

MINNESOTA STATUTES

1993 SUPPLEMENT

CHAPTER 3

LEGISLATURE

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3.055 OPEN MEETINGS.

Subdivision 1. **Meetings to be open.** Meetings of the legislature shall be open to the public, including sessions of the senate, sessions of the house of representatives, joint sessions of the senate and the house of representatives, and meetings of a standing committee, committee division, subcommittee, conference committee, or legislative commission, but not including a caucus of the members of any of those bodies from the same house and political party nor a delegation of legislators representing a geographic area or political subdivision. For purposes of this section, a meeting occurs when a quorum is present and action is taken regarding a matter within the jurisdiction of the body. Each house shall provide by rule for posting notices of meetings, recording proceedings, and making the recordings and votes available to the public.

[For text of subd 2, see M.S.1992]

History: 1993 c 370 s 1

3.056 DESIGNATION OF SUCCESSOR COMMITTEE.

If a law assigns a power or duty to a named legislative committee or its chair, and the committee has been renamed or no longer exists, the speaker of the house of representatives or the senate committee on rules and administration shall designate the successor committee or chair for the law as provided in this section. If the committee has been renamed but retains jurisdiction of the subject of the power or duty, the speaker or senate committee shall designate the renamed committee as successor. If the committee has been renamed and jurisdiction of the subject of the power or duty has been transferred to another committee, the speaker or senate committee shall designate the committee with current jurisdiction as the successor. If the named committee no longer exists, the speaker or senate committee shall designate as successor the committee with the jurisdiction that most closely corresponds with the former jurisdiction of the named committee.

History: 1993 c 4 s 1

3.196 AUDITS.

The house of representatives and the senate shall each contract with the state auditor or a certified public accountant to perform an audit at least biennially.

History: 1993 c 192 s 34

3.30 LEGISLATIVE ADVISORY COMMISSION.*[For text of subd 1, see M.S.1992]*

Subd. 2. Members; duties. The majority leader of the senate or a designee, the chair of the senate committee on finance, and the chair of the senate division of finance responsible for overseeing the items being considered by the commission, the speaker of the house of representatives or a designee, the chair of the house committee on ways and means, and the chair of the appropriate finance committee, or division of the house committee responsible for overseeing the items being considered by the commissioner, constitute the legislative advisory commission. The division chair of the finance committee in the senate and the division chair of the appropriate finance committee or division in the house shall rotate according to the items being considered by the commission. If any of the members elect not to serve on the commission, the house of which they are members, if in session, shall select some other member for the vacancy. If the legislature is not in session, vacancies in the house membership of the commission shall be filled by the last speaker of the house or, if the speaker is not available, by the last chair of the house rules committee, and by the last senate committee on committees or other appointing authority designated by the senate rules in case of a senate vacancy. The commissioner of finance shall be secretary of the commission and keep a permanent record and minutes of its proceedings, which are public records. The commissioner of finance shall transmit, under section 3.195, a report to the next legislature of all actions of the commission. Members shall receive traveling and subsistence expenses incurred attending meetings of the commission. The commission shall meet from time to time upon the call of the governor or upon the call of the secretary at the request of two or more of its members. A recommendation of the commission must be made at a meeting of the commission unless a written recommendation is signed by all the members entitled to vote on the item.

*[For text of subd 3, see M.S.1992]***History:** 1993 c 4 s 2; 1993 c 369 s 35**3.732 SETTLEMENT OF CLAIMS.**

Subdivision 1. Definitions. As used in this section and section 3.736 the terms defined in this section have the meanings given them.

(1) "State" includes each of the departments, boards, agencies, commissions, courts, and officers in the executive, legislative, and judicial branches of the state of Minnesota and includes but is not limited to the housing finance agency, the higher education coordinating board, the higher education facilities authority, the health technology advisory committee, the armory building commission, the zoological board, the iron range resources and rehabilitation board, the state agricultural society, the University of Minnesota, state universities, community colleges, state hospitals, and state penal institutions. It does not include a city, town, county, school district, or other local governmental body corporate and politic.

