

House Research Act Summary

CHAPTER: 152

SESSION: 2009 Regular Session

TOPIC: Local government mandate relief

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Overview

This law is a collection of changes to laws that are intended to provide mandate relief and save local governments some expense in time or money. Except where otherwise stated, the law is effective August 1, 2009.

Section

- 1** **Effective date for rules requiring local implementation.** Provides two set times a year for rules to take effect if they would require a local government to make a plan or ordinance change, with exceptions.
 - Subd. 1. Determination.** Requires a state agency to determine if a local government (city, county, town) will be required to adopt or amend a local regulation to comply with a proposed rule. Provides for the administrative law judge to approve or disapprove.
 - Subd. 2. Effective dates.** Provides that a rule becomes effective the next July 1 or January 1, or a later date provided by the law or rule, after final adoption if it requires a new or amended local regulation.
 - Subd. 3. Exceptions.** Provides that the effective dates in subdivision 2 do not apply when the good cause exemption, expedited rulemaking process, or process for repealing obsolete rules apply, or when any other law specifies that the rulemaking process in chapter 14 does not apply; if federal law requires an effective date before the dates in subdivision 2; or the governor waives application of subdivision 2.
- 2** **Filing fees; allocations.** Permits vehicle registration fees to be paid by credit or debit card and allows deputy registrars to collect a surcharge on the fee to cover the cost of processing a credit or debit card transaction, in accordance with emergency rules established by the

commissioner of public safety. Effective for fees collected after July 1, 2009.

- 3 **Abandonment; end of operation as cemetery (county).** Permits a county that has accepted responsibility for an abandoned cemetery to cease acceptance of responsibilities for new burials in the cemetery.
- 4 **Annual report (development fees).** Temporarily increases the annual threshold amount of construction and development related fees collected by a municipality, above which a report must be made to the Department of Labor and Industry, from \$5,000 to \$10,000. The threshold increase is effective for reports due June 30, 2009, to June 30, 2013.
- 5 **Qualification (legal newspapers).** Lowers the minimum circulation from 500 to 400 copies regularly delivered to paying subscribers or regularly distributed without charge to local residents in order for a newspaper to be eligible to publish public notices as a qualified newspaper.
- 6 **Compensation of viewers (fence viewing).** Strikes the \$60 cap on compensation for fence viewers and allows a town board to recover all costs. The language is based on the damages provision in the law governing establishment of cartways.
- 7 **Public burial ground is town's after ten years.** Permits a town that has accepted responsibility for an abandoned cemetery to cease acceptance of responsibility for new burials in it.
- 8 **Fixed by county board (commissioner salaries).** Permits a county resolution to reduce county commissioner salaries to take effect at any time. Effective May 23, 2009.
- 9 **Small claims totaled (county publication).** Increases the threshold amount for an individual claim to be published by the county from \$300 to \$2,000. A claim is a demand by any person or entity for payment by the county for property or services provided to the county. This section of law was added in 1979 and the threshold amount was \$100. The amount was increased in 2004 to \$300.
- 10 **Clerk hire in certain counties.** Removes the appeal process for the county clerk.
- 11 **Hennepin County commissioner compensation.** Permits a county resolution to reduce county commissioner salaries to take effect at any time. Effective May 23, 2009.
- 12 **Implementation (county auditor salary).** Removes the minimum salary provisions relating to the county auditor. See also repealer. Under another subdivision in the same section of statute, the county officer can appeal to the district court if dissatisfied with the action of the county board in setting the amount of the officer's salary or budget for the office, on the grounds that the determination of the county board in setting the salary or budget was arbitrary, capricious, oppressive or without sufficiently taking into account the extent of the responsibilities and duties of said office, and the officer's experience, qualifications, and performance.
- 13 **Implementation (county treasurer salary).** Same as section 12, but for the county treasurer.
- 14 **Board's salary procedure (county recorder).** Same as for section 12, but for the county recorder.

- 15 Counties under 75,000 (sheriff salary).** Same as for section 12, but for the sheriff.
- 16 Board procedure, details (sheriff salary).** See section 15.
- 17 Temporary reduction (city council member salaries).** Permits a city council to immediately reduce council member salaries, effective for 12 months, unless another period of time is specified in the ordinance. Effective May 23, 2009.
- 18 Plans and specifications, advertisement for bids.** Updates the threshold amounts for contracts and day labor under the special assessment statute by providing a cross-reference to the Uniform Municipal Contracting Law (UMCL).
- 19 Contracts; day labor.** Same as previous section.
- 20 Letting of contracts; performance bonds (HRA).** Same as previous section.
- 21 Out of state travel.** Eliminates the requirement that a local government review each year its policy governing out-of-state travel. Retains requirement to have a policy. This law was originally enacted in 2005.
- 22 Metro Counties (Metropolitan Land Planning Act).** Adds Anoka and Dakota counties to the metro counties that do not have to prepare a land-use plan for unincorporated territory within the county.
- 23 Fee.** Strikes the \$10 cap on booking fees and allows a county to recover actual costs of booking.
- 24 Record retention task force; report to legislature.** Directs the records retention task force of the Minnesota clerks and finance officers association, in conjunction with the Minnesota Historical Society, to study permanent record retention and make recommendations for methods and time frames for various classes of government records retention. Requires a report to appropriate legislative committees by February 15, 2010.
- 25 Repealer.** Repeals Minnesota Statutes, sections:
- 373.42, relating to county facilities group and a requirement that nonmetropolitan counties form a group and inventory all public buildings and facilities and their condition;
 - 384.151, subds. 1, 3, relating to county auditor minimum salaries;
 - 385.373, subds. 1, 3, relating to county treasurer minimum salaries;
 - 386.015, subds. 1, 4, relating to county recorder minimum salaries; and
 - 387.20, subd. 4, relating to county sheriff minimum salaries.