



Session Review

A Publication about the Minnesota State Senate

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Session Review

This year's edition of Session Review contains highlights of some of the major pieces of legislation enacted into law during the 1989 Legislative session. Topics range from an omnibus crime package to a comprehensive groundwater protections measure. And, as in past years, Session Review contains summaries of all bills signed into law. However, unlike past issues, this edition of Session Review does not contain an explanation of an omnibus tax bill. The version passed by both bodies, along with two other bills, was vetoed by the governor, thus setting the stage for a Special Session. As this edition of Session Review goes to press, the date for the Special Session has not been set. Coverage of the Special Session will be provided, though, either by means of an issue of Perspectives or by resumption of a weekly publication schedule for Briefly.

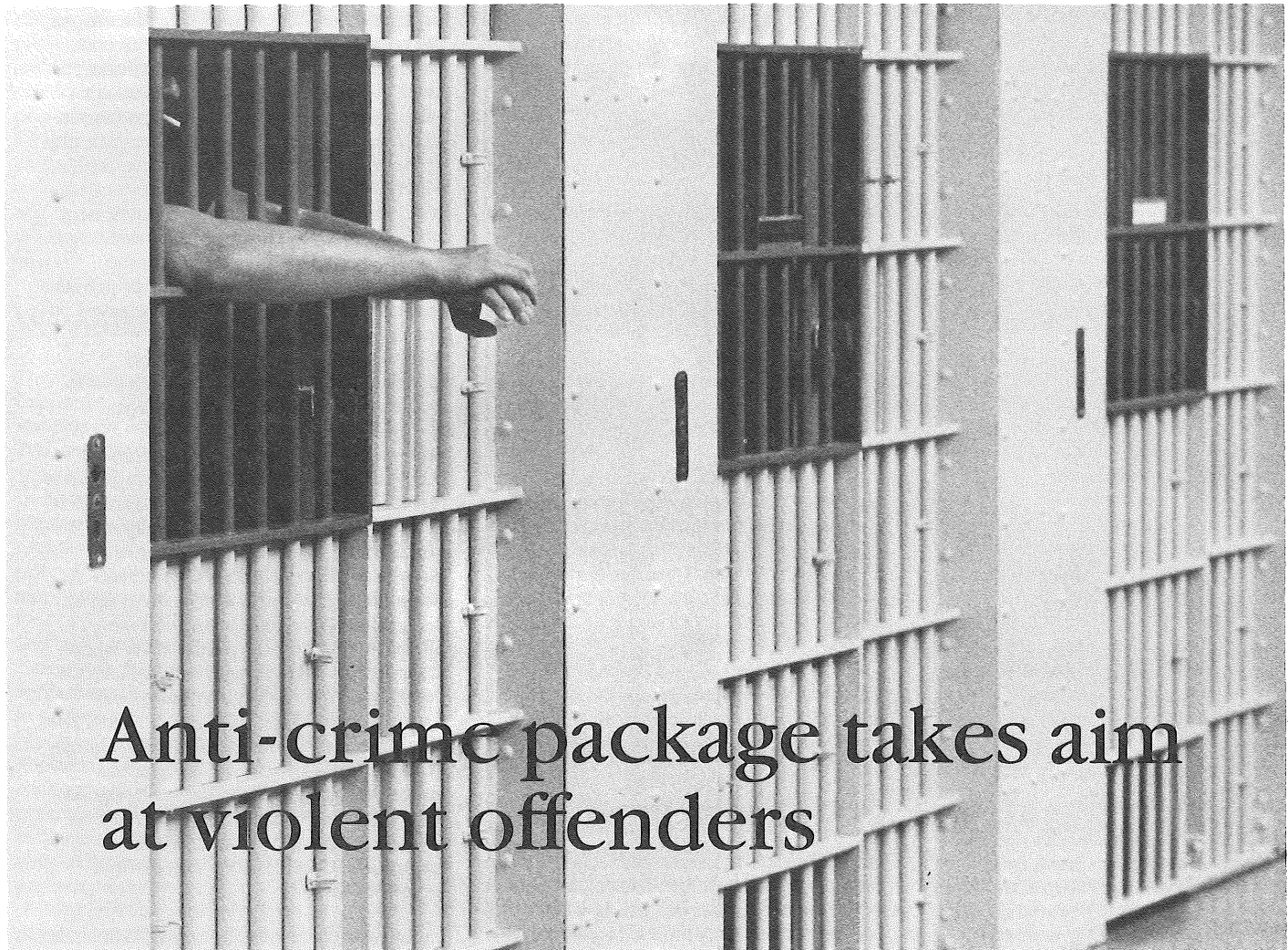
Writers: Karen L. Clark
Susan Douglass
Marjorie Duske
Gary Pietersen
Susan Tsakakis
Elizabeth Zoars

Layout and Design: Susan Tsakakis
David J. Oakes

On the cover:

The newly renovated Senate Chamber harks back to the original conceptions of architect Cass Gilbert. Extensive work was carried out in late 1988 and early 1989 to repair structural damage and to replicate original colors and decor. At the same time technological innovations, such as computer and television cabling were put in place to meet the needs of the 1990s and beyond. Photo by David J. Oakes.

photo by David J. Oakes



Anti-crime package takes aim at violent offenders

A comprehensive package aimed at reducing crime in Minnesota became law during this session of the Legislature. The package, comprised of several bills addressing various facets of the crime problem, was signed into law as Chapter 290. Sponsored by Sen. Allan Spear the major portions of the new law provide for increased sentences for violent crimes, authorize bonding money to convert part of the Faribault Regional Treatment Center to an adult correctional facility, impose tougher sentences for criminal sexual assault offenders, and establish a different method of sentencing for the sale and possession of drugs. In addition, the crime package contains a number of provisions designed to prevent crimes, particularly criminal sexual assault and drug abuse, and provisions designed to aid law enforcement in the apprehension of criminals.

Appropriations

Article I of the new law contains a variety of appropriations to fund the other portions of the chapter. A total of \$59 million is appropriated from the General Fund to fund the provisions of the crime package. The Dept. of Corrections will use a significant portion of the appropriation, about \$30 million, for the conversion and operating cost of an adult correctional facility at the Faribault Regional Treatment Center. In addition, \$16.7 million is appropriated for Community Services, with substantial amounts going for sex offender treatment programs for both adults and juveniles and for services for sexual assault victims. In addition, \$8.1 million is appropriated to state planning for the Community Resources Program. Under the new law, \$1.27 million is appropriated to

the Bureau of Criminal Apprehension to establish and operate a laboratory to perform DNA analysis and to establish a system for collecting and maintaining DNA analysis data. A biennial appropriation of \$350,000 is earmarked for the Drug Abuse Resistance Education Training Program, \$200,000 is to be used for grants to establish community crime reduction pilot projects and \$300,000 is appropriated for the bullet proof vest reimbursement program. A \$900,000 appropriation is designated for grants to agencies providing chemical dependency treatment to pregnant women and mothers.

Increased sentences

Sentencing provisions are contained in Article II of the new chapter. One section of

the new law provides that individuals convicted of first degree murder following a conviction of a heinous crime must serve a life sentence without parole or supervised release. A heinous crime is defined in the new law as murder in the first, second or third degree or criminal sexual conduct in the first or second degree if the offenses were committed with force or violence. In addition, a life sentence for a first degree murder conviction carries a mandatory minimum sentence of 30 years under the new chapter. Causing the death of a human being while committing a felony involving illegal drug sales is classified as first degree murder under the chapter.

The new law also provides increased sentences for dangerous and career offenders. Under the chapter, if the judge is imposing an executed sentence based on a guidelines presumptive imprisonment sentence, the judge may impose an aggravated departure up to the statutory maximum if the offender fits into the dangerous offender category described in the chapter. The law describes the dangerous offender as being at least 18 years old, as having two or more prior convictions for violent crimes and as being dangerous to public safety based on past criminal behavior or on the fact that the present offense involves an aggravating factor. The chapter also provides for increased sentences for career offenders if the judge finds that the offender has more than four prior felony convictions and the present offense is a felony and part of a pattern of criminal conduct from which a substantial portion of the offender's income is derived.

Crimes involving criminal sexual conduct also have stiffer penalties under the new law. An offender with two previous sex offense convictions who is convicted of first or second degree criminal sexual conduct is subject to a mandatory 37 year sentence and must serve at least 24.6 years, assuming the offender receives every possible amount of good time.

Other portions of the sentencing section of the bill require probation officers to give notice to local law enforcement authorities of the address of a sex offender when the offender is released from jail; require an inmate to perform a work assignment, if one is available, in order to earn good time; specify that the primary consideration of the Sentencing Guidelines Commission be public safety when calculating sentence formulas; and allow a crime victim to submit an oral impact statement to the court at the time of sentencing or disposition hearing.

Drug crimes

Article III contains numerous changes to laws relating to drug crimes. The new law

creates five degrees of controlled substance crimes, based primarily on the amount of drugs involved, and increases penalties substantially. For instance, a controlled substance crime in the first degree includes selling and possessing large amounts of crack or other drugs, and carries a maximum penalty of 30 years imprisonment, a \$1 million fine, or both. If the offender has a previous drug conviction, the mandatory minimum is four years with a maximum of 40 years. The five degrees of drug crime are designed to get at various dealer levels. Penalties for all degrees are increased if the violations occur in a park zone or a school zone defined in the law.

In addition, the new law contains a provision that allows a factfinder, either a judge or a jury, to infer that all persons in a room are knowingly in possession of any drugs found there. In addition, the inference also may be made that the driver of a car is knowingly in possession of any large amount of drugs found in the car, unless the drugs are concealed on the person of one of the occupants.

The chapter also adds a controlled substance felony to the list of felonies for which there is a mandatory minimum sentence if the crime is committed with a dangerous weapon. Other provisions lower the threshold for forfeiture of vehicles from \$500 to \$25 and for real property from \$5,000 to \$1,000.

One provision also increases the penalty for selling tobacco to a minor, from a misdemeanor to a gross misdemeanor.

Sex offender programs

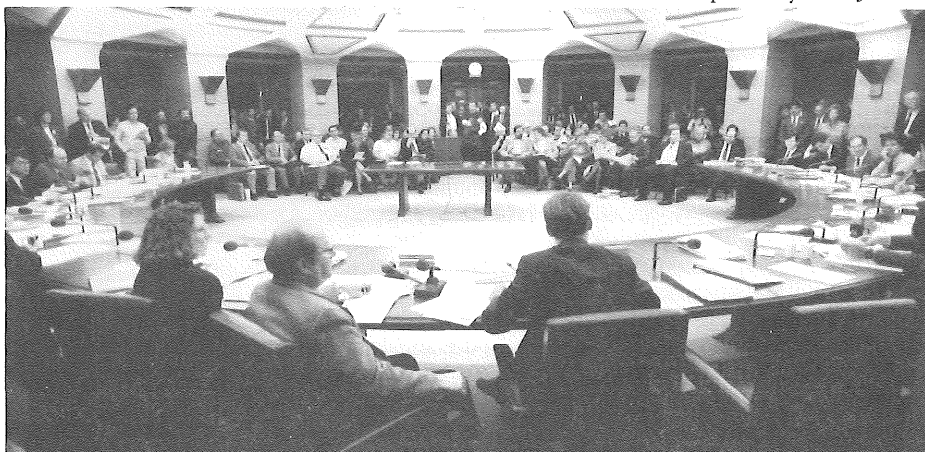
Article IV deals primarily with establishing treatment programs for adult and juvenile sex offenders. Under the new law, the commissioner of corrections is required to provide a range of sex offender treatment

programs and to establish pilot programs to increase the availability of treatment for sex offenders. In addition, state and local corrections agents and probation officers who supervise sex offenders are required to have special training. When a juvenile is committed to the commissioner of corrections by the court for a sex offense, the commissioner is given a range of options under the new law. According to the chapter, the commissioner may order the juvenile confined to a state juvenile correctional facility that provides the appropriate sex offender treatment; purchase sex offender treatment from a county and place the child in the county's juvenile correctional facility; purchase treatment from a qualifying private residential juvenile sex offender treatment program and place the juvenile there; purchase outpatient treatment for the juvenile from a qualifying county or private program and order the juvenile released on parole under treatment; order reconfinement, renewed parole or discharge; or refer the juvenile to a county welfare board for CHIPS proceedings.

