

House Research Act Summary

CHAPTER: 10

SESSION: 2001 First Special Session

TOPIC: State Government

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Overview

This is the omnibus State Government Finance bill. For a summary of appropriations, see the spreadsheet prepared by fiscal analyst Helen Roberts, at <http://www.house.leg.state.mn.us/fiscal/tracking.htm>

Article 1: Appropriations

- 1 **State government appropriations.** Explains that appropriations are for fiscal years 2002 and 2003, and are from the general fund, unless otherwise specified.
- 2 **Legislature.** Sets salaries for constitutional officers as a percentage of the governor's salary, effective in January, 2003: attorney general (95%); state auditor (85%); secretary of state (75%); lieutenant governor (65%). The governor's current salary is \$120,300. Provides that recommendations of the 2001 compensation council for constitutional officer and legislator salary increases must not take effect.

Creates a legislative work group including legislators and public television representatives. Requires the group to examine the best management structure and distribution format to provide gavel-to-gavel coverage of legislative sessions and hearings.

Requires the legislative coordinating commission or a joint subcommittee appointed by the commission to investigate ways in which house and senate public information offices might reduce costs and increase public awareness by consolidating some or all of their services.

Permits legislative appointing authorities to work with the department of employee relations to place legislative staff on temporary assignments in state agencies during the interim between the 2001 and 2002 legislative sessions.

- 3 **Governor and lieutenant governor.** Specifies an appropriation for expenses for which no other reimbursement is provided. Requires the commissioner of finance to report to the legislature on personnel costs incurred by the office of the governor and lieutenant governor that were supported by appropriations to other agencies.
- 4 **State auditor.**
- 5 **State treasurer.**
- 6 **Attorney general.**
- 7 **Secretary of state.** Specifies appropriation for UCC operations.
- 8 **Campaign finance and public disclosure board.**
- 9 **Investment board.**
- 10 **Administrative hearings.** Approves proposed fee increases for the office.
- 11 **Office of strategic and long-range planning.** Specifies appropriations for grants for: animal agriculture EIS, regional development commissions,, I-35W corridor planning. Requires the office to prepare urban rivers sustainable development draft guidelines, and to review and evaluate specified other topics relating to urban rivers. Requires the director to create a competition council to make recommendations related to competitive delivery of services or goods currently delivered by government.
- 12 **Administration.** Appropriates money from the unemployment insurance technology initiative account for a study of the unemployment insurance technology initiative project. Appropriates money for deposit in the technology enterprise fund, and states permissive uses of the money. Requires a supplemental evaluation, risk assessment, and risk management plan from the CriMNet system, with a report by March 15, 2002. Provides that new section 16E.0465 does not apply to the CriMNet system during the biennium ending June 30, 2003. Requires the office of technology to establish the state information architecture by March 1, 2002.
- Specifies appropriations for 911 operations. Provides that \$2 million of the balance in the state building code account in the special revenue fund as of July 1, 2001 is canceled to the general fund.
- Cancels the unexpended balance in the parking surcharge account to the general fund. Requires a study of allocation of parking spaces in the state office building parking ramp.
- Requires the commissioner and the capitol area architectural and planning board to investigate the possibility and advisability of locating a bookshop or gift shop in the capitol.
- Requires the management analysis division to: (1) report a plan for the amateur sports commission to operate without state subsidy; and (2) assess the feasibility of collecting fees for services provided by the state archaeologist.
- Specifies an appropriation for television and other transmission of legislative activities. Specifies public television matching grants and equipment grants. Specifies an appropriation for grants to noncommercial television stations for conversion to a digital broadcast signal. Provides that grants for digital conversion must not be distributed except under an agreement specifying uses of digital broadcast capability to serve state and local government in a manner consistent with project management analyses of the office of technology. Requires a station using from this appropriation for construction of a transmission tower to consult with public radio stations in the area to determine if they have a similar need, and if so, to complete a cost-benefit analysis to determine if it is more economically feasible to jointly construct the new tower. Specifies grants for radio and television stations.
- 13 **Capitol area architectural and planning board.** Provides that during the biennium, money received by the board from public agencies is appropriated to the board.

- 14 **Finance.** Requires the commissioners of administration and finance to study building projects authorized for state agencies, including an estimate of changes in operating costs to agencies related to the construction or major renovation of facilities authorized since 1996.
- 15 **Employee relations.** Specifies an appropriation for a grant to the government training service, and appropriation for the training and development resource center.
- 16 **Revenue.** Specifies appropriations for tax compliance initiatives, and requires reports relating to these initiatives. Specifies an appropriation for the legislative auditor to compare estimated and actual revenue collections, and requires a report.
- 17 **Military affairs.** Specifies fiscal year 2001 funding to pay higher than anticipated fuel costs. Specifies appropriations for operation and staffing of the Minnesota national guard youth camp at Camp Ripley, contingent on a match from other sources. Prohibits the department from selling or leasing land in Ramsey County to MnDOT, and from locating a joint or shared facility with MnDOT in Ramsey County.
- 18 **Veterans affairs.**
- 19 **Veterans of foreign wars.**
- 20 **Military order of the purple heart.**
- 21 **Disabled american veterans.**
- 22 **Gambling control.**
- 23 **Racing commission.**
- 24 **Board of the arts.** Requires the board to report to the legislature specified information for groups funded by the board which had annual operating expenses of \$500,000 or more.
- 25 **Minnesota humanities commission.** Requires the commission to develop a plan for selection of a Minnesota poet laureate.
- 26 **Tort claims.**
- 27 **Minnesota state retirement system.**
- 28 **Minneapolis employee retirement fund.**
- 29 **Police and fire amortization aid.**
- 30 **Board of government innovation and cooperation.**
- 31 **Lottery.** Appropriates money from the lottery prize fund to the commissioner of human services for a grant to reconstruct project turnabout in Granite Falls.
- 32 **Amateur sports.**
- 33 **General contingent accounts.**
- 34 **Effective date.** Provides that appropriations for fiscal year 2001 are effective the day following final enactment.

Article 2: State Government Operations

- 1 **Federal funds; budget request.** Under current law, in most circumstances a state agency may not spend federal money unless a request to spend it has been submitted to the legislature as part of a budget request. This section provides that the budget request must be submitted at least 20 days before the deadline set by the legislature for legislative budget committees to act on finance bills.
- 2 **Federal funds; state match.** References new procedures in this bill for approval of federal funds when there is no urgency and the legislature is not in session.
- 3 **Federal funds; change in purpose.** References new procedures in the bill for approval of federal funds when there is a change in purpose.

