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**Senate**

**State of Minnesota**

**S.F. No. 2852 - Forestry Lands and Minerals Policy Bill**

**Author:** Senator Tom Saxhaug

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

**Date:** March 17, 2006

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OVERVIEW

**S.F. No. 2852** is an agency bill from the Department of Natural Resources (DNR) designed to allow the DNR to streamline administrative procedures in various service areas. The bill has been referred to the State and Local Government Operations Committee because section 4 of the bill would allow the Commissioner of Natural Resources to establish fees for certain recreational uses of state forest lands. The bill exempts those fees from the rulemaking provisions of Chapter 14.

SECTIONS

**Section 1. AUTHORITY.** allows the DNR to reimburse appraisal costs to donors of land or interests in land.

**Section 2. ACQUISITION OF LAND FOR FACILITIES.** allows the DNR Commissioner to acquire land or interests in land outside of the boundaries of state parks if the interests in land are needed for management of the parks.

**Section 3. EMPLOYMENT OF COMPETENT FORESTERS.** clarifies that the forest management services provided to private landowners under Minnesota Statutes, section 88.79, include tree-planting equipment and written stewardship and forest management plans.

**Section 4. USES OF STATE FOREST LANDS; FEES.** authorizes the Commissioner of Natural Resources, by written order, to establish fees for the use of state forest lands, including various recreational uses. This authority is exempt from the rulemaking provisions of Chapter 14, and from other provisions that would ordinarily apply to exempt rules. Proceeds from fees collected under this authority must be deposited in the Natural Resources Fund.

**Sections 5 to 9. TIMBER SALES.** make changes to the state's timber sales program designed to improve effectiveness and efficiency.

**Section 10. EXPLORATORY BORING.** names additional minerals to be covered by the exploratory borings law, which requires appropriate abandonment of exploration drill holes to protect groundwater.

**Section 11. REPEALER.** repeals certain outdated elements of the statewide forest resource planning requirements.

TSB:rdr

1.1 A bill for an act  
 1.2 relating to natural resources; providing for land donor appraisal reimbursement;  
 1.3 providing for acquisition of land for certain facilities; modifying certain  
 1.4 definitions; modifying forest services provided to private owners; granting  
 1.5 authority to establish state forest user fees; modifying the State Timber Act;  
 1.6 eliminating the requirement for a comprehensive forest resource management  
 1.7 plan; amending Minnesota Statutes 2004, sections 84.085, subdivision 1;  
 1.8 88.79, subdivision 1; 90.14; 90.151, subdivisions 1, 6, by adding a subdivision;  
 1.9 103I.005, subdivision 9; proposing coding for new law in Minnesota Statutes,  
 1.10 chapters 85; 89; 90; repealing Minnesota Statutes 2004, section 89.011,  
 1.11 subdivisions 1, 2, 3, 6.

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

1.13 Section 1. Minnesota Statutes 2004, section 84.085, subdivision 1, is amended to read:

1.14 Subdivision 1. **Authority.** (a) The commissioner of natural resources may accept for  
 1.15 and on behalf of the state any gift, bequest, devise, or grants of lands or interest in lands or  
 1.16 personal property of any kind or of money tendered to the state for any purpose pertaining  
 1.17 to the activities of the department or any of its divisions. Any money so received is hereby  
 1.18 appropriated and dedicated for the purpose for which it is granted. Lands and interests in  
 1.19 lands so received may be sold or exchanged as provided in chapter 94.

1.20 (b) When the commissioner of natural resources accepts lands or interests in land,  
 1.21 the commissioner may reimburse the donor for costs incurred to obtain an appraisal needed  
 1.22 for tax reporting purposes. If the state pays the donor for a portion of the value of the  
 1.23 lands or interests in lands that are donated, the reimbursement for appraisal costs shall not  
 1.24 exceed \$1,500. If the donor receives no payment from the state for the lands or interests in  
 1.25 lands that are donated, the reimbursement for appraisal costs shall not exceed \$5,000.

1.26 ~~(b)~~ (c) The commissioner of natural resources, on behalf of the state, may accept and  
 1.27 use grants of money or property from the United States or other grantors for conservation

2.1 purposes not inconsistent with the laws of this state. Any money or property so received  
 2.2 is hereby appropriated and dedicated for the purposes for which it is granted, and shall  
 2.3 be expended or used solely for such purposes in accordance with the federal laws and  
 2.4 regulations pertaining thereto, subject to applicable state laws and rules as to manner  
 2.5 of expenditure or use providing that the commissioner may make subgrants of any  
 2.6 money received to other agencies, units of local government, private individuals, private  
 2.7 organizations, and private nonprofit corporations. Appropriate funds and accounts shall be  
 2.8 maintained by the commissioner of finance to secure compliance with this section.

2.9 ~~(c)~~ (d) The commissioner may accept for and on behalf of the permanent school fund  
 2.10 a donation of lands, interest in lands, or improvements on lands. A donation so received  
 2.11 shall become state property, be classified as school trust land as defined in section 92.025,  
 2.12 and be managed consistent with section 127A.31.

2.13 **Sec. 2. [85.0145] ACQUISITION OF LAND FOR FACILITIES.**

2.14 The commissioner of natural resources may acquire interests in land by gift,  
 2.15 purchase, or lease for facilities outside the boundaries of state parks, state recreation areas,  
 2.16 or state waysides that are needed for the management of state parks, state recreation areas,  
 2.17 or state waysides established under sections 85.012 and 85.013.

2.18 Sec. 3. Minnesota Statutes 2004, section 88.79, subdivision 1, is amended to read:

2.19 Subdivision 1. **Employment of competent foresters; service to private owners.**

2.20 The commissioner of natural resources may employ competent foresters to furnish owners  
 2.21 of forest lands within the state of Minnesota ~~owning respectively not exceeding~~ who own  
 2.22 not more than 1,000 acres of such forest land, forest management services consisting of:

2.23 (1) advice in management and protection of timber, including written stewardship  
 2.24 and forest management plans;

2.25 (2) selection and marking of timber to be cut;

2.26 (3) measurement of products;

2.27 (4) aid in marketing harvested products;

2.28 (5) provision of tree-planting equipment; and

2.29 (6) such other services as the commissioner of natural resources deems necessary or  
 2.30 advisable to promote maximum sustained yield of timber upon such forest lands.

2.31 **Sec. 4. [89.22] USES OF STATE FOREST LANDS; FEES.**

2.32 Subdivision 1. Establishing fees. Notwithstanding section 16A.1283, the  
 2.33 commissioner may, by written order, establish fees providing for the use of state forest



3.1 lands, including: motorcycle, snowmobile, and sports car rallies, races, or enduros;  
3.2 orienteering trials; group campouts that do not occur at designated group camps; dog sled  
3.3 races; dog trials; large horse trail rides; and commercial uses. The fees are not subject to  
3.4 the rulemaking provisions of chapter 14 and section 14.386 does not apply.

3.5 Subd. 2. Receipts to natural resources fund. Fees collected under subdivision 1  
3.6 shall be credited to a forest land use account in the natural resources fund.

3.7 Sec. 5. Minnesota Statutes 2004, section 90.14, is amended to read:

3.8 **90.14 AUCTION SALE PROCEDURE.**

3.9 (a) All state timber shall be offered and sold by the same unit of measurement as it  
3.10 was appraised. ~~The sale shall be made to the person who (1) bids the highest price for all~~  
3.11 ~~the several kinds of timber as advertised, or (2) if unsold at public auction, to the person~~  
3.12 ~~who purchases at any subsequent sale authorized under section 90.101, subdivision 1. No~~  
3.13 ~~tract shall be sold to any person other than the purchaser in whose name the bid was made.~~

3.14 The commissioner may refuse to approve any and all bids received and cancel a sale of  
3.15 state timber for good and sufficient reasons.

3.16 (b) The purchaser at any sale of timber shall, immediately upon the approval of the  
3.17 bid, or, if unsold at public auction, at the time of purchase at a subsequent sale under  
3.18 section 90.101, subdivision 1, pay to the commissioner a down payment of 15 percent  
3.19 of the appraised value. In case any purchaser fails to make such payment, the purchaser  
3.20 shall be liable therefor to the state in a civil action, and the commissioner may reoffer the  
3.21 timber for sale as though no bid or sale under section 90.101, subdivision 1, therefor  
3.22 had been made.

3.23 (c) In lieu of the scaling of state timber required by this chapter, a purchaser of  
3.24 state timber may, at the time of payment by the purchaser to the commissioner of 15  
3.25 percent of the appraised value, elect in writing on a form prescribed by the attorney  
3.26 general to purchase a permit based solely on the appraiser's estimate of the volume of  
3.27 timber described in the permit, provided that the commissioner has expressly designated  
3.28 the availability of such option for that tract on the list of tracts available for sale as  
3.29 required under section 90.101. A purchaser who elects in writing on a form prescribed  
3.30 by the attorney general to purchase a permit based solely on the appraiser's estimate of  
3.31 the volume of timber described on the permit does not have recourse to the provisions  
3.32 of section 90.281.

3.33 (d) In the case of a public auction sale conducted by a sealed bid process, tracts shall  
3.34 be awarded to the high bidder, who shall pay to the commissioner a down payment of 15  
3.35 percent of the appraised value within ten business days of receiving a written award notice.

4.1 If a purchaser fails to make the down payment, the purchaser is liable for the payment to  
4.2 the state and the commissioner may offer the timber for sale to the next highest bidder  
4.3 as though no higher bid had been made.

