

HF3085 - 0 - Transit Ambassador Program; Admin Citations

Chief Author: **Brad Tabke**
 Committee: **Transportation Finance & Policy Division**
 Date Completed: **2/13/2020 11:18:40 AM**
 Lead Agency: **Metropolitan Council**
 Other Agencies:
 Natural Resources Dept Supreme Court

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology	X	
Local Fiscal Impact	X	

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2019	FY2020	FY2021	FY2022	FY2023
Metropolitan Council						
General Fund	-	-	-	1,908	4,389	
Supreme Court						
General Fund	-	-	6	8	10	
State Total						
General Fund	-	-	6	1,916	4,399	
Total	-	-	6	1,916	4,399	
Biennial Total			6		6,315	

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2019	FY2020	FY2021	FY2022	FY2023
Metropolitan Council					
General Fund	-	-	-	25	61
Supreme Court					
General Fund	-	-	-	-	-
Total	-	-	-	25	61

Lead LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Laura Cecko **Date:** 2/13/2020 11:18:40 AM
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State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
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Metropolitan Council						
General Fund		-	-	-	1,908	4,389
Supreme Court						
General Fund		-	-	6	8	10
Total		-	-	6	1,916	4,399
Biennial Total				6		6,315
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Metropolitan Council						
General Fund		-	-	-	1,908	4,389
Supreme Court						
General Fund		-	-	-	-	-
Total		-	-	-	1,908	4,389
Biennial Total				-		6,297
2 - Revenues, Transfers In*						
Metropolitan Council						
General Fund		-	-	-	-	-
Supreme Court						
General Fund		-	-	(6)	(8)	(10)
Total		-	-	(6)	(8)	(10)
Biennial Total				(6)		(18)

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 Agency: **Metropolitan Council**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		
	X	

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State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2019	FY2020	FY2021	FY2022	FY2023
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Total	-	-	-	1,908	4,389	
Biennial Total			-			6,297

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2019	FY2020	FY2021	FY2022	FY2023
General Fund	-	-	-	25	61
Total	-	-	-	25	61

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Laura Cecko **Date:** 2/13/2020 11:18:30 AM
Phone: 651-284-6543 **Email:** laura.cecko@lbo.leg.mn

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Biennial Total				-		6,297
1 - Expenditures, Absorbed Costs*, Transfers Out*						
General Fund	-	-	-	-	1,908	4,389
Total		-	-	-	1,908	4,389
Biennial Total				-		6,297
2 - Revenues, Transfers In*						
General Fund	-	-	-	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-

Bill Description

Transit Ambassador Program; Admin Citations:

By January 1, 2022 the Council must implement a transit rider experience program for transit ambassadors, fare payment inspection and administrative citations

1) In implementing the program, the Council must include:

- a) Adopt a resolution that established the program, and establishes fine amounts
- b) Establish policies and procedures that govern:
 - i. Transit Ambassadors
 - ii. Issuing Administrative Citations
 - iii. Contesting Administrative Citations

c) Consult with interested stakeholders on the design of the program

d) Develop a transit ambassador recruitment plan

2) Administrative Citations Authority/Issuance

- a. Transit Agency has authority to issue under section 609.855 subdivision 1
- b. Administrative Citation must include:
 - i. Notification the person has the right to contest the citation
 - ii. Basic Procedure for contesting the citation
 - iii. Information on timelines/consequences for not contesting citation
 - iv. Council must not mandate quota for issues of administrative citations

3) Administrative Citation Disposition

- a. 90 Days to pay fine/contest/or subject to collections
- b. Council must have a civil process for contest before neutral third party
- c. Council may contract with credit bureau, public private collection agencies, Dept of Revenue, other collection services as necessary for the collection of fine debts. Can include Council collection costs

4) Administrative Citation Penalty

- a. No Less than \$35 and no more than \$100
- b. Council may adopt a graduated structure that increases the fine amount for second and subsequent violations
- c. Council may adopt an alternative resolution procedure in lieu of paying the fine, for first offenses
- d. Fines collected, separate account, used to cover the costs of the program

5) Fare Inspection Goal

- a. Council must establish a goal beginning January 1, 2024 to inspect fare compliance for at least ten percent of riders on transit routes that use self- service barrier free fare collection

6) Legislative Report

- a. By January 15, 2023 and by January 15 each odd-numbered year thereafter, Council must submit report on the program to the legislature. Report must include:

- i. Overview of program structure and implementation
- ii. Activities of transit ambassadors
- iii. Analyze impacts of the program on fare compliance and customer experience for riders, including rates of fare violations
- iv. Identify Council performance compared to fare inspection goal
- v. Make recommendations for legislative changes.