- 4 **Federal funds; increase in amount.** Provides that if a request to spend money is included in a governor's budget requests and approved, and the amount of money increases, the additional amount may be allotted when a revised requests is submitted and approved.
- 5 **Federal funds; interim urgencies.** Amends law dealing with interim request for urgent federal funds, to conform with changes in deadlines in section 2.
- 6 **Federal funds; LAC review.** Adds cross-references to new subdivisions, in section dealing with Legislative Advisory Commission review of requests for federal funds.
- 7 **Federal funds; interim non-urgencies.** Provides that if federal funds become available after the deadline for legislative consideration or while the legislature is not in session, and there is not an urgency, the commissioner of finance may submit the request to members of the Legislative Advisory Commission by October 1. If any member of the commission makes a negative recommendation or a recommendation for further review by October 20, the commissioner may not approve expenditure of the federal money. However, the request may be submitted to the full legislature the next year, in which case the process for approval of federal funds submitted as part of a legislative budget request applies.
- 8 **Pension commission.** Provides that pension commission members continue to serve until their successors are appointed.
- 9 **Recodification.** Related to move in language governing approval of agency head salaries from chapter 43A to chapter 15A. Does not change the substance of this language. Corrects a cross-reference.
- 10 **Legislative audit commission.** Requests the commission to direct the auditor, in response to suggestions from individual legislators for an evaluation topic, to estimate the scope of the proposed evaluation. Requires a response to the requesting legislator.
- 11 **Access to data.** Provides that if the commissioner of administration issues an opinion that a person is entitled to data held by a state agency, and the agency refuses to provide the data or states that it does not exist, the legislative audit commission may instruct the legislative auditor to review state agency data related to the request. Provides that following the review, the auditor shall provide public data obtained to the audit commission.
- 12 **Fiscal notes.** Requires fiscal notes to include assumptions used in determining cost estimates.
- 13 **Legislative commission on metropolitan government.** Creates a legislative commission on metropolitan government to oversee the metropolitan council's operating and capital budgets, work program, and capital improvement program.
- 14 **Economic status of women.** Requires the director of Minnesota planning to provide administrative support to the commission on the economic status of women.
- 15 **Gift receipt.** Strikes requirement that the commissioner of finance approve state acceptance of gifts, leaving this responsibility solely with the state treasurer. Provides that deposit of a negotiable instrument does not constitute acceptance, and that the amount deposited must be refunded if the gift is not accepted.
- 16 **Public employee per diem.** Permits public employees who serve on state boards to receive per diem if they use compensatory time for board service.
- 17 **Public employee per diem.** Permits public employees who serve on state advisory groups to receive per diem if they use compensatory time for group service.
- 18 **Recodification.** Related to move in language governing approval of agency head salaries from chapter 43A to chapter 15A. Does not change the substance of this language.
- 19 **Recodification.** Moves language governing approval of agency head salaries from chapter 43A to chapter 15A. Does not change the substance of this language.

20 **Technology budget book.** Requires the department of finance to prepare a separate budget book containing all of the administration's technology initiatives. The book must be in the same format as other biennial budget books.

21 **Performance measures.** Requires that proposed change items in budgets include proposed performance measures that can be used to determine if the new or increased funding is accomplishing its goals.

22 **Statewide system account.** Permits the commissioner of finance to bill agencies up to \$7.52 million each year for statewide systems services provided to the agencies. Appropriates money received to the commissioner for statewide systems operations.

23 **Proceeds of litigation or settlement.** Provides that a state official cannot bring or settle litigation or potential litigation in a manner that would result in money being distributed to a person or entity other than the state. Provides that money recovered by a state official in litigation or settlement of potential litigation is state money and must be deposited in the general fund.

Provides that this section does not prohibit distribution of money to specific injured persons or entities on whose behalf litigation or settlement efforts were initiated. If money recovered on behalf on specific persons or entities cannot reasonably be distributed to the persons or entities because they cannot be located or identified or because the distribution costs would outweigh the benefits, the money must be paid into the general fund. Provides that money recovered on behalf of a fund in the state treasury other than the general fund may be deposited in that fund. The section does not apply if the state is a defendant or potential defendant.

Defines "litigation," "money recovered," and "state official" for purposes of this section.

24 **Delay; reduction.** Corrects a cross reference in the law providing circumstances in which payments to a special taxing district or a system of higher education may be delayed.

25 **Lost property.** Strikes requirement that the commissioner of administration give two weeks published notice in the county where lost or abandoned property found on state lands is found.

26 **Municipality.** Includes all towns, not just urban towns, in the section concerning the enforcement of the state building code.

27 **Designate.** Defines the term to mean a formal process whereby a local governmental unit designates a certified building official with responsibility for building code administration.

28 **Administrative authority.** Defines the term to mean a municipality's governing body or an administrative authority assigned by the governing body.

29 **Adoption of code.** Directs the commissioner of administration to include in the state building code provisions regarding code administration, including procedures for administrative action, penalties, and suspension and revocation of certification.

30 **Building officials.**

Subd. 1. Designation. Directs all municipalities to designate a building code official to administer the code by January 1, 2002. Municipalities may designate a different official for each certification category.

Subd. 2. Qualifications. Provides that in order to be designated, a building official must be certified by the commissioner of administration. Removes exception for building officials engaged in administering the code prior to May 27, 1971.

Subd. 3. Certification. Authorizes the commissioner of administration to establish categories of expertise for building official certification. Removes language referring to the exception deleted from subdivision 2.

Subd. 4. Duties. Conforming change in language.

Subd. 5. Oversight committee. Establishes a code administration oversight committee to evaluate, mediate, and recommend action with respect to complaints concerning building officials. The committee consists of five certified building officials, at least two of whom must be from nonmetropolitan counties, and a commissioner's designee acting as an ex-officio member.

Subd. 5a. Administrative action and penalties. Directs the commissioner of administration to establish by rule a graduated schedule of administrative actions for violations by building officials of the statutes and rules regarding the state building code. Authorizes the commissioner to impose a penalty for violations

Subd. 5b. Suspension; revocation. Sets out conditions for the commissioner of administration to revoke, suspend, or refuse to issue or reissue a building official certification.

Subd. 6. Vacancies. Requires municipalities to designate replacement building officials as soon as possible, and to notify the commissioner of administration of a vacancy or designation in writing within 15 days. Authorizes the state building official to provide state employees to serve as local building officials if a municipality does not fill a vacancy within 15 days. Prohibits a municipality from issue permits without a designated certified building official.

Subd. 7. Continuing education. Removes obsolete language.