4.4 (e) Except as otherwise provided by law, at the time the purchaser signs a permit  
4.5 issued under section 90.151, the purchaser shall make a bid guarantee payment to the  
4.6 commissioner in an amount equal to 15 percent of the total purchase price of the permit  
4.7 less the down payment amount required by paragraph (b). If the bid guarantee payment is  
4.8 not submitted with the signed permit, no harvesting may occur, the permit cancels, and the  
4.9 down payment for timber forfeits to the state. The bid guarantee payment forfeits to the  
4.10 state if the purchaser and successors in interest fail to execute an effective permit.

4.11 **Sec. 6. [90.145] PURCHASER QUALIFICATIONS AND REGISTRATION.**

4.12 Subdivision 1. Purchaser qualifications. (a) In addition to any other requirements  
4.13 imposed by this chapter, the purchaser of a state timber permit issued under section 90.151  
4.14 must meet the requirements in paragraphs (b) to (d).

4.15 (b) The purchaser and the purchaser's agents, employees, subcontractors, and  
4.16 assigns must comply with general industry safety standards for logging adopted by the  
4.17 commissioner of labor and industry under chapter 182. The commissioner of natural  
4.18 resources shall require a purchaser to provide proof of compliance with the general  
4.19 industry safety standards before the start of harvesting operations on any permit.

4.20 (c) The purchaser and the purchaser's agents, subcontractors, and assigns must  
4.21 comply with the mandatory insurance requirements of chapter 176. The commissioner  
4.22 shall require a purchaser to provide a copy of the proof of insurance required by section  
4.23 176.130 before the start of harvesting operations on any permit.

4.24 (d) Before the start of harvesting operations on any permit, the purchaser must  
4.25 certify that a foreperson or other designated employee who has a current certificate of  
4.26 completion from the Minnesota logger education program (MLEP), the Wisconsin Forest  
4.27 Industry Safety and Training Alliance (FISTA), or any similar program acceptable to the  
4.28 commissioner, is supervising active logging operations.

4.29 Subd. 2. Purchaser preregistration. To facilitate the sale of permits issued under  
4.30 section 90.151, the commissioner may establish a purchaser preregistration system.  
4.31 Any system implemented by the commissioner shall be limited in scope to only that  
4.32 information that is required for the efficient administration of the purchaser qualification  
4.33 provisions of this chapter and shall conform with the requirements of chapter 13.

4.34 **Sec. 7. Minnesota Statutes 2004, section 90.151, subdivision 1, is amended to read:**

5.1 Subdivision 1. **Issuance; expiration.** (a) Following receipt of the down payment  
5.2 for state timber required under section 90.14 or 90.191, the commissioner shall issue a  
5.3 numbered permit to the purchaser, in a form approved by the attorney general, by the  
5.4 terms of which the purchaser shall be authorized to enter upon the land, and to cut and  
5.5 remove the timber therein described as designated for cutting in the report of the state  
5.6 appraiser, according to the provisions of this chapter. The permit shall be correctly dated  
5.7 and executed by the commissioner and signed by the purchaser. If a permit is not signed  
5.8 by the purchaser within 60 days from the date of purchase, the permit cancels and the  
5.9 down payment for timber required under section 90.14 forfeits to the state.

5.10 (b) The permit shall expire no later than five years after the date of sale as the  
5.11 commissioner shall specify or as specified under section 90.191, and the timber shall  
5.12 be cut within the time specified therein. All cut timber, equipment, and buildings not  
5.13 removed from the land within 90 days after expiration of the permit shall become the  
property of the state.

5.15 (c) The commissioner may grant an additional period of time not to exceed 120 days  
5.16 for the removal of cut timber, equipment, and buildings upon receipt of such request by  
5.17 the permit holder for good and sufficient reasons. The commissioner may grant a second  
5.18 period of time not to exceed 120 days for the removal of cut timber, equipment, and  
5.19 buildings upon receipt of a request by the permit holder for hardship reasons only.

5.20 ~~(d) No permit shall be issued to any person other than the purchaser in whose name~~  
5.21 ~~the bid was made.~~

5.22 Sec. 8. Minnesota Statutes 2004, section 90.151, subdivision 6, is amended to read:

5.23 Subd. 6. **Notice and approval required.** The permit shall provide that the permit  
5.24 holder shall not start cutting any state timber nor clear building sites nor logging roads until  
5.25 the commissioner has been notified and has given prior approval to such cutting operations.  
5.26 Approval shall not be granted until the permit holder has completed a presale conference  
5.27 with the state appraiser designated to supervise the cutting. The permit holder shall also  
5.28 give prior notice whenever permit operations are to be temporarily halted, whenever  
5.29 permit operations are to be resumed, and when permit operations are to be completed.

5.30 Sec. 9. Minnesota Statutes 2004, section 90.151, is amended by adding a subdivision  
5.31 to read:

5.32 Subd. 15. **Liquidated damages.** The permit may include a schedule of liquidated  
5.33 damage charges for breach of permit terms by the permit holder. The damage charges shall  
5.34 be limited to amounts that are reasonable based on the anticipated or actual harm caused

6.1 by the breach, the difficulties of proof of loss, and the inconvenience or nonfeasibility of  
6.2 otherwise obtaining an adequate remedy.

6.3 Sec. 10. Minnesota Statutes 2004, section 103I.005, subdivision 9, is amended to read:

6.4 Subd. 9. **Exploratory boring.** "Exploratory boring" means a surface drilling done  
6.5 to explore or prospect for oil, natural gas, apatite, diamonds, graphite, gemstones, kaolin  
6.6 clay, and or metallic minerals, including iron, copper, zinc, lead, gold, silver, titanium,  
6.7 vanadium, nickel, cadmium, molybdenum, chromium, manganese, cobalt, zirconium,  
6.8 beryllium, thorium, uranium, aluminum, platinum, palladium, radium, tantalum, tin, and  
6.9 niobium, and a drilling or boring for petroleum.

6.10 Sec. 11. **REPEALER.**

6.11 Minnesota Statutes 2004, section 89.011, subdivisions 1, 2, 3, and 6, are repealed.

**89.011 FOREST RESOURCE MANAGEMENT PLAN.**

Subdivision 1. **Preparation.** By July 1, 1983, the commissioner shall prepare a comprehensive forest resource management plan designed to implement the policies stated in section 89.002. The plan shall include an assessment and program elements as provided in subdivisions 2 and 3 and any other issues which the commissioner determines should be included in the plan.

Subd. 2. **Forest assessment.** The assessment shall be updated at least once every ten years and shall include but not be limited to the following:

- (a) The present and projected use and supply of and demand for forest resources in the state;
- (b) The development of a forest resources database, compatible with the database of the Minnesota Land Management Information Center, capable of continuous updating and usable as a tool in effectively managing forest resources, utilizing existing databases as much as practicable;
- (c) The current and anticipated reforestation needs for forest land, including the amount of backlog areas, current and anticipated allowable harvests, identifying poorly stocked forest land, and delineating those areas needing reforestation which are prime forest lands or otherwise likely to produce optimum public benefits from reforestation; and
- (d) An inventory and map of all existing state forest roads and classification by use, standard and condition.

Subd. 3. **Program elements.** The program shall be updated every four years and shall describe specific actions to address the assessment and to implement the forest resources management policy of section 89.002, including but not limited to:

- (a) Improvement of silvicultural practices and improved methods for harvesting and utilizing timber and timber residues;
- (b) Measures to improve reforestation practices;
- (c) Measures to enhance recreational opportunities and fish and wildlife habitat;
- (d) The identification of "prime forest land" according to criteria developed by the commissioner;
- (e) Priorities for construction and improvement of forest roads to achieve the state forest road policy, including the development of alternative methods for financing forest road construction, improvement and maintenance, and for imposing a reasonable share of the costs of the forest road system on those who directly benefit from the availability and use of the system;
- (f) A description of how the multiple use and sustained yield management policy will apply to decisions about other public and private uses of forest lands and resources, including:
  - (1) extractive uses;
  - (2) utility corridors;
  - (3) industrial, commercial, agricultural and institutional uses;
  - (4) residential and seasonal use; and
- (g) An estimate of the expenditures necessary to implement the elements of the program, along with the sources and amounts of revenue available or necessary to finance the estimated expenditures.

Subd. 6. **Staff assistance.** In preparing the forest resources management plan the commissioner is authorized to utilize existing professional staffs of state agencies when the expertise of the staff of a state agency is necessary to fully prepare the plan.

*Adopted*

1.1 Senator *Day*..... moves to amend S.F. No. 2852 as follows:

1.2 Page 2, line 33, after "order" insert "published in the State Register"

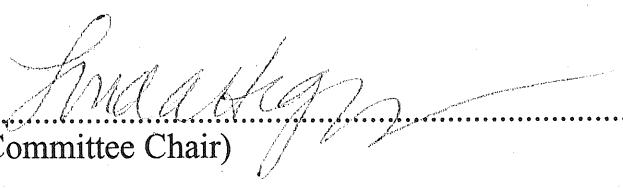
1.1 **Senator Higgins from the Committee on State and Local Government**  
1.2 **Operations, to which was re-referred**

1.5 **S.F. No. 2852:** A bill for an act relating to natural resources; providing for land  
1.6 donor appraisal reimbursement; providing for acquisition of land for certain facilities;  
1.7 modifying certain definitions; modifying forest services provided to private owners;  
1.8 granting authority to establish state forest user fees; modifying the State Timber Act;  
1.9 eliminating the requirement for a comprehensive forest resource management plan;  
1.10 amending Minnesota Statutes 2004, sections 84.085, subdivision 1; 88.79, subdivision  
1.11 1; 90.14; 90.151, subdivisions 1, 6, by adding a subdivision; 103I.005, subdivision  
9; proposing coding for new law in Minnesota Statutes, chapters 85; 89; 90; repealing  
Minnesota Statutes 2004, section 89.011, subdivisions 1, 2, 3, 6.

