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HOUSE FILE No. 1849

FIRST COMMITTEE ENGROSSMENT

March 18, 2009

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

Referred by Chair to Local Government Division.

March 30, 2009

Returned to the Committee on State and Local Government Operations Reform, Technology and Elections as Amended.

A bill for an act

relating to local government; removing, extending, or modifying certain mandates upon local governmental units; amending Minnesota Statutes 2008, sections 16C.28, subdivision 1a; 306.243, by adding a subdivision; 326B.145; 344.18; 365.28; 375.055, subdivision 1; 375.12, subdivision 2; 382.265; 383B.021; 384.151, subdivision 1a; 385.373, subdivision 1a; 386.015, subdivision 2; 387.20, subdivisions 1, 2; 415.11, by adding a subdivision; 429.041, subdivisions 1, 2; 469.015; 473.862; 641.12, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 14; repealing Minnesota Statutes 2008, sections 373.42; 384.151, subdivisions 1, 3; 385.373, subdivisions 1, 3; 386.015, subdivisions 1, 4; 387.20, subdivision 4; 471.661.

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

Section 1. [14.128] EFFECTIVE DATE FOR RULES REQUIRING LOCAL IMPLEMENTATION.

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

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

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

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

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

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

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

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

2.9 Sec. 2. Minnesota Statutes 2008, section 16C.28, subdivision 1a, is amended to read:

2.10 Subd. 1a. **Establishment and purpose.** (a) The state recognizes the importance of
2.11 the inclusion of a best value contracting system for construction as an alternative to the
2.12 current low-bid system of procurement. In order to accomplish that goal, state and local
2.13 governmental entities shall be able to choose the best value system in different phases.

2.14 (b) "Best value" means the procurement method defined in section 16C.02,
2.15 subdivision 4a.

2.16 (c) The following entities are eligible to participate in phase I:

2.17 (1) state agencies;

2.18 (2) counties;

2.19 (3) cities; and

2.20 (4) school districts with the highest 25 percent enrollment of students in the state.

2.21 Phase I begins on July 1, 2007.

2.22 (d) The following entities are eligible to participate in phase II:

2.23 (1) those entities included in phase I; and

2.24 (2) school districts with the highest 50 percent enrollment of students in the state.

2.25 Phase II begins two years from July 1, 2007.

2.26 (e) The following entities are eligible to participate in phase III:

2.27 (1) all entities included in phases I and II; and

2.28 (2) all other townships, school districts, and political subdivisions in the state.

2.29 Phase III begins three years from July 1, 2007.

2.30 ~~(f) The commissioner or any agency for which competitive bids or proposals are~~
2.31 ~~required may not use best value contracting as defined in section 16C.02, subdivision 4a,~~
2.32 ~~for more than one project annually, or 20 percent of its projects, whichever is greater, in~~
2.33 ~~each of the first three fiscal years in which best value construction contracting is used.~~

3.1 Sec. 3. Minnesota Statutes 2008, section 306.243, is amended by adding a subdivision
3.2 to read:

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

3.6 Sec. 4. Minnesota Statutes 2008, section 326B.145, is amended to read:

3.7 **326B.145 ANNUAL REPORT.**

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

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

3.14 (2) the amount of building permit fees, plan review fees, administrative fees,
3.15 engineering fees, infrastructure fees, and other construction and development-related
3.16 fees; and

3.17 (3) the expenses associated with the municipal activities for which fees were
3.18 collected.

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

3.22 Sec. 5. Minnesota Statutes 2008, section 344.18, is amended to read:

3.23 **344.18 COMPENSATION OF VIEWERS.**

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

4.1 Sec. 6. Minnesota Statutes 2008, section 365.28, is amended to read:

4.2 **365.28 PUBLIC BURIAL GROUND IS TOWN'S AFTER TEN YEARS.**

4.3 A tract of land in a town becomes town property after it has been used as a public
4.4 burial ground for ten years if the tract is not owned by a cemetery association. The town
4.5 board shall control the burial ground as it controls other town cemeteries. A town that
4.6 has accepted responsibility for an abandoned cemetery may prohibit further burials in the
4.7 abandoned cemetery, and may cease all acceptance of responsibility for new burials.