- 31 **Building code.** Provides that revenue received from the building code surcharge should approximately equal the cost of administering the building code. Requires a report to the commissioner of finance and the legislature on changes in the surcharge needed to comply with this policy. The report must assume that the services will remain at the same level.
- 32 **Volunteer services.** Provides that the director of the office of citizenship and volunteer services is appointed by the governor, rather than the commissioner of administration. A later section of the bill transfers the office to the governor's office.
- 33 **Organizational conflict of interest.** Defines "organizational conflict of interest" for purposes of vendors doing business with the state.
- 34 **Rules.** Authorizes the commissioner of administration to adopt rules relating to organizational conflicts of interest.
- 35 **Commissioner approval.** Provides that notwithstanding any law to the contrary, after January 1, 2002, any contract entered into by the department of transportation must be approved by the commissioner of administration, unless the commissioner has delegated approval authority to the department of transportation.
- 36 **Organizational conflicts of interest.** Requires the commissioner to make reasonable efforts to avoid, mitigate or neutralize organizational conflicts of interest, and specifies possible methods for doing this. Permits the commissioner to waive conflicts to avoid jeopardizing vital state operations.
- 37 **Contracts.** Adds "work orders" to a list of items that, at the discretion of the commissioner and the attorney general, do not require the signature of these officials.
- 38 **Barter.** Requires the legislative auditor to report by January 15, 2002, on state agency use of barter agreements. Provides that after July 1, 2002, an agency may not contract or otherwise agree with a non-governmental entity to receive non-monetary consideration valued at more than \$100,000 in exchange for the agency providing nonmonetary consideration, unless such an agreement is specifically authorized by law. Exempts the state lottery.
- 39 **Solicitation process.** Increases from \$25,000 to \$50,000 the dollar value of contracts for which a formal solicitation is required.
- 40 **Information in bids and proposals.** Provides that if the commissioner rejects all responses,

much of the information in the response remains private for up to a year unless before then a selection is made or a determination is made to abandon the purchase.

- 41 **Cost-Benefit analysis.** Provides that a contract for transit or other transportation purposes in an amount greater than \$10 million may not be approved unless a cost-benefit analysis has been completed and shows a positive benefit to the public. Requires the management analysis division to perform or direct the analysis. This section applies to contracts for goods or services that are expected to have a useful life of more than three years, but does not apply to purchases for response to a natural disaster. The section expires June 30, 2003.
- 42 **Federal contracts.** Provides that any agency, instead of just three specified agencies, can (when required by a federal agency) negotiate contract terms providing for full or partial prepayment to federal agencies before work is performed.
- 43 **District heating.** Adds "cooling" to the law authorizing the commissioner of administration to enter into agreements for district heating.
- 44 **Technology inventory.** Requires the commissioner of administration to prepare an inventory of technology owned or leased by state agencies, and to report it to legislative committees by July 1 of each even-numbered year.
- 45 **Duties.** Strikes office of technology duty to recommend specified information systems guidelines for state agencies. Strikes duty to report to the legislature on progress in implementing these items.
- 46 **Technology approval.** This section applies to an appropriation of more than \$1 million for specified technology projects. It includes appropriations to MnSCU, constitutional officers, joint state and local projects, and grants. Provides that the agency receiving the appropriation must divide the project into phases.
Provides that the commissioner of finance may not authorize the encumbrance or expenditure of an appropriation for any phase of a covered project unless the office of technology has reviewed the phase and the commissioner of administration has determined that: (1) the project is compatible with state information architecture and related policies and standards; and (2) the agency is able to accomplish the goals of the projects with the funds appropriated. Provides that the role of the commissioner of administration and the office of technology is to review and approve projects, not to design or implement them.
- 47 **Common web format.** Requires state agencies implementing electronic government services to use a common web page format approved by the commissioner of administration. Permits the commissioner to create a single entry site for all agencies to use.
- 48 **Technology enterprise fund.** Establishes a technology enterprise fund. Appropriates money in the fund to the commissioner of administration for stated technology purposes. Provides that savings generated by information technology and communication projects may be deposited in the fund upon agreement by the commissioner of administration and that executive of the government entity generating the funds. Provides that transfer of funds between state agencies is subject to approval of the commissioner of finance. Funds are available until June 30, 2005.
Establishes a technology enterprise board to advise on expenditures from the technology enterprise fund. Requires annual reports to the legislature. The section expires June 30, 2005.
- 49 **Total compensation reporting.** Requires the commissioner of employee relations to report each year on executive branch salary and benefits. Specifies contents of the report.
- 50 **Combined charities campaign.** Requires the commissioner of employee relations to administer the state employee combined charities campaign. Provides for appointment of a voluntary advisory board.
- 51 **Report.** Strikes requirement for agencies to report to the commissioner of administration on

contracted service.

- 52 **WCRA.** Provides that the amounts needed by pay the state's premiums for coverage b the workers' compensation reinsurance association are appropriated from the general fund to the commissioner of employee relations.
- 53-58 **Northern technology initiative.** Creates the Northern Technology initiative as a public corporation. Specifies that the initiative is a regional economic development initiative of specified local government units. Specifies laws that apply to the corporation.
- 59 **Cross-reference.** Corrects a cross reference to the law governing the salary of the MnSCU chancellor.
- 60 **MnSCU contracts.** Permits the MnSCU board to enter into a contract with the chancellor or a president. Terms of the contract must be authorized by a compensation plan that requires legislative approval. Clarifies a provision of current law that notwithstanding statutory limits on severance pay, a contract may provide a liquidated salary amount or other compensation if the contract is terminated by the board prior to its expiration.
- 61 **Mediation.** Provides that mediation petitions must be served on the commissioner in writing rather than delivered in person or sent by certified mail.
- 62 **State militia; composition.** Under current law, the state militia includes all able bodied adult citizens of the state, as well as all other able bodied adults who have declared a desire to become United States citizens. This section clarifies that the state militia also includes all members of the Minnesota national guard.
- 63 **Adjutant general; qualifications and rank.** Clarifies that the requirement for ten years of service in the United States armed forces includes service in the national guard.
Under current law, the adjutant general holds the rank of major general (two stars). New language would permit the adjutant general to be promoted up to the highest rank authorized under federal law. [There are currently four general officer ranks in the United States army: brigadier general (one star); major general (two stars); lieutenant general (three stars); and general (four stars).]
- 64 **Tuition reimbursement grants.** Increases maximum for National Guard tuition grants to 80 percent, instead of 75 percent of costs of tuition for lower division college of liberal arts programs at the University of Minnesota Twin Cities campus, and to 80 percent of specified other institutions. The higher limits sunset June 30, 2003.
- 65 **Armories; disposal of an unused site.** Under current law, if a local governmental unit donates a building site to the state or armory building commissions (ABC) for purposes of erecting an armory or maintenance shop, and the state or the ABC does not build the armory or maintenance shop within a ten year period, the local government may notify the state in writing of its withdrawal of the donation. If the site remains unused for armory purposes for one year following such notice, the state or the ABC must reconvey the site back to the donating unit of government. New language would allow the adjutant to reconvey the land back to the donating unit sooner than ten years if the state has no further interest in the property.
- 66 **Armories; payment for rental by the national guard.** Clarifies that the rental paid to the armory building commission by the national guard for an armory is not dependent upon whether bonds were issued for construction of the armory.
- 67 **Armories; conveyance to the state.** Clarifies that the conveyance of an armory by the armory building commission to the state upon payment of all construction indebtedness is not dependent upon whether the indebtedness was to the commission itself or to an outside bondholder.
- 68 **Veteran benefits.** Increases from \$350 to \$750 the maximum tuition benefit for veterans, and from \$350 to \$750 per year the maximum tuition benefit for children of veterans who died as a

result of service in the armed forces.