7) Effective July 1, 2020 and applies to counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington

PETTY MISDEMEANOR

1) A person is guilty of a misdemeanor who intentionally obtains or attempts to obtain service from a provider of public transit.

2) A person who violates this subdivision must pay a fine of no more than \$10

3) Effective July 1, 2020 and applies to violations committed on or after that date

Assumptions

1) Citation Inspectors will be CSO's (Community Service Officers) or their equivalents. Allows Metro Transit to utilize employees who are not sworn police officers to inspect fares and issue citations

2) Assumption is the inspectors are full time fare inspectors with no other duties

- 3) Inspection staff will need 1 month of training prior to starting their duties
- 4) The Inspection positions have not yet been job grade classified or negotiated into labor contracts, so the actual rate of pay and benefits may vary from the rates used in the analysis
- 5) Administrative staff will be added December 1, 2021 to be trained for a January 1, 2022 program implementation. Staff will include Supervisors, Managers, and Data Analysts
- 6) The Total FTE's in SFY 2022 is 25 FTE's and is comprised of 20 CSO's and 5 Administrative Staff. The Total FTE's in SFY 2023 is 61 FTE's and is comprised of 53 CSO's and 8 Administrative Staff
- 7) The Transit Rider Experience Program assumes Metro Transit will phase in the increase in fare inspection to 10% by January 1, 2024
 - a. Fare inspection target of 5 percent from January 2022 to December 2022
 - b. Fare inspection target of 7.5% from January 2023 to December 2023
 - c. Fare inspection Target of 10% from January 2024 and after
- 8) Assumption staffing levels have been made to achieve the 10% fare compliance inspection level as of January 1, 2024. Any changes to levels or recommendations would be include in the Legislative Report due January 15, 2023 and by January 15 each odd-numbered year thereafter
- 9) Per Minnesota Statute 473.4051, Subdivision 2, state general fund appropriations are requested to cover 50% of those costs attributable to light rail (METRO Green and Blue Line) operations. The remaining 50% of light rail operations costs are assumed to be paid by the counties where services are located. The distribution of costs attributable to Northstar Commuter Rail and Orange Line are assumed to be the same as for light rail with the state general fund contributing 50% of those costs and the remainder paid by the counties hosting the service. The Counties Contributions would require re-negotiating of the Multi Year Master Funding Agreements and Annual Grant Agreements. General Fund appropriations are assumed to cover 100% of the costs attributable to bus operations

Expenditure and/or Revenue Formula

- 1) Inspectors have been costed using similar positions currently in place
- 2) Supervisor, Manager, Data Analysts have been costed using similar positions currently in place
- 3) Inspectors need 1 month of training prior to starting their duties
- 4) Administrative staff will be in place by December 1, 2021 for a planned program start of January 1, 2022
- 5) Total Program Costs include purchase of Fare Validator Equipment and E Citation Validators for the CSO's
- 6) The Local County Contributions would be from the Counties of Hennepin, Ramsey, Anoka and Sherburne
- 7) Metro Transit has calculated an estimate of the \$35 Administrative Citations to be collected in SFY 2022 and SFY 2023. In SFY 2022 the estimate is a total of 2,603 Administrative Citations to be collected for a total Citation Revenue of \$91,105. In SFY 2023 the estimate is a total of 5,027 Administrative Citations to be collected for a total Citation Revenue of \$175,945. These Administrative Citation Revenues are reflected in the Total Program Cost Recap below. The Administrative Citation Revenues collected will be maintained by the Council in a separate Account that is only used to cover the costs of the program

Total Program Cost Recap: This recaps the Total Program Cost, Counties Funding to the Council and Administrative Citation Revenues collected by the Council.