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

1.13 Page 2, line 33, after "order" insert "published in the State Register"

1.14 And when so amended the bill do pass and be re-referred to the Committee on  
1.15 Finance. Amendments adopted. Report adopted.

1.17   
.....  
(Committee Chair)

1.18 March 20, 2006 .....  
1.19 (Date of Committee recommendation)

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and Fiscal Analysis**

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# Senate

State of Minnesota

## **S.F. No. 3159 - Financial Security by Subdivision Applicants**

**Author:** Senator Sharon Marko

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

DPM

**Date:** March 17, 2006

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The proposed bill authorizes a municipality under the municipal planning act to require an applicant seeking approval for subdivision developments to establish an escrow account or provide other financial security to reimburse the municipality for the direct costs related to review and approval of projects. This bill would require the charge to be equal to the value of the professional services and establishes deadlines by which the municipality must release and return to an applicant the financial securities provided once the conditions have been met. The bill provides for interest to be paid if the return is not within the timeline and notice to the applicant within seven business days of the specific conditions that have not been met. It also authorizes a municipality to require a maintenance bond from any subcontractor that has not completed the remaining requirements imposed by the municipality.

DPM:mvm



**Senator Marko introduced-**

**S.F. No. 3159: Referred to the Committee on State and Local Government Operations.**

A bill for an act

relating to local government; establishing timelines for municipal action on  
release of letters of credit; amending Minnesota Statutes 2004, section 462.358,  
subdivision 2a.

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

Section 1. Minnesota Statutes 2004, section 462.358, subdivision 2a, is amended to  
read:

Subd. 2a. **Terms of regulations.** The standards and requirements in the regulations  
may address without limitation: the size, location, grading, and improvement of lots,  
structures, public areas, streets, roads, trails, walkways, curbs and gutters, water supply,  
storm drainage, lighting, sewers, electricity, gas, and other utilities; the planning and  
design of sites; access to solar energy; and the protection and conservation of flood  
plains, shore lands, soils, water, vegetation, energy, air quality, and geologic and  
ecologic features. The regulations shall require that subdivisions be consistent with  
the municipality's official map if one exists and its zoning ordinance, and may require  
consistency with other official controls and the comprehensive plan. The regulations may  
prohibit certain classes or kinds of subdivisions in areas where prohibition is consistent  
with the comprehensive plan and the purposes of this section, particularly the preservation  
of agricultural lands. The regulations may prohibit, restrict or control development for  
the purpose of protecting and assuring access to direct sunlight for solar energy systems.  
The regulations may prohibit the issuance of permits or approvals for any tracts, lots, or  
parcels for which required subdivision approval has not been obtained.

The regulations may permit the municipality to condition its approval on the  
construction and installation of sewers, streets, electric, gas, drainage, and water

2.1 facilities, and similar utilities and improvements or, in lieu thereof, on the receipt by the  
 2.2 municipality of a cash deposit, certified check, irrevocable letter of credit, ~~or bond,~~ or  
 2.3 other financial security in an amount and with surety and conditions sufficient to assure the  
 2.4 municipality that the utilities and improvements will be constructed or installed according  
 2.5 to the specifications of the municipality. Sections 471.345 and 574.26 do not apply to  
 2.6 improvements made by a subdivider or a subdivider's contractor.

2.7 A municipality may require that an applicant establish an escrow account or other  
 2.8 financial security for the purpose of reimbursing the municipality for direct costs relating  
 2.9 to professional services provided during the review, approval and inspection of the project.

2.10 A municipality may only charge the applicant a rate equal to the value of the service to  
 2.11 the municipality. Services provided by municipal staff or contract professionals must  
 2.12 be billed at an established rate.

2.13 When the applicant vouches, by certified letter to the municipality, that the conditions  
 2.14 required by the municipality for approval under this subdivision have been satisfied,  
 2.15 the municipality has 30 days to release and return to the applicant any and all financial  
 2.16 securities tied to the requirements. If the municipality fails to release and return the letters  
 2.17 of credit within the 30-day period, any interest accrued will be paid to the applicant.

2.18 If the municipality determines that the conditions required for approval under this  
 2.19 subdivision have not been satisfied, the municipality must send written notice within seven  
 2.20 business days upon receipt of the certified letter indicating to the applicant which specific  
 2.21 conditions have not been met. The municipality may require a maintenance bond from any  
 2.22 subcontractor that has not yet completed all remaining requirements of the municipality.

2.23 The regulations may permit the municipality to condition its approval on compliance  
 2.24 with other requirements reasonably related to the provisions of the regulations and to  
 2.25 execute development contracts embodying the terms and conditions of approval. The  
 2.26 municipality may enforce such agreements and conditions by appropriate legal and  
 2.27 equitable remedies.

1.1 Senator *Marko* ..... moves to amend S.F. No. 3159 as follows:

1.2 Page 2, line 21, delete "may" and insert "shall" and after "maintenance" insert "

1.3 ~~for~~ "performance"

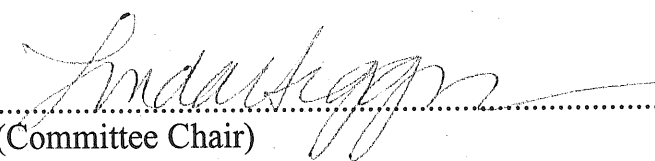
1.1 **Senator Higgins from the Committee on State and Local Government**  
1.2 **Operations, to which was referred**

1.5 **S.F. No. 3159:** A bill for an act relating to local government; establishing timelines for municipal action on release of letters of credit; amending Minnesota Statutes 2004, section 462.358, subdivision 2a.

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

1.7 Page 2, line 21, delete "may" and insert "shall" and after "maintenance" insert "or  
1.8 performance"

1.9 And when so amended the bill do pass. Amendments adopted. Report adopted.

1.10   
1.11 (Committee Chair)

2 March 20, 2006 .....  
13 (Date of Committee recommendation)

Senator Senjem introduced—

S.F. No. 2934: Referred to the Committee on State and Local Government Operations.

A bill for an act

relating to local government; modifying municipal and county planning and zoning provisions; providing standards for preliminary plat approval in a proposed development; amending Minnesota Statutes 2004, sections 394.25, subdivision 7; 462.358, subdivision 3b.

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

Section 1. Minnesota Statutes 2004, section 394.25, subdivision 7, is amended to read:

Subd. 7. **Specific controls; other subjects.** (a) Specific controls pertaining to other subjects incorporated in the comprehensive plan or establishing standards and procedures to be employed in land development including, but not limited to, subdividing of land and the approval of land plats and the preservation and dedication of streets and land for other public purposes and the general design of physical improvement.

(b) If an applicant has met all objective standards required by the county regulations, preliminary plat approval is presumed. The county bears the burden of showing a deficiency in the application through clear and convincing evidence.

~~(b)~~ (c) The controls may require that a portion of any proposed subdivision be dedicated to the public or preserved for public use as parks, recreational facilities, playgrounds, trails, wetlands, or open space. The requirement must be imposed by ordinance.

~~(c)~~ (d) If a county adopts the ordinance required by paragraph ~~(b)~~ (c), the county must adopt a capital improvement program and adopt a parks and open space plan or have a parks, trails, and open space component in its comprehensive plan subject to the terms and conditions in this paragraph and in paragraphs ~~(d)~~ (e) through ~~(o)~~ (p).

~~(d)~~ (e) The county may choose to accept a per lot cash fee as set by ordinance from the applicant for some or all of the new lots created in the subdivision.

2.1 ~~(e)~~ (f) In establishing the portion to be dedicated or preserved or the per lot cash  
2.2 fee, the controls must consider the open space, park, recreational, or common areas and  
2.3 facilities that the applicant proposes to reserve for the subdivision.

2.4 ~~(f)~~ (g) The county must reasonably determine that it will need to acquire that portion  
2.5 of land for the purposes stated in this subdivision as a result of approval of the subdivision.

2.6 ~~(g)~~ (h) The fees or dedication must be fair, reasonable, and proportionate to the  
2.7 need created.

2.8 ~~(h)~~ (i) Any cash payments received must be placed by the county in a special fund to  
2.9 be used only for the purposes for which the money was obtained.

2.10 ~~(i)~~ (j) Any cash payments received must be used only for the acquisition and  
2.11 development or improvement of parks, recreational facilities, playgrounds, trails,  
2.12 wetlands, or open space. Cash payments must not be used for ongoing operation,  
2.13 maintenance, or redevelopment of parks, recreational facilities, playgrounds, trails,  
2.14 wetlands, or open space.

2.15 ~~(j)~~ (k) The county must not deny the approval of a subdivision based on an  
2.16 inadequate supply of parks, open spaces, trails, or recreational areas within the county.

2.17 ~~(k)~~ (l) The county must not condition the approval of any proposed subdivision  
2.18 or development on an agreement to waive the right to challenge the validity of a fee  
2.19 or dedication.

2.20 ~~(l)~~ (m) The county must use at least 75 percent of the funds collected under this  
2.21 subdivision according to the plan required in paragraph ~~(e)~~ (d) in the township or city  
2.22 where the collection of funds occurs. However, the township board or city council may  
2.23 agree to allow the county to use these funds outside of the township or city in a manner  
2.24 consistent with the county parks, trails, and open space capital improvement plan or the  
2.25 county parks and open space component in its comprehensive plan. The remainder of the  
2.26 funds may be used by the county only for parks and trails connectivity and accessibility  
2.27 purposes. The county must annually report to cities and townships on where funds were  
2.28 collected and where funds were expended in the past year.