- 69 **Limitations.** Strikes provision relating to December 31, 1989 date for veterans tuition benefits.
- 70 **Public employee per diem.** Permits public employees who serve on state occupational licensing boards to receive per diem if they use compensatory time for board service.
- 71 **Soccer field development.** Permits the Minnesota amateur sports commission to make matching grants to political subdivision for new amateur soccer fields. Specifies match criteria.
- 72 **Revenue recapture fee.** Current law provides that a state agency seeking collection of a debt through setoff against a tax refund pay a \$10 fee to the revenue department. This section provides that \$2.55 of this fee is placed into a revolving fund and is appropriated to the department of revenue. The remainder of the fee will go into the general fund.
- 73 **Nonprofit filing fee.** Provides that a nonprofit corporation registration statement need not be accompanied by a filing fee if it is being filed only to change the address of the registered office.
- 74 **Reinstatement.** Strikes \$25 fee when a nonprofit corporation that is dissolved reinstates its corporate existence.
- 75 **Premises permit.** Provides that a premises permit issued by the lawful gambling board runs concurrently with the license of the organization unless the premises permit is suspended, revoked, or voluntarily terminated by the organization.
- 76 **Fees.** Specifies the amounts of premises permits fees if they are issue during the second year of an organization's license.
- 77 **Surcharge.** Increases county recorder surcharge fee from \$4.50 to \$5.00. Appropriates 50 cents of the fee for the task force on electronic real estate recording. The increase is effective until June 30, 2003.
- 78 **Emergency telephone service fee.** Establishes 911 fee at 27 cents, and strikes language allowing the commissioner of administration to establish the fee.
- 79 **Report on consultants.** Requires the annual budget for the metropolitan council to list, by contract or project, expenditures for consultants in the preceding and next year. Specifies information to be included.
- 80 **Legislative commission on metropolitan government; review.** Requires the metropolitan council to submit specified financial information to the legislative commission on metropolitan government information.
- 81 **Term of license; fee; premarital education.** Provides a \$20 marriage license fee (reduced from the \$70 customary fee) for couples who receive at least 12 hours of premarital education from a clergy member or designee or a marriage and family therapist. Qualified education must include the use of a premarital inventory and communication and conflict management skills.
- 82 **Disposition of license fee.** Provides for the county to keep \$15 of the reduced marriage license fee when a couple does counseling. Directs payment of \$3.00 of the balance to supervised child visitation centers and \$2.00 to MN ENABL (teen pregnancy prevention).
- 83 **Bond.** Increases from \$10,000 to \$75,000 the dollar value of a contract for which a public body must obtain a performance bond and a payment bond from the contractor.
- 84 **Must.** Defines "must" as mandatory, throughout Minnesota Statutes.
- 85 **Voluntary unpaid leave.** Extends to June 30, 2005 the current law allowing state appointing authorities to grant voluntary unpaid leaves.
- 86 **Settlement division.** Provides that the settlement division of the office of administrative hearings shall maintain offices in either Hennepin or Ramsey County. Strikes current requirement that an office be maintained in St. Paul.

- 87 **Office of technology report.** Strikes requirement that the office of technology submit progress reports on the small agency infrastructure project.
- 88 **Application.** Provides that sections dealing with the metropolitan council apply to counties in the metropolitan area.
- 89 **NTI board.** Provides for the initial board of the northern technologies initiative.
- 90 **Light rail cost calculation.** Requires the legislative auditor to prepare and submit to the legislature an accounting of government costs relating to the Hiawatha Avenue light rail transit line.
- 91 **Bleachers.** Provides that bleachers used for Jesse James day need not comply with bleacher safety requirements until 2003.
- 92 **Pay equity study.** Requires the commissioner of employee relations to convene a work group to examine practices and progress of the local government pay equity act, and to report findings to the legislature by January 15, 2002.
- 93 **Shall/must.** Requires the revisor of statutes to submit a proposal to change "shall" to "must" in Minnesota Statutes.
- 94 **Locating state agencies.** Requires Minnesota planning to develop criteria for proper location of state agencies. The purpose is to evaluate the advantages and disadvantages of proposals to relocate and decentralize state services and facilities.
- 95 **Ratifications.** Ratifies the following items, which were given interim approval by the legislative Subcommittee on Employee Relations:
- amendments to the MnSCU administrators compensation plan
 - Increases for state agency salary heads (For heads of most major state departments, the former salary was \$97,301. In July, 2000, the legislative subcommittee on employee relations approved an increase to \$102,258, retroactive to January 1, 2000, and an increase to \$108,393, effective August 1, 2000.)
 - an arbitration award and labor agreement between the state and the Minnesota government engineers council
 - Salary increases for the directors of the state board of investment (from \$102,258 to \$108,393) and the teachers retirement association (from \$88,456 to \$90,225, retroactive to July, 1999).
- 96 **Revisor instruction.** Instructs the revisor to recodify the law governing the office of volunteer services in the chapter of statutes dealing with the governor.
- 97 **Transfer.** Transfers the office of citizenship and volunteer services from the department of administration to the office of the governor.
- 98-101 **Work plan appropriations.** Appropriates money for operation of the real estate task force. Permits the task force to contract with the legislative coordinating commission. Permits the task force to accept donations. Requires legislative employees and agencies in the executive branch to assist the real estate task force.
- 102 **Repealers.**
- (a) 16E.08: Office of technology duties regarding a business license information system.
 - 129D.06: Arts board grants
 - 179A.07: Uniform public sector collective bargaining settlement reports.
 - (b) 16A.67, 16A.6701, 246.18, subd. 7 Cambridge bank bonds

(c) 43A.18, subdivision 5: language related to system of approving agency head salary increases; repealed because it is recodified into a new section in chapter 15A.