4.8 Sec. 7. Minnesota Statutes 2008, section 375.055, subdivision 1, is amended to read:

4.9 Subdivision 1. **Fixed by county board.** (a) The county commissioners in all
4.10 counties, except Hennepin and Ramsey, shall receive as compensation for services
4.11 rendered by them for their respective counties, annual salaries and in addition may receive
4.12 per diem payments and reimbursement for necessary expenses in performing the duties of
4.13 the office as set by resolution of the county board. The salary and schedule of per diem
4.14 payments shall not be effective until January 1 of the next year. The resolution shall
4.15 contain a statement of the new salary on an annual basis. The board may establish a
4.16 schedule of per diem payments for service by individual county commissioners on any
4.17 board, committee, or commission of county government including committees of the
4.18 board, or for the performance of services by individual county commissioners when
4.19 required by law. In addition to its publication in the official newspaper of the county as
4.20 part of the proceedings of the meeting of the county board, the resolution setting the salary
4.21 and schedule of per diem payments shall be published in one other newspaper of the
4.22 county, if there is one located in a different municipality in the county than the official
4.23 newspaper. The salary of a county commissioner or the schedule of per diem payments
4.24 shall not change except in accordance with this subdivision.

4.25 (b) Notwithstanding paragraph (a), a resolution adopted by the county board to
4.26 decrease commissioners' salaries or per diem payments may take effect at any time.

4.27 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.28 Sec. 8. Minnesota Statutes 2008, section 375.12, subdivision 2, is amended to read:

4.29 Subd. 2. **Small claims totaled.** Individualized itemized accounts, claims or
4.30 demands allowed by the county board pursuant to section 471.38, subdivision 1, need not
4.31 be published pursuant to subdivision 1, if the amount allowed from each claim is ~~\$300~~
4.32 \$2,000 or less. The official proceedings following the itemization of accounts required

5.1 shall contain a statement showing the total number of claims that did not exceed ~~\$300~~
5.2 \$2,000 and their total dollar amount.

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

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

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

5.24 Sec. 10. Minnesota Statutes 2008, section 383B.021, is amended to read:

5.25 **383B.021 COMPENSATION.**

5.26 No per diem payment shall be allowed county board members for service on the
5.27 county board or any other county body. County board members shall pay for parking in
5.28 county owned parking facilities where payment is required. County board members may
5.29 be allowed mileage for use of their personal automobile at a rate per mile.

5.30 The Hennepin County board may set the salary of board members by resolution
5.31 limited to that subject. The salary must be stated as a fixed dollar amount. Adjustments
5.32 in commissioners' salaries shall be adopted by the county board by resolution prior to a
5.33 general election to take effect January 1 of the succeeding year, except that a resolution
5.34 adopted by the county board to decrease commissioners' salaries may take effect at any

6.1 time. Any resolution that makes an adjustment must state the change and the resulting
6.2 salary for a member as fixed dollar amounts.

6.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

6.4 Sec. 11. Minnesota Statutes 2008, section 384.151, subdivision 1a, is amended to read:

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

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

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

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

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

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

6.24 Sec. 12. Minnesota Statutes 2008, section 385.373, subdivision 1a, is amended to read:

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

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

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

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

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

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

7.9 Sec. 13. Minnesota Statutes 2008, section 386.015, subdivision 2, is amended to read:

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

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

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

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

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

7.25 ~~(f)~~ (e) In the event that duties are assigned to the county recorder which are in
7.26 addition to duties as county recorder, additional compensation may be provided for
7.27 the additional duties. The county board by resolution shall determine the additional
7.28 compensation which shall be paid and specify the duties for which the additional
7.29 compensation is to be paid.

7.30 Sec. 14. Minnesota Statutes 2008, section 387.20, subdivision 1, is amended to read:

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

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

8.6 ~~(b)~~ (a) In addition to ~~such~~ the sheriff's salary ~~each~~, the sheriff shall be reimbursed for
8.7 all expenses incurred in the performance of official duties for the sheriff's county and the
8.8 claim for ~~such~~ the expenses shall be prepared, allowed, and paid in the same manner as
8.9 other claims against counties are prepared, allowed, and paid except that the expenses
8.10 incurred by ~~such~~ the sheriffs in the performance of service required of them in connection
8.11 with insane persons either by a district court or by law and a per diem for deputies and
8.12 assistants necessarily required under ~~such~~ the performance of ~~such~~ the services shall be
8.13 allowed and paid as provided by the law regulating the apprehension, examination, and
8.14 commitment of insane persons; provided that any sheriff or deputy receiving an annual
8.15 salary shall pay over any per diem received to the county in the manner and at the time
8.16 prescribed by the county board, but not less often than once each month.

