or mismanagement reported does not in itself violate any federal
21 or state law or rule.

22 ~~(b) An employer covered by this subdivision shall establish~~
23 ~~policies and procedures designed to ensure that reports~~
24 ~~submitted by its employees under this subdivision or subdivision~~
25 ~~1 are promptly and impartially investigated and that reporting~~
26 ~~employees are afforded the protections set out in this section~~
27 ~~and section 181.933.~~ *an Employee contesting disciplinary action under*

28 (c) A state employee who is involuntarily discharged from *must demonstrate the occurrence*
29 the unclassified service and who claims the discharge violated *of a*
30 this subdivision or subdivision 1 may seek review of the *violation*
31 discharge under the contested case procedures in sections 14.48 *under*
32 to 14.69. The jurisdiction of the Office of Administrative
33 Hearings is limited to a determination whether the discharge was
34 in violation of this subdivision or subdivision 1 and the
35 provision of any appropriate remedies. The parties to the
36 contested case proceeding must be allowed access to relevant

1 documents and witnesses for a reasonable period of time before
2 the hearing on a proceeding under this paragraph. The
3 administrative law judge must consider the quality and integrity
4 of the investigative process, if any, used by the agency when
5 reviewing evidence submitted by the agency.



February 22, 2005

The Honorable Sharon Marko
Minnesota Senate
Room G-24
State Capitol
Saint Paul, Minnesota 55155

Dear Senator Marko:

I am writing as President of the Washington County Library Board of Trustees to share with you the Board's support of S.F. 532 relating to Washington County Library governance. The legislation changes the governance function from the Library Board to the County Board while retaining the Library Board as an advisory board.

Over the last few years the Library Board has been working closely with the County Board and County Administration to streamline the Library's administration and improve Library accountability in Washington County. As the County Board and County Library Board considered these goals, they examined several models for library governance. The Hennepin County Library governance structure seemed most fitting and is reflected in S.F. 532—the County Board serves as the governing body and appoints an advisory board on library matters.

We believe that the County Administrator and the County Board can most effectively and efficiently provide oversight of the administration and governance of the Library. The role of the Library Board can then become a policy and advisory role to support and advocate for library services within the County.

On behalf of the Washington County Library Board of Trustees, please accept my thanks for your willingness to offer this legislation and our support for its passage.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Remakel".

Nancy Remakel, President
Washington County Library Board of Trustees

1 Senator Higgins from the Committee on State and Local
2 Government Operations, to which was referred

3 S.F. No. 853: A bill for an act relating to state
4 government; allowing certain boards to conduct meetings by
5 telephone or other electronic means; amending Minnesota Statutes
6 2004, sections 116J.68, by adding a subdivision; 116L.03, by
7 adding a subdivision; 116L.665, by adding a subdivision;
8 116M.15, by adding a subdivision; 116U.25; proposing coding for
9 new law in Minnesota Statutes, chapter 41A.

10 Reports the same back with the recommendation that the bill
11 be amended as follows:

12 Page 1, after line 9, insert:

13 "Section 1. [13D.021] [EMERGENCY MEETINGS CONDUCTED BY
14 TELEPHONE OR OTHER ELECTRONIC MEANS CONDITIONS.]

15 (a) A meeting governed by section 13D.01, subdivisions 1,
16 2, 4, and 5, and this section and called for the purposes of
17 declaring a local emergency under section 12.29 or responding to
18 a local emergency under section 12.37, may be conducted by
19 telephone or other electronic means so long as:

20 (1) all members of the body participating in the meeting,
21 wherever their physical location, can hear one another and can
22 hear all discussion and testimony;

23 (2) members of the public present at the regular meeting
24 location of the body participating in the meeting can hear all
25 discussion and testimony and all votes of members of the body
26 participating in the meeting;

27 (3) at least one member of the body participating in the
28 meeting is physically present at the regular meeting location;
29 and

30 (4) all votes are conducted by roll call, so each member's
31 vote on each issue can be identified and recorded.

32 (b) Each member of the body participating in a meeting by
33 telephone or other electronic means is considered present at the
34 meeting for purposes of determining a quorum and participating
35 in all proceedings.

36 (c) If telephone or other electronic means is used to
37 conduct a meeting, the body participating in the meeting, to the
38 extent practical, shall allow a person to monitor the meeting
39 electronically from a remote location. The body participating
40 in the meeting may require the person making such a connection

1 to pay for documented marginal costs that the body participating
2 in the meeting incurs as a result of the additional connection.

3 (d) If telephone or other electronic means is used to
4 conduct an emergency meeting, the body participating in the
5 meeting shall provide notice of the meeting location, of the
6 fact that some members may participate by telephone or other
7 electronic means, and of the provisions of paragraph (c) to the
8 extent practical."