103 **Effective dates.**

Article 3: Pension Administrative Provisions

- 1 **Legislator plan.** Clarifies that only former members of the plan are entitled to refunds of member contributions.
- 2 **Post-retirement fund.** Specifies how the fair market value of the postretirement fund is to be computed for each participating pension fund.
- 3 **TRA data.** Specifies that certain data on members and beneficiaries of TRA and first-class city teacher funds are private.
- 4 **MSRS employees.** Strikes language which provided MSRS coverage for all service provided by an employee working part-time in state employment and part-time in MnSCU.
- 5 **Elected officials; MnSCU.** Strikes exclusion of elective state officers from MSRS coverage. Adds an exclusion for MnSCU unclassified employees.
- 6 **Examinations.** Adds the concept of psychological exams or chiropractic evidence to determinations about a person's disability status.
- 7 **Examinations.** Adds concept of psychological exam to disability determinations.
- 8 **Refund.** Increases from \$2 to \$25 the amount that must be in a person's MSRS account for the money to be restored to the person's account if the person leaves and then returns to MSRS service.
- 9 **Non-job-related disability.** Strikes requirement that a person be under 55 to become entitled to a non-job-related disability benefit from fire marshal plan.
- 10 **Job-related disability.** Strikes requirement that a person be under 55 to become entitled to a job-related disability benefit from fire marshal plan.
- 11 **Examinations.** Adds concept of psychological exam to disability determinations in correctional plan. Provides that the disability benefit ceases at the later of age 65 or on the five-year anniversary of the disability benefit, instead of ceasing at age 62.
- 12 **Disability benefit.** Provides that a disability benefit shifts to a retirement benefit at the later of age 65, or at the five-year anniversary of the disability benefits, instead of ceasing at age 62.
- 13 **Resumption of work.** When a disabled correctional plan employee resumes work, bases the disability benefit adjustment on the salary at time of disability, adjusted for inflation, rather than basing it on wages for similar positions.
- 14 **Average monthly salary.** Provides that average monthly salary under the state trooper plan does not include lump sum annual leave payments and overtime payments made at time of separation from state service.
- 15 **Resumption of work.** When a disabled state trooper plan employee resumes work, bases the disability benefit adjustment on the salary at time of disability, adjusted for inflation, rather than basing it on wages for similar positions.
- 16 **Disability.** In state trooper plan, adds concept of psychological evidence to support a disability application.
- 17 **TRA coverage.** Clarifies which non-faculty MnSCU employees are covered by TRA.
- 18 **TRA payments.** Changes from 7 to 14 days date by which payments to TRA must be made to avoid interest charges.
- 19 **First-class city teacher plans.** Clarifies that "salary" is based on compensation before deductions for deferred compensation, supplemental retirement plans, or other voluntary salary

reduction programs. Specifies items that are not included in "salary".

- 20 **Payment acceptance.** Provides that payment for allowable service credit, repayment of a refund, or payment for an eligible leave of absence for first-class city teachers may be made with funds distributed from specified tax-deferred plans.
- 21 **Payment by teacher collecting workers compensation.** Permits Duluth teachers fund members to purchase service credit for a period that person is receiving workers compensation.
- 22 **Reporting, remittance.** Specifies data that employing units must report to first-class city teacher funds. Provides payment remittance deadlines.
- 23 **Resumption of teaching.** Requires employing units to report to first-class city teacher funds the amount of postretirement income earned for teaching service performed after retirement.
- 24 **Refund.** Increases from \$500 to \$1500 the amount of a refund a board can pay in absence of probate proceedings to a surviving spouse or next of kin.
- 25 **Lump sum payments added to annuity.** Provides that lump sum benefits paid to people who retired before specified periods in the 1970's must be divided by 12 and added to monthly annuities.
- 26 **Disclosure.** Provides that investment disclosure document included as part of an annual report and filed with the pension commission satisfies statutory disclosure requirements.
- 27 **Judges.** Provides for allowable service to be calculated based on calendar months, rather than on years or fractions of years.
- 28 **Delayed effective date.** Delays the increase in employee and employer contributions to the local government correctional service plan from January 1, 2002 to January 1, 2003.
- 29 **Repealer.** Requires law requiring Duluth teachers fund to have a June 30, 2020, amortization target date for purposes of determining amortization contribution requirement.
- 30 **Effective dates.**

Article 4: Open Meeting Law: Local Plans

- 1 **Open meeting law.** Provides that governing bodies of state and local public pension plans, including volunteer fire plans, are subject to the open meeting law. (Statewide plans are covered by the open meeting law under existing law).
- 2 **Open meeting law.** Same change as prior section.
- 3 **Effective date.** The article is effective the day following final enactment.

Article 5: Police State Aid

- 1 **Tribal governments.** Includes American Indian tribal police departments in the police state aid program.
- 2 **Effective date.** The article is effective the day following final enactment.

Article 6: Generalized Service Credit Purchases

- 1-4 **Allowable service.** Cross-references to service credit purchased under new section 356.555, dealing with parental or family leave.
- 5 **TRA.** Defines "another governmental jurisdiction" in the law allowing teachers to purchase out-of-state service credit. Includes another state, local governments in other states, the federal government, a federally recognized American Indian tribe, and other countries.
- 6 **Developmental achievement center.** Permits purchase of TRA service credit for teaching service in a developmental achievement center.
- 7 **College supplemental funds.** Permits use of funds in a college supplemental account to be used to purchase TRA service credit for specified prior service.

- 8 **University of Minnesota Service.** Permits a vested TRA member to purchase up to 10 years of TRA service credit for University of Minnesota teaching service.
- 9 **IRAP.** Permits higher education individual retirement account plan members who also are vested in TRA to purchase TRA service credit under various purchase of service credit provisions.
- 10 **Allowable service.** Cross-references to service credit purchased under new section 356.555, dealing with parental or family leave.
- 11 **First-class city teacher plans.** Defines "another governmental jurisdiction" in the law allowing first-class city teachers to purchase out-of-state service credit. Includes another state, local governments in other states, the federal government, a federally recognized American Indian tribe, and other countries.
- 12 **Developmental achievement center.** Permits purchase of first-class city teacher plan service credit for teaching service in a developmental achievement center.
- 13 **College supplemental funds.** Permits use of funds in a college supplemental account to be used to purchase first-class city teacher service credit for specified prior service.
- 14 **University of Minnesota Service.** Permits a vested first-class city teacher member to purchase up to 10 years of service credit for University of Minnesota teaching service.
- 15 **IRAP.** Permits higher education individual retirement account plan members who also are vested in first-class city teacher fund to purchase first-class city teacher service credit under various purchase of service credit provisions.
- 16 **Purchase payment determination.** Extends to July 1, 2003 the current law governing determination of payment amount for purchases of prior service credit. Under current law, this method sunsets July 1, 2001.
- 17 **Parental or family leave.** Permits vested members of the largest public pension plans to purchase service credit for periods of parental or family leave of up to five years. The person must pay the full actuarial value of the service credit purchased.
- 18 **MERF.** Amends MERF law to refer to service credit purchased for periods of parental or family leave.
- 19 **Minneapolis Police.** Defines allowable service credit, including a reference to credit purchased under specified existing laws, and under the new law governing parental or family leave.
- 20 **Minneapolis Fire.** Adds a reference to service credit under the new law governing parental or family leave.
- 21 **Expiration.** Sections 1 to 4, 10, and 15 to 19 are repealed May 16, 2003. Sections 8 and 13 expire May 16, 2002.
- 22 **Effective dates.**

Article 7: Postretirement Health Care Insurance Coverage

1 Postretirement health care savings plan.

Subd. 1. Plan created. Requires MSRS to establish a postretirement health care savings plan, through which public employers and employees may save to cover postretirement health care costs.

Subd. 2. Contracting. Authorizes the administering agency to contract to provide specified administrative and investment services.

