

**Sec. 25. MINNESOTA INVESTMENT FUND; CITY OF WORTHINGTON.**

Notwithstanding the grant limit contained in Minnesota Statutes, section 116J.8731, subdivision 5, a grant of up to \$1,000,000 may be made to the city of Worthington to offset severe job losses due to plant closings.

**Sec. 26. DESIGNATION OF KOOCHICHING COUNTY AS AN ENTERPRISE ZONE.**

Notwithstanding the limitation in Minnesota Statutes, section 469.167, subdivision 3, the commissioner of trade and economic development shall designate Koochiching county as an enterprise zone under Minnesota Statutes, sections 469.166 to 469.173.

**Sec. 27. YEAR 2000 READY.**

Any computer software or hardware that is purchased by the state or a political subdivision with money appropriated in this bill must be year 2000 ready.

**Sec. 28. APPROPRIATION; PAYMENT OF CLAIMS.**

\$16,600,000 is appropriated in fiscal year 1998 from the general fund to the commissioner of revenue to pay claims filed under the Cambridge Bank Judgment.

**Sec. 29. APPROPRIATION; ADMINISTRATION OF ACT.**

\$2,132,000 is appropriated from the general fund for fiscal year 1998 and \$48,000 is appropriated for fiscal year 1999 to the commissioner of revenue to pay the costs of administering the provisions of this act.

**Sec. 30. REPEALER.**

1997 H.F. 2158, article 1, section 25, if enacted, is repealed. This section repeals 1997 H.F. 2158, article 1, section 25, without regard to order of final enactment.

**Sec. 31. EFFECTIVE DATE.**

Section 9 is effective for decrees of marriage dissolution, deeds, or other instruments executed and delivered after July 1, 1997.

Section 10 is effective for assessments made on or after the effective date of laws 1996, chapter 471, article 2, section 32.

Section 19 is effective the day following final enactment.

Presented to the governor May 29, 1997

Signed by the governor June 2, 1997, 2:28 p.m.

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**CHAPTER 232—S.F.No. 1419**

*An act relating to utilities; authorizing a municipal and cooperative utility to form joint ventures for the provision of utility services; amending Laws 1996, chapter 300, section 1.*

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

Section 1. Laws 1996, chapter 300, section 1, is amended to read:

**New language is indicated by underline, deletions by strikeout.**

### Section 1. JOINT VENTURE.

Subdivision 1. **AUTHORIZATION.** The city of Willmar is authorized to allow On behalf of their respective cities: (1) the Willmar municipal utilities commission is authorized to enter into a joint venture with the Kandiyohi cooperative electric power association; and (2) the Jackson municipal utilities commission is authorized to enter into a joint venture with the Federated rural electric association. These joint ventures shall be for the provision of utility services including retail electric service within the boundaries of each utility's exclusive electric service territory, as shown on the map of service territories maintained by the department of public service and as may otherwise be provided by law. The terms and conditions of the a joint venture authorized by this subdivision are subject to ratification by both the municipal utilities commission of the city of Willmar and the board of the Kandiyohi cooperative electric power association and participating in the joint venture. These terms and conditions may include the formation of a corporate or other separate legal entity with an administrative and governance structure independent of the two participating utilities. A corporate entity formed under this section shall be subject to all laws and rules applicable to municipal utilities and cooperative electric associations. The corporate or other separate legal entity, if formed:

(1) has the authority and legal capacity, and in the exercise of joint venture powers the privileges, responsibilities, and duties authorized by this section;

(2) is subject to the law generally applicable to the organization, internal governance, and activities of the entity formed;

(3) may exercise in connection with its property and affairs, and in connection with property within its control, any and all powers that may be exercised by a natural person or a private corporation or other private legal entity in connection with similar property and affairs; and

(4) is not a public body or authority, government entity, municipal corporation, or political subdivision.

A joint venture, including any separate legal entity, if formed, may elect to be deemed a municipal utility or a cooperative association for purposes of Minnesota Statutes, chapter 216B, or other federal or state law regulating utility operations.

Subd. 2. **POWERS.** (a) The A joint venture formed under this section, if any, shall have such has the powers, privileges, responsibilities, and duties of the separate utilities entering into the joint venture as the joint venture agreement may provide, except that, upon formation of the joint venture, neither the joint venture nor the Willmar municipal utilities commission shall have the power of eminent domain or the authority under section 216B.44 to and the powers provided under paragraph (b), except that the joint venture, with respect to retail electric utility services, may not enlarge the service territory served by the joint venture under Minnesota Statutes, sections 216B.44 and 216B.47, unless it receives the written consent of the retail electric utility serving the area under consideration.

(b) Such powers include, but are not limited to, the authority to:

(1) finance, acquire, own, construct, and operate facilities necessary for the provision of electric power to wholesale or retail customers, including generation, transmission, and distribution facilities;

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(2) combine retail electric service territories, in whole or in part, upon notice and hearing to do so with the public utilities commission;

(3) serve electric customers in the two utilities' retail electric service territories or in the combined service territory and as provided in Minnesota Statutes, chapter 216B;

(4) combine, share, or employ administrative, managerial, operational, or other staff which combining or sharing will not degrade safety, reliability, or customer service standards;

(5) provide for joint administrative functions, such as meter reading and billing;

(6) purchase or sell power utility services at wholesale for resale to customers;

(7) provide energy conservation programs, other utility programs, and public interest programs, such as cold weather shutoff protection, and energy conservation spending programs as required by law and rule; and

(8) participate as the parties deem necessary or appropriate in the provision of wholesale electric power utility services with other municipal utilities, rural electric cooperative utilities associations, investor-owned utilities, or other entities, public or private.