FY 2022

Total Program Cost: \$2,920,827

Total Local County Contribution: \$921,881

Total Administrative Citations: \$91,109

Total State Contribution: \$1,907,837

Total Metro Transit FTE's 25

FY 2023

Total Program Cost: \$6,067,493

Total Local County Contribution: \$1,502,650

Total Administrative Citations: \$175,990

Total State Contribution: \$4,388,853

Total Metro Transit FTE's 61

Long-Term Fiscal Considerations

The program will continue to ramp up beyond the horizon of this fiscal note, with incremental resources needed to achieve the targeted inspection rate from the State and local partners.

Local Fiscal Impact

Assumption is 50% of Light Rail (METRO Blue and Green Line), Northstar and Orange Line operations costs are to be paid by the Counties where the service is located. The Counties Contributions would require re-negotiating the Multi-year Master Funding Agreements and Annual Grant Agreements. The counties included are Hennepin, Ramsey, Anoka, and Sherburne.

References/Sources

Edwin Petrie, Metropolitan Council Metro Transit Finance Director (612-349-7624)

Agency Contact: Edwin Petrie (612-349-7624)

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HF3085 - 0 - Transit Ambassador Program; Admin Citations

Chief Author: **Brad Tabke**
 Committee: **Transportation Finance & Policy Division**
 Date Completed: **2/13/2020 11:18:40 AM**
 Agency: **Natural Resources Dept**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2019	FY2020	FY2021	FY2022	FY2023
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2019	FY2020	FY2021	FY2022	FY2023
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Jim Carlson **Date:** 2/13/2020 11:13:30 AM
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State Cost (Savings) Calculation Details

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*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2019	FY2020	FY2021	FY2022	FY2023
	Total	-	-	-	-	-
	Biennial Total			-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
	Total	-	-	-	-	-
	Biennial Total			-		-
2 - Revenues, Transfers In*						
	Total	-	-	-	-	-
	Biennial Total			-		-

Bill Description

The bill provides an administrative citation option for transit routes within the jurisdiction of the Met Council, reduces the criminal citation option from a misdemeanor to a petty misdemeanor penalty, and reduces the surcharge from \$75 to \$25 for the petty misdemeanor criminal citation option.

The bill does not change any of the specified surcharge amounts or surcharges for game and fish law violations, nor does it change the specified percentage for the peace officer training account in the game and fish fund for DNR.

Assumptions

The new administrative citations will not include a surcharge fee that will fund the peace officer training account. The number of fare evasion misdemeanor/petty misdemeanor transit citations would not change under this legislation. Therefore, we assume this bill will not change the DNR's distribution of these accounts.

Expenditure and/or Revenue Formula

None Identified.

Long-Term Fiscal Considerations

None identified.

Local Fiscal Impact

None.

References/Sources

None.

Agency Contact: Col Rodmen Smith, ENF Director 651/259-5042

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HF3085 - 0 - Transit Ambassador Program; Admin Citations

Chief Author: **Brad Tabke**
 Committee: **Transportation Finance & Policy Division**
 Date Completed: **2/13/2020 11:18:40 AM**
 Agency: **Supreme Court**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology	X	
Local Fiscal Impact		
	X	

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2019	FY2020	FY2021	FY2022	FY2023
General Fund	-	-	6	8	10	
Total	-	-	6	8	10	
Biennial Total			6		18	

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2019	FY2020	FY2021	FY2022	FY2023
General Fund	-	-	-	-	-
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Adam Blom **Date:** 2/12/2020 8:35:56 AM
Phone: 651-284-6542 **Email:** adam.blom@lbo.leg.mn

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2019	FY2020	FY2021	FY2022	FY2023
General Fund	-	-	-	6	8	10
Total		-	-	6	8	10
Biennial Total				6		18
1 - Expenditures, Absorbed Costs*, Transfers Out*						
General Fund	-	-	-	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
General Fund	-	-	-	(6)	(8)	(10)
Total		-	-	(6)	(8)	(10)
Biennial Total				(6)		(18)

Bill Description

HF 3085 amends section 357.021, subd. 6 by adding a new \$25 surcharge that applies when a person is convicted of violating section 609.855, subd. 1; amends section 357.021, subd. 7 by disbursing the new charge to the general fund; adds a new section, 473.4075, establishing a Transit Rider Experience Program and authorizing an administrative citation process; and amends the penalty for violation of section 609.855, subd. 1 from a misdemeanor to a petty misdemeanor and caps the amount of the fine that may be assessed to “no more than \$10.”