The new law also provides for increased sentences for sex offenders if the court finds that the offender is a danger to public safety and that the offender needs long-term treatment or supervision based on an assessment that concludes the offender is a patterned sex offender. Under the chapter, the court is to base its finding that the offender is a danger to public safety when the crime involved an aggravating factor or the offender previously committed or attempted to commit a predatory crime. The new chapter also provides for determining whether a petition may be appropriate under the psychopathic personality statute. If the offender is committed under the psychopathic personality statute, the commitment begins when the criminal sentence ends.

The admission of the results of DNA analysis as evidence is also established in the

photos by David J. Oakes

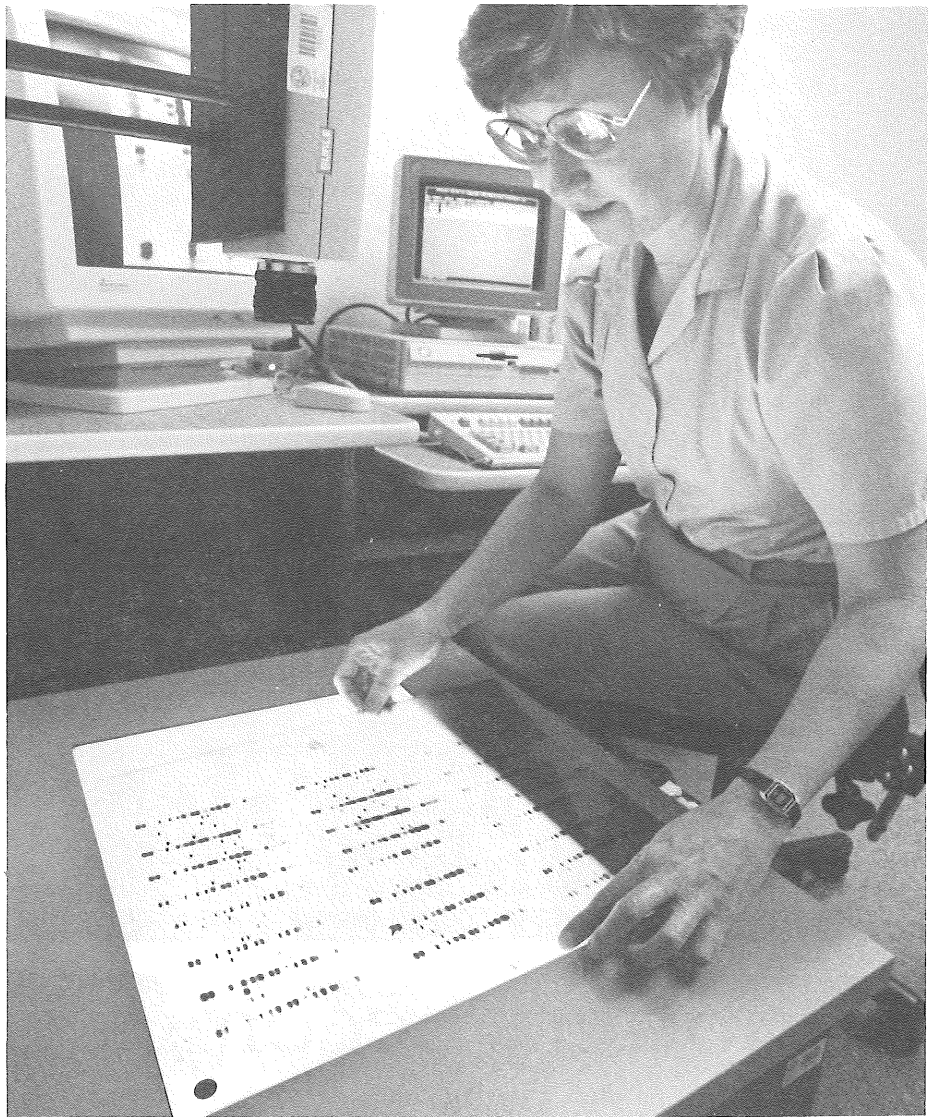


Members of the Senate Judiciary Committee devoted untold hours to formulating the omnibus anti-crime package that ultimately became law.

chapter. A section of the new chapter requires the Bureau of Criminal Apprehension to develop procedures for collecting DNA evidence and requires that sex offenders, prior to release, must provide DNA specimens. The sex offender article also provides for the establishment of a Child Protection System Study Commission in order to study ways in which the system can provide more effective intervention and prevention services for sexually aggressive and sexually abused children. The sex offender portion of the law also contains a provision extending the statute of limitations for criminal sexual conduct to two years after the offense was reported to law enforcement, if the victim was under 18 when the offense was committed and did not report the offense within the seven years.

Prenatal drug exposure

The tragedy of "crack" babies, new borns exposed to cocaine or crack, was the impetus for Article V of the crime package. The new law changes the definition of "chemically dependent person" to include a pregnant woman who has engaged in habitual or excessive use during the pregnancy of cocaine, heroin, phencyclidine, methamphetamine, or amphetamine. The change in definition is for purposes of the civil commitment law and taken with a change in the definition of "interested person" that includes a local welfare agency, allows a local welfare agency to seek civil commitment upon receiving a report of neglect under the Child Abuse Reporting Act. The definition of "neglect" is changed to include prenatal exposure to a controlled substance used by the mother as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child at birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance. The article also requires that all persons who are required to report under the Child Abuse Reporting Act to immediately report to the local welfare agency if they know or have reason to believe that a woman is pregnant and has used a controlled substance. Under the new law, the welfare agency is required to conduct an appropriate assessment and offer services that may include referrals for chemical dependency assessment, treatment or prenatal care. In addition, the agency may take any appropriate action under the civil commitment law including emergency admission. The new law also provides for toxicology testing of pregnant women if there are obstetrical complications that indicate use of a controlled substance, and testing of newborns if there is evidence that the infant has been exposed to a controlled substance.



Chapter 290 authorizes the Dept. of Public Safety to establish a laboratory to perform DNA analysis to be used as evidence in criminal cases.

Article VI of the new law provides for penalty increases for a number of crimes. The article changes statutory maximums to reflect adjustments in the sentencing guidelines grid. In addition, the article increases the penalty for criminal vehicular operation resulting in death to 10 years, or a fine of \$20,000 or both; increases the penalty for criminal vehicular operation resulting in great bodily harm to five years, or a fine of \$10,000 or both; and increases the penalty for assault in the first degree from 10 to 20 years.

Criminal law changes

The last article, Article VII, contains miscellaneous criminal provisions. The penalty for selling alcohol to a minor who becomes intoxicated and causes or suffers death or great bodily harm is changed from a gross misdemeanor to a felony. The provision does not apply to a licensed retailer, a bottle club permit holder, a municipal liquor store, or an employee acting within the scope of employment. The

article also deals with the subject of parental kidnapping by making it a felony to retain a child in Minnesota with the knowledge that the child was removed from another state, and increasing the penalties from two to four years for aggravated circumstances, such as use of a weapon, abuse of the child, or demand for ransom in parental kidnapping cases.

The article also changes the motor vehicle theft statutes. The new law repeals the unauthorized use of a motor vehicle statute and specifies that intentionally taking or driving a motor vehicle without the consent of the owner is theft. The article also sets sentencing provisions for theft of a motor vehicle based on the value of the motor vehicle.

Finally, the article specifies that sentences for receiving stolen property are parallel with the theft sentences, specifies that endorsing a check with intent to defraud is check forgery, and allows liquor in schools for alcohol use awareness programs.



The lottery becomes reality

Six months after voters approved a constitutional amendment permitting the establishment of a state lottery, Chapter 334, lottery enabling legislation sponsored by Sen. Bob Lessard, was signed into law. State proceeds from the lottery, expected to amount to \$90 million during the first two years, will be divided between the Environmental Trust Fund and the Greater Minnesota Corporation. Instant or scratch-off lottery tickets are expected to go on sale by the end of 1989, with lotto games fully operational by mid-1990. As a result, Minnesota now joins the 31 other states and the District of Columbia that have lotteries.

Chapter 334 establishes the Dept. of Gaming, with a commissioner appointed by the governor with the advice and consent of the Senate, charged with overseeing three separate divisions: a lottery division; a lawful gambling division; and a parimutuel racing division. Each of the three divisions, in turn, will have both a director and a board to oversee its daily operation.

The new law also creates a gambling enforcement division within the Dept. of Public Safety. The gambling enforcement

division is authorized to conduct investigations of lottery, lawful gambling, and parimutuel racing employees, retailers, and procurement contract bidders, along with gambling equipment manufacturers and distributors.

Lottery division

The Dept. of Gaming's Lottery Division, charged with operating the state lottery, is headed by a gubernatorially-appointed director that will supervise a staff of up to 170 employees. The lottery director's powers and duties include adopting rules and game procedures; issuing lottery retailer contracts; entering into lottery procurement contracts for lottery-related goods and services; entering into written agreements with other states to operate, market, and promote multi-state lotteries; adopting and publishing advertising and promotional materials; and taking "all necessary steps to ensure the integrity of, and public confidence in, the state lottery." The lottery director is also authorized to conduct stringent background checks on all prospective employees. A seven-member state lottery board is charged with advising

the director on all aspects of the lottery, including reviewing and commenting on rule and game procedures, procurement contracts, joint lottery agreements and advertising contracts. The board is also authorized to approve salary bonuses for the lottery director.

Under Chapter 334's provisions, the state is allowed to promote the lottery as a form of entertainment, as long as that promotion is "consistent with the dignity of the state." Advertising funds are not restricted during the lottery's first 30 months, but are limited to 2.75 percent of gross lottery receipts thereafter. The new law permits unlimited individual prize awards, and subjects all prize money to the state income tax. Prize payouts to players for instant lottery tickets are required to be 50 cents of every dollar until June 30, 1991, increasing to 60 cents of every dollar by July 1, 1992. The legislation specifies a minimum 45 cents of every dollar prize payout for lotto games.

The new law also prohibits the state from selling pull-tabs, and permits eligible bars, grocery stores, and nonprofit organizations to become lottery ticket retailers. In

addition, no one under the age of 18 is allowed to purchase a lottery ticket, but a minor may receive a lottery ticket as a gift.

Lawful gambling and parimutuel racing divisions

Chapter 334 requires the transfer of Minnesota's charitable gambling regulatory activities to the Dept. of Gaming's Lawful Gambling Division. The legislation also changes the term "charitable gambling" to "lawful gambling", reduces the Charitable Gambling Control Board's membership from 13 to 7 members, increases gambling equipment distributor and manufacturer license fees, tightens licensure requirements, and restricts where gambling equipment can be legally stored.

The measure designates the state's current nine-member Minnesota Racing Commission to serve as the board for the Dept. of Gaming's Parimutuel Racing Division. The legislation permits licensed racetracks to transmit race telecasts to Indian lands where parimutuel wagering is authorized by tribal-state compacts. The law also allows licensed racetracks that transmit race telecasts to pool the bets wagered at both the receiving and sending racetracks.

In addition, Chapter 334 directs the commissioner of human services to establish a compulsive gambling treatment program. A 1990-91 biennial appropriation of \$600,000 is designated to fund the program.

Gaming compact

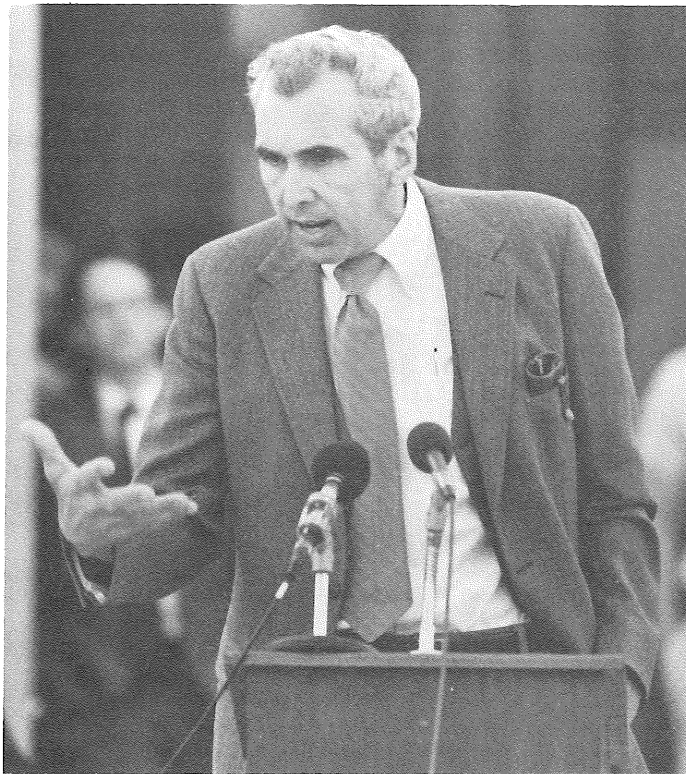
Chapter 44, sponsored by Sen. Marilyn Lantry, authorizes the governor, or the governor's designated representatives, to negotiate and enter into a tribal-state compact pursuant to the Indian Gaming Regulatory Act. The compact will regulate the conduct of Class III gambling activities on Indian reservations located in Minnesota. Class III gaming activities include video poker, parimutuel dog and horse racing and lotteries.

