

all of the sentences are for gross misdemeanors, the total of the sentences shall not exceed ~~three~~ four years.

Sec. 26. Minnesota Statutes 1992, section 629.471, subdivision 2, is amended to read:

Subd. 2. **QUADRUPLE THE FINE.** For offenses under sections 169.09, 169.121, 169.129, 171.24, paragraph (c), 518B.01, 609.2231, subdivision 2, 609.224, 609.487, and 609.525, the maximum cash bail that may be required for a person charged with a misdemeanor or gross misdemeanor violation is quadruple the highest cash fine that may be imposed for the offense.

Sec. 27. **SENTENCING GUIDELINES MODIFICATION.**

The sentencing guidelines commission shall modify the sentencing guidelines by ranking violations of section 609.21, subdivisions 1, clauses (3) and (4); and 3, clauses (3) and (4), (criminal vehicular homicide) in severity level VII of the sentencing guidelines grid.

Sec. 28. **REPEALER.**

Minnesota Statutes 1992, sections 84.87, subdivision 2b; and 84.928, subdivision 3, are repealed.

Sec. 29. **EFFECTIVE DATE.**

Sections 1 to 28 are effective August 1, 1994 and apply to crimes committed on or after that date.

Presented to the governor May 6, 1994

Signed by the governor May 10, 1994, 3:52 p.m.

CHAPTER 616—S.F.No. 2540

An act relating to utilities; classifying and requiring information on applications for the municipal energy conservation investment loan program; authorizing fee to fund enhanced 911 emergency telephone service; appropriating money; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; 216C.37, subdivision 3, and by adding subdivisions; 403.02, by adding a subdivision; 403.11, subdivisions 1 and 4; Minnesota Statutes 1993 Supplement, section 216C.37, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 403; repealing Minnesota Statutes 1992, section 216C.37, subdivision 8.

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

Section 1. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

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Subd. 65b. ENERGY CONSERVATION INVESTMENT LOANS. Data contained in applications for energy conservation investment loans, including supporting technical documentation, is governed by section 216C.37, subdivisions 3a and 3b.

Sec. 2. Minnesota Statutes 1993 Supplement, section 216C.37, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** In this section:

(a) "Commissioner" means the commissioner of public service.

(b) "~~Maxi-audit~~" means a detailed engineering analysis of energy-saving improvements to existing buildings or stationary energy-using systems, including (1) modifications to building structures; (2) heating, ventilating, and air conditioning systems; (3) operation practices; (4) lighting; and (5) other factors that relate to energy use. The primary purpose of the engineering analysis is to quantify the economic and engineering feasibility of energy-saving improvements that require capital expenditures or major operational modifications.

(e) "Energy conservation investments" means all capital expenditures that are associated with conservation measures identified in a ~~maxi-audit~~ or an energy project study, and that have a ten-year or less payback period.

(c) "~~Municipality~~" means any county, statutory or home rule charter city, town, school district, or any combination of those units operating under an agreement to jointly undertake projects authorized in this section.

(d) "~~Energy project study~~" means a study of one or more energy-related capital improvement projects analyzed in sufficient detail to support a financing application. At a minimum, it must include one year of energy consumption and cost data, a description of existing conditions, a description of proposed conditions, a detailed description of the costs of the project, and calculations sufficient to document the proposed energy savings.

Sec. 3. Minnesota Statutes 1992, section 216C.37, subdivision 3, is amended to read:

Subd. 3. **APPLICATION.** Application for a loan to be made pursuant to this section shall be made by a municipality to the commissioner on a form the commissioner prescribes by rule. The commissioner shall review each application to determine:

(a) whether or not the municipality's proposal is complete;

(b) whether the calculations and estimates contained in the energy project study are appropriate, accurate, and reasonable;

(c) whether the project is eligible for a loan;

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(e) ~~(d)~~ the amount of the loan for which the project is eligible; and

~~(d)~~ (e) the means by which the municipality proposes to finance the project including:

(1) a loan authorized by this section;

(2) a grant of money appropriated by state law;

(3) a grant to the municipality by an agency of the federal government within the amount of money then appropriated to that agency; or

(4) the appropriation of other money of the municipality to an account for the construction of the project.

Sec. 4. Minnesota Statutes 1992, section 216C.37, is amended by adding a subdivision to read:

Subd. 3a. ADDITIONAL INFORMATION. During application review, the commissioner may request additional information about a proposed energy conservation investment, including information on project cost. Failure to provide information requested disqualifies a loan applicant.