2.29 ~~(m)~~ (n) Previously subdivided property from which a park dedication has been  
2.30 received, being resubdivided with the same number of lots, is exempt from park dedication  
2.31 requirements. If, as a result of resubdividing the property, the number of lots is increased,  
2.32 then the park dedication or per lot cash fee must apply only to the net increase of lots.

2.33 ~~(n)~~ (o) A county must not require a dedication of a portion of a proposed subdivision  
2.34 or a payment in lieu of dedication in a town or city that has adopted a requirement  
2.35 to dedicate or a payment in place of dedication as a provision of the town or city's  
2.36 subdivision regulations under section 462.358, subdivision 2b, or chapter 366.

3.1           ~~(o)~~ (p) A county may negotiate an agreement with a town or city to share the  
3.2 revenue generated by dedicating a portion of a proposed subdivision or a payment in  
place of dedication.

3.4           Sec. 2. Minnesota Statutes 2004, section 462.358, subdivision 3b, is amended to read:

3.5           Subd. 3b. **Review procedures.** The regulations shall include provisions regarding  
3.6 the content of applications for proposed subdivisions, the preliminary and final review  
3.7 and approval or disapproval of applications, and the coordination of such reviews  
3.8 with affected political subdivisions and state agencies. Subdivisions including lands  
3.9 abutting upon any existing or proposed trunk highway, county road or highway, or  
3.10 county state-aid highway shall also be subject to review. The regulations may provide  
3.11 for the consolidation of the preliminary and final review and approval or disapproval  
3.12 of subdivisions. Preliminary or final approval may be granted or denied for parts of  
3.13 subdivision applications. If an applicant has met all objective standards required by the  
3.14 regulations, preliminary plat approval is presumed. The municipality bears the burden  
3.15 of showing a deficiency in the application through clear and convincing evidence. The  
3.16 regulations may delegate the authority to review proposals to the planning commission,  
3.17 but final approval or disapproval shall be the decision of the governing body of the  
3.18 municipality unless otherwise provided by law or charter. The regulations shall require  
3.19 that a public hearing shall be held on all subdivision applications prior to preliminary  
3.20 approval, unless otherwise provided by law or charter. The hearing shall be held following  
3.21 publication of notice of the time and place thereof in the official newspaper at least ten  
3.22 days before the day of the hearing. At the hearing, all persons interested shall be given  
3 an opportunity to make presentations. A subdivision application shall be preliminarily  
3.24 approved or disapproved within 120 days following delivery of an application completed  
3.25 in compliance with the municipal ordinance by the applicant to the municipality, unless  
3.26 an extension of the review period has been agreed to by the applicant. When a division  
3.27 or subdivision to which the regulations of the municipality do not apply is presented to  
3.28 the city, the clerk of the municipality shall within ten days certify that the subdivision  
3.29 regulations of the municipality do not apply to the particular division.

3.30           If the municipality or the responsible agency of the municipality fails to preliminarily  
3.31 approve or disapprove an application within the review period, the application shall  
3.32 be deemed preliminarily approved, and upon demand the municipality shall execute  
3.33 a certificate to that effect. Following preliminary approval the applicant may request  
3.34 final approval by the municipality, and upon such request the municipality shall certify  
3.35 final approval within 60 days if the applicant has complied with all conditions and

4.1 requirements of applicable regulations and all conditions and requirements upon which  
4.2 the preliminary approval is expressly conditioned either through performance or the  
4.3 execution of appropriate agreements assuring performance. If the municipality fails to  
4.4 certify final approval as so required, and if the applicant has complied with all conditions  
4.5 and requirements, the application shall be deemed finally approved, and upon demand the  
4.6 municipality shall execute a certificate to that effect. After final approval a subdivision  
4.7 may be filed or recorded.



1.1 Senator *Senjem* moves to amend S.F. No. 2934 as follows:

1.2 Page 1, delete lines 13 to 15 and insert:

1.3 "(b) A county must approve a preliminary plat that meets the applicable standards  
4 and criteria contained in the county's zoning and subdivision regulations unless the county  
1.5 adopts written findings based on a record from the public proceedings why the application  
1.6 shall not be approved."

1.7 Page 3, lines 13 to 15, delete the new language

1.8 Page 3, line 18, after the period, insert "A municipality must approve a preliminary  
1.9 plat that meets the applicable standards and criteria contained in the municipality's zoning  
1.10 and subdivision regulations unless the municipality adopts written findings based on a  
1.11 record from the public proceedings why the application shall not be approved."

1.1 **Senator Higgins from the Committee on State and Local Government**  
1.2 **Operations, to which was referred**

1.5 **S.F. No. 2934:** A bill for an act relating to local government; modifying municipal  
1.6 and county planning and zoning provisions; providing standards for preliminary plat  
approval in a proposed development; amending Minnesota Statutes 2004, sections 394.25,  
subdivision 7; 462.358, subdivision 3b.

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

1.8 Page 1, delete lines 13 to 15 and insert:

1.9 "(b) A county must approve a preliminary plat that meets the applicable standards  
1.10 and criteria contained in the county's zoning and subdivision regulations unless the county  
1.11 adopts written findings based on a record from the public proceedings why the application  
1.12 shall not be approved."

1.13 Page 3, lines 13 to 15, delete the new language

1.14 Page 3, line 18, after the period, insert "A municipality must approve a preliminary  
5 plat that meets the applicable standards and criteria contained in the municipality's zoning  
1.16 and subdivision regulations unless the municipality adopts written findings based on a  
1.17 record from the public proceedings why the application shall not be approved."

1.18 And when so amended the bill do pass. Amendments adopted. Report adopted.

1.19   
1.20 (Committee Chair)

1.21 March 20, 2006 .....  
1.22 (Date of Committee recommendation)

**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  
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JO ANNE ZOFF SELLNER  
DIRECTOR

**Senate**

**State of Minnesota**

**S.F. No. 3142 - City Preventive Health Services**

**Author:** Senator Chris Gerlach

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



**Date:** March 17, 2006

---

The proposed bill authorizes cities to establish and operate a program of preventive health services and employee recognition services. Current law only authorizes the state and counties to establish and operate programs of employee preventive health services and only counties are currently given the authority to establish and operate employee recognition services. This bill would extend both of those programs to cities.

DPM:mvm

Senators Gerlach, Higgins, Limmer and Wergin introduced-

S.F. No. 3142: Referred to the Committee on State and Local Government Operations.

A bill for an act

1.2 relating to local government; authorizing cities to operate preventive health  
1.3 services programs; amending Minnesota Statutes 2004, section 15.46.

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

1.5 Section 1. Minnesota Statutes 2004, section 15.46, is amended to read:

1.6 **15.46 PREVENTIVE HEALTH SERVICES FOR STATE ~~AND~~ COUNTY,**  
1.7 **AND CITY EMPLOYEES.**

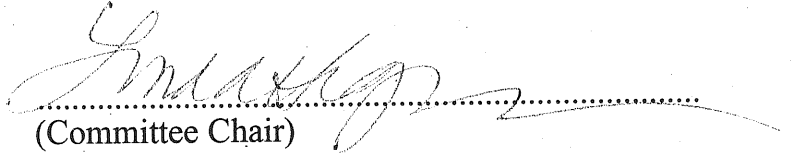
1.8 The commissioner of the Department of Employee Relations may establish and  
1.9 operate a program of preventive health services for state employees and shall provide the  
1.10 staff, equipment, and facilities necessary to do so. The commissioner shall develop these  
1.11 services in accordance with the accepted practices of and standards for occupational  
1.12 preventive health services in the state of Minnesota. Specific services must be directed  
1.13 to the work environment and to the health of the employee in relation to the job. The  
1.14 commissioner shall cooperate with the Department of Health as well as other private and  
1.15 public community agencies providing health, safety, employment, and welfare services. A  
1.16 county or a statutory or home rule charter city may establish and operate a program of  
1.17 preventive health and employee recognition services for ~~county~~ its employees and may  
1.18 provide necessary staff, equipment, and facilities and may expend funds as necessary  
1.19 to achieve the objectives of the program.

1.1 **Senator Higgins from the Committee on State and Local Government**  
1.2 **Operations, to which was referred**

1.5 **S.F. No. 3142:** A bill for an act relating to local government; authorizing cities to operate preventive health services programs; amending Minnesota Statutes 2004, section 15.46.

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

1.8  
1.9

  
(Committee Chair)

1.10  
1.11

March 20, 2006 .....  
(Date of Committee recommendation)



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OFFICE OF THE STATE AUDITOR

SF 3142

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RIC ANDERSON  
CA. DITOR

March 2, 2006

Senator Chris Gerlach  
100 Rev. Dr. Martin Luther King Jr. Blvd  
Room 107  
Saint Paul, MN 55155

RE: LMC Amendment to Minnesota Statutes, Section 15.46

Dear Senator Gerlach:

The State Auditor's Office has included legal compliance comments in city audits pointing out that cities lack authority to spend money on employee wellness programs. Although Minnesota Statutes, Section 15.46 authorizes counties to establish such programs, cities are currently not included in the statute. We have advised cities that if they want to have wellness programs, they should seek statutory authority like the authority currently granted to counties.

Based on a discussion with Anne Finn of the League of Minnesota Cities (LMC), the State Auditor's Office understands that the LMC is proposing legislation that would add cities to Section 15.46, giving cities the same authority that counties currently have to establish and operate employee "preventive health and employee recognition services" programs for employees. The State Auditor's Office supports this effort by the LMC.

The State Auditor's Office has published the enclosed article on wellness and employee recognition programs. The article sets out the parameters the State Auditor's Office expects appropriate wellness programs to meet. Based on our discussion with Ms. Finn, we expect that if the city authority is enacted, wellness programs established by cities will also be operated within these parameters.