Televised betting

Chapter 141 permits state-licensed racetracks to conduct parimutuel betting on televised races on winter days when actual racing is not conducted at the racetracks. The new law also allows licensed racetracks receiving the telecast transmission to combine their betting pools with those bets wagered at sending racetracks, and permits licensed Minnesota racetracks to transmit races they conduct to out-of-state locations.

The legislation was sponsored by Sen. Marilyn Lantry.

photos by David J. Oakes



Top: Former Minneapolis Police Chief Tony Bouza was named commissioner of the Dept. of Gaming, a new state agency created by Chap. 334 to regulate the lottery, racing and lawful gaming. Above: Chief authors Sen. Bob Lessard and Rep. Joseph Quinn confer during conference committee.

Protection for a precious resource



The omnibus groundwater legislation is aimed at protecting one of Minnesota's most cherished resources. Chap. 326 addresses issues ranging from well drilling and maintenance (above) to fertilizer and agricultural chemical regulations (opposite left). Opposite right: Chief author Sen. Steven Morse.

Chapter 326, known as the 1989 Groundwater Protection Act sponsored by Sen. Steven Morse, is designed to prevent the degradation of Minnesota groundwater wherever prevention is practicable. The Dept. of Agriculture and the Pollution Control Agency are charged with leading the protection effort, with seven additional state agencies, including the Depts. of Health and Natural Resources, providing relevant technical and administrative support.

The law establishes a process for the Dept. of Natural Resources and the Minnesota Geological Survey to designate sensitive groundwater areas located around the state. The Dept. of Agriculture and the Pollution Control Agency are required to develop best management practices for groundwater degradation prevention in the selected areas, to manage pollutants where groundwater degradation is detected, and to adopt water resource protection requirements that prevent and minimize the groundwater pollution. The Environmental Quality Board is charged with reviewing all groundwater quality monitorings carried out by state agencies and political subdivisions during the course of this activity. In addition, Chapter 326 requires the Dept. of Health to promulgate long-term risk measurement rules for groundwater degradation substances, and provides the department with the authority to adopt health risk limits relating to the substances.

The 1989 Groundwater Protection Act is anticipated to cost the state \$17 million to implement during the 1990-91 biennium. The legislation is financed by \$8.2 million in General Fund revenues, with the remainder coming from fees on fertilizers, pesticides, well construction and buildings that use aquifers for air conditioning.

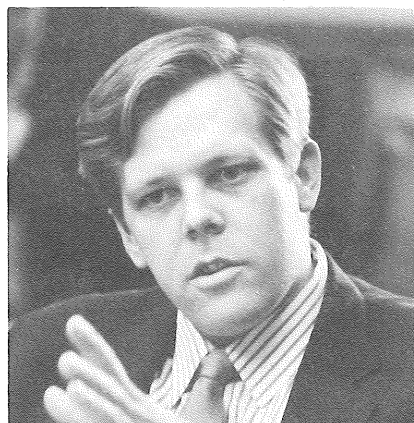
Chapter 326 utilizes a number of different methods aimed at protecting Minnesota's groundwater. Specifically, the new law contains the following provisions.

New programs

Chapter 326 creates an Environmental Agriculturalist Education Program, administered by the Board of Water and Soil Resources, to advise and inform agricultural producers on the impact on water quality of specified farming practices. The law requires the Dept. of Agriculture to establish a sustainable agriculture clearinghouse, and to provide sustainable agriculture assistance to interested Minnesota producers. The establishment of a local water resources protection and management program,



photos by David J. Oakes



designed to provide financial assistance to counties that develop and implement comprehensive local water programs and administered by the Board of Water and Soil Resources, is also included in the law.

In addition, Chapter 326 requires the Dept. of Agriculture, in conjunction with the Minnesota Extension Service, to develop innovative educational and training programs that address pesticide concerns. The measure also specifies additional water planning duties for the Environmental Quality Board, including the identification, coordination, and dissemination of water resource information and educational materials.

Studies

The new groundwater protection law also contains provisions to support research activities that are designed to guarantee the quality of Minnesota's groundwater. Chapter 326 authorizes the establishment of the Legislative Water Commission to review state water policy, and to make legislative recommendations on ways to improve the policy. The Environmental Quality Board is required to prepare and submit a report on state water research needs to the commission and to the Minnesota Future Resources Commission. The legislation directs the Dept. of Natural Resources to study and report to the Legislative Water Commission on the impact of consumptive water use on existing aquifers, and requires the Dept. of Agriculture to appoint a Nitrogen Fertilizer Task Force to study the effect and impact of nitrogen fertilizer usage on water resources. Chapter 326 requires the Dept. of Agriculture and the Pollution Control Agency, in consultation with the Board of Water and Soil Resources, to conduct a study on nitrogen compounds in groundwater. The law also creates a Metropolitan Local Water Management Task Force to study and report on water management issues confronting

metropolitan areas of the state.

The law includes strengthened enforcement of state well, pesticide, and fertilizer and agricultural chemical regulations, along with implementation of several new regulations.

Well regulations

Chapter 326 attempts to reduce groundwater contamination caused by newly-constructed and abandoned wells throughout the state. The legislation requires individuals to notify the Dept. of Health when constructing wells. The new law also requires well and well sealing contractors to obtain licenses for specified construction activity. In addition the law requires landowners to disclose the location of known wells before signing an agreement to sell or transfer real property, with penalties provided for sellers who violate the provision. Also, the Dept. of Natural Resources is required to identify the location of abandoned wells located on state property, and prohibits the state from purchasing or selling land without identifying the location of all wells. The law establishes well sealing requirements and provides the Dept. of Health with the authority to seal wells that are contaminated, that endanger the groundwater supply, or that represent a safety or health hazard. In addition a well sealing cost-share program is established, administered by the Board of Water and Soil Resources, to partially reimburse qualifying landowners for the costs incurred to seal individual wells. Chapter 326 contains a \$530,000 appropriation to fund the well capping program.

Pesticide regulations

The 1989 Groundwater Protection Act is also designed to minimize the environmental damage caused by pesticide

usage in the state. The Dept. of Agriculture is required to develop a pesticide management plan to prevent, evaluate, and mitigate the occurrence of pesticides and pesticide breakdown products. The law requires pesticide dealers and distributors, after June 30, 1994, to accept waste pesticides that remain in their original containers unless there is a designated place in the county to return the unused pesticides, and directs the Dept. of Agriculture to establish a waste pesticide collection program to collect waste pesticides from pesticide end users. Chapter 326 also requires the Dept. of Agriculture, in consultation with the Pollution Control Agency, to develop a pesticide container collection and recycling pilot project.

Fertilizer and agricultural chemical regulations

Groundwater contamination caused by agricultural chemicals and fertilizers is also addressed by Chapter 326. The measure requires individuals who store bulk fertilizers, soil amendments, or plant amendments to develop contingency plans that describe storage, handling, disposal, and incident handling practices. In addition, the legislation provides the Dept. of Agriculture with the authority to order responsible parties to take corrective action for agricultural chemical incidents, and authorizes the department to inspect and investigate all sites where agricultural chemicals are used or stored, to seek administrative remedies, and to assess penalties for violations. An Agricultural Chemical Response and Reimbursement Account, designed to finance costs incurred by the Dept. of Agriculture when responding to agricultural chemical incidents or emergencies throughout the state, is also established by the new law.

Bill Highlights



Scenes like this may become rarer because of Chap. 256. The new law specifies that, with some exceptions, authorities must wait four hours after issuing a ticket before towing a vehicle.

Towing

Chapter 256 prohibits local authorities from towing a motor vehicle from public property for a parking or traffic violation until four hours after issuance of a traffic ticket or citation.

However, the law permits towing without regard to the four-hour waiting period if the vehicle is parked in a snow emergency route, in a restricted bus lane, in a handicapped transfer zone or parking space without accompanying identification, in a restricted rush-hour parking area, on restricted Mpls.-St. Paul International Airport property, or in a temporarily restricted parking area that has been posted at least 24 hours in advance. Additionally, towing is allowed if the vehicle is parked within 30 feet of a stop sign and visually blocks the stop sign, within a highway access right-of-way, on the travel portion of a public street, in a restricted fire, police, public safety, or emergency vehicle zone, or if the vehicle blocks a driveway, alley, or fire hydrant. The measure also permits law enforcement officials to order vehicle towing regardless of the four-hour waiting period if an official believes that the vehicle is stolen or contains criminal evidence, or if the vehicle's driver is arrested or has failed to respond to five or more parking or traffic citations.

The law was sponsored by Sen. Steven Novak.

Custody and visitation changes

One of the new laws enacted during the course of the session provides a new approach to an old problem of visitation disputes after a divorce. Chapter 248, sponsored by Sen. Allan Spear, provides for the appointment of "visitation expeditors" to resolve ongoing visitation disputes. Under the new law, if all parties are agreeable, the court may appoint a visitation expeditor to resolve disputes such as claims by a custodial parent that a noncustodial parent is not visiting a child or claims by a noncustodial parent that a custodial parent is denying or interfering with visitation. If the parties cannot agree on a visitation expeditor, the court is to present a list of candidates with one more candidate than there are parties to the dispute. Each party is to strike one name, and the court is to appoint the remaining person. The court is also directed to give preference, when developing the list, to persons who volunteer their services. All costs are to be apportioned among the parties.

The new law specifies that when a dispute arises, the visitation expeditor is to meet with the parties within five days and make a diligent effort to facilitate an agreement to resolve the dispute. If the parties do not reach an agreement, the expeditor is to make a decision to resolve the dispute as

soon as possible. Finally, if a party does not comply with the agreement or decision, any party may bring a motion with the court to resolve the dispute. Under the chapter, the court may consider the agreement or the decision, but neither is binding. The new law does not preclude the parties from voluntarily agreeing to submit their dispute to a neutral third party.

Another section of the new law provides for visitation in cases where a child has resided in a household with a person, such as an aunt, for two years or longer and no longer lives with the person. Under the new law, the person may petition the District Court for an order granting reasonable visitation rights to the child. The court is to grant the petition if the court finds that visitation rights would be in the best interests of the child; the person and the child established emotional ties creating a parent and child relationship; and the visitation rights would not interfere with the relationship between the custodial parent and the child. Finally, the court is to consider the reasonable preference of the child.

In a separate section of the new chapter dealing with modification of visitation rights, the court is prohibited from restricting visitation unless the court finds that the visitation is likely to endanger the child's physical or emotional health or impair the child's emotional development; or the noncustodial parent has chronically and

unreasonably failed to comply with court-ordered visitation.

Another section of the new law deals with the factors the court considers and evaluates when deciding the best interests of the child upon the dissolution of a marriage. Two additional factors were added to the ten existing factors: the child's primary caretaker; and the intimacy of the relationship between the child and each parent. The new law also specifies that the court may not use one factor to the exclusion of all others.

Finally, the new law addresses the factors to be considered when joint custody is sought. In addition to other factors, the court must also consider whether domestic abuse has occurred between the parents.

Omnibus life and health insurance bill

Chapter 330, the omnibus life and health insurance bill sponsored by Sen. Donna Peterson, makes substantive and technical changes to the insurance statutes.

The law allows employees covered under a new group policy, contract or health plan to continue coverage under a former employer—subject to the 18-month limitation—for pre-existing conditions until the pre-existing condition limitations of the new policy have been satisfied. The new policy is considered primary except as to the pre-existing condition. The employee must cover the expense.

The chapter forbids the issue of any policy of insurance that pays a death benefit that returns premiums or premiums plus interest, or multiples of less than four times the premiums or premiums plus interest, in lieu of benefits. The provision also provides exceptions, such as voluntary rescission of a policy.