Sec. 5. Minnesota Statutes 1992, section 216C.37, is amended by adding a subdivision to read:

Subd. 3b. PUBLIC ACCESSIBILITY OF LOAN APPLICATION DATA. Data contained in an application submitted to the commissioner for a loan to be made pursuant to this section, including supporting technical documentation, is classified as "public data not on individuals" under section 13.02, subdivision 14.

Sec. 6. Minnesota Statutes 1992, section 403.02, is amended by adding a subdivision to read:

Subd. 9. ENHANCED 911 SERVICE. "Enhanced 911 Service" means the use of selective routing, automatic location identification, or local location identification as part of local 911 service.

Sec. 7. Minnesota Statutes 1992, section 403.11, subdivision 1, is amended to read:

Subdivision 1. **EMERGENCY TELEPHONE SERVICE FEE.** (a) Each customer of a ~~local exchange telephone company or communications carrier that provides service capable of originating a 911 emergency telephone call~~ is assessed a fee to cover the costs of ongoing maintenance and related improvements for trunking and central office switching equipment for minimum 911 emergency telephone service, plus administrative and staffing costs of the department of administration related to managing the 911 emergency telephone service program. Recurring charges by a public utility providing telephone ser-

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vice for updating the information required by section 403.07, subdivision 3, must be paid by the commissioner for information if the utility is included in an approved 911 plan and the charges have been certified and approved under subdivision 3.

(b) The fee may not be less than eight cents nor more than 30 cents a month for each customer access line or other basic access service, including trunk equivalents as designated by the public utilities commission for access charge purposes and including cellular and other nonwire access services. The fee must be the same for all customers.

(c) The fee must be collected by each utility providing local exchange telephone service company or carrier providing service subject to the fee. Fees are payable to and must be submitted to the commissioner of administration monthly before the 25th of each month following the month of collection, except that fees may be submitted quarterly if less than \$250 a month is due, or annually if less than \$25 a month is due. Receipts must be deposited in the state treasury and credited to a 911 emergency telephone service account in the special revenue fund. The money in the account may only be used for 911 telephone services as provided in paragraph (a).

(d) The commissioner of administration, with the approval of the commissioner of finance, shall establish the amount of the fee within the limits specified and inform the utilities companies and carriers of the amount to be collected. Utilities Companies and carriers must be given a minimum of 45 days notice of fee changes.

(e) This subdivision does not apply to customers of a telecommunications carrier as defined in section 237.01, subdivision 6.

Sec. 8. Minnesota Statutes 1992, section 403.11, subdivision 4, is amended to read:

Subd. 4. **LOCAL RECURRING COSTS.** Recurring costs of telephone communications equipment and services at public safety answering points shall be borne by the local governmental unit operating the public safety answering point or allocated pursuant to section 403.10, subdivision 3. Costs attributable to local government electives for services beyond minimum 911 service not otherwise addressed under section 403.113 shall be borne by the governmental unit requesting the elective service.

Sec. 9. **[403.113] ENHANCED 911 SERVICE COSTS.**

Subdivision 1. ENHANCED 911 SERVICE FEE. (a) In addition to the actual fee assessed under section 403.11, each customer receiving local telephone service, excluding cellular or other nonwire service, is assessed a fee to fund implementation and maintenance of enhanced 911 service, including acquisition of necessary equipment and the costs of the department of administration to administer the program. The actual fee assessed under section 403.11 and the

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enhanced 911 service fee must be collected as one amount and may not exceed the amount specified in section 403.11, subdivision 1, paragraph (b).

(b) The enhanced 911 service fee must be collected and deposited in the same manner as the fee in section 403.11 and used solely for the purposes of paragraph (a) and subdivision 3.

(c) The commissioner of the department of administration, in consultation with counties and 911 system users, shall determine the amount of the enhanced 911 service fee and inform telephone companies of the total amount of the 911 service fees in the same manner as provided in section 403.11.

Subd. 2. ENHANCED 911 SERVICE; DISTRIBUTION OF MONEY. (a) After payment of the costs of the department of administration to administer the program, the commissioner shall distribute the money collected under this section as follows:

(1) one-half of the amount equally to all qualified counties; and

(2) the remaining one-half to qualified counties and cities with existing 911 systems based on each county's or city's percentage of the total population of qualified counties and cities. The population of a qualified city with an existing system must be deducted from its county's population when calculating the county's share under this clause if the city seeks direct distribution of its share.

(b) A county's share under subdivision 1 must be shared pro rata between the county and existing city systems in the county. A county or city shall deposit money received under this subdivision in an interest-bearing fund or account separate from the county's or city's general fund and may use money in the fund or account only for the purposes specified in subdivision 3.