Feel free to contact my office if you have any questions or concerns.

Sincerely,

Patricia Anderson  
State Auditor

cc: Anne Finn ✓

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PATRICIA ANDERSON  
STATE AUDITOR

## Wellness and Employee Recognition Programs

By Pat Anderson  
Minnesota State Auditor

County employees are hard-working people who have dedicated their professional lives to public service. Innovative county managers often look for new and more effective ways to recognize county employees' efforts and to improve the health and well being of the county workforce. Looking to the private sector for ideas, county managers often wonder whether counties can institute wellness programs or hold employee banquets or parties. While the motives behind such initiatives are good and counties do have special authority in this area, limitations exist on the expenditure of public funds for employee recognition.

Counties have specific authority for a wellness and employee recognition program under Minn. Stat. § 15.46. This statute states "[a] county may establish and operate a program of preventive health and employee recognition services for county employees and may provide necessary staff, equipment, and facilities and may expend funds as necessary to achieve the objectives of the program." This authority is granted only to the state government and to the counties, not to other local units of government.

In order to use this authority, a county needs to take certain steps to properly establish and operate a wellness and recognition program. Properly established programs should be in writing and approved by the county board. They should include clear wellness and recognition objectives. The county board must determine what amounts can be expended as "necessary to achieve the objectives of the program."

Once a program is established, it must be operated in a manner consistent with Minnesota law applicable to counties and the expenditure of public funds. Generally, all local government expenditures must be authorized by statute or charter. The authority for an expenditure may be specifically stated in a statute or charter or it may be "implied as necessary in aid of those powers which have been expressly conferred." *Mangold Midwest Co. v. Village of Richfield*, 143 N.W. 2d 813, 820 (1966).

It is sometimes suggested that because a local unit of government can compensate employees, authority to provide gifts or sponsor social events should be implied. This approach has been consistently rejected by the attorney general's office, which has often stated that non-monetary

benefits must be specifically authorized. Based on this rationale, the attorney general's office wrote to the Champlin city attorney in 1998, indicating that no statutory authority existed for a city to hold an annual employee appreciation dinner or to award employee recognition gifts to employees. The attorney general's office stated "while an agreed upon monetary bonus might be provided as part of a salary plan to employees who meet performance or longevity standards, we are at a loss to locate authority for expenditures of funds for in-kind awards or social occasions of the type described." The attorney general's statement of limitation on gifts would apply equally to all government employees.

The State Auditor's Office, in reviewing county expenditures for wellness and employee recognition programs will be guided by what is permitted and what is prohibited for state employees. Counties simply cannot provide employee banquets or parties for all employees. County funds can be spent only as necessary to achieve the objectives of an established wellness and employee recognition program. For example, based on established criteria, a program might include an annual employee recognition event that provides a meal reimbursement limited to the specific employees being recognized. The State Auditor believes such a program could also include the provision of non-cash/non-negotiable items of nominal value for the specific recognized employees.

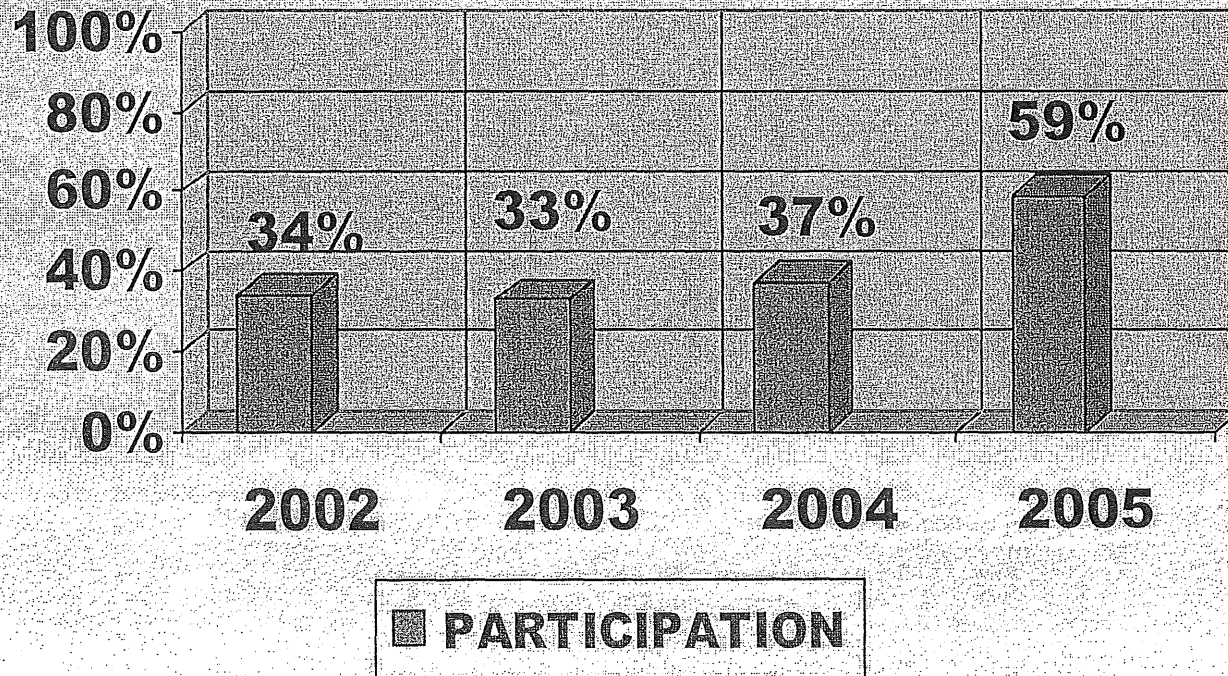
Although the State Auditor would consider a program, which recognizes all employees to be inappropriate, light refreshments (i.e. coffee and cake) could be served to all employees at a service award reception. Of course, all elements of the wellness and employee recognition program should be approved in writing by the county board before expenditures are made.

Counties may choose not to implement an employee recognition program. If they choose to do so, however, prudent limitations should be put in place. Unlike similar programs in the private sector, the county's program is paid for with public funds. As always, the expenditure of public funds comes with limitations.



# CITY OF MAPLE GROVE WELLNESS PROGRAM

## EMPLOYEE PARTICIPATION RATES





# CITY OF MAPLE GROVE WELLNESS PROGRAM

**Savings in Medical Premiums for Every \$1.00  
Spent on Wellness Activities**

<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>Average</u>
\$2.28	\$2.93	\$2.11	\$18.96	\$8.65	\$6.99

# CITY OF MAPLE GROVE WELLNESS PROGRAM

## Comparison of Annual Per Capita Healthcare Costs

	2002	2003	2004	2005	Average
Local*	\$5,628	\$6,279	\$6,620	\$7,560	\$6,522
National**	\$5,204	\$5,971	\$6,707	\$7,323	\$6,301
Midwest Region**	\$5,168	\$6,176	\$6,927	\$7,707	\$6,495
City of Maple Grove	\$4,481	\$5,047	\$5,930	\$6,930	\$5,597
City vs Local	-20.38%	-19.62%	-10.42%	-8.33%	-14.18%
City vs Midwest	-13.29%	-18.28%	-14.39%	-10.08%	-13.82%
City vs National	-13.89%	-15.47%	-11.58%	-5.37%	-11.18%
Average	-15.86%	-17.79%	-12.13%	-7.93%	-13.06%

\*Local source for data is Health Risk Strategies, an actuarial firm in MN. Data based on CY for given year  
 \*\*National and midwest region source for data is Hewitt Health Value Incentive, 2004 and Initiative, 2005



# CITY OF MAPLE GROVE WELLNESS PROGRAM

## Worker's Compensation Annual Premium Savings

<b>Average Annual Savings for Past 10 Years</b>	<b>\$38,100</b>	<b>26%</b>
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# CITY OF MAPLE GROVE WELLNESS PROGRAM

## Employee Weight Loss Challenge

<b>Time Period</b>	<b>2/05 to 10/05</b>	<b>2/04 to 10/04</b>
<b>Total Lost</b>	<b>353.7 lbs</b>	<b>348.5 lbs</b>
<b>Total # Participants</b>	<b>65</b>	<b>59</b>
<b>Average Lost Per EE</b>	<b>5.44 lbs</b>	<b>5.9 lbs</b>
<b># Lost 0-10 lbs</b>	<b>58</b>	<b>51</b>
<b>#Lost 11-20 lbs</b>	<b>6</b>	<b>5</b>
<b>#Lost 21-30 lbs</b>	<b>0</b>	<b>0</b>
<b>#Lost 31-40 lbs</b>	<b>0</b>	<b>2</b>
<b>#Lost &gt; 40 lbs</b>	<b>1</b>	<b>0</b>



# **CITY OF MAPLE GROVE WELLNESS PROGRAM**

## **Recognizable Positive Outcomes in the Workplace**

- ❖ **Employees work out together and lend support to each other**
- ❖ **Employees continue to wear pedometers to track daily steps**
- ❖ **Walking teams have formed and employees walk on breaks and over lunch period**
- ❖ **More likely to see bagels & fruit around City Hall rather than donuts**
- ❖ **Freezer is full of healthy choice meals**
- ❖ **Potluck events have become healthier**
- ❖ **Healthy recipe contests are popular**
- ❖ **See water bottles instead of pop cans**

# **CITY OF MAPLE GROVE WELLNESS PROGRAM**

## **EMPLOYEE TESTIMONIALS**

- ❖ **Significant weight loss due to participation in the wellness program.**
- ❖ **Controlled some at risk health behaviors in the beginning stages before they became chronic.**
- ❖ **Discovery of a health problem through the on-site health screening annual event.**



# CITY OF MAPLE GROVE WELLNESS PROGRAM

## Employee Survey Results

- **89% felt their health status improved as a result of their participation in the wellness program**
- **70% felt their participation had a positive influence on their family members to seek a healthier lifestyle and/or be more aware of their own health status**
- **77% felt the wellness program positively impacted their workplace morale**
- **92% view the wellness program as an employee benefit**
- **89% feel participation in the wellness program helps to reduce the cost of health care**
- **76% found the Health Risk Assessment (HRA) report helpful in addressing any of their at risk behaviors**



# CITY OF MAPLE GROVE WELLNESS PROGRAM

## Health Risk Assessment Statistics

- We implemented the HRA tool to gather baseline data of our group's overall at risk health behaviors and to assist us in providing targeted intervention activities in our wellness program with the goal of ultimately reducing or eliminating the at risk behaviors identified. This tool not only provided valuable group health behavior data, but also gave employees resources and recommendations for improvement in any at risk behaviors revealed through the assessment, and it was free through our medical provider.
- Overall Group Score: 65 out of 100, and the norm group average score was 55. This score meant that 35% of the participant's total risk is avoidable as compared to 45% of the norm group's total risk and that's why wellness programs are so important, because employees can take charge of their own health and improve their at risk behaviors to avoid long-term health issues.