Sections 1, 2 and 4 are effective July 1, 2020 and apply to violations committed on or after that date. Section 3 is effective July 1, 2020 and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington. The Metropolitan Council must implement a Transit Rider Experience Program by January 1, 2022.

Assumptions

HF 3085 will not result in a change in the number of section 609.855, subdivision 1 charges that occur during the period from July 1, 2020 to the implementation of a Transit Rider Experience Program.

All persons who violate section 609.855, subd. 1 after the implementation of a Transit Rider Experience Program will be issued an administrative citation. There will be no charges for violation of section 609.855, subdivision 1 filed with the District Court after the implementation of a Transit Rider Experience Program.

On average for calendar years 2017-2019 there have been 1,363 cases a year in which there is a violation of section 609.855, subdivision 1; an average of 1,187 were payable cases, not requiring a court appearance. All cases were filed in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott or Washington County.

It is assumed that the decrease in cases charging violation of section 609.855, subdivision 1 will not result in a change in judge or staff need.

Effective January 1, 2009, 609.855, subdivision 1 has been a payable misdemeanor offense with a fine amount of \$100. Effective July 1, 2020, the payable fine amount for offenses that occur on and after that date will be \$10.

The \$10 fine will distribute as provided by applicable law. In Hennepin County offenses that occur within a municipality the fine will distribute 80% to the municipality that has prosecutorial authority and 20% to the state general fund. In Ramsey County offenses that occur with a municipality other than the City of St. Paul will distribute 50% to the municipality that has

prosecutorial authority and 50% to the state general fund. In all other counties, except Chisago County, offenses that occur within a municipality will distribute two thirds to the municipality with prosecutorial authority and one third to the state general fund. In all counties when prosecuted by the county attorney, all of the fine will distribute to the state general fund. It is assumed that section 299D.03, subd. 5(a) does not apply as citations for these violations are not issued by the State Patrol.

In addition to fine revenue, some municipalities also received prosecution costs.

When a person is convicted of more than one offense in a case, only one surcharge will be imposed in the case. If different surcharge amounts apply to different convictions in the case, then the highest applicable surcharge is applied. The \$25 surcharge will apply if the only conviction in the case is for violation of section 609.855, subdivision 1. The \$75 surcharge will apply when there is a conviction for violation of another non-parking offense in the case.

One hundred percent (100%) of the \$25 surcharge collected will be credited to the state general fund.

Surcharges do not apply in juvenile cases as juveniles are adjudicated guilty; they are not convicted.

The \$25 surcharge will not apply to administrative citations issued pursuant to section 473.4075, just as surcharges do not apply to administrative citations issued pursuant to section 169.999.

There will be a loss of surcharge revenue to the state general fund and to the peace officer training account in the game and fish fund.

The creation of the new \$25 surcharge will require changes to the case management system to enable the assessment of the new surcharge; the prioritization of surcharges when multiple apply to a case; and the distribution of the \$25 to Minnesota Management and Budget (MMB). The cost of updating the case management system can be absorbed.

Law library fee revenue to the county law libraries will be reduced on and after the implementation of a Transit Rider Experience Program.

Expenditure and/or Revenue Formula

Fine

It is estimated that fine revenue for offenses committed on or after July 1, 2020 and before the implementation of a Transit Rider Experience Program will be reduced by 90%. because of teh reduction in teh fine amount from \$100 to \$10.

Fine revenue collected for violations of section 609.855, subd. 1 was \$14,109 in FY2017, \$8,360 in FY2018, and \$6,397 in FY2019 for an average of \$9,622 per fiscal year.

Of this fine revenue, approximately \$2,233 was credited to the state general fund and \$7,389 was distributed to municipalities.

The estimated loss to the general fund per fiscal year is \$2,010 (\$2,233 times 90%).

As the fine reduction is effective on offenses that occur on and after July 1, 2020, the FY2021 the loss of revenue is discounted by three months.