(c) For the purposes of this subdivision, a county or city is qualified to share in the distribution of money for enhanced 911 service if the county auditor certifies to the commissioner of administration the amount of the county's or city's levy for the cost of providing enhanced 911 service for taxes payable in the year in which money for enhanced 911 service will be distributed. The commissioner may not distribute money to a county or city in an amount greater than twice the amount of the county's or city's certified levy. A county or city is not qualified to share in the distribution of money for enhanced 911 service if, in addition to the levy required under this paragraph, it has not implemented enhanced 911 service before December 31, 1998.

(d) For the purposes of this subdivision, "existing city system" means a city 911 system that provides at least basic 911 service and that was implemented on or before April 1, 1993.

Subd. 3. LOCAL EXPENDITURES. (a) Money distributed to counties or an existing city system for enhanced 911 service may be spent on enhanced 911 system costs for the purposes stated in subdivision 1, paragraph (a). In addition, money may be spent to lease, purchase, lease-purchase, or maintain enhanced

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911 equipment, including telephone equipment; recording equipment; computer hardware; computer software for data base provisioning, addressing, mapping, and any other software necessary for automatic location identification or local location identification; trunk lines; selective routing equipment; the master street address guide; dispatcher public safety answering point equipment proficiency and operational skills; and the equipment necessary within the public safety answering point to notify and communicate with the emergency services requested by the 911 caller.

(b) Money distributed for enhanced 911 service may not be spent on:

(1) purchasing or leasing of real estate or cosmetic additions to or remodeling of communications centers;

(2) mobile communications vehicles, fire engines, ambulances, law enforcement vehicles, or other emergency vehicles;

(3) signs, posts, or other markers related to addressing or any costs associated with the installation or maintenance of signs, posts, or markers.

Subd. 4. AUDITS. Each county and city shall conduct an annual audit on the use of funds distributed to it for enhanced 911 service. A copy of each audit report must be submitted to the commissioner of administration.

Subd. 5. FEE REVIEW. By January 1, 1999, the commissioner of administration, in consultation with counties and 911 service users, shall review funding requirements for enhanced 911 system costs.

Sec. 10. INTERIM FEE AND DISTRIBUTION.

Until January 1, 1996, the enhanced 911 service fee is ten cents per month in addition to the fee actually collected under Minnesota Statutes 1992, section 403.11, subdivision 1. The additional fee is imposed effective January 1, 1995. Distribution of the revenue from the fee under Minnesota Statutes, section 403.113, subdivision 2, must begin March 1, 1995. The commissioner of the department of administration shall determine the amount of the additional enhanced 911 service fee to be in effect beginning January 1, 1996, under Minnesota Statutes, section 403.113.

Sec. 11. APPROPRIATION.

\$1,500,000 is appropriated to the commissioner of administration in fiscal year 1995 from the special revenue fund for purposes of implementing enhanced 911 telephone service as required in this act.

Sec. 12. REPEALER.

Minnesota Statutes 1992, section 216C.37, subdivision 8, is repealed.

Presented to the governor May 6, 1994

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Signed by the governor May 10, 1994, 5:40 p.m.

CHAPTER 617—H.F.No. 2158

An act relating to pollution; requiring that certain towns, cities, and counties have ordinances complying with pollution control agency rules regarding individual sewage treatment systems; requiring the agency to license sewage treatment professionals; requiring rulemaking; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115.

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

Section 1. [115.55] INDIVIDUAL SEWAGE TREATMENT SYSTEMS.

Subdivision 1. DEFINITIONS. (a) The definitions in this subdivision apply to this section and section 2.

(b) “Advisory committee” means the advisory committee on individual sewage treatment systems established under the individual sewage treatment system rules.

(c) “Applicable requirements” means:

(1) local ordinances that comply with the individual sewage treatment system rules, as required in subdivision 2; or

(2) in areas not subject to the ordinances described in clause (1), the individual sewage treatment system rules.

(d) “City” means a statutory or home rule charter city.

(e) “Commissioner” means the commissioner of the pollution control agency.

(f) “Dwelling” means a building or place used or intended to be used by human occupants as a single-family or two-family unit.

(g) “Individual sewage treatment system” or “system” means a sewage treatment system, or part thereof, serving a dwelling, other establishment, or group thereof, that uses subsurface soil treatment and disposal.

(h) “Individual sewage treatment system professional” means an inspector, installer, site evaluator or designer, or pumper.

(i) “Individual sewage treatment system rules” means rules adopted by the agency that establish minimum standards and criteria for the design, location, installation, use, and maintenance of individual sewage treatment systems.

(j) “Inspector” means a person who inspects individual sewage treatment systems for compliance with the applicable requirements.

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