# CITY OF MAPLE GROVE WELLNESS PROGRAM

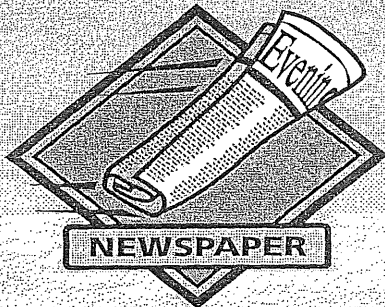
## Award Winning Program



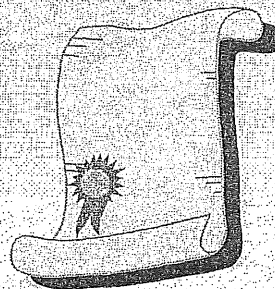
**Innovation in  
Prevention  
Award**  
*Presented by  
HHS Secretary  
Tommy  
Thompson*



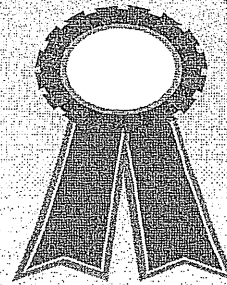
**Innovative  
Excellence  
Award**



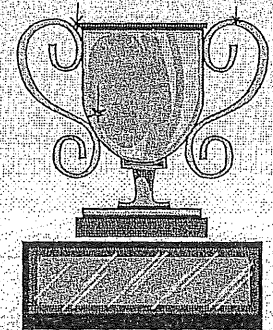
**Minneapolis  
Star Tribune**



**Working Family  
Support Award**



**Best Practices  
Award**



**People First Award**

Senators Marko, Higgins, Rest, Jungbach and Belanger introduced—

S.F. No. 2528: Referred to the Committee on State and Local Government Operations.

1.1 A bill for an act  
1.2 relating to governmental operations; creating a task force to study the use of credit  
1.3 and debit cards for payment of taxes, licenses, permits, and other statutory fees.

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

1.5 Section 1. CREDIT AND DEBIT CARD TASK FORCE.

1.6 Subdivision 1. Creation of task force; membership. There is created a task force  
1.7 to study the use of credit and debit cards for in-person transactions with state and local  
1.8 governments where payment is for taxes, licenses, permits, or other statutory fees. The  
1.9 membership of the task force shall consist of:

- 1.10 (1) the commissioner of public safety or a designee;
- 1.11 (2) the commissioner of natural resources or a designee;
- (3) the commissioner of finance or a designee;
- 1.13 (4) a representative designated by the League of Minnesota Cities;
- 1.14 (5) a representative designated by the Association of Minnesota Counties; and
- 1.15 (6) a representative designated by the Minnesota Deputy Registrar Association.

1.16 Subd. 2. Task force duties; report. The commissioner of public safety or a  
1.17 designee shall call for the time and place of the first meeting of the task force. The task  
1.18 force shall elect a permanent chair from among its members. The task force shall study the  
1.19 advantages and disadvantages of the use of credit and debit cards for in-person transactions  
1.20 with state and local government from both the government's and the consumer's point of  
1.21 view. The task force shall identify options to facilitate the use of credit and debit cards for  
1.22 in-person transactions and identify the fiscal impacts of those options. The task force shall  
1.23 solicit testimony from representatives of state and local government, consumers, and the  
1.24 credit card industry. The task force shall report its findings and recommendations to the

2.1 2007 legislature as provided for in Minnesota Statutes, section 3.195. The report shall  
2.2 also be provided to the chairs of the senate committee on state and local government  
2.3 operations, the house of representatives committee on local government, and the house of  
2.4 representatives committee on governmental operations and veterans affairs.

2.5 **Sec. 2. EFFECTIVE DATE.**

2.6 Section 1 is effective the day following final enactment.

1.1 Senator Marko..... moves to amend S.F. No. 2528 as follows:

1.2 Page 1, line 14, delete "and"

1.3 Page 1, line 15, before the period, insert "; and

.4 (7) a representative designated by the Minnesota State Association of County

1.5 Auditors, Treasurers, and Finance Officers"

1.1 **Senator Higgins from the Committee on State and Local Government**  
1.2 **Operations, to which was referred**

3  
1.5 **S.F. No. 2528:** A bill for an act relating to governmental operations; creating a task force to study the use of credit and debit cards for payment of taxes, licenses, permits, and other statutory fees.

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

1.7 Page 1, line 14, delete "and"

1.8 Page 1, line 15, delete the period and insert "; and"

1.9 Page 1, after line 15, insert:

1.10 "(7) a representative designated by the Minnesota State Association of County  
1.11 Auditors, Treasurers, and Finance Officers."

1.12 And when so amended the bill do pass. Amendments adopted. Report adopted.

3  
1.14   
(Committee Chair)

1.15 March 20, 2006 .....  
1.16 (Date of Committee recommendation)

Senator Higgins introduced—

S.F. No. 3099: Referred to the Committee on State and Local Government Operations.

A bill for an act  
relating to public safety; making the chair of the Metropolitan Council or  
designee a member of the Statewide Radio Board; amending Minnesota Statutes  
2005 Supplement, section 403.36, subdivision 1.

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

Section 1. Minnesota Statutes 2005 Supplement, section 403.36, subdivision 1, is amended to read:

Subdivision 1. **Membership.** (a) The commissioner of public safety shall convene and chair the Statewide Radio Board to develop a project plan for a statewide, shared, trunked public safety radio communication system. The system may be referred to as "Allied Radio Matrix for Emergency Response," or "ARMER."

(b) The board consists of the following members or their designees:

- (1) the commissioner of public safety;
- (2) the commissioner of transportation;
- (3) the state chief information officer;
- (4) the commissioner of natural resources;
- (5) the chief of the Minnesota State Patrol;
- (6) the commissioner of health;
- (7) the commissioner of finance;
- (8) the chair of the Metropolitan Council;

~~(8)~~ (9) two elected city officials, one from the nine-county metropolitan area and one from Greater Minnesota, appointed by the governing body of the League of Minnesota Cities;

2.1           ~~(9)~~ (10) two elected county officials, one from the nine-county metropolitan area  
2.2 and one from Greater Minnesota, appointed by the governing body of the Association  
2.3 of Minnesota Counties;

2.4           ~~(10)~~ (11) two sheriffs, one from the nine-county metropolitan area and one  
2.5 from Greater Minnesota, appointed by the governing body of the Minnesota Sheriffs'  
2.6 Association;

2.7           ~~(11)~~ (12) two chiefs of police, one from the nine-county metropolitan area and one  
2.8 from Greater Minnesota, appointed by the governor after considering recommendations  
2.9 made by the Minnesota Chiefs' of Police Association;

2.10          ~~(12)~~ (13) two fire chiefs, one from the nine-county metropolitan area and one from  
2.11 Greater Minnesota, appointed by the governor after considering recommendations made  
2.12 by the Minnesota Fire Chiefs' Association;

2.13          ~~(13)~~ (14) two representatives of emergency medical service providers, one from the  
2.14 nine-county metropolitan area and one from Greater Minnesota, appointed by the governor  
2.15 after considering recommendations made by the Minnesota Ambulance Association;

2.16          ~~(14)~~ (15) the chair of the Metropolitan Radio Board; and

2.17          ~~(15)~~ (16) a representative of Greater Minnesota elected by those units of government  
2.18 in phase three and any subsequent phase of development as defined in the statewide,  
2.19 shared radio and communication plan, who have submitted a plan to the Statewide Radio  
2.20 Board and where development has been initiated.

2.21          (c) The Statewide Radio Board shall coordinate the appointment of board members  
2.22 representing Greater Minnesota with the appointing authorities and may designate the  
2.23 geographic region or regions from which an appointed board member is selected where  
2.24 necessary to provide representation from throughout the state.



Adopted

- 1.1 Senator Wergin moves to amend S.F. No. 3099 as follows:
- 1.2 Page 1, strike line 18
- 1.3 Page 1, line 19, strike "(7)" and insert "(6)"
- 1.4 Page 1, line 20, delete "(8)" and insert "(7)"
- 1.5 Page 1, line 21 reinstate the stricken language and delete the new language
- 1.6 Page 2, line 1, reinstate the stricken language and delete the new language
- 1.7 Page 2, line 4, reinstate the stricken language and delete the new language
- 1.8 Page 2, line 7, reinstate the stricken language and delete the new language
- 1.9 Page 2, line 10, reinstate the stricken language and delete the new language
- 1.10 Page 2, line 13, reinstate the stricken language and delete the new language
- 1.11 Page 2, line 16, reinstate the stricken language and delete the new language
- 2 Page 2, line 17, reinstate the stricken language and delete the new language

1.1 **Senator Higgins from the Committee on State and Local Government**  
1.2 **Operations, to which was referred**

1.5 **S.F. No. 3099:** A bill for an act relating to public safety; making the chair of the Metropolitan Council or designee a member of the Statewide Radio Board; amending Minnesota Statutes 2005 Supplement, section 403.36, subdivision 1.