(2) "Employee of the state" means all present or former officers, members, directors, or employees of the state, members of the Minnesota national guard, members of a bomb disposal unit approved by the commissioner of public safety and employed by a municipality defined in section 466.01 when engaged in the disposal or neutralization of bombs outside the jurisdiction of the municipality but within the state, or persons acting on behalf of the state in an official capacity, temporarily or permanently, with or without compensation. It does not include either an independent contractor or members of the Minnesota national guard while engaged in training or duty under United States Code, title 10, or title 32, section 316, 502, 503, 504, or 505, as amended through December 31, 1983. Notwithstanding sections 43A.02 and 611.263, for purposes of this section and section 3.736 only, "employee of the state" includes a district public defender or assistant district public defender in the second or fourth judicial district and a member of the health technology advisory committee.

(3) "Scope of office or employment" means that the employee was acting on behalf of the state in the performance of duties or tasks lawfully assigned by competent authority.

(4) "Judicial branch" has the meaning given in section 43A.02, subdivision 25.

[For text of subds 2 to 6, see M.S.1992]

History: 1993 c 146 art 2 s 8; 1993 c 345 art 5 s 1

3.738 INJURY OR DEATH OF PATIENT OR INMATE.

Subdivision 1. **Legislative authority.** Claims and demands arising out of injury to or death of a patient of a state institution under the control of the commissioner of human services or the veterans homes board of directors or an inmate of a state correctional facility while performing assigned duties shall be presented to, heard, and determined by the legislature.

[For text of subds 2 and 3, see M.S.1992]

History: 1993 c 155 s 1

3.841 LEGISLATIVE COMMISSION TO REVIEW ADMINISTRATIVE RULES; COMPOSITION; MEETINGS.

A legislative commission to review administrative rules, consisting of five senators appointed by the committee on committees of the senate and five representatives appointed by the speaker of the house of representatives shall be appointed. Its members must include the chair or vice-chair of the committees in each body having jurisdiction over administrative rules. The commission shall meet at the call of its chair or upon a call signed by two of its members or signed by five members of the legislature. The office of chair of the legislative commission shall alternate between the two houses of the legislature every two years.

History: 1993 c 370 s 2

NOTE: The amendment to this section by Laws 1993, chapter 370, section 2, is effective January 1, 1995. See Laws 1993, chapter 370, section 14.

3.855 LEGISLATIVE COMMISSION ON EMPLOYEE RELATIONS.

Subdivision 1. **Establishment.** The legislative commission on employee relations is created. The commission consists of six members of the senate and six members of the house of representatives. The senate members shall be the leader of the majority caucus of the senate, the leader of the minority caucus of the senate, the chair of the governmental operations and reform committee, the chair of the finance committee, the chair of the committee on taxes and tax laws, and an additional member designated by the leader of the minority caucus. The house members shall be the speaker, the leader of the minority caucus of the house, the chair of the governmental operations and gaming committee, the chair of the ways and means committee, the chair of the taxes committee, and an additional member designated by the leader of the minority caucus. If the membership of the house is evenly divided, the house members shall be selected under the rules of the house. A member of the commission may resign by providing notice to the chair. Upon resignation by a member of the:

(1) senate, a replacement shall be selected from among the members of the senate by the committee on rules;

(2) house, a replacement shall be selected from among the members of the house under house rules.

The commission shall elect officers for terms of two years. The chair of the commission shall alternate between a member of the senate and a member of the house.

[For text of subds 2 and 3, see M.S.1992]

History: 1993 c 4 s 3

3.873 LEGISLATIVE COMMISSION ON CHILDREN, YOUTH, AND THEIR FAMILIES.*[For text of subd 1, see M.S.1992]*

Subd. 2. Membership and terms. The commission consists of 16 members that reflect a proportionate representation from each party. Eight members from the house shall be appointed by the speaker of the house and eight members from the senate shall be appointed by the subcommittee on committees of the committee on rules and administration. The membership must include members of the following committees in the house and the senate: health and human services, family services, health care, governmental operations and gaming, governmental operations and reform, education, judiciary, and ways and means or finance. The commission must have representatives from both rural and metropolitan areas. The terms of the members are for two years beginning on January 1 of each odd-numbered year.

[For text of subd 3, see M.S.1992]

Subd. 4. Staff. The legislative coordinating commission shall supply the commission with the necessary staff, office space, and administrative services. The commission may use existing legislative staff to provide legal counsel, research, fiscal, secretarial, and clerical assistance.

Subd. 5. Information collection; intergovernmental coordination. (a) The commission may conduct public hearings and otherwise collect data and information necessary to its purposes.

(b) The commission may request information or assistance from any state agency or officer to assist the commission in performing its duties. The agency or officer shall promptly furnish any information or assistance requested.