Subd. 3. Contributions. Requires contributions to the plan to be determined through a personnel policy or collective bargaining agreement. Requires contributions to be held in trust for reimbursement of employee and dependent health-related expenses after retirement. Provides

for employees to select among investment options provided by the plan, for amounts in the employee's account. Provides that this section does not obligate a public employer to meet and negotiate regarding an employer contribution to the plan, and that it is not the intent of the legislature to authorize the state to incur new funding obligations.

Subd. 4. Reimbursement for health-related expenses. Provides that following retirement, the administering agency will reimburse a former employee for submitted health-related expenses, until the former employee exhausts the accumulation in the person's account. Provides for survivors to use amounts in the account if the former employee dies before the amount in the account is used up.

Subd. 5. Fees. Permits the administering agency to charge participants fees to cover costs of operations. Permits the agency to charge employers a fee, not to exceed one-sixth of the federal insurance contribution act savings realized by the employer as a result of participating in the plan.

Subd. 6. Advisory committee. Requires the administering agency to establish a participant advisory committee.

Subd. 7. Contracting with private entities. States that this section does not prohibit employers from contracting with private entities to provide postretirement health care reimbursement.

2 **Supplemental pension plan.** Amends the law limiting the ability of public employers to contribute to supplemental pension plans, by authorizing contributions to the postretirement health insurance plan in section 1, and to the laborer's national industrial pension fund for governmental subdivision employees covered by a collective bargaining agreement that provides for coverage by that fund. Contributions to the laborer's fund are limited to \$2,000 per year per employee.

Article 8: State Patrol Retirement Plan

1 **MSRS.** Changes exclusion from MSRS general plan, in connection with change in the next section.

2 **State patrol plan.** Adds to the state patrol fund, fugitive apprehension officers after October 31, 2000, employed by the office of special investigations of the department of corrections, who are peace officers.

3 **Contributions.** Requires contributions after November 1, 2000, to the MSRS general plan for fugitive apprehension officers, to be transferred to the state patrol plan. Requires employees transferred to pay the incremental difference in employee contributions between November 1, 2000, and passage of this act. Requires the department of corrections to pay the incremental employer contributions for the period.

4 **Effective date.** Retroactive to November 1, 2000.

Article 9: Privatized Employee Disability Coverage

1 **Former University hospital employee.** Permits a former University hospital employee, who had a medically documented disability before the University hospital was privatized, to receive an MSRS disability benefit.

2 **Former public hospital employee.** Permits an employee of a privatized public hospital who had a preexisting disability before termination of public pension coverage to receive a disability from PERA.

3 **Effective dates.** Effective the day following final enactment, with section 1 having specified retroactive effect.

Article 10: PERA membership

- 1 **Included employees.** Includes full-time employees of the Dakota County agricultural society in PERA.
- 2 **Excluded employees.** Excludes from PERA certain trades workers employed by the city of St. Paul of the St. Paul school district and plumbers employed by the metropolitan airports commission, if the workers have pension coverage under a private collective bargaining agreement. For workers first employed before May, 2001, the exclusion applies only if the employees elect to be excluded.
- 3 **Included employers.** Includes the Spring Lake Park fire department and the Dakota County Agricultural Society in the last of governmental subdivisions covered by PERA.
- 4 **Dakota County/metropolitan inter-county association.** Permits Dakota County to provide financial and accounting services, including payroll management and records, to the Metropolitan inter-county association (MICA). Provides that MICA employees are not county employees.
- 5 **Dakota County agricultural society.** Permits Dakota County to provide financial and accounting services, including payroll management and records, to the Dakota County Agricultural Society. Permits Dakota County to cover agricultural society employees in county insurance plans.
- 6 **Exclusion election.** Provides certain trades workers employed by the city of St. Paul or the St. Paul school district, or plumbers employed by the Metropolitan airports commission to elect to be excluded from PERA if the employees have private pension coverage.
- 7 **Dakota County.** Permits Dakota County to treat full-time Dakota County agricultural society employees as county employees for PERA purposes.
- 8 **Effective dates.** The sections in this article require approval of the applicable local governing body.

Article 11: PERA Funding

- 1 **Technical.** Change in terminology.
- 2 **Membership.** Changes in cross-references and terminology.
- 3 **Membership inclusions.** Provides for more public employees to be covered by PERA, by striking the exclusion of certain low-paid public employees.
- 4 **Excluded employees.** Excludes elected officials, other than county sheriffs, from mandatory PERA coverage. Current elected officials who are PERA members remain PERA members. Strikes requirement that an employee must earn more than \$425 in any one month to be covered. Narrows the exclusion of student workers, so that it applies only if the employment is predicated on the student status of the individual. Provides a new exclusion of seasonal workers hired after June 30, 2002 to fill positions limited to 185 consecutive calendar days. Provides an exclusion for certain sheltered employment or work-study employees.
- 5 **Optional membership.** Provides that PERA membership is optional for employees of certain labor organizations, certain elected officials, city managers, employees of the townships association, and employees of county historical societies. The latter two classes of employees can be members only if the employer agrees.
- 6 **Member.** Clarifications and changes in cross-references to reflect other changes in this article.
- 7 **Termination of membership.** Changes to reflect other changes in the article dealing with PERA membership.
- 8 **Temporary position.** Provides that the PERA exclusion of temporary positions does not apply to service during a probationary period that is a requirement for subsequent permanent employment.

- 9 **Seasonal position.** Defines "seasonal position" for purposes of the exclusion of certain seasonal employees from PERA membership.
- 10 **Service credit proration.** Specifies methods for granting service credit during leave of absence, and for temporary layoffs. Provides method of assigning prorated service credit for employees who first become members after January 1 2002, and who work less than full-time.
- 11 **Business year.** Defines the term.
- 12 **Compensated hours.** Defines the term, for purposes of determining eligibility for service credit.
- 13 **Employee contributions.** Increases employee contributions by .35 percent of pay, effective January 1, 2002.
- 14 **Employer contributions.** Increases employer contributions by .35 percent of pay, effective January 1, 2002.
- 15 **Employer reporting.** Requires the employer to report to PERA on the number of compensated hours of each employee.
- 16 **Employer reporting.** Requires the employer to report to PERA on the number of compensated hours of each employee.
- 17 **Volunteer ambulance personnel.** Limits volunteer ambulance service personnel participation in PERA to people who become members before July 1, 2002.
- 18 **Target date for full funding.** Extends to June 30, 2031, the target date for amortizing PERA's unfunded liability.
- 19 **Consolidation report.** Requires the executive directors of MSRS, PERA, and TRA to report by February 15, 2003, on implementation steps necessary to consolidate administration of the three systems if the legislature subsequently determines that this should occur.
- 20 **Report on aggregation of teacher plans.** Requires the executive directors of TRA and the three first-class city teacher pension funds to report by February 15, 2002 on steps that would be necessary to created of restructured teacher retirement plan if the legislature subsequently determines that this should occur.
- 21 **Study.** Requires the pension commission actuary's next report to include specific findings and recommendations on PERA funding issues
- 22 **Effective dates.**

Article 12: MNSCU

- 1 **Labor organization employees.** Provides that officers as well as employee of labor organizations representing teachers covered by TRA may elect to be TRA members.
- 2 **Transfer of funds to IRAP.** Permits a participant in the higher education individual retirement account plan (IRAP) who has less than 10 years of TRA service to transfer TRA member contributions to the IRAP.
- 3 **Repealer.** Repeals a provision dealing with TRA leave of absence for labor union service.
- 4 **Effective dates.** Effective immediately. Section 1 applies to employment as an officer of the interfaculty organization after July 1, 1996.