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

1.7 Page 1, strike line 18

1.8 Page 1, line 19, strike "(7)" and insert "(6)"

1.9 Page 1, line 20, delete "(8)" and insert "(7)"

1.10 Page 1, line 21, reinstate the stricken language and delete the new language

1.11 Page 2, line 1, reinstate the stricken language and delete the new language

1.12 Page 2, line 4, reinstate the stricken language and delete the new language

1.13 Page 2, line 7, reinstate the stricken language and delete the new language

1.14 Page 2, line 10, reinstate the stricken language and delete the new language

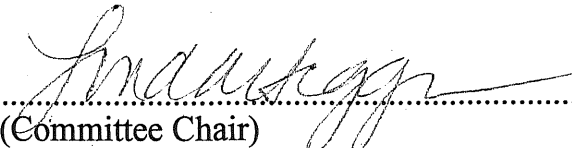
1.15 Page 2, line 13, reinstate the stricken language and delete the new language

1.16 Page 2, line 16, reinstate the stricken language and delete the new language

1.17 Page 2, line 17, reinstate the stricken language and delete the new language

1.18 Amend the title accordingly

1.19 And when so amended the bill do pass. Amendments adopted. Report adopted.

1.20   
1.21 (Committee Chair)

1.22 March 20, 2006 .....  
3 (Date of Committee recommendation)

# MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Alcohol  
and Gambling  
Enforcement

ARMER/911  
Program

Bureau of  
Criminal  
Apprehension

Driver  
and Vehicle  
Services

Homeland  
Security and  
Emergency  
Management

Minnesota  
State Patrol

Office of  
Communications

Office of  
Justice Programs

Office of  
Traffic Safety

State Fire  
Marshal and  
Pipeline Safety

## Office of the Commissioner

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www.dps.state.mn.us

March 17, 2006

Metropolitan Council  
Peter Bell, Chair  
230 East Fifth street  
St. Paul MN 55101-1626

Rc: SF3092/ HF3288

Dear Chairman Bell:

The Statewide Radio Board is charged with oversight and coordination of the implementation of a statewide interoperable public safety radio system in Minnesota, ARMER (Allied Radio Matrix for Emergency Response). I have appointed Assistant Commissioner Tim Leslie to chair that board on my behalf and we consider every member of the Statewide Radio Board to be important partners in achieving interoperable communication throughout the state of Minnesota.

Senate File 3092 and House File 3288 which are scheduled before your respective committees, provides for the addition of the Metropolitan Council to the Statewide Radio Board. In connection with this proposal, the Commissioner of Health has indicated her willingness to allow the chair of the Metropolitan Council to take her place. Although the department of Health has become a very important participant in the state's emergency planning efforts, they recognize that their interests and those of many other potential participants will be better served by the involvement of key system users such as the Metropolitan Council.

The balance between state and local representation upon the Statewide Radio Board was an important element of the boards make up. Since replacing the department of Health member with the chair of the Metropolitan Council maintains that balance and provides a member with a strong interest in the continued implementation of the ARMER system, I am in support of the proposed change.

Sincerely,

Michael Campion, Commissioner

## AGENCY INITIATIVE

# Add Metropolitan Council to the Statewide Radio Board

*Request: The Metropolitan Council requests legislation to be added as a member to the Statewide Radio Board.*

SF 3099 (Higgins) / HF 3288 (Holberg)

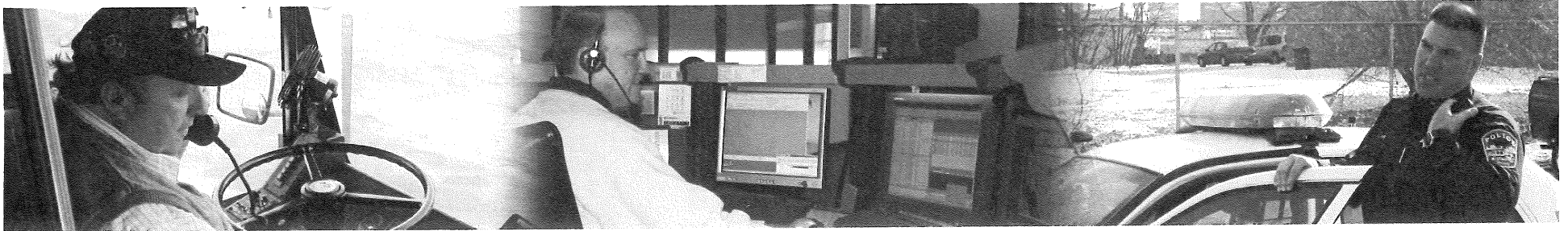
### Staff Contacts:

**Judd Schetnan**  
651-602-1142

**Vince Pellegrin**  
612-349-7511

## Why this legislation is needed

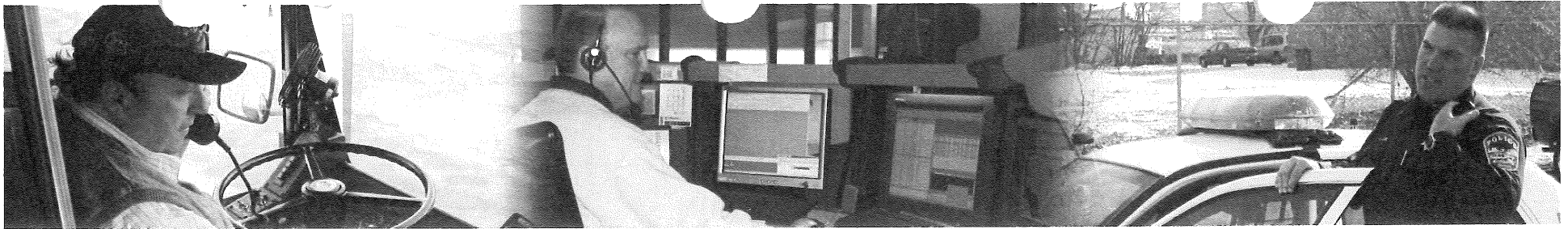
- Minnesota Statute 403.36 established the Statewide Radio Board in 2004.
- Prior to 2004, the Metropolitan Council was authorized to develop a metropolitan-wide public safety radio system (800MHZ radio system) so that public safety departments could efficiently communicate on radio channels.
- The creation of the Statewide Radio Board, under Minnesota Statute 403.36, allowed for the expansion of this 800MHz system into other areas of the state.
- This Statewide Radio Board includes public safety and local and state government organizations. The Metropolitan Council is asking to be added to this Board because of the impact that decisions made by this Board could have on the Council.
- In addition, the Council will provide to the Statewide Radio Board the benefit of its significant experience as a developer, funder and user of the radio system for the last 10 years.
- The Metropolitan Council operates the fourth largest public safety department (Metro Transit Police) in the State. Metro Transit Police is a heavy user of the radio system. In addition, the Council's Metro Mobility system uses the radio system. In fact, the Council pays 36.7% of all the fees collected for the system.
- The Metropolitan Council has made significant capital investments in the radio system. The Council provided \$3 million in funding for the first phase of the system and has invested over \$5 million in radios and \$20 million in computerized dispatching equipment to make our radio operations run efficiently with the 800MHz technology.
- Because the Metropolitan Council is such a heavy user of the radio system and our needs are unique due to the operation of a region-wide bus system and Metro Mobility, the agency seeks a seat on the Statewide Radio Board in order to represent our interests.
- This proposal to add the Metropolitan Council to the Statewide Radio Board has the support of the Minnesota Department of Public Safety.



# Statewide Radio Board Membership

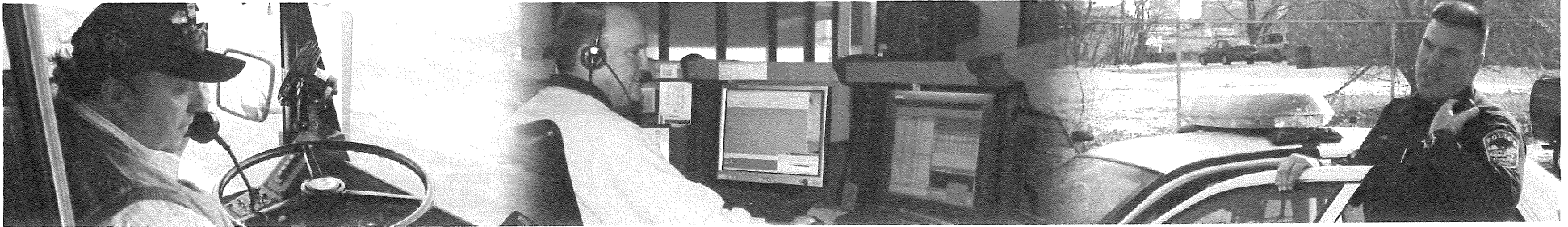
March 20, 2006  
Senate State and Local Government  
Operations Committee  
Chair, Senator Linda Higgins

Vince Pellegrin  
Chief Operating Officer  
Metro Transit



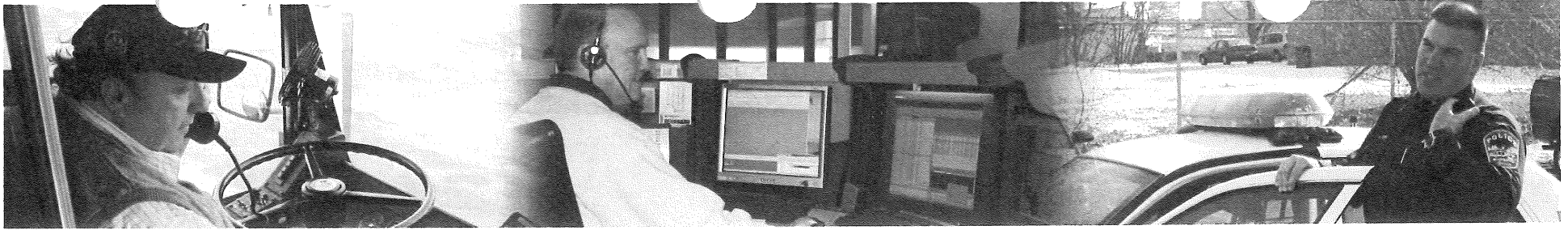
## Legislative Request

- Amend state law to include the Metropolitan Council as a member of the Statewide Radio Board.