Subd. 3. **MONITOR AND REPORT.** The Kandiyohi cooperative electric power association and the Willmar municipal utilities commission shall monitor the progress and operation of the joint venture, and shall issue a report to the public utilities commission and legislative committees with jurisdiction over utility regulation and operation outlining the progress of the joint venture. The report required by this subdivision must be submitted not later than January 15, 1998.

Subd. 4. **CITY AUTHORITY.** This section shall be construed liberally to effectuate its legislative intent and purpose of allowing the municipal utilities commissions and the cooperative power associations named in subdivision 1 to operate joint ventures with the powers granted by this section. No additional authority is necessary to authorize the cities of Willmar and Jackson to form and operate joint ventures as provided in this section. The powers conferred by this section shall be in addition and supplemental to the powers conferred by any other law or charter. Any joint venture under this section, and the Willmar and Jackson municipal utilities commissions relative to any joint venture under this section, has all powers, privileges, responsibilities, and duties necessary or appropriate to effectuate the intent and purpose of this section, including but not limited to the expenditure of public funds and the transfer of real or personal property in accordance with the terms and conditions of the joint venture and the joint venture agreement. Nothing in this section shall be construed to supersede or modify any powers, privileges, or authority of the Willmar or Jackson municipal utilities commissions or the Kandiyohi or Federated cooperative electric power associations. The power of the Willmar city council or the Jackson city council to overrule or override an action of their respective municipal utilities commission as provided in the relevant city charter is not superseded but that power shall not extend to the actions of the joint venture. If there is a conflict or inconsistency between this section and any other law or any other charter provision, the provisions of this section shall prevail.

Subd. 5. **TELEPHONE EXCHANGE REQUIREMENT.** Nothing in this section shall permit the city of Willmar or the city of Jackson to establish a telephone exchange within the city unless it complies with the referendum requirements of section 237.19.

New language is indicated by underline, deletions by ~~strikeout~~.

**Sec. 2. EFFECTIVE DATE.**

This act is effective the day following final enactment, except, that the authority granted to the Jackson municipal utilities commission and the Federated rural electric association by this act is effective February 1, 1998.

Presented to the governor May 29, 1997

Signed by the governor June 2, 1997, 2:16 p.m.

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**CHAPTER 233—S.F.No. 637**

*An act relating to retirement; increasing pension benefit accrual rates; adjusting financing for pension plans; adding supplemental financial conditions information for pension funds; reducing appropriations; modifying or establishing various pension aids; appropriating money; amending Minnesota Statutes 1996, sections 3.85, subdivisions 11 and 12; 3A.02, subdivisions 1 and 4; 3A.07; 11A.18, subdivision 9; 69.011, subdivisions 1, 2, and by adding a subdivision; 69.021, subdivisions 5, 7a, 10, and 11; 69.031, subdivision 5; 352.01, subdivision 25; 352.04, subdivisions 2 and 3; 352.115, subdivision 3; 352.72, subdivision 2; 352.92, subdivisions 1 and 2; 352.93, subdivisions 2, 3, and by adding a subdivision; 352.95, subdivisions 1 and 5; 352B.02, subdivisions 1a and 1c; 352B.08, subdivisions 2 and 2a; 352B.10, subdivision 1; 352B.30, by adding a subdivision; 352C.031, subdivision 4; 352C.033; 352D.02, subdivisions 1 and 2; 352D.04, subdivisions 1 and 2; 353.01, subdivision 37; 353.27, subdivisions 2 and 3a; 353.29, subdivision 3; 353.651, subdivision 3; 353.656, subdivision 1; 353.71, subdivision 2; 353A.08, subdivisions 1 and 2; 353A.083, by adding a subdivision; 354.05, subdivision 38; 354.42, subdivisions 2, 3, and 5; 354.44, subdivision 6, and by adding a subdivision; 354.53, subdivision 1; 354.55, subdivision 11; 354A.011, subdivision 15a; 354A.12, subdivisions 1, 2a, 3a, 3b, and 3c; 354A.31, subdivisions 4 and 4a; 356.20, subdivision 2; 356.215, subdivisions 2, 4d, and 4g; 356.217; 356.30, subdivisions 1 and 3; 356.32, subdivision 2; 422A.06, subdivision 8; 422A.151; 423B.01, subdivision 9, and by adding a subdivision; 423B.06, by adding a subdivision; 423B.07; 423B.09, subdivision 1, and by adding a subdivision; 423B.10, subdivision 1; 423B.15, subdivisions 2, 3, 6, and by adding a subdivision; and 490.124, subdivisions 1 and 5; Laws 1965, chapter 519, section 1, as amended; Laws 1979, chapter 109, section 1, as amended; Laws 1989, chapter 319, article 19, section 7, subdivisions 1, as amended, 3, 4, as amended, and 7; Laws 1993, chapter 125, article 1, section 1; and Laws 1996, chapter 448, article 1, section 3; proposing coding for new law in Minnesota Statutes, chapters 124; 273; 352; 352C; 354A; 355; and 356; repealing Minnesota Statutes 1996, sections 124.195, subdivision 12; 124.2139; 353C.01; 353C.02; 353C.03; 353C.04; 353C.05; 353C.06; 353C.07; 353C.08; 353C.09; 353C.10; 354A.12, subdivision 2b; 356.70; and 356.88, subdivision 2; Laws 1985, chapter 259, section 3; and Laws 1993, chapter 336, article 3, section 1.*

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

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