9 Page 1, line 12, after "13D.01" insert "and if compliance
10 with section 13D.02 is impractical"

11 Page 2, line 19, after "13D.01" insert "and if compliance
12 with section 13D.02 is impractical"

13 Page 3, line 17, after "13D.01" insert "and if compliance
14 with section 13D.02 is impractical"

15 Page 4, line 14, after "13D.01" insert "and if compliance
16 with section 13D.02 is impractical"

17 Page 5, line 11, after "13D.01" insert "and if compliance
18 with section 13D.02 is impractical"

19 Page 7, line 9, after "13D.01" insert "and if compliance
20 with section 13D.02 is impractical"

21 Renumber the sections in sequence

22 Amend the title as follows:

23 Page 1, line 2, after "certain" insert "political
24 subdivisions and"

25 Page 1, line 8, delete "chapter" and insert "chapters 13D;"

26 And when so amended the bill do pass and be re-referred to
27 the Committee on Jobs, Energy and Community Development.
28 Amendments adopted. Report adopted.

29

30
31 (Committee Chair)

32
33 February 23, 2005.....
34 (Date of Committee recommendation)

1 Senator Higgins from the Committee on State and Local
2 Government Operations, to which was referred

3 S.F. No. 893: A bill for an act relating to counties;
4 authorizing county boards to contract for the sale of biomass;
5 amending Minnesota Statutes 2004, section 282.04, subdivision 1.

6 Reports the same back with the recommendation that the bill
7 do pass and be re-referred to the Committee on Environment and
8 Natural Resources. Report adopted.

9

10

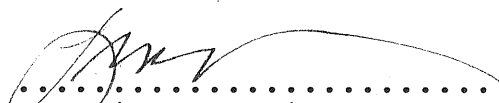
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14

15


.....
(Committee Chair)

February 23, 2005.....
(Date of Committee recommendation)


1 Senator Higgins from the Committee on State and Local
2 Government Operations, to which was referred

3 S.F. No. 877: A bill for an act relating to state
4 government; establishing a Minnesota Humanities Commission;
5 proposing coding for new law in Minnesota Statutes, chapter 138.

7 Reports the same back with the recommendation that the bill
do pass. Report adopted.

8

9



.....
(Committee Chair)

February 23, 2005.....
(Date of Committee recommendation)

10
11
12
13
14

1 Senator Higgins from the Committee on State and Local
2 Government Operations, to which was referred

3 S.F. No. 819: A bill for an act relating to state
4 government; preserving access to certain data for terminated
5 state employees; creating a position for an ombudsman for state
6 employee whistle-blower investigations; prohibiting public
7 employers from retaliating against employees who report waste or
8 mismanagement; providing access to a contested case hearing for
9 employees who claim whistle-blower status; amending Minnesota
10 Statutes 2004, sections 43A.33, subdivision 1; 181.932, by
11 adding a subdivision; proposing coding for new law in Minnesota
12 Statutes, chapters 15; 16B.

13 Reports the same back with the recommendation that the bill
14 be amended as follows:

15 Page 1, line 24, after the period, insert "This paragraph
16 does not apply to an individual named on a layoff list prepared
17 under chapter 43A."

18 Page 2, delete lines 5 and 6

19 Pages 2 and 3, delete section 2

20 Page 4, line 22, delete everything after "(b)"

21 Page 4, delete lines 23 to 27 and insert "An employee
22 contesting disciplinary action under paragraph (a) for the
23 preparation of a report that was not submitted before the
24 discipline must demonstrate the occurrence of the violation by
25 clear and convincing evidence."

26 Renumber the sections in sequence

27 Amend the title as follows:

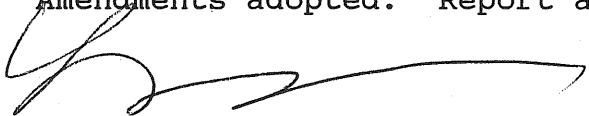
28 Page 1, delete lines 3 and 4 and insert "employee data for
29 certain terminated state employees;"

30 Page 1, line 5, delete everything before "prohibiting"

31 Page 1, line 12, delete "chapters 15; 16B" and insert
32 "chapter 15"

33 And when so amended the bill do pass and be re-referred to
34 the Committee on Judiciary. Amendments adopted. Report adopted.

35



36
37 (Committee Chair)

38
39 February 23, 2005.....
40 (Date of Committee recommendation)

1 Senator Higgins from the Committee on State and Local
2 Government Operations, to which was referred

3 S.F. No. 532: A bill for an act relating to Washington
4 County; making the library board advisory to the county board.

5 Reports the same back with the recommendation that the bill
6 be amended as follows:

7 Page 1, after line 20, insert:

8 "Sec. 2. [EFFECTIVE DATE.]

9 Section 1 is effective on the day following final
10 enactment."

11 And when so amended the bill do pass and be placed on the
12 Consent Calendar. Amendments adopted. Report adopted.

13

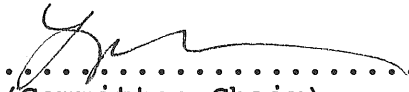
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(Committee Chair)

February 23, 2005.....
(Date of Committee recommendation)