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

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

8.24 Sec. 15. Minnesota Statutes 2008, section 387.20, subdivision 2, is amended to read:

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

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

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

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

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

9.6 Sec. 16. Minnesota Statutes 2008, section 415.11, is amended by adding a subdivision
9.7 to read:

9.8 Subd. 3. **Temporary reductions.** Notwithstanding subdivision 2 or a charter
9.9 provision to the contrary, the governing body may enact an ordinance to take effect before
9.10 the next succeeding municipal election that reduces the salaries of the members of the
9.11 governing body. The ordinance shall be in effect for 12 months, unless another period of
9.12 time is specified in the ordinance, after which the salary of the members reverts to the
9.13 salary in effect immediately before the ordinance was enacted.

9.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

9.15 Sec. 17. Minnesota Statutes 2008, section 429.041, subdivision 1, is amended to read:

9.16 Subdivision 1. **Plans and specifications, advertisement for bids.** When the
9.17 council determines to make any improvement, it shall let the contract for all or part of
9.18 the work, or order all or part of the work done by day labor or otherwise as authorized by
9.19 subdivision 2, no later than one year after the adoption of the resolution ordering such
9.20 improvement, unless a different time limit is specifically stated in the resolution ordering
9.21 the improvement. The council shall cause plans and specifications of the improvement
9.22 to be made, or if previously made, to be modified, if necessary, and to be approved and
9.23 filed with the clerk, and if the estimated cost exceeds ~~\$50,000~~ the amount in section
9.24 471.345, subdivision 3, shall advertise for bids for the improvement in the newspaper and
9.25 such other papers and for such length of time as it may deem advisable. If the estimated
9.26 cost exceeds ~~\$100,000~~ twice the amount in section 471.345, subdivision 3, publication
9.27 shall be made no less than three weeks before the last day for submission of bids once
9.28 in the newspaper and at least once in either a newspaper published in a city of the first
9.29 class or a trade paper. To be eligible as such a trade paper, a publication shall have all
9.30 the qualifications of a legal newspaper except that instead of the requirement that it shall
9.31 contain general and local news, such trade paper shall contain building and construction
9.32 news of interest to contractors in this state, among whom it shall have a general circulation.
9.33 The advertisement shall specify the work to be done, shall state the time when the bids
9.34 will be publicly opened for consideration by the council, which shall be not less than ten

10.1 days after the first publication of the advertisement when the estimated cost is less than
10.2 ~~\$100,000~~ twice the amount in section 471.345, subdivision 3, and not less than three
10.3 weeks after such publication in other cases, and shall state that no bids will be considered
10.4 unless sealed and filed with the clerk and accompanied by a cash deposit, cashier's check,
10.5 bid bond, or certified check payable to the clerk, for such percentage of the amount of the
10.6 bid as the council may specify. In providing for the advertisement for bids the council
10.7 may direct that the bids shall be opened publicly by two or more designated officers or
10.8 agents of the municipality and tabulated in advance of the meeting at which they are to
10.9 be considered by the council. Nothing herein shall prevent the council from advertising
10.10 separately for various portions of the work involved in an improvement, or from itself,
10.11 supplying by such means as may be otherwise authorized by law, all or any part of the
10.12 materials, supplies, or equipment to be used in the improvement or from combining two or
10.13 more improvements in a single set of plans and specifications or a single contract.