Article 13: Closed Charter School Retirement Contributions

Requires the pension commission to report to the legislature by February 15, 2002, on the appropriate mechanism for recovering unpaid member and employer retirement plan contributions from charter schools that cease operations.

Article 14: Local Police and Fire Plans

- 1 **Mail-in ballot.** Provides that active, retired, and surviving spouse members of the Minneapolis police relief association may participate in the election of board members by mail-in ballot.
- 2 **Mail in referendum on voting by mail.** Permits the board of the association to conduct a mail referendum to decide if bylaws amendments can be approved by mail vote. Specifies how information supporting and opposing the proposal must be made available to members, and provides a method for challenging the objectivity of the draft summary of this information. Requires the question of whether future bylaw changes can be made by mail to receive two-thirds favorable votes to become effective.
- 3 **Eveleth.** Permits increases of \$100 per month in benefits payable to retired Eveleth police officers and firefighters and surviving spouses. Requires local approval.

Article 15: Minneapolis Fire

Codifies and makes changes in laws governing the Minneapolis firefighters relief association. Section 5, subdivision 9, provides a benefit improvement for members who are not married.

Article 16: Volunteer Fire Relief Association Administration

- 1 **Volunteer fire relief association consultants.** Requires a consultant for a volunteer firefighter relief association to provide the association a copy of the consultant's certificate of insurance. For purposes of this section, a consultant is an actuary, accountant, attorney, investment advisor or management, investment advisor or management selection consultant, a pension benefit design advisor, or any other financial consultant.
- 2 **Effective dates.**

Article 17: One Person or Small Group Service Credit Purchases

- 1 **TRA; sabbatical.** Permits purchase of .34 year of service credit from TRA for a sabbatical leave. Requires the person to pay the shortage in member contributions. Requires the Anoka-Hennepin school district to pay the remainder of the actuarial value of the service credit.
- 2 **TRA; leave of absence.** Permits purchase of service credit for the full actuarial value for time on extended leave.
- 3 **PERA; White Bear Lake.** Provides one year of service credit in PERA for a person employed as a clerical employee of the White Bear Lake school district. Requires the school district to pay the actuarial value.
- 4 **Minneapolis teachers retirement fund.** Authorizes purchase of service, for the full actuarial value, in the Minneapolis teachers retirement fund for one school year.
- 5 **PERA; Lac qui Parle.** Authorizes purchase of service in PERA for three months, for the full actuarial value. Requires the person to pay the member contributions, and requires Lac qui Parle to pay the remainder.
- 6 **PERA; Minneapolis park board.** Authorizes purchase of service in PERA, for full actuarial value, of specified Minneapolis Park Board service.
- 7 **PERA.** Authorizes purchase of service in PERA for full actuarial value, for employment as an instructor at the Carlson school of management at the University of Minnesota.
- 8 **PERA police and fire.** Authorizes purchase of service credit in PERA police and fire fund, for full actuarial value, for up to 10 years of employment as a police officer in Brainerd.
- 9 **PERA.** Authorizes purchase of service credit in PERA for full actuarial value for service in 1974 and 1975. Provides for the member to make employee contributions, and for the city to pay the remainder of the actuarial value. Provides for benefit revisions if the service credit is purchased.

- 10 **PERA police and fire.** Provides for transfer of past service credit in the PERA general plan to the PERA police and fire plan for a specified employee of White Bear township. Requires the affected employee to pay the difference between the applicable contribution rates, and requires White Bear Township to pay the remainder of the actuarial value of the transfer.
- 11 **Repealer.** Repeals section 8 on May 16, 2002.
- 12 **Effective dates.** Effective immediately.

Article 18: Elections

- 1 **Qualification of political parties.** Amends the campaign finance law. Strikes provisions relating to minor parties qualifying for public subsidies. These provisions are incorporated in the definition of minor political party in section 5. Also requires the secretary of state to notify political parties, the revenue department, and the campaign finance and public disclosure board (board) whether the parties are on the taxpayer check-off list for a state subsidy (1) each year by July 1 and (2) in the state general election year following certification of the election.
- 2 **Distribution of general account.** Moves up the date when candidates will receive general account money. The prior date was after the general election. The new date will be following certification of the primary results.
- Adds a new agreement a candidate must enter in order to get a public subsidy. By one week after the primary is certified, a candidate must agree that he or she will expend or promise to disburse half the public subsidy received, not later than the end of the final reporting period before the general election. A candidate who fails to do so must repay the balance of the public money received not later than six months after the general election. The candidate also must pay any collection costs the board incurs in recovering the money. The board may not distribute any additional general account money to a candidate until all unspent money is repaid.
- 3 **Supervisors elected at large.** Amends the soil and water conservator district law. Specifies that a supervisor must reside in the district from which he or she is elected.
- 4 **Major political party.** Amends the definition of this term. Clarifies that a party becomes a major party by running a candidate for state constitutional office, United States Senate, or President. Provides the party gains major status January 1 after the election and retains that status until December 31 of the year following the next election for that office. The change is made for purposes of clarifying the law on parties qualifying for the public subsidy programs.
- 5 **Minor political party.** Amends this definition in the election code. Part of the new language here was moved from section 1 of this article. Also clarifies that a party may attain minor party status by running a candidate for state constitutional office, President, or United States Senate. The status lasts from January 1 of the year after the election where the party presented a candidate, to December 31 of the year following the next election for that office. The change is made for purposes of clarifying the law on parties qualifying for the public subsidy programs.
- 6 **Petition requirements for ballot questions.** Sets standards for signing a petition where a statute authorizes or requires putting a question to the voters. Requires construing the statute to mean that signers must be "current voters" rather than only being persons eligible to vote, or who did vote, at the last election.
- 7 **Violations; penalty.** Amends the petty misdemeanor penalty for voting in the wrong precinct after receiving a notice of a violation. Makes it a misdemeanor to vote in the wrong precinct after being found to have committed a petty misdemeanor. Makes it an affirmative defense that the voter relied on inaccurate information provided by a local unit of government.
- 8 **Statewide registration system.** Eliminates obsolete language on the transition to a statewide voter registration system.