In addition, a new appeals procedure is set out in the law for individuals whose claim for medical benefits under a no-fault auto insurance policy is denied because the treatment is deemed experimental, investigative, or not medically necessary.

Also contained in the law is a provision forbidding insurers from issuing or renewing accident and sick insurance policies that contain a provision that makes an insured person ineligible to receive full benefits because of an insured's failure to obtain preauthorization, if that failure occurs because of an emergency. In addition, if a policy of accident or sickness insurance or a subscriber contract requires preauthorization approval for nonemergency services, the law requires that an insurer approve or disapprove the request within ten business days.



Bronze star grave markers for veterans are authorized under Chap. 335, the omnibus state departments measure.

Veterans home study

Chapter 332, sponsored by Sen. Keith Langseth, requires that the commissioner of administration, in cooperation with the Veterans Home Board of Directors and the Interagency Board for Quality Assurance, must complete a study by Feb. 1, 1990, to help the Legislature determine if any additional veterans homes should be established in any health systems agencies regions of the state not currently served by a veterans home, and in which communities the homes should be sited if the study determines additional homes are necessary.

The new law sets forth the factors that the

study must take into account in analyzing whether additional veterans homes are necessary, including the number of veterans projected to need nursing home care in the state and in each region; the availability and feasibility of other long-term care alternatives; the impact of additional veterans homes on existing community nursing homes; the availability of federal funding; the overall cost to the state of a veterans home in each health systems agencies region; and the Veterans' Home Board of Directors' long term plan for veterans' health care. The chapter also sets forth the criteria the study must analyze for potential sites if it is determined that there is a need for additional veterans homes.

The new law also specifies that a veterans nursing care facility is to be established in Luverne, Minnesota, unless the funds to be provided by the federal government are not approved by Dec. 1, 1989. If the funds are not approved, the future authorization of the siting of a veterans nursing care facility in Luverne must be considered in the context of the study.

Finally, the new law authorizes the commissioner of human services to seek federal waivers providing that the income and asset limitations for veterans, who are otherwise eligible for Medical Assistance, are the income and asset limitations established by the Board of Directors of the Minnesota Nursing Homes for Veterans for veterans applying for admission to a veterans home.

Highway funding

Chapter 268, sponsored by Sen. Keith Langseth, raises motor vehicle license taxes on older vehicles, and increases the amount of revenue transferred from the Motor Vehicle Excise Tax (MVET) Fund. In addition, the new law changes the distribution of highway user tax funds. A provision that authorizes the use of funds contained in the State Park Road Account to improve city streets and town roads providing immediate access to state parks and campgrounds is

also included in the measure.

Chapter 268 extends, from an average of seven years to an average of 10 years, the amount of time it takes to reach the \$35 minimum license plate fee for passenger cars, vans, and pick-up trucks. The extension is expected to generate an additional \$42 million for highway funding during the 1990-91 biennium, rising to \$51.5 million per biennium by 1993.

Chapter 268 also redistributes a portion of the revenue that is generated by the MVET. Under the new law, 35 percent of MVET revenues are transferred to the Trunk Highway and Transit Assistance Funds. Previously, the figure was 30 percent. The increased MVET transfer will generate transportation revenues of \$25 million, including \$19 million for highways and \$6 million for transit.

Apportionment of revenues contained in the five percent set-aside portion of the Highway User Tax Fund is also revised by the new law. The law reduces the amount of revenue the Trunk Highway Fund receives from the five percent set-aside from 51 to 28 percent, and increases the amount of revenue the County State-aid Highway Fund receives from 41 to 64 percent.

During the next biennium, Chapter 268 will provide total funding of \$1.585 billion for highways, and \$72.9 million for transit. The

figures represent an increase of \$61 million for highways and \$2.7 million for transit over 1988-89 biennium appropriation levels.

Living will enacted

Minnesota joined 38 other states by enacting the "living will" law this session. The new law, Chapter 3, allows individuals to make an advance declaration of their preferences about the types of health care they are to receive should they become unable to make those decisions. The Adult Health Care Decisions Act, sponsored by Sen. Ember Reichgott, further specifies the form the declaration is to be made in, sets forth definitions and defines the scope of the new law. Specifically, the measure provides that a competent adult may make a declaration of preferences or instructions regarding health care that may include, but are not limited to, consent to or refusal of any health care, treatment, service, procedure or placement. Further, the measure specifies that the declaration may include preferences or instructions regarding health care, the designation of a proxy to make health care decisions on behalf of the declarant, or both.

The new law also requires that health care providers must make the declaration a part of the individual's medical record. If the provider is unwilling to comply with the declaration, the provider must notify the individual and document the notification in the medical record. The individual may then transfer to a different physician or provider. If the individual does not transfer, the provider has no duty to transfer the patient. However, if the provider does not notify the individual of unwillingness to carry out the declaration and if the individual becomes unable to seek transfer, the provider must take all reasonable steps to transfer care of the individual to a provider who is willing to comply.

The measure also requires that a proxy designated to make health care decisions must act consistently with any desires the individual expresses in the declaration or otherwise makes known to the proxy. In addition, the new law also provides for the revocation of a declaration at any time. The dissolution of a marriage revokes designation of a former spouse as a proxy unless otherwise specified in the declaration.

Health care providers must comply with the terms of a declaration to the fullest extent possible, consistent with reasonable medical practice and other law. The provider must also continue to obtain the individual's informed consent to all health care decisions to the extent the individual is capable. The "living will" law also provides that the individual must state preferences



Chapter 268 extends from seven to ten years the amount of time it takes to reach the minimum license plate fee for passenger vehicles.



Minnesota's future air transportation needs are a prime consideration in Chap. 279. The new law calls for a search for a new airport site, a long-term plan for the current airport and for consideration of air transportation needs over the next 30 years.

regarding whether the individual wishes to receive or not receive artificial administration of nutrition and hydration or that the individual wishes a proxy, if any, to make that decision. If the individual omits a statement of preferences regarding artificial administration of nutrition and hydration, all other preferences or instructions are still enforceable and a decision whether to administer food and nutrition would be made pursuant to "reasonable medical practices." Under the new law "reasonable medical practice" would include, in relying on a declaration to make a decision about the administration of nutrition and hydration, the continuation of appropriate care to maintain comfort, hygiene, and human dignity, and to alleviate pain; the oral administration of food or water to a patient who accepts it, except for clearly documented medical reasons; and in the case of a pregnant declarant, not giving the declaration effect if it is possible that the fetus could develop to the point of live birth with continued life sustaining treatment.

The new law also provides that if an individual has not executed a declaration, no presumption is created with respect to the individual's intention regarding health care and that nothing in the law authorizes the withholding or withdrawal of artificially administered nutrition or hydration from a person who has not issued a declaration or designated a proxy.

The "living will" law specifically states that the law does not condone, authorize, or approve mercy killing, euthanasia, suicide or assisted suicide. The new law also spells out a gross misdemeanor penalty for concealing or changing a declaration; a misdemeanor penalty for requiring or prohibiting execution of a declaration; a felony penalty under the aggravated forgery

law for forging a declaration; and a felony penalty for forcing the execution of a declaration.

Metropolitan airport planning

Chapter 279, sponsored by Sen. Roger Moe, permits the Metropolitan Council to search for a new airport area in or around the seven county metropolitan area, directs the Metro Council and the Metropolitan Airports Commission (MAC) to participate in a coordinated planning effort for major airport development in the metropolitan area, establishes a state advisory council on metropolitan airport planning, and expands the MAC's membership by four non-metropolitan representatives. Construction costs for a new airport are projected to be in the \$2 billion to \$3 billion range.

Specifically, the legislation requires that the Metro Council, in consultation with the MAC, designate a search area for a new airport by Jan. 1, 1992. The Metro Council must recommend ways to protect the search area from conflicting development, to protect and control development on land at or around a new airport site, and to inhibit land speculation and reduce incentives for land speculation at or around the new airport site. A Metro Council report, describing the airport demand forecasting methods that the council intends to use to project airport facility needs for a prospective 30-year period, is also a requirement contained in the measure. Additional Metro Council reports required by the law include reports that analyze and make recommendations on long-range aviation goals for a major metropolitan airport facility, that detail the availability of suitable land for a new airport, and that

contain potential uses for the existing airport site if a new airport site is chosen.

Chapter 279 directs the MAC to prepare a long-term comprehensive plan for the current airport, to develop a conceptual design plan for a new airport, to select a new airport site in the search area designated by the Metro Council, to report to the Legislature on aviation forecasts and system integration, and to hold public hearings for new runways or expanded or relocated terminals at the current airport site. A number of the reports are to be submitted to the Legislature.

Another provision of the law directs the Metro Council and the MAC to report to the Legislature within 180 days of completing the site selection process for a new airport. The report must contain recommendations on airport site acquisition strategies, on airport development plans projected 30 years into the future and on new airport financing options.

Chapter 279 also establishes an advisory council on metropolitan airport planning, designed to review and comment to the Legislature on the airport planning activities carried out by both the Metro Council and the MAC. The advisory council, co-chaired by one member from each legislative body, is comprised of 21 voting members and 2 non-voting members. A provision "sunsetting" the advisory council in 1996 is also included in the new law.

Light rail transit

Chapter 339, sponsored by Sen. Steven Novak, restructures the Regional Transit Board (RTB) and the Metropolitan Transit Commission (MTC), directs the RTB to plan

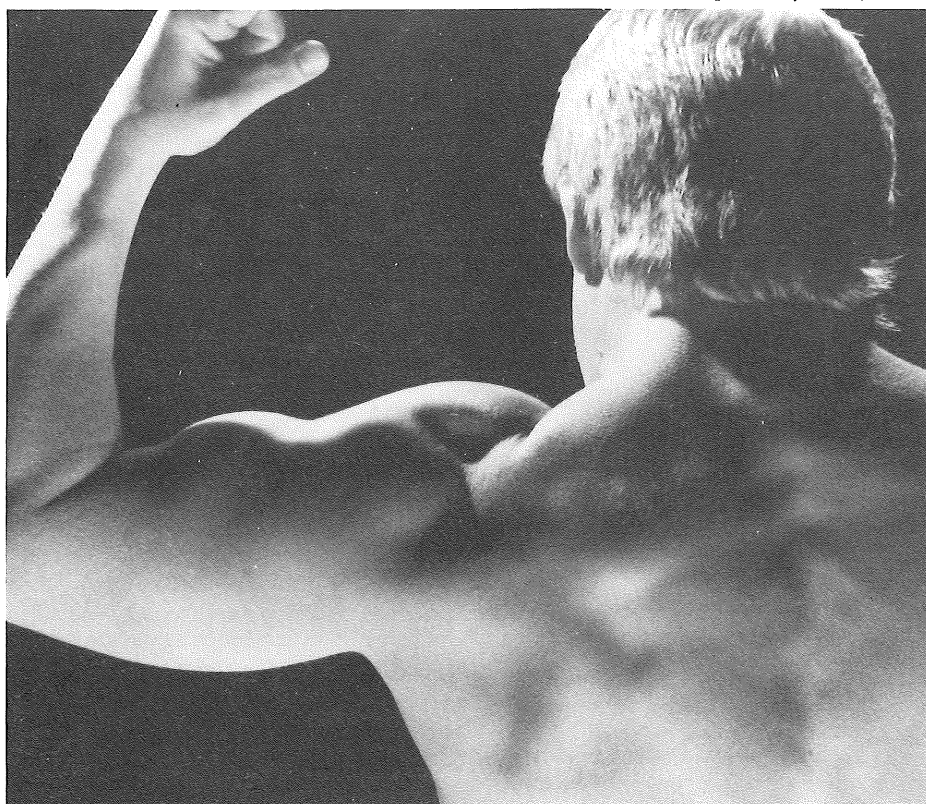
and coordinate light rail transit systems in the metropolitan area, directs the RTB to establish a joint light rail transit advisory committee, directs the MTC to operate light rail transit systems, and changes various statutes concerning metropolitan transit plans, programs and authorities.

Specifically, Chapter 339 requires the commissioner of transportation to obtain approval from the RTB before any transit assistance funds can be distributed, and authorizes the RTB to conduct public hearings and review both preliminary and final light rail transit facility design plans. The duties of the RTB are broadened to include increasing transit service in suburban areas, and advising and working cooperatively with transit providers and developers to increase the availability of all transit services. The new law also requires that the RTB adopt a regional light rail transit plan to "ensure that light rail transit facilities in the metropolitan area will be acquired, developed, owned, and capable of operation in an efficient, cost-effective, and coordinated manner as an integrated and unified system on a multicounty basis in coordination with buses and other transportation modes and facilities." A section of the law details the composition of the 11-member RTB, establishes a joint light rail transit advisory committee to assist the RTB in planning light rail transit facilities and to coordinate the light rail transit activities of the county regional railroad authorities and the MTC. The law also authorizes the RTB to conduct a study on ways to improve transportation service delivery for the elderly, handicapped and disabled.

Chapter 339 increases the MTC's membership from three to five persons, and requires that each member have transit or governmental experience. The MTC is required to coordinate operation of the light rail transit system with the bus system to avoid duplicative service, and to "ensure the widest possible access to light rail transit lines in both suburban and urban areas by means of a feeder bus system."

Penalties for unauthorized release of research animals

A misdemeanor penalty was established this year for the unauthorized release of research animals. The new law, Chapter 55, authored by Sen. LeRoy Stumpf, also provides for civil penalties for the unauthorized release of animals. Under the new law, a person who releases an animal is liable to the owner for damages, including the costs of restoring the animal to confinement and to its health condition prior to release, and for damage to personal and real property caused by the released animal. Further, if the release causes the



Anabolic steroids are placed in Schedule IV of the list of controlled substances under Chap. 230. The weightlifter above competes in the drug free classification.

failure of an experiment, the person is liable for all costs of repeating the experiment, including replacement of the animals, labor and materials. Finally, the bill specifies that a second or subsequent offense by the same person is a gross misdemeanor.

Computer crime penalties created

Two measures dealing with computer crimes were enacted into law this year. Chapter 95, sponsored by Sen. Ember Reichgott, deals with the crime of unauthorized access to computers. Chapter 159, authored by Sen. Gregory Dahl, prohibits the distribution of computer "viruses" or other destructive computer programs.

Chapter 95 creates the crime of unauthorized computer access if a person intentionally and without authority attempts to or does penetrate a computer security system. The new law sets a felony penalty of imprisonment of up to 10 years and payment of a fine of up to \$20,000, or both for the person who commits the crime with the result that there is a grave risk of causing the death of a person. In addition, the law sets a gross misdemeanor penalty for a violation that creates a risk to public health and safety and specifies up to one year imprisonment, a fine of up to \$3,000, or both. A gross misdemeanor penalty is also set for a person who commits the crime in a manner that

compromises the security of data that are protected under law or are not public data as defined by law. The new law also specifies that a person who is guilty of a second or subsequent gross misdemeanor violation is guilty of a felony. A misdemeanor penalty of 90 days imprisonment and a \$700 fine, or both, is set for the crime of unauthorized computer access. A second or subsequent violation leads to a gross misdemeanor penalty under the new law.

The second new law, Chapter 159, defines a destructive computer program as a computer program that performs a destructive function or produces a destructive product and further defines destructive function and destructive product. Under the law, a program performs a destructive function if it degrades performance of the affected computer, associated peripherals or a computer program; disables the computer; or destroys or alters computer programs or data. A program produces a destructive product if it produces unauthorized data, including data that make computer memory space unavailable; results in the unauthorized alteration of data or computer programs; or produces a destructive computer program, including a self-replicating computer program. The law specifies a penalty for whoever distributes a destructive computer program, without authorization and with the intent to damage or destroy any computer, computer system, computer network, computer software, or any other

property. The penalty ranges from a 10 year felony to a misdemeanor depending on the dollar amount of the resulting computer damage.

EMS First Responder notification

Providing safeguards against infectious diseases for emergency first responders medical services personnel is the goal of Chapter 154. The new law, sponsored by Sen. Marilyn Lantry, sets forth a notification protocol for exposure to HIV and Hepatitis B viruses, and requires that every hospital or freestanding emergency medical care facility that receives patients must adopt a postexposure notification protocol for emergency medical services personnel who experience a significant exposure. The new law goes on to outline the requirements for a postexposure notification protocol and specifies that the protocol include a method for EMS personnel to notify the facility that they may have experienced a significant exposure; a process to investigate whether a significant exposure occurred; a process to determine, if significant exposure occurred, whether the patient has hepatitis B or HIV infection; a process for making, if it is not possible to determine what disease the patient may have, recommendations for appropriate counseling and testing; a method for compliance with applicable state and federal data practices laws; and a process for providing counseling for the patient to be tested and for the EMS personnel filing the exposure report.

The new law also requires pretest counseling, notification of test results and posttest counseling to be provided to all patients tested and to EMS personnel requesting notification. Under the law, the patient must be notified of the right to refuse testing.

Presidential primary

A major change in election law is contained in Chapter 291, sponsored by Sen. Ronald Dicklich. The law gives voters in Minnesota the opportunity to vote in a presidential primary election in 1992. The last presidential primary in Minnesota was in 1956. Under the law, primaries must be held on the fourth Tuesday in February of each year of a presidential election.

The primary must be conducted in the manner prescribed by law for other primaries and in accordance with the general election laws, as applicable. All individuals who have been entered as a candidate for the nomination of a major political party in presidential primaries in at

least two other states during the same year and all individuals who have been nominated as a candidate for the presidential nomination of a political party by a petition signed by 2,000 eligible voters from each congressional district must be listed on the appropriate ballots.

The delegates to the national convention of each political party appearing on the presidential primary ballot must be apportioned among the various candidates of that party receiving votes in the presidential primary, in proportion to their respective vote totals.

At the national convention, delegates chosen because of their support for a certain candidate must vote for that candidate on the first ballot, and must also on the second and third ballots if the candidate receives at least 20 percent of the votes cast on the preceding ballot. Candidates may release delegates from that obligation.

Ag omnibus legislation

Chapter 350, the \$4.1 million agriculture funding measure carried by Sen. Charles Davis, contains more than forty different programs designed to assist Minnesota farmers. The following programs are included in the legislation.

Chapter 350 institutes a \$700,000 state-funded grant program to encourage Minnesota farmers to carry federal crop insurance. Grants are limited to \$300 or 20 percent of an individual's total 1989 crop insurance premium costs. The program is designed to assist at least 2300 Minnesota farmers affected by last summer's drought. Originally, a \$14 million drought relief package was offered by Davis, but legislative committees trimmed the request to \$700,000.

The measure authorizes a state-wide grasshopper control program and provides for the inspection and control of plant pests in the same manner as noxious weeds. Funding for the program is provided for by a \$75,000 General Fund appropriation. Political subdivisions are also permitted to levy taxes to support grasshopper control activities within their jurisdictions. In addition, the law contains a 50 percent cost-share program to reimburse eligible landowners who voluntarily use state-approved grasshopper control methods.

The Rural Development Board is directed to select an organization to develop, test and implement a rural community needs assessment model project under one of the law's provisions. The legislation specifies that the chosen organization must select five rural communities in 1990 and ten rural communities in 1991 within which to

perform community need assessments using the model developed. A 1990-91 biennial appropriation of \$150,000 is provided to fund the program.

The legislation authorizes the commissioner of agriculture to direct and promote development of aquaculture in the state. The law also contains a \$150,000 biennial appropriation to fund aquaculture research and demonstration projects.

Minnesota's dairy industry is also addressed by the new law. The legislation specifies that the state's dairy promotion checkoff rate must be equal to the maximum credit allowed under federal law. In addition, Chapter 350 extends the activities of the Minnesota Dairy Task Force to June 1, 1990. A \$30,000 state appropriation, to be matched on a one-to-one basis by money from nonstate sources, is provided to support the task force's activities.

The law commissions the Minnesota Shade Tree Advisory Committee, in conjunction with the University of Minnesota and the Dept. of Agriculture, to conduct a study of problems facing community and urban forests. The legislation directs the commission to examine the potential energy saving, pollution emission, and noise reduction aspects of forestation, and provides for a \$20,000 General Fund appropriation.

The measure expands the Women, Infants, and Children (WIC) Farmers Market Coupon Program. Under the law, \$125,000 is appropriated to the commissioner of agriculture for the 1990-91 biennium for the continuation of a demonstration project that provides redeemable Minnesota-grown food coupons to WIC program recipients.

The new law directs the commissioner of agriculture to conduct an investigation and economic analysis of cheese marketing practices within the state, the Upper Midwest Region and the United States. The investigation's purpose is to evaluate the extent to which Minnesota dairy farmers and cheese producers are benefited by local and regional cheese marketing institutions and practices.

Chapter 350 extends the Farmer-Lender Mediation Act Program for one year, and makes technical corrections to the program. The legislation includes a provision that commissions a joint legislative efficiency study of the Family Farm Security Program. A \$300,000 General Fund appropriation is made to the Minnesota Extension Service to meet the Farmer-Lender Mediation Program's costs.

The new law establishes an advisory Farm Safety Task Force to determine ways to minimize Minnesota farm accidents and injuries. A total of \$5,000 is appropriated

from the General Fund to the commissioner of agriculture to fund the task force's study efforts.

The measure contains a provision to reactivate the Agricultural Data Collection Task Force, originally created in 1985. The task force is supported by a biennial General Fund appropriation of \$30,000.

The new law requires the commissioner of natural resources to consult with the Board of Water and Soil Resources regarding the determination of marginal land, tillable farmland and farm homestead, before the commissioner may accept agricultural land or farm homesteads transferred by a federal agency.

Chapter 350 also clarifies requirements concerning the packaging and labeling of Minnesota-grown wild rice and requires disclosure of the wild rice's origin; encourages the state printer and state agencies to use soy-based ink for printing operations whenever technically feasible or practical; revises state motor fuel labeling requirements to bring the requirements into compliance with federal laws; specifies that during times of drought, town boards may suspend local noxious weed control ordinances if the vegetation is to be harvested for livestock feed; revises Minnesota food law statutes in order to maintain uniformity with federal food law provisions; and endorses the maintenance of a living history agricultural interpretive center to preserve and present the history of Minnesota's agricultural, mining and forestry industries. The new law also establishes a board of directors for the Agricultural Utilization Research Institute, and delineates the board's authority.

Funding for the following 21 programs is also included in Chapter 350.

The commissioner of agriculture is slated to receive a \$70,000 appropriation to support state grain inspection costs at the Duluth Seaway Port Authority; a \$150,000 appropriation to improve market opportunities for Minnesota products; a \$100,000 appropriation to establish an industry by-product soil buffering demonstration project; a \$100,000 appropriation to administer agricultural land preservation and conservation responsibilities contained in existing state statutes; a \$50,000 appropriation to provide support services for the Agricultural Contract Task Force; a \$100,000 appropriation to support an organically grown seed and food product certification program; a \$150,000 appropriation to conduct a health screening and intervention program for Minnesota herbicide and fumigant applicators; a \$200,000 appropriation to support state agriculture information centers; a \$112,000 appropriation to provide state aid to county

and district agricultural societies; a \$20,000 appropriation to support barley research and promotion activities; a \$75,000 appropriation to promote ethanol fuel usage in Minnesota; and a \$100,000 appropriation to fund the Farm Advocates Program.

The new law also includes two provisions that authorize increased staff for the Dept. of Agriculture. Three additional staff positions are created to provide research information on the availability of foreign and domestic markets "niches" for specialty crops, and to assist producers in overcoming obstacles when marketing products in foreign and domestic markets.

Under Chapter 350, the University of Minnesota is scheduled to receive a \$75,000 appropriation to fund a portable computerized fertilization demonstration project; a \$40,000 appropriation to fund a small ruminant specialist research and teaching position; a \$175,000 appropriation to support further research on pseudorabies; a \$45,000 appropriation to support bluegrass seed production research activities; and a \$50,000 appropriation to fund a forage and turf seed specialist position at the U's Crookston campus.

The legislation also provides funding to several state agencies for a variety of activities and programs. A \$700,000



Chapter 350, the omnibus agriculture package, specifies label requirements for Minnesota-grown wild rice.

appropriation is earmarked for the Vocational Technical Education Board to support additional staff for farm, small business management, beginning farmer program, and community need enterprise classes, and to evaluate computerized farm business analysis system options. The commissioner of trade and economic development is designated to receive \$10,000 to conduct an aerospace exploratorium feasibility study. In order to support the implementation of a federal conservation project in the Kanaranzi-Little Rock watershed district, \$50,000 is appropriated to the Board of Water and Soil Resources. The Board of Animal Health is to receive a \$175,000 appropriation to continue and expand a swine pseudorabies control program.

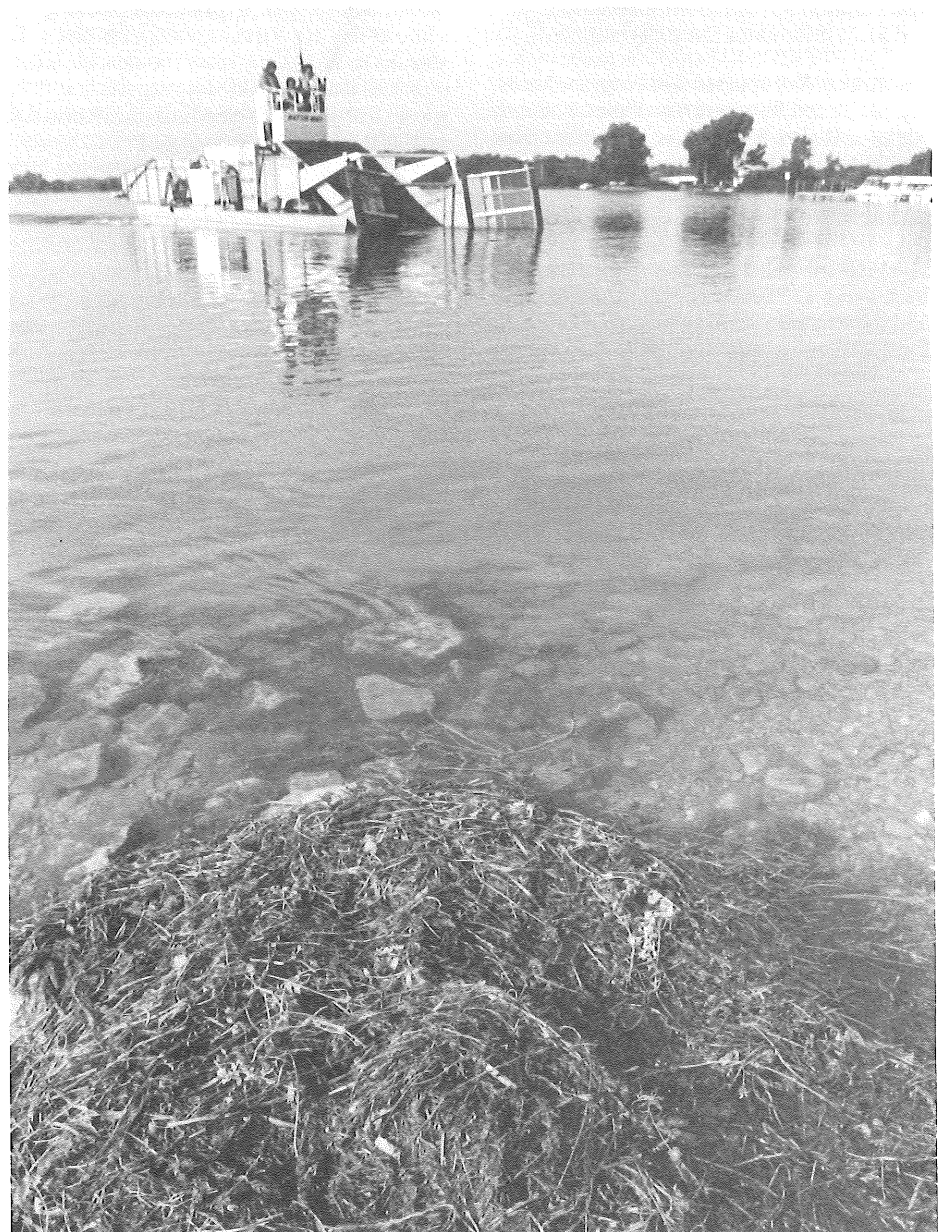
State departments omnibus legislation

The 1989 state departments omnibus legislation provides \$1.2 billion in funding during the biennium for the legislative, executive, and judicial branches of government, and for state constitutional officers, departments, and agencies.

As part of the plan for the state to take-over court costs, Chapter 335 provides \$4.6 million to fund the Eighth Judicial District Pilot Project. The Eighth Judicial District (Chippewa) will serve as a pilot project to study the potential costs and revenues to be transferred to the state if the state decides to fund the takeover of the trial court system statewide. The project will begin in January 1990, and a report by the Supreme Court to the Legislature is required by February 1991. Also included as part of the plan to begin the state takeover of court costs is the transfer of district court referees, judicial officers, court reporters, law clerks and district administration staff, other than district administration staff in the Second (Ramsey) and Fourth (Hennepin) Judicial Districts, to the status of state employees. Those employees who are transferred to state employee status will have the option of retaining insurance and benefits. All public defense costs in the Second and Fourth Districts, as well as the costs of felony and gross misdemeanor defense services statewide, are also included in the takeover.

The Dept. of Natural Resources received an increase of more than \$11 million for the biennium. The increased funding includes \$2 million for the Reinvest in Minnesota (RIM) program; \$2.2 million for the Forest Management Program; \$2.2 million for shoreland management grants; and \$1 million for state park development projects.

Included in the \$1.3 million appropriation for the 1989 Groundwater Protection Act are funds allocated to the Board of Water and



An appropriation in Chap. 335 is designed to curb the threat posed to Minnesota lakes by Eurasian water milfoil.

Soil Resources to make grants for comprehensive local water planning, implementation of priority actions identified in approved plans and the sealing of abandoned wells.

In the area of pollution control, \$1.4 million is also appropriated to fund the Groundwater Protection Act. In addition, funds are provided for wastewater treatment assistance and for the superfund site response cleanups.

The law provides for a number of increases in the area of trade and economic development. One of the larger provisions is \$11 million for the Urban Revitalization Action Program. Funds for a cold weather resource center from Oil Stripper Well funds, for regional parks maintenance, and

for the Job Skills Partnership Program are also part of the law. In addition, businesses will receive assistance from the Minnesota Project Outreach Corporation (MPOC), a new state corporation. MPOC will help to facilitate the transfer of technology and scientific advice from the U of M and other institutions to businesses, and will help small and medium size businesses to find financial and technical assistance. The Dept. of Trade and Economic Development received \$11.3 million to be used for economic recovery grants. The grants are targeted to cities with a population under 600 that have experienced economic hardship in the last 12 months.

Among the Housing Finance Agency programs receiving fund increases are \$10 million for neighborhood revitalization,

\$1.25 million for community development, and \$1.25 million for child development.

The Tuition Reimbursement Program funds are continued for members of the Minnesota National Guard. In addition, a program that provides a reenlistment bonus for National Guard members is established under Chapter 335.

The Veterans Relief Account received an increase of \$200,000 to help needy veterans and their families. Funds are also provided for the Veterans Memorial Project.

Chapter 335 establishes a new agency, the Office of Waste Management. The new agency has the powers and duties of the Waste Management Board, which was transferred by executive order to the Pollution Control Agency (PCA) last fall. The duties and responsibilities of the Waste Tire Management Office, however, will remain with the PCA.

Funding is provided for the start-up costs to establish a statewide telecommunications access and routing system (STARS). The goal of STARS is to provide telecommunications transmission services to state agencies, educational institutions, public corporations and state political subdivisions.

Under Chapter 335, the commissioner of natural resources is required to coordinate a control program to manage the growth of Eurasian Water Milfoil, and to publish and distribute information materials on the control problems of Eurasian Water Milfoil. Under a new watercraft titling program, a certificate of title will be required for a watercraft that is greater than 16 feet. Row-type fishing boats of single hull construction with an outboard motor capacity of less than 40 horsepower, canoes, kayaks, ship's lifeboats and seaplanes are exempt from the requirement.

In addition, accounting procedures are simplified by consolidating certain special revenue fund accounts into the General Fund. In the future, the attorney general will assess political subdivision fees to cover one half of legal services rendered to them. A number of fee increases are also found throughout Chapter 335, particularly for hunting and fishing licenses.

The state departments omnibus legislation was carried by Sen. Carl Kroening.

Hate crimes penalties

A bill to increase penalties for crimes committed because of the victim's actual, or perceived race, color, religion, sex, sexual orientation, disability, age, or national origin became law this year. Chapter 261, authored by Sen. Linda Berglin, sets a penalty of not

more than one year in prison or payment of a fine of not more than \$3,000, or both for assaults motivated by bias. The new law also provides that a person violating the law within five years of a previous conviction for assault motivated by bias is guilty of a felony and may be sentenced to imprisonment for not more than one year and a day, or to payment of a fine of not more than \$3,000, or both.

The new law also provides increased penalties for criminal damage to property in the second, third and fourth degree when motivated by bias against the property owner's or another's actual or perceived race, color, religion, sex, sexual orientation, disability or national origin. Various forms of harassment and trespass are also covered under the law. Finally, the law directs the commissioner of public safety to include additional criminal activity motivated by bias that is not named in the law in the annual report on bias crimes filed with the Legislature.

Hunter harassment prohibited

A number of game and fish bills are included in the new law, Chapter 287. The law prohibits a person from harassing a hunter, trapper, or angler who is lawfully taking a wild animal or is preparing to take a wild animal. Any person intending to harass a hunter, trapper or angler may not remain on public lands or on private lands without the permission of the owner. Anyone who does not obey the order of a peace officer to stop the harassing conduct is subject to a misdemeanor penalty.

Chapter 287 allows special permits to be issued for the taking of wild animals from areas of the state other than game refuges and wildlife management areas. The area is designated by the commissioner of natural resources for the taking of a wild animal during a special season. An application fee may be charged for the special season.

In the future, there will be a penalty for false or incomplete license applications. The provision allowing a resident who is 65 or over to receive an angling license refund was amended. The new law states that an auditor or sub-agent may not provide postage stamps or pre-addressed envelopes for obtaining the refund. In addition, an auditor or sub-agent must provide information on the purposes for which license receipts are spent and the effects of applying for a refund on the Game and Fish Fund.

The taking of muskrats that are causing damage on land owned or occupied by the person where the animal is causing damage is also provided for by Chapter 287.

In addition, taxidermists and fur manufacturers are not required to have a fur buying and selling license to buy raw furs from a person who is licensed.

Chapter 287, carried by Sen. John Bernhagen, also specifies the type of firearms and ammunition that may be used to take big game.

Corrections consideration of Posttraumatic Stress

The problems arising from Posttraumatic Stress Disorder were a main consideration in the enactment of Chapter 124. The new law requires that the director of inmate classification in state corrections facilities consider whether an inmate who is a veteran had unusually stressful service in developing a corrections plan for the inmate.

The chapter defines "veteran" as a person who served in the United States armed forces in a combat zone. The new law also defines "civilian medical staff" as a nurse or other person with medical training who provided medical care and assistance in a combat zone to members of the U.S. armed forces, and directs the corrections facilities to also consider whether an inmate who was part of the civilian medical staff also experienced unusually stressful service and to take that fact into consideration when developing the corrections plan for the inmate. The chapter was authored by Sen. A. W. "Bill" Diessner.

Changes in liquor laws

Restaurants, clubs, bowling centers, and hotels that serve food and have seating capacities for at least 30 may sell liquor for one additional hour on Sundays, until 1 a.m. Monday morning.

In addition, Chapter 49 allows off-sale licensees to sell liquor on New Years Day and the Fourth of July, unless those holidays fall on Sundays. Chief Senate sponsor of the law was Sen. Sam Solon.

Emergency Planning and Community Right-To-Know Act

In order to comply with the federal Emergency Planning and Community Right-To-Know Act, Chapter 315 establishes an Emergency Response Commission and regional review committees. Not only will the commission carry out the requirements of the federal act, but the commission will also encourage the use of and will utilize

existing emergency planning systems. In addition, the commission will establish emergency planning districts and will appoint and supervise a regional review committee for each district. The regional review committee will serve as the local emergency planning committee except where a local emergency planning committee has been established by one or more political subdivisions. The new law also recommends that political subdivisions should prepare emergency plans that adequately address the requirements of the federal act.

Chapter 315 requires that an owner or operator of a facility must immediately notify the state Emergency Response Center of the release of a reportable quantity of a hazardous substance unless exposure is limited to persons solely within the site on which a facility is located or for a release specifically authorized by state law. In addition, hazardous chemical inventory reporting is required of facilities specified in the federal act. A person who fails to report a release of a hazardous substance according to the federal act is subject to a fine of up to \$25,000 or imprisonment for

photo by Gina Dabrowski

up to two years or both upon conviction. In addition, the Emergency Response Commission will conduct a study to determine the need for expanding the toxic chemical release form requirements of federal law. The commission will also report to the legislature on the effectiveness of emergency planning.

A total of \$585,000 is appropriated to the Dept. of Public Safety for the Community Right-To-Know Program. The law, carried by Sen. Gene Merriam, also appropriates \$645,000 for relief because of flooding in the Red River Valley.

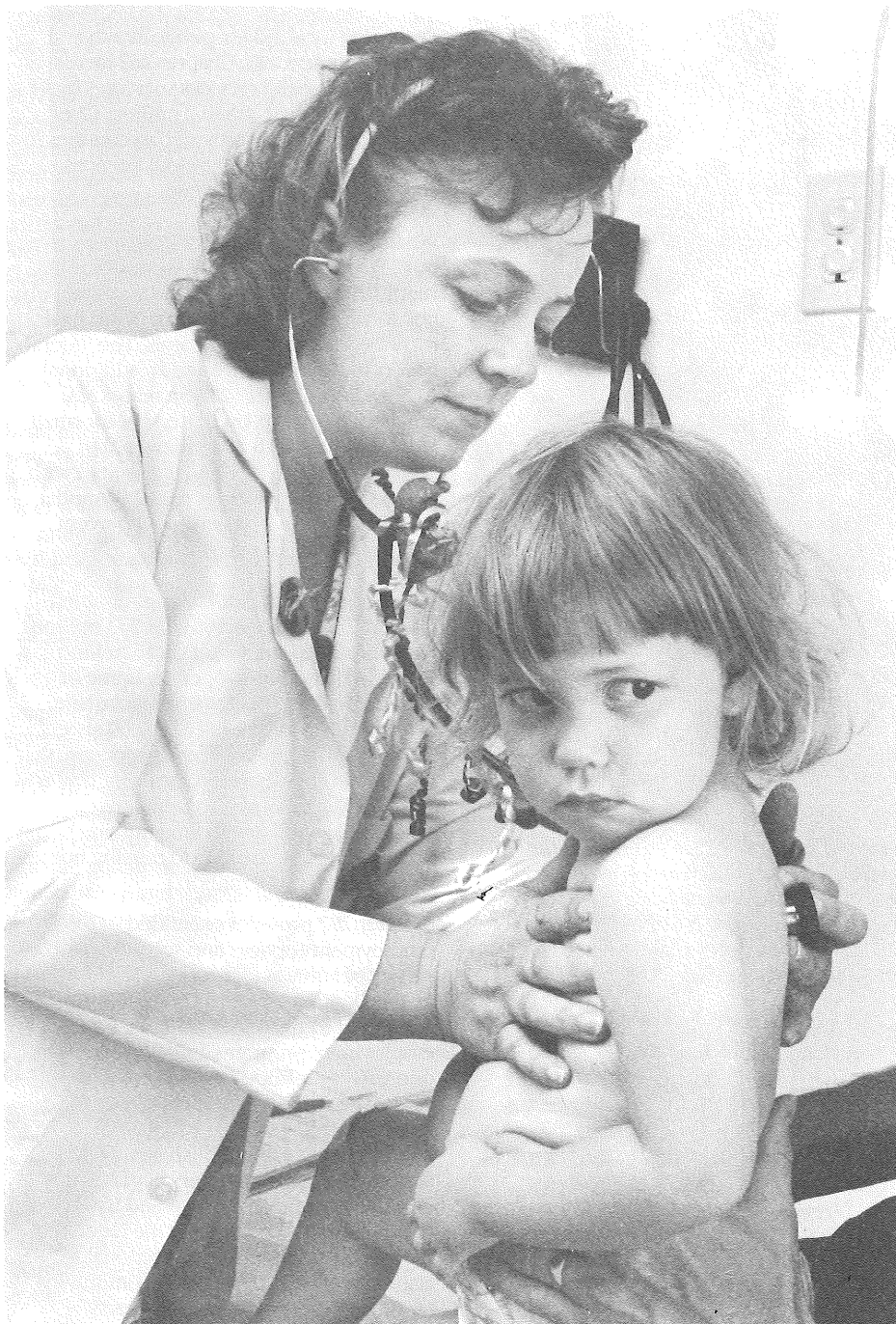
Omnibus health and human services legislation

In a major component of the \$2.67 billion health and human services omnibus measure, the Legislature approved a plan to facilitate the shift of care for mentally retarded Minnesotans from state regional treatment centers (RTC's) to community-based group homes.

A vigorously debated issue, the final RTC agreement in Chapter 282 responds to several legislators' criticisms that the original Dept. of Human Services proposal would have moved too quickly to ensure that appropriate homes and care would be provided for residents leaving the RTC's. Chapter 282 establishes a process for 80 percent of the 1400 mentally retarded residents currently living in RTC's to move into small, private and state-operated community group homes by 1999. Under the plan, RTC's will remain open to serve as medical and crisis centers for the mentally retarded, mentally ill and chemically dependent.

To begin implementation of the \$14 million RTC proposal, Chapter 282 authorizes the establishment of 24 state-operated community group homes and 14 state-operated day programs during the coming biennium. Eight of the state group homes will be built in the next two years with \$2.6 million that was appropriated in a separate capital bonding measure. In addition, the commissioner of human services is required to continue developing plans for the downsizing of RTC facilities that will not adversely affect the proper care of residents.

Several other new spending items are also contained in Chapter 282, which makes appropriations for the Depts. of Health, Human Services, Corrections, Jobs and Training, Veterans Affairs and several other boards and agencies. The major new expenditures for the 1990-91 biennium include an increase of \$9 million for the Head Start Program; \$10 million in



The omnibus health and human services appropriations measure contains funding for the Children's Health Plan which provides primary medical care to uninsured, low-income children. In addition, Chap. 282 contains funding for many other programs and services designed to help Minnesotans.



Chapter 282 also provides for expansion of the Meals-on-Wheels program.

additional child care subsidies; a \$6 million increase for additional staff and improvements at the Minneapolis and Hastings veterans homes; \$1.75 million in start-up costs for the new Silver Bay veterans home; \$4 million for MEED, the Minnesota Employment and Economic Development program; a \$1.6 million increase for Semi-Independent Living Services (SILS) Grants; over \$7 million more for adult and children's mental health programs; \$5 million for incentives and federal regulatory changes for nursing homes; an additional \$6 million for alternative care grants; and \$9.7 million to implement the new statewide MAXIS computer system.

Among children's initiatives funded under Chapter 282, the Legislature significantly expanded the Children's Health Plan, which provides primary medical care services for uninsured, low-income children. Eligibility for these services has been extended for

children up to age 18. A full range of mental health services, which were previously excluded from coverage, will also be provided to eligible children by 1992. Over \$11 million is appropriated to finance the Children's Health Plan.

Including the \$10 million funding increase, Chapter 282 appropriates a total of \$35.7 million for child day care. In addition, \$1.5 million is available to develop new day care services and resource and referral programs. Chapter 282 also provides a total of \$11 million in for the Head Start Program, a school readiness program for low-income, pre-school children. The state funds are supplemented by \$28 million in federal funds.

Chapter 282 also provides increases for several child welfare programs, including adoption and permanency planning. The

measure appropriates an additional \$464,000 to assist families adopting hard-to-place children, an increase of \$1.4 million to provide permanency planning services for minority children and \$660,000 in additional funding for child protection activities. Among other youth programs, the law provides an additional \$1.1 million to expand services and employment programs for at-risk youth; \$175,000 to establish a pilot project to provide intervention and coordinate services for inhalant abusers between the ages of 7 and 14; and \$350,000 in pilot project grants to establish safe houses for homeless youths.

Regarding local aid for public health and community services, Chapter 282 increases community health services subsidies by \$4 million, for a total of \$30.2 million. Over \$101 million is also provided to counties in the form of Community Social Services Grants, a \$2 million increase.

Rural hospitals will benefit from an increase of \$2.6 million in Medical Assistance (MA) reimbursements. The \$1.1 million state portion represents 42 percent of the total increased MA reimbursements. The federal government will contribute an additional \$1.5 million. Chapter 282 increases MA inpatient payments by 20 percent for small, rural hospitals with 100 or fewer MA admissions annually. Similar hospitals with more than 100, but fewer than 250 annual MA admissions will receive a 15 percent increase in MA payments.

In programs for the elderly and disabled, Chapter 282 appropriates over \$33 million for Alternative Care Grants. A \$6 million increase, the grants support in-home or community-based alternatives to nursing home care. An additional \$250,000 also expands the Meals-on-Wheels program, that provides home-delivered meals for frail and disabled Minnesotans. To facilitate compliance with new federal nursing home requirements, state funds to nursing homes are increased by \$5 million.

Chapter 282 provides expanded employment services and subsidies to a variety of Minnesotans, to be administered by the Dept. of Jobs and Training. An additional \$1 million is available for employment programs for at-risk youth. A one-year, \$4 million appropriation will extend the MEED wage subsidy program. For dislocated workers, a \$530,000 appropriation will establish new programs to assist dislocated workers in plants that employ 50 or more persons and have closed or are likely to close. Under the Extended Employment Program, an additional \$1 million will expand access to community-based job opportunities for severely disabled persons.

Chapter 282 also funds programs to assist displaced homemakers and battered

women. For displaced homemakers programs, the law appropriates \$952,000, financed by increases in marriage license and divorce fees. A total of \$1.2 million is earmarked for programs for battered women. Marriage license and divorce fee increases provide \$952,000 for the battered womens programs. In addition, \$250,000 is appropriated from the General Fund.

Regarding public assistance, Chapter 282 contains an automatic \$200 million increase for income maintenance programs. Health care entitlements, Medical Assistance (MA) and General Assistance Medical Care (GAMC), account for over half of the increase.

No cost-of-living adjustments for public assistance recipients are provided under Chapter 282. However, the expanded Head Start Program, Work Readiness Grants and increased child day care subsidies offer additional aid to recipients of General Assistance (GA) and Aid for Families with Dependent Children (AFDC). A transfer of over \$9 million from GA payments to Work Readiness Grants will also provide enhanced services to help employable people prepare for self-sufficiency and work.

In an effort to reform Minnesota's welfare system, Chapter 282 authorizes the commissioner of human services to seek federal waivers to implement a new trial program, the Family Investment Plan. Significantly altered from its current form, public assistance under the plan would become transitional aid, provided to families that agree under contract to work toward self-sufficiency.

Chapter 282 also appropriates \$840,000 to expand case management services for Medical Assistance recipients who have AIDS. In a comprehensive and coordinated approach, the MA case management services are expected to more cost-effectively facilitate quality medical care, housing, mental health and support services for the AIDS patients.

Chapter 282 was carried by Senator Gene Merriam.

Higher education

Funding for higher education—specifically, for the University of Minnesota, the state Technical Institute System, the state Community College System, the State University System, the Mayo Medical Foundation and the Higher Education Coordinating Board (HECB) is contained in Chapter 293.

The biennial funding for the HECB in the law is \$180 million. The largest portion of that money is slated for the State Scholarship and Grant Program: about \$69 million in FY.

1990 and about \$82.6 million in FY. 1991. Of that money, \$2 million each year is mandated to go to child care grants. The board is mandated to complete phase 2 of the Minnesota Study of Postsecondary Access and Needs (M SPAN) study.

The State Board of Vocational Technical Education receives biennial funding of about \$340 million. The law requires that \$2 million the first year and \$3.6 million the second year is to improve student services or for library development and improvement.

The law funds the State Board for Community Colleges at \$187.7 million for the biennium. The law provides funding for increased enrollments not calculated in the two-year lag funding.

The State University Board is funded at a biennial level of \$346.6 million. The law allocates \$200,000 each year for development of the 2+2 program within the Arrowhead Community College Region through Bemidji State University. In addition, \$100,000 is directed to Winona State University to lease space on the

campus of the College of St. Teresa. A total of \$170,000 is for the board to provide nursing education outreach programs. The board receives funding for increased enrollments not calculated into the two-year lag funding.

The law provides the Mayo Medical Foundation with biennial funding of about \$2.1 million.

The Board of Regents of the University of Minnesota is funded at a biennial level of about \$901.4 million. The law states that, for the upcoming biennium, tuition income from students in excess of projected enrollments will reduce the general fund appropriation to the University and requires the University to submit progress reports on the attainment of enrollment goals. If the University meets the goals, the law states that the average cost funding formula will not reduce the budget base. The chapter also directs funding to improve the communication and teaching skills of teaching assistants.

In addition, Chapter 293 requires the governing board of each public

photo by David J. Oakes



Chapter 293 contains appropriations for higher education, including funding for child care grants to enable students to continue their postsecondary education.

postsecondary system and public postsecondary institution to adopt a clear written policy on sexual harassment and sexual violence. Each institution must provide students with information regarding the policy during registration.

The law, which was sponsored by Sen. Gene Merriam, also outlines a faculty exchange program for the 1989-1990 and the 1990-1991 academic years. The program is intended to allow school districts and postsecondary institutions to arrange temporary exchanges between members of the instructional staffs. Exchanges between postsecondary institutions may also occur. In addition, the chapter requires the commissioner of finance, when preparing budget requests for the 1992-1993 biennium, to make the same categories of base level adjustments to the systems' budgets as to the budgets of state agencies.

Education Funding

The largest piece of the state budget pie went to education, with the omnibus education funding bill funneling \$3.47 billion in state dollars into the K-12 school system. With increased local levies, the bill provides total biennial funding of \$7.2 billion.

Chapter 329 establishes revenue for the Assurance of Mastery Program, effective during the 1990-1991 school year. The revenue is to be used to provide direct instruction services in the regular classroom for students who do not meet desired goals in communications and mathematics. Both state and local money contribute to the revenue; a district determines the amount of money, up to a limit, that it will provide and the state matches the funding. The program is intended to help students who are not achieving up to standards without putting them into special education.

In addition, the law reduces state reimbursement for salaries of special education teachers to the lesser of 60 percent or \$16,727.

Another aid made available in the law is for individualized learning and development. Eligible districts will receive aid equal to \$62.25 times the district's average daily membership in kindergarten and first grade. The aid may only be used to achieve the district's instructor-learner ratio and to prepare and use individualized learning plans for students in kindergarten and first grade. If the district has met its instructor-learner ratio, the aid may be used to work to improve program offerings throughout the district. The provision is also effective for the 1990-1991 school year.

The law mandates districts to provide an early childhood screening program for

children age 3-kindergarten, beginning in FY. 1994. The program is intended to detect health and developmental conditions that may impede learning. Until 1994, districts must conduct a screening program under this provision or under screening provisions already in law.

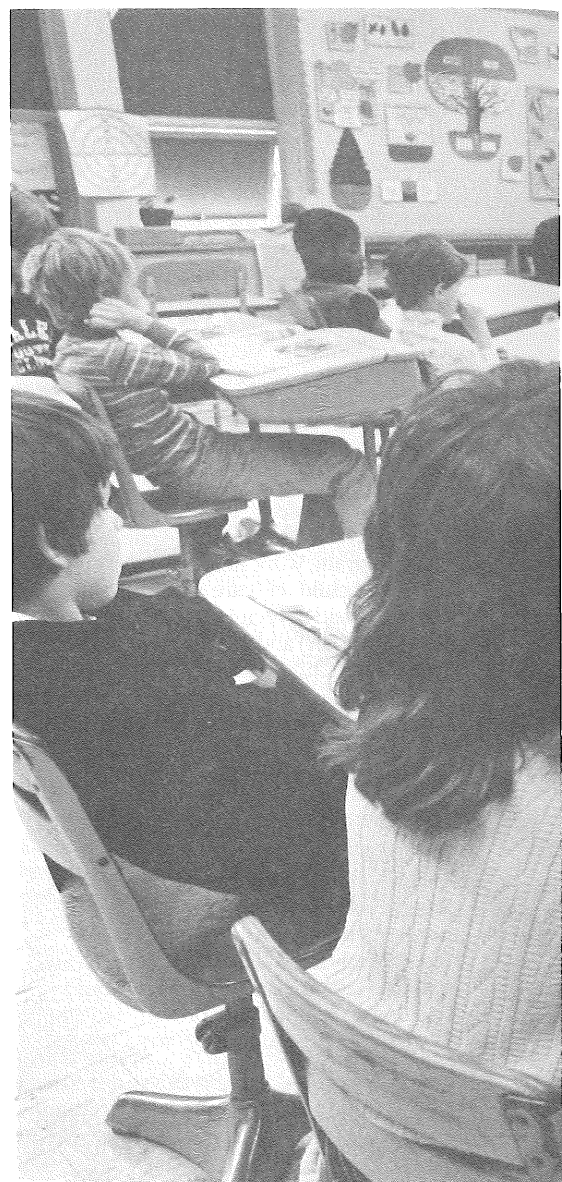
A mandatory school breakfast program for some districts, effective Sept. 1, 1991, is contained in the law. Districts must have a breakfast program in every building in which at least 40 percent of the school lunches served during the 1989-1990 school year were free or reduced; or at least 15 percent of the children in the school would take part in the program, as indicated by a survey of parents. Schools in which fewer than 25 students would participate are exempt.

The law also creates the Office of Educational Leadership to assist districts in developing policies that maximize the learning of all pupils. The office must develop a plan for a two-year research project to determine the effectiveness of a learner outcome-based system of education in improving pupils' learning. An advisory committee appointed by the State Board of Education will help the office develop its plan. The law allows for the selection of up to ten research and development sites to examine and implement learner outcome-based education policies; the office will coordinate the efforts of the sites and provide technical assistance upon request. The sites must conform with the plan developed by the office.

The general education revenue set in the law is \$2,838 for FY. 1990 and \$2,953 thereafter. However, districts that have not ratified a teacher contract by Jan. 15, 1990, are no longer eligible for \$25 per pupil unit of that money for FY. 1990. The general education tax capacity rate set in the law is the rate that raises \$1.156 billion for FY. 1991 and \$1.214 billion for subsequent years. The inflation factor set in the law for transportation aid is 5.8 percent in FY. 1990 and 5.4 percent in FY. 1991.

In addition, the law provides desegregation grants totalling almost \$30 million for the Minneapolis, St. Paul and Duluth School Districts; provides funding of over \$12 million for libraries; and changes the name of the Minnesota School and Resource Center for the Arts to the Minnesota Center for Arts Education and appropriates \$12 million for the center.

The law also provides revenue, available beginning in FY. 1991, for eligible districts to "cooperate and combine." School boards of participating districts must have adopted a five-year written agreement to provide at least secondary instruction cooperatively for at least two years and then combine into one district. Each board must adopt a plan



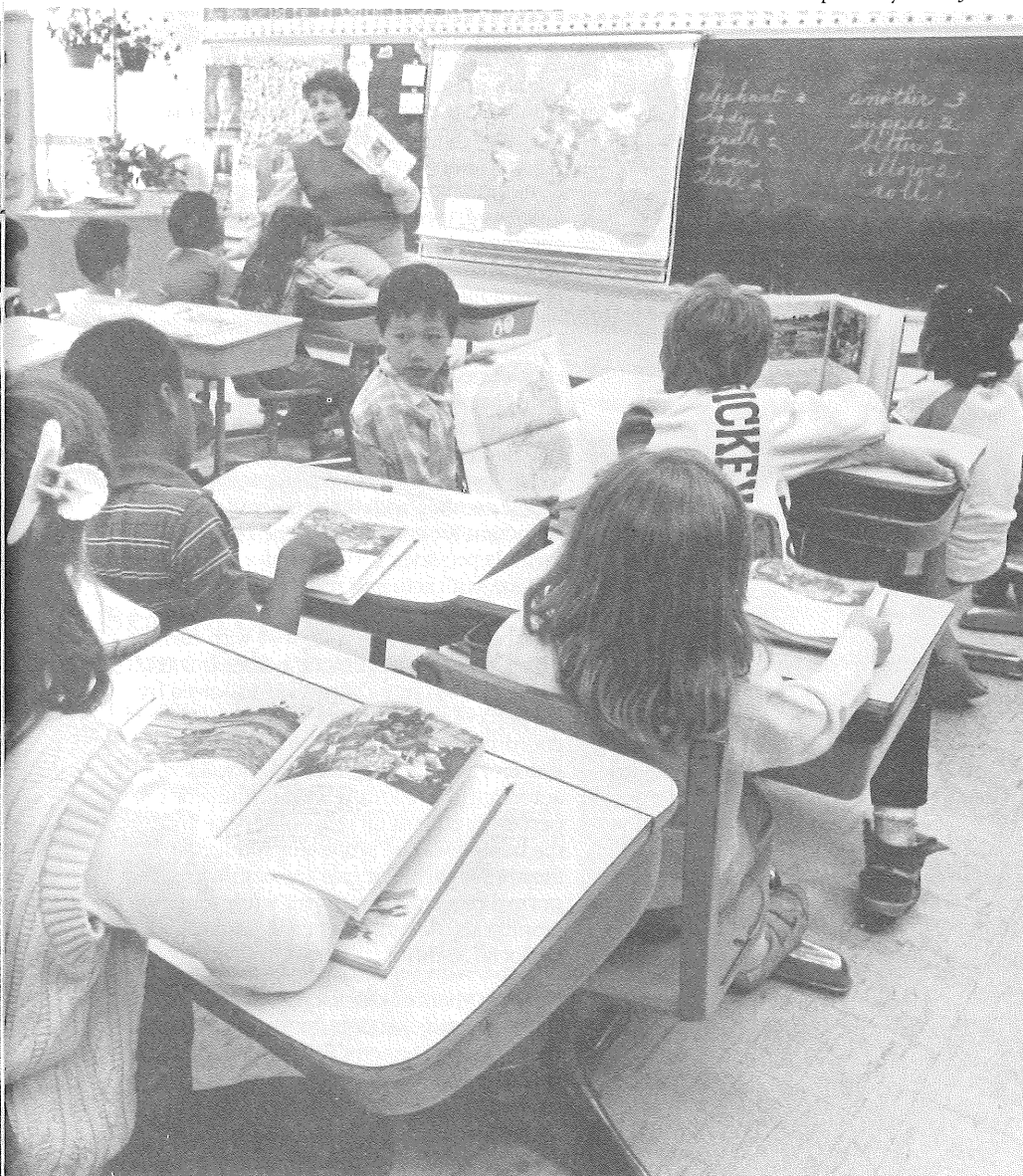
containing specific elements, such as how many of the existing members of each district would become members of the school board of the combined district. The plans must be submitted to the State Board of Education for review and comment. In addition, a referendum on the question of combining the districts must be conducted.

In addition, the law requires that referendums be held on the first Tuesday after the first Monday in November.

The legislation was sponsored by Sen. Randolph Peterson.

Healthspan study commissioned

Under Chapter 327, the Legislature creates a commission to study and recommend a plan to ensure basic and affordable health



Chapter 329 appropriates a total of \$3.47 billion for K-12 education.

Small business procurement programs

In response to recent U.S. Supreme Court decisions, including the ruling that a minority business utilization plan in Virginia was unconstitutional, Chapter 352 addresses the regulation of state government purchasing from small businesses. Under Chapter 352, references to set asides are stricken. Language referencing socially and economically disadvantaged persons has also been stricken, while economically disadvantaged small businesses are now included.

An 11 member Small Business Procurements Commission is created under the new law in order to propose amendments that will conform the small business programs to the U.S. Supreme Court decisions. The commission is required to at least assure that minority and women's businesses and organizations know of its existence and purpose; to determine the existence and extent of discrimination in Minnesota business, trade, and industry; to recommend appropriate statutory or regulatory changes; and to recommend programs targeted to small businesses in need of assistance. The commission will no longer exist after it reports its findings and recommendations for legislative action to the governor and the Legislature.

Chapter 352 was carried by Sen. Donald Moe.

Energy needs for low-income Minnesotans

Chapter 338 is the result of recommendations made by the Legislative Task Force on Low-Income Energy Policy. Sen. Ronald Dicklich, a member of the task force, introduced the legislation which focuses on the energy needs of low-income Minnesotans.

The rules governing the disconnection of residential utility customers who are unable to pay for utility service during cold weather have been amended. Under Chapter 338, a utility cannot disconnect services for customers whose household income is under 185 percent of the federal poverty level nor for customers who pay the utility at least 10 percent of their monthly gross income toward the utility bill, in a cold weather month. The rules also stipulate that the customer must receive budget counseling and referral to weatherization, conservation, or other programs that are likely to reduce the customer's consumption of energy.

The law designates the Dept. of Public Service as the agency responsible for coordinating energy policy of low-income

care for all Minnesotans. The 15-member commission must make a progress report to the Legislature by Feb. 15