10.14 Sec. 18. Minnesota Statutes 2008, section 429.041, subdivision 2, is amended to read:

10.15 Subd. 2. **Contracts; day labor.** In contracting for an improvement, the council shall
10.16 require the execution of one or more written contracts and bonds, conditioned as required
10.17 by law. The council shall award the contract to the lowest responsible bidder or it may
10.18 reject all bids. If any bidder to whom a contract is awarded fails to enter promptly into
10.19 a written contract and to furnish the required bond, the defaulting bidder shall forfeit to
10.20 the municipality the amount of the defaulter's cash deposit, cashier's check, bid bond, or
10.21 certified check, and the council may thereupon award the contract to the next lowest
10.22 responsible bidder. When it appears to the council that the cost of the entire work projected
10.23 will be less than ~~\$50,000~~ the amount in section 471.345, subdivision 3, or whenever no
10.24 bid is submitted after proper advertisement or the only bids submitted are higher than
10.25 the engineer's estimate, the council may advertise for new bids or, without advertising
10.26 for bids, directly purchase the materials for the work and do it by the employment of day
10.27 labor or in any other manner the council considers proper. The council may have the
10.28 work supervised by the city engineer or other qualified person but shall have the work
10.29 supervised by a registered engineer if done by day labor and it appears to the council that
10.30 the entire cost of all work and materials for the improvement will be more than ~~\$25,000~~
10.31 the lowest amount in section 471.345, subdivision 4. In case of improper construction
10.32 or unreasonable delay in the prosecution of the work by the contractor, the council may
10.33 order and cause the suspension of the work at any time and relet the contract, or order
10.34 a reconstruction of any portion of the work improperly done, and where the cost of

11.1 completion or reconstruction necessary will be less than ~~\$50,000~~ the amount in section
11.2 471.345, subdivision 3, the council may do it by the employment of day labor.

11.3 Sec. 19. Minnesota Statutes 2008, section 469.015, is amended to read:

11.4 **469.015 LETTING OF CONTRACTS; PERFORMANCE BONDS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13.18 Sec. 20. Minnesota Statutes 2008, section 473.862, is amended to read:

13.19 **473.862 METRO COUNTIES OTHER THAN HENNEPIN, RAMSEY,**
13.20 **ANOKA, AND DAKOTA.**

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

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

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

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

13.30 Subd. 2. **Towns with no plan by 1976.** Each county other than Hennepin ~~and~~,
13.31 Ramsey, Anoka, and Dakota shall prepare, with the participation and assistance of the
13.32 town, the comprehensive plan for any town within the county which fails by December
13.33 31, 1976, to take action by resolution pursuant to section 473.861, subdivision 2 and shall
13.34 prepare all or part of any plan delegated to it pursuant to section 473.861, subdivision 2.

14.1 Subd. 3. **Towns that cannot plan.** Each county other than Hennepin ~~and~~² Ramsey,
14.2 Anoka, and Dakota shall prepare, with the participation and assistance of the town, the
14.3 comprehensive plan for each town within the county not authorized to plan under sections
14.4 462.351 to 462.364, or under special law.

14.5 Sec. 21. Minnesota Statutes 2008, section 641.12, subdivision 1, is amended to read:

14.6 Subdivision 1. **Fee.** A county board may require that each person who is booked for
14.7 confinement at a county or regional jail, and not released upon completion of the booking
14.8 process, pay a fee ~~of up to \$10~~ to the sheriff's department of the county in which the jail
14.9 is located to cover costs incurred by the county in the booking of that person. The fee
14.10 is payable immediately from any money then possessed by the person being booked, or
14.11 any money deposited with the sheriff's department on the person's behalf. If the person
14.12 has no funds at the time of booking or during the period of any incarceration, the sheriff
14.13 shall notify the district court in the county where the charges related to the booking are
14.14 pending, and shall request the assessment of the fee. Notwithstanding section 609.10 or
14.15 609.125, upon notification from the sheriff, the district court must order the fee paid to the
14.16 sheriff's department as part of any sentence or disposition imposed. If the person is not
14.17 charged, is acquitted, or if the charges are dismissed, the sheriff shall return the fee to the
14.18 person at the last known address listed in the booking records.

14.19 Sec. 22. **REPEALER.**

14.20 Minnesota Statutes 2008, sections 373.42; 384.151, subdivisions 1 and 3; 385.373,
14.21 subdivisions 1 and 3; 386.015, subdivisions 1 and 4; 387.20, subdivision 4; and 471.661,
14.22 are repealed.