- 9 **Limits on local government meetings.** Amends the statute that limits the conduct of public business on precinct caucus day. Adds special taxing districts as defined in existing law to the government units covered by this law.
- 10 **Application procedures.** Amends the absentee ballot law to require acceptance of absentee ballot applications submitted by fax. Allows an absentee ballot application to include an application for automatic receipt of absentee ballots for all elections because of permanent illness or disability.
- 11 **Permanent illness or disability.** Specifies that a permanently disabled voter who otherwise automatically receives an absentee ballot application before each election will not automatically receive an application for ballots for an election to be conducted by mail (because all voters get mail ballots in these cases).
- 12 **Unofficial ballots.** Amends the absentee ballot law. Requires the county auditor or municipal clerk to prepare unofficial ballots if official ballots are not ready when the time for absentee balloting starts or if ballots have run out before absentee voting ends.
- 13 **Delivery of envelopes; directions.** Amends the absentee ballot law. Permits printing directions for casting an absentee ballot on the ballot envelope.
- 14 **Military service; temporary residence outside United States.** Amends the military and overseas voter absentee voting law. States that it is intended to implement the federal law on uniformed and overseas citizens voting.
- 15 **Submission of application.** Allows a county auditor or municipal clerk to accept a military or overseas voter's absentee ballot application submitted by fax if the secretary of state determines that could be done securely. Lets a person's social security number qualify as the person's military identification number.
- Makes an absentee ballot application under this law apply to any ensuing special election conducted during the calendar year in which the application is received.
- 16 **Form of affidavit.** Amends the affidavit of candidacy law. Specifies that it does not apply to presidential and vice presidential candidates.
- 17 **Petitions for presidential electors.** Amends the statute on nominating petitions for presidential electors. Specifies that it does not apply to major party electors, who are certified under section 208.03.
- 18 **Candidates in state and county general elections.** Adds that an affidavit of candidacy may be signed in the presence of an individual authorized by law to administer oaths (this includes elected officers, election judges, and specified others). Prior law required the affidavit to be notarized. Specifies that this statute does not apply to presidential and vice presidential candidates, who are covered by section 208.03.
- 19 **Write-in candidates.** Requires a person filing to be a write-in presidential candidate to include the name of a vice-presidential candidate and at least one elector but not more names than the total number of electoral votes to be cast by the state. Requires a write-in candidate for governor to include a lieutenant governor candidate.
- 20 **Election board; head election judge; duties.** Changes "chair of the election board" to "head election judge" in the election law.
- 21 **Minimum number required.** Requires the head election judge to be present in the polling place all of election day, unless she or he designates another judge to serve during a period of absence.
- 22 **Minimum number required in certain precincts.** Strikes an obsolete reference to lever voting machines, which are no longer used in this state.
- 23 **Vacancies among election judges.** Changes "chair of the election board" to "head election

judge" in the election law.

- 24 **Translation of voting instructions.** Authorizes the secretary of state to develop voting instructions in languages other than English, to be made available in polling places. Requires the state demographer to certify to the secretary which languages are common enough that there is a need for translated instructions.
- 25 **Meeting with election officials.** Changes "chair of the election board" to "head election judge" in the election law.
- 26 **Voting equipment grant account.** Creates an account in the state treasury from which the commissioner of administration will make grants to local governments that could not otherwise afford optical scan equipment. Grants are to be made upon recommendation of the secretary of state. A local government must provide a one-to-one match consisting of non-state, non-federal funds.
- 27 **School districts; counties.** Amends the law restricting meetings of governing bodies on election day. Adds to the covered units of government: special taxing districts.
- 28 **Federal, state, and judicial races.** Amends the legislative and district judge recount statute. Adds statewide constitutional and judicial offices and representatives and senators in Congress. Changes the margin for automatic recount in all these races from 100 votes to less than one-half of one percent of the vote; except when 400 or fewer votes are cast for a nomination or election, a recount is triggered by a difference of ten votes.
- 29 **Required recounts.** Amends the local office automatic recount statute. Eliminates the sliding scale based on the total number of votes cast. Replaces it with a difference of one-half of one percent of the total vote cast, except that when 400 or fewer votes are cast, the margin for triggering a recount would be ten votes rather than one-half percent. In a case where two or more seats are being filled from among all the candidates, the one-half percent is measured as the difference between the elected candidate with the fewest votes and the candidate with the most votes from among those who were not elected.
- 30 **Discretionary ballot question recounts.** Technical amendment that goes with the previous section.
- 31 **Instructions to printer.** Amends the law that requires a local unit of government to get legal advice about preparing ballots. Specifies that the legal advisor to a town official only is required to give advice about rotation of names on the ballot.
- 32 **Example ballots.** Requires the secretary to give the auditors an example ballot for the primary and general elections every June 1. Requires the auditors to distribute the samples to municipal and school district clerks who have elections that year.
- Special federal white ballot.** Specifies that the ballot for military and overseas voters must be prepared and furnished in accordance with the federal law on this subject.
- 34 **Voter registration.** Strikes a reference to the presidential primary because that primary law has been repealed.
- 35 **Filing period.** Makes the filing period for all town officers the same as it is for cities and for towns with a November election.
- 36 **Example ballot.** Requires the secretary to give town clerks with March elections a copy of an example ballot by 30 days before absentee ballots must be prepared. The example ballot must illustrate the format for general election ballots that year.
- 37 **Canvass of returns.** Clarifies that the general election canvass is to be carried out by the governing body of either a city conducting any election or a town that conducted the general election.

- 38 **Electronic voting systems.** Requires the secretary of state to license a touch sensitive direct recording electronic voting system for experimental use before it is approved for general use. Requires at least one licensed system to enable a visually impaired voter to vote privately and independently.
- 39 **Congressional candidates.** Specifies that a candidate whose spending report is published on the Federal Election Commission web site has complied with state filing requirements.
- 40 **Participation in public parades.** Amends the fair campaign practices act. Requires that a public parade that allows candidates to participate must not charge them a higher fee than other participating units.
- 41 **Officials may administer; when.** Lets the secretary of state designate an employee to administer oaths to individuals filing affidavits of candidacy, nominating petitions, declarations of intent to be a write-in candidate, or other documents related to elections.
- 42 **Vacancies.** Specifies the manner of filling vacancies in a town office. If the vacancy occurs on or after the 14th day before filings open, and more than a year remains in the term, the appointed individual serves until the election that occurs a year later, when a successor will be elected to complete the term.
- 43 **Application of new definitions.** Provides for the transition to the provisions on how political parties qualify to participate in the public subsidy programs. A party that had major party status as a result of the 2000 election retains that status until the 2002 election, when it must comply with the new law. A party that lost either major or minor party status at the 2000 election is not restored to the lost status as a result of this act. Instead, it must qualify by complying with the new law at the 2002 election.
- 44 **Repealer.** Repeals (1) a reference to an affidavit of candidacy for the presidential primary because there is no such primary and (2) a reference to aiding disabled voters to use lever machines because such machines are no longer used.
Repeals a rule on example ballots. The substance is enacted in statute under section 32.
- 45 **Effective date.** The voting equipment grant program takes effect July 1, 2001. The rest of this article is effective January 1, 2002.