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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **61**

01/05/2017

Authored by Quam

The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy

1.1 A bill for an act
1.2 relating to local government; requiring counties and cities to have written
1.3 procedures that are available to the public and to provide notice of availability to
1.4 the public; proposing coding for new law in Minnesota Statutes, chapter 471.

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

1.6 Section 1. **[471.198] POLICIES AND PROCEDURES AVAILABLE TO PUBLIC.**

1.7 Subdivision 1. **Requirement to maintain policies and operations manuals.** (a) A
1.8 county or home rule charter or statutory city must have clear operating policies, procedures,
1.9 forms, deadlines, due dates, or payment requirements relating to each duty or operation of
1.10 the county or city on file in the applicable county or city office. The information must be
1.11 contained in one or more policies and operations manuals, and must be available for employee
1.12 training and reference and for inspection by the public at the applicable office. The manuals
1.13 may also be published on a county or city Web site. If the manuals are published on a Web
1.14 site, the Web site must include the physical location where the information is available. If
1.15 the manuals are not published on a Web site, the information must be available at the city
1.16 clerk's office or another county office designated by the county board.

1.17 (b) If the information described in paragraph (a) relates to payment of a fee or assessment,
1.18 the information provided by the county or city must include any required forms and all other
1.19 payment information, including any information or instructions required to complete the
1.20 form, the due dates of payments, any other requirements, and the consequences of late
1.21 payment or nonpayment of the fee or assessment.

1.22 Subd. 2. **Definitions.** (a) For purposes of this section, the definitions in this subdivision
1.23 apply.

2.1 (b) "Each duty or operation of the county or city" means (1) the implementation of laws,
2.2 ordinances, resolutions, and regulations, (2) the provision of services, (3) licensing
2.3 requirements, (4) fees or assessments, (5) administrative and financial operating procedures,
2.4 including budget and personnel procedures, and (6) any other similar duties or operations.
2.5 Information that is not available to the public under the Administrative Procedure Act is
2.6 not included. Law enforcement procedures relating to investigations or similar activities
2.7 are included only if approved by the chief law enforcement officer of the county or city, or
2.8 in the absence of a chief law enforcement officer, only if approved by at least two other law
2.9 enforcement officers to whom decision-making authority has been delegated by the chief
2.10 law enforcement officer.

2.11 (c) "Fee or assessment" means any money, including penalties and interest, charged by
2.12 the county or city for a service, license, permit, use, record, or privilege that is to be paid
2.13 directly to the county or city. It specifically includes child support obligations, recording
2.14 taxes and fees, and similar charges for which the county acts as an agent of the state. It also
2.15 includes special assessments and any money charged for services that may become a lien
2.16 or tax assessed on real property by the county or city. Fee or assessment does not include
2.17 property taxes under chapters 272 to 287, except as stated in this paragraph.