(c) The secretary of the senate and the chief clerk of the house shall provide the commission with a copy of each bill introduced in the legislature concerning children, youth, and their families.

(d) Before implementing new or substantially revised programs relating to the subjects being studied by the commission under subdivision 7, the commissioner responsible for the program shall prepare an implementation plan for the program and shall submit the plan to the commission for review and comment. The commission may advise and make recommendations to the commissioner on the implementation of the program and may request the changes or additions in the plan it deems appropriate.

(e) By July 1, 1991, the responsible state agency commissioners, including the commissioners of education, health, human services, jobs and training, and corrections, shall prepare data for presentation to the commission on the state programs to be examined by the commission under subdivision 7, paragraph (a).

(f) To facilitate coordination between executive and legislative authorities, the commission shall meet with the children's cabinet.

Subd. 6. Legislative reports and recommendations. The commission shall make recommendations to the legislature to implement combining education, and health and human services and related support services provided to children and their families by the departments of education, human services, health and other state agencies into a single state department of children and families to provide more effective and efficient services. The commission also shall make recommendations to the legislature or committees, as it deems appropriate to assist the legislature in formulating legislation. To facilitate coordination between executive and legislative authorities, the commission shall review and evaluate the plans and proposals of the governor and state agencies on matters within the commission's jurisdiction and shall provide the legislature with its analysis and recommendations. The commission shall report its final recommendations under this subdivision and subdivision 7, paragraph (a), by January 1, 1994. The commission shall submit an annual progress report by January 1 of each year.

Subd. 7. Priorities. The commission shall give priority to studying and reporting

to the legislature on the matters described in this subdivision. To the extent possible, the commission shall consult with knowledgeable individuals in communities throughout the state when developing recommendations or preparing reports on these matters.

(a) The commission must study and report on methods of improving legislative consideration of children and family issues and coordinating state agency programs relating to children and families, including the desirability, feasibility, and effects of creating a new state department of children's services, or children and family services, in which would be consolidated the responsibility for administering state programs relating to children and families.

(b) The commission must study and report on methods of consolidating or coordinating local health, correctional, educational, job, and human services, to improve the efficiency and effectiveness of services to children and families and to eliminate duplicative and overlapping services. The commission shall evaluate and make recommendations on programs and projects in this and other states that encourage or require local jurisdictions to consolidate the delivery of services in schools or other community centers to reduce the cost and improve the coverage and accessibility of services. The commission must study and recommend specific effectiveness measures to accurately determine the efficacy of programs and services provided to children and their families. The commission must consider and recommend how to transform fragmented, crisis-oriented delivery systems focused on remediation services into flexible, comprehensive, well-coordinated, and family-oriented delivery systems focused on prevention services. The commission must review and evaluate what impact the classification of data has on service providers' ability to anticipate and meet the full range of families' needs. The commission must report on any laws, rules, or procedures that interfere with the effective delivery of community-based services to children and families.

(c) The commission must study and report on methods of improving and coordinating educational, social, and health care services that assist children and families during the early childhood years. The commission's study must include an evaluation of the following: early childhood health and development screening services, headstart, child care, early childhood family education, and parents' involvement in programs meeting the social, cognitive, physical, and emotional needs of children.

(d) The commission must study and report on methods of improving and coordinating the practices of judicial, correctional, and social service agencies in placing juvenile offenders and children who are in need of protective services or treatment.

(e) The commission must study and recommend constructive changes in preventive, community-based programs that encourage children and youth to responsibly serve their community.

(f) The legislative commission on children, youth, and their families and the children's cabinet must study and make joint recommendations regarding a state-level governance structure to deliver funding and coordinate policy for children and their families. These recommendations may include structural changes to minimize barriers to and actively promote collaborating and integrating services for children and families in the community. The commission and cabinet must jointly evaluate the need for a new cabinet-level agency for children. The commission and cabinet shall report their findings and recommendations to the legislature by January 15, 1994.

[For text of subd 8, see M.S.1992]

Subd. 9. Expiration. The commission expires on June 30, 1995.