\$2,010 divided by 12 months equals \$168 per month, rounded to the nearest dollar.

Lost fine revenue to the general fund in FY2021 is estimated at \$1,512 (\$168 times 9 months).

Lost fine revenue to the general fund in the first half of FY2022 is estimated at \$1,005 (\$2010 divided by 2).

Lost fine revenue to the general fund in the second half of FY2022 is estimated at \$1,061.

The total fine revenue loss to the general fund in FY2022 is estimated at \$2,066.

Loss of fine revenue to the general fund in FY2023 and each year thereafter is estimated to be \$2,233.

The loss of fine and prosecution cost revenue to municipalities is not calculated.

Surcharge

It is estimated that surcharge revenue for offenses committed on or after July 1, 2020 and before the implementation of a Transit Rider Experience Program will be reduced by two-thirds (2/3) from \$75 to \$25. Surcharge revenue collected for cases charging only a violation of section 609.855, subd. 1 was \$12,785 in FY2017, \$7,320 in FY2018, and \$4,995 in FY2019 for an average of \$ 8,367 per fiscal year.

Estimated loss of revenue is calculated as follows:

\$ 8,367 x 2/3 equals \$5,578.

As the new surcharge is effective on offenses that occur on and after July 1, 2020, the FY2021 loss of revenue is discounted by three months.

\$5,578 divided by 12 months equals \$466 lost revenue per month, rounded to the nearest dollar.

Lost surcharge revenue in FY2021 is estimated at \$4,194 (\$466 times 9 months).

Of this loss of surcharge revenue, 1% or \$42 is a loss to the Department of Natural Resources peace officer training account in the game and fish fund; and 99% or \$4,152 is a loss to the general fund.

Lost surcharge revenue in the first half of FY2022 is estimated at \$2,789 (\$5,578 divided by 2).

Of this loss of surcharge revenue, 1% or \$28 is a loss to the Department of Natural Resources peace officer training account in the game and fish fund; and 99% or \$2,761 is a loss to the general fund.

It is estimated that the loss of surcharge revenue for offenses committed on or after January 1, 2022, after implementation of the Transit Rider Experience Program is \$8,367 per fiscal year. In the second half of FY2022 the loss of surcharge revenue is calculated as follows:

\$8,367 divided by 12 months equals \$697.

\$466 times 3 months (for the first 3 months) equals \$1,398 plus \$697 times 3 months (for the second 3 months) equals \$2,091 for a total of \$3,489.

The total loss of surcharge revenue in FY2022 is \$6,278 (\$2,789 in the 1st half plus \$3,489 in the 2nd half).

Of this total loss of surcharge revenue in FY2022, 1% or \$63 is a loss to the Department of Natural Resources peace officer training account in the game and fish fund; and 99% or \$6,215 is a loss to the general fund.

The loss of surcharge revenue in FY2023 is \$8,367. Of this loss of revenue, 1% or \$84 is a loss to the Department of Natural Resources peace officer training account in the game and fish fund; and 99% or \$8,283 is a loss to the general fund.

In summary, the Surcharge revenue loss is:

Surcharge Distribution	FY2021	FY2022	FY2023
General Fund	- \$4,152	- \$6,215	- \$8,283
Game and Fish	- \$42	- \$63	- \$84
TOTAL	- \$4,194	- \$6,278	- \$8,367

Collective Revenue Loss to the General Fund:

General Fund	FY2021	FY2022	FY2023

Fine Revenue	- \$1,512	- \$2,066	- \$2,233
Surcharge Revenue	- \$4,152	- \$6,215	- \$8,283
TOTAL	- \$5,664	- \$8,281	- \$10,516

Long-Term Fiscal Considerations

Local Fiscal Impact

Fine revenue to municipalities will be reduced for section 609.855, subd. 1 offenses that occur on and after July 1, 2020, and before the implementation of a Transit Rider Experience Program. Fine revenue to municipalities will be eliminated for section 609.855, subd. 1 offenses that occur on and after the implementation of a Transit Rider Experience Program.

Law library fee revenue to the county law libraries will be reduced on and after the implementation of a Transit Rider Experience Program.

References/Sources

Agency Contact:

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