

## CHAPTER 148—H.F.No. 512

*An act relating to municipalities; authorizing bankruptcy filing; proposing coding for new law in Minnesota Statutes, chapter 471.*

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

**Section 1. [471.831] MUNICIPALITY MAY FILE BANKRUPTCY PETITION.**

Subdivision 1. ANY RELIEF UNDER BANKRUPTCY CODE. A municipality, as defined in subdivision 2, may file a petition and seek any relief available to it under United States Code, title 11, as amended through December 31, 1996.

Subd. 2. MUNICIPALITY DEFINED. In this section, "municipality" means a municipality as defined in United States Code, title 11, section 101, as amended through December 31, 1996, but limited to a county, statutory or home rule charter city, or town; or a housing and redevelopment authority, economic development authority, or rural development financing authority established under chapter 469, a home rule charter, or special law.

**Sec. 2. EFFECTIVE DATE.**

Section 1 is effective the day following its final enactment.

Presented to the governor May 12, 1997

Signed by the governor May 13, 1997, 10:12 a.m.

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CHAPTER 149—H.F.No. 282

*An act relating to the metropolitan council; providing for appointment, discharge, and discipline of metropolitan transit police peace officers; providing an exception; amending Minnesota Statutes 1996, sections 473.125; 473.407, subdivision 4, and by adding a subdivision; and 626.84, subdivision 1.*

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

Section 1. Minnesota Statutes 1996, section 473.125, is amended to read:

**473.125 REGIONAL ADMINISTRATOR.**

The metropolitan council shall appoint a regional administrator to serve at the council's pleasure as the principal administrative officer for the metropolitan council. The regional administrator shall organize the work of the council staff. The regional administrator shall appoint on the basis of merit and fitness, and discipline and discharge all employees in accordance with the council's personnel policy, except (1) the performance and budget analysts provided for in section 473.123, subdivision 7, (2) the general counsel, as provided in section 473.123, subdivision 8, (3) employees of the offices of waste-

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water services and transit operations, who are appointed, disciplined, and discharged in accordance with council personnel policies by their respective operations managers, and (4) as provided in Laws 1994, chapter 628, articles 2, sections 3 and 4 metropolitan transit police officers. The regional administrator must ensure that all policy decisions of the council are carried out. The regional administrator shall attend meetings of the council and may take part in discussions but may not vote. The regional administrator shall recommend to the council for adoption measures deemed necessary for efficient administration of the council, keep the council fully apprised of the financial condition of the council, and prepare and submit an annual budget to the council for approval. The regional administrator shall prepare and submit for approval by the council an administrative code organizing and codifying the policies of the council, and perform other duties as prescribed by the council. The regional administrator may be chosen from among the citizens of the nation at large, and shall be selected on the basis of training and experience in public administration.

Sec. 2. Minnesota Statutes 1996, section 473.407, subdivision 4, is amended to read:

Subd. 4. **CHIEF LAW ENFORCEMENT OFFICER.** The council regional administrator shall appoint a peace officer employed full time to be the chief law enforcement officer and to be responsible for the management of the law enforcement agency metropolitan transit police. The person chief law enforcement officer shall possess the necessary police and management experience and have the title of chief of metropolitan transit police services to manage a law enforcement agency. The chief law enforcement officer may appoint, discipline, and discharge all transit police personnel. All other police management managerial and supervisory personnel must be employed full-time by the council employees of the metropolitan transit police. Supervisory personnel must be on duty and available any time transit police are on duty. The council chief law enforcement officer may not hire part-time peace officers as defined in section 626.84, subdivision 1, paragraph (f), except that the council chief may appoint peace officers to work on a part-time basis not to exceed 30 full-time equivalents. A part-time officer must maintain an active peace officer license with the officer's full-time law enforcement employer.

Sec. 3. Minnesota Statutes 1996, section 473.407, is amended by adding a subdivision to read:

Subd. 4a. **EXCEPTION.** Subdivision 4 does not apply to part-time officers employed by the metropolitan council transit police prior to January 1, 1998, who were full-time employees of another police department upon the date the officer was hired by the metropolitan council transit police and who subsequently voluntarily separated from the full-time position before January 1, 1998.

Sec. 4. Minnesota Statutes 1996, section 626.84, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** For purposes of sections 626.84 to 626.863, the following terms have the meanings given them:

- (a) "Board" means the board of peace officer standards and training.
- (b) "Director" means the executive director of the board.
- (c) "Peace officer" means an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the board, charged with the prevention and detection of crime and the enforcement of the general criminal laws of the

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state and who has the full power of arrest, and shall also include the Minnesota state patrol, agents of the division of gambling enforcement, and state conservation officers, and metropolitan transit police officers.

(d) "Constable" has the meaning assigned to it in section 367.40.

(e) "Deputy constable" has the meaning assigned to it in section 367.40.

(f) "Part-time peace officer" means an individual licensed by the board whose services are utilized by law enforcement agencies no more than an average of 20 hours per week, not including time spent on call when no call to active duty is received, calculated on an annual basis, who has either full powers of arrest or authorization to carry a firearm while on active duty. The term shall apply even though the individual receives no compensation for time spent on active duty, and shall apply irrespective of the title conferred upon the individual by any law enforcement agency. The limitation on the average number of hours in which the services of a part-time peace officer may be utilized shall not apply to a part-time peace officer who has formally notified the board pursuant to rules adopted by the board of the part-time peace officer's intention to pursue the specialized training for part-time peace officers who desire to become peace officers pursuant to sections 626.843, subdivision 1, clause (g), and 626.845, subdivision 1, clause (g).

(g) "Reserve officer" means an individual whose services are utilized by a law enforcement agency to provide supplementary assistance at special events, traffic or crowd control, and administrative or clerical assistance. A reserve officer's duties do not include enforcement of the general criminal laws of the state, and the officer does not have full powers of arrest or authorization to carry a firearm on duty.

(h) "Law enforcement agency" means a unit of state or local government that is authorized by law to grant full powers of arrest and to charge a person with the duties of preventing and detecting crime and enforcing the general criminal laws of the state.

(i) "Professional peace officer education" means a post-secondary degree program, or a nondegree program for persons who already have a college degree, that is offered by a college or university in Minnesota, designed for persons seeking licensure as a peace officer, and approved by the board.

#### Sec. 5. APPLICATION.

Sections 1 to 4 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

#### Sec. 6. EFFECTIVE DATES.

Sections 1, 2, 4, and 5 are effective the day after their final enactment. Section 3 is effective January 1, 1998.

Presented to the governor May 14, 1997

Signed by the governor May 15, 1997, 3:22 p.m.

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