## Rationale

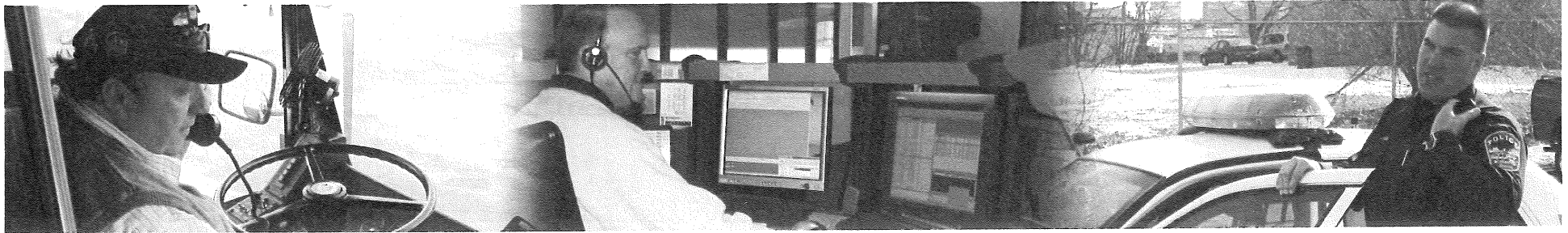
- Statewide role in disaster readiness, evacuation
- Experienced in design, system architecture
- Decade of expertise from user's perspective
- Excluded from metro regional board through bylaws.



## Voice of Experience

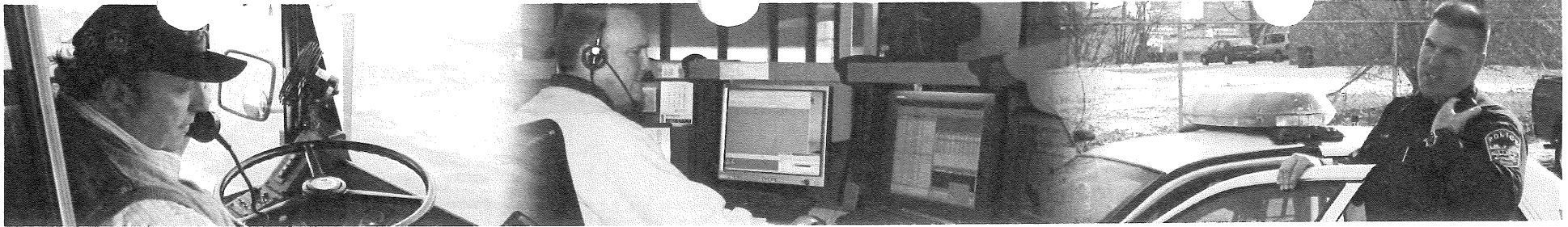
- Actively involved in 800MHz radio system since its inception in 1994
- Operates 1,400 radios -- 12.5% of all radios on the system





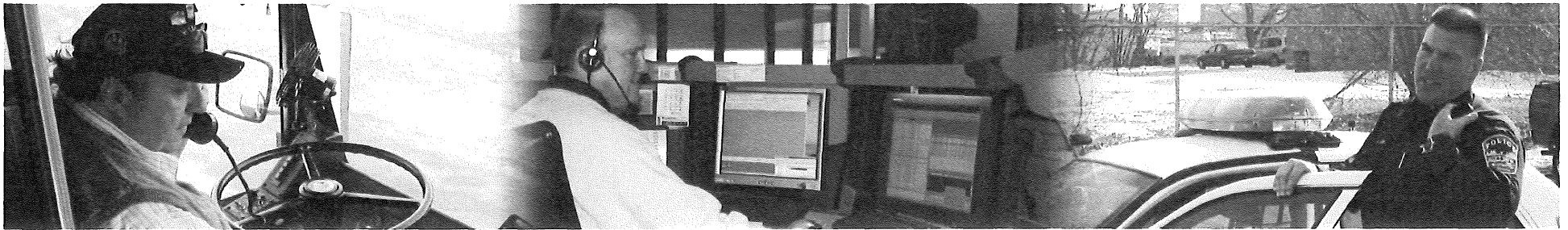
## Dual Focus

- **Public Safety** - public safety staff accountable for the protection of Council assets and 240,000 customers each day throughout region
- **Public Service** - 1,400 bus operators acting as front-line visual respondents with reporting/informant capabilities



## Investment History

- \$3 million to build out of the first phase of the system
- \$5.5 million in portable and mobile radios
- \$20 million to purchase and install Computer Aided Dispatch system



## Current Radio Board members

- State Departments (7 members)
- Minnesota Ambulance Ass'n. (2)
- Minnesota Chiefs of Police/ Fire Ass'n. (6)
- Greater MN/ Metro Area League of Cities (5)

**Senators Higgins, Fischbach, Robling, Berglin and Solon introduced—  
S.F. No. 3055: Referred to the Committee on Health and Family Security.**

1.1 A bill for an act  
1.2 relating to human services; changing a Council on Disability provision;  
1.3 amending Minnesota Statutes 2004, section 256.482, subdivision 8.

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

1.5 Section 1. Minnesota Statutes 2004, section 256.482, subdivision 8, is amended to read:

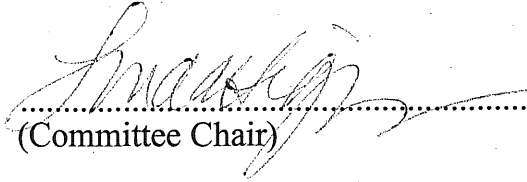
1.6 Subd. 8. **Sunset.** Notwithstanding section 15.059, subdivision 5, the Council on  
1.7 Disability shall not sunset until June 30, ~~2007~~ 2011.

1.8 **EFFECTIVE DATE.** This section is effective upon final enactment.

1.1 **Senator Higgins from the Committee on State and Local Government**  
 1.2 **Operations, to which was re-referred**

**S.F. No. 3055:** A bill for an act relating to human services; changing a Council on Disability provision; amending Minnesota Statutes 2004, section 256.482, subdivision 8.

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

1.7   
 1.8 (Committee Chair)

1.9 March 20, 2006 .....  
 1.10 (Date of Committee recommendation)

SF 3055



Minnesota State Council  
On Disability

**House of Representatives  
Health Policy and Finance Committee**

**Minnesota State Council on Disability**

Good Afternoon Senate members, thank you for inviting me to testify. My name is Joan Willshire, I am the Executive Director of the Minnesota State Council on Disability and I'm here today to briefly discuss S.F. 3055.

Established in 1973, the Minnesota State Council on Disability (MSCOD) is one of five state minority councils created as an advisory entity to the Governor, state legislature, state agencies and the public. MSCOD's charge is broad and as a result is the comprehensive disability resource for the Governor, lawmakers, state agencies, non-profits, businesses and individuals with disabilities.

Currently under state statute MSCOD's authorization will sunset on June 30, 2007. SF3055 will extend the sunset for another four years to allow the Council to continue its mission as an agency that advises, provides technical assistance, collaborates and advocates to expand opportunities, improve the quality of life and empower all persons with disabilities.

MSCOD provides valuable services to the customers it serves. MSCOD customers encapsulate a wide range of Minnesotans including:

**WE ARE THE RESOURCE FOR DISABILITY INFORMATION OFFERING THE  
DISABILITY PERSPECTIVE TO THE CUSTOMERS WE SERVE.**

In addition MSCOD provides the following services:

- Training to state agencies, employers and the public on disability related topics-last year the council sponsored a Emergency Preparedness conference for people with disabilities. It was the first of kind in the state and region
- Review disability issues and advise State and local government
- Promote coordinated and collaborative interagency efforts-currently the council is working on an interagency grant opportunity regarding employment for people with disabilities with the DHS and DEED.
- Provide Technical assistance and referrals- last year alone the council handled over 6000 calls with only five full time staff and 21 governor appointed board members. The issue areas we address most often on these calls are: Disability parking, building code as it relates to accessibility and discrimination issues.

- Collect, conduct and make disability-related research and statistics available to all customers-Last year in partnership with the Gov's Council on DD, DEED and the council, we sponsored an employer survey regarding attitudes of employers hiring people with disabilities which has become a valuable tool to our many partners both public and private.
- Produce Advisory recommendations for policies and programs that promote quality of life for people with disabilities-

This is just a small portion of what MSCOD has accomplished and will continue to do as our sunset is extended.

Again, thank you for allowing me to speak on behalf of the Council. Do you have any questions about the Council at this time.