History: 1993 c 4 s 4; 1993 c 224 art 4 s 1-5

3.97 AUDIT POLICY; CREATION OF COMMISSION; TRANSFER OF FUNCTIONS OF PUBLIC EXAMINER; ACCESS TO DATA.

[For text of subd 1, see M.S.1992]

Subd. 2. The legislative audit commission is created. The commission consists of:

- (1) the majority leader of the senate and the president of the senate or their designees;
- (2) the chair of the senate committee on taxes or a designee who is a member of the committee;
- (3) the chair of the senate committee on governmental operations and reform or a designee who is a member of the committee;
- (4) the chair of the senate committee on finance or a designee who is a member of the committee;
- (5) three members of the senate appointed by the senate minority leader;
- (6) the speaker of the house and the chair of the house committee on rules or their designees;
- (7) the chair of the house committee on taxes or a designee who is a member of the committee;
- (8) the chair of the house committee on governmental operations and gaming or a designee who is a member of the committee;
- (9) the chair of the house ways and means committee or a designee who is a member of the committee; and
- (10) three members of the house appointed by the house minority leader.

The appointed members of the commission shall serve for a term commencing upon appointment and expiring at the opening of the next regular session of the legislature in the odd-numbered year and until a successor is appointed. A vacancy in the membership of the commission shall be filled for the unexpired term in a manner that will preserve the representation established by this subdivision.

The commission shall elect its chair and other officers as it may determine necessary. It shall meet at the call of the chair or the executive secretary. The members shall serve without compensation but be reimbursed for their reasonable expenses as members of the legislature. The commission may exercise the powers prescribed by section 3.153.

[For text of subds 3 to 12, see M.S.1992]

History: 1993 c 4 s 5

3.971 POWERS AND DUTIES OF LEGISLATIVE AUDITOR.

[For text of subds 1 and 2, see M.S.1992]

Subd. 3. The legislative auditor, on a biennial schedule, shall review agency performance reports to review and comment on the appropriateness, validity, and reliability of the outcome measures and data collection efforts. The legislative auditor shall report the findings to agencies, the governor, the speaker of the house of representatives, and the president of the senate.

History: 1993 c 192 s 35

3.9741 COST OF EXAMINATION, BILLING, PAYMENT.

Subdivision 1. **Metropolitan commission.** Upon the audit of the financial accounts and affairs of a commission under section 473.595, 473.604, or 473.703, the affected metropolitan commission is liable to the state for the total cost and expenses of the audit, including the salaries paid to the examiners while actually engaged in making the examination. The legislative auditor may bill the metropolitan commission either monthly or at the completion of the audit. All collections received for the audits must be deposited in the general fund.

Subd. 2. **Post-secondary education board.** The legislative auditor may enter into an interagency agreement with the community college board, state university board, or the state board of technical colleges to conduct financial audits, in addition to audits conducted under section 3.972, subdivision 2.

History: 1993 c 13 art 2 s 2; 1Sp1993 c 2 art 3 s 1

3.98 FISCAL NOTES.

Subdivision 1. The head or chief administrative officer of each department or agency of the state government, including the supreme court, shall prepare a fiscal note at the request of the chair of the standing committee to which a bill has been referred, or the chair of the house ways and means committee, or the chair of the senate committee on finance.

For purposes of this subdivision, "supreme court" includes all agencies, committees, and commissions supervised or appointed by the state supreme court or the state court administrator.

[For text of subds 2 to 4, see M.S.1992]

History: 1993 c 4 s 6

3.984 RULE NOTES.

Subdivision 1. **Requirement.** The head or chief administrative officer of an agency, as defined in section 14.02, subdivision 2, shall prepare a note containing the information required by subdivision 2 on every bill containing a grant of rulemaking authority to that agency. The chair of a standing committee receiving a bill on rereferral from another standing committee shall request that: (1) the rule note be amended to reflect any amendment of the grant of rulemaking authority made to the bill; or (2) a rule note be prepared by the agency if a grant of rulemaking authority has been added to the bill.

Subd. 2. **Contents.** The note required by subdivision 1 must treat separately each grant of rulemaking authority contained in the bill and must include a detailed explanation of:

- (1) the reasons for the grant of rulemaking authority;
- (2) the persons or groups the rules would impact;
- (3) the estimated cost of the rule for the persons or groups specified pursuant to clause (2); and
- (4) the areas of controversy anticipated by the agency.

The note must be delivered to the chair of the standing committee to which the bill has been referred or rereferral, the chair of the legislative commission to review administrative rules, and the chairs of the committees in each body having jurisdiction over administrative rules.

Subd. 3. **Administration.** The commissioner of finance is responsible for coordinating this process, for assuring the accuracy and completeness of the note, and for assuring that rule notes are prepared, delivered, and updated as provided by this section.

The commissioner shall prescribe a uniform procedure to govern agencies in complying with this section.

History: 1993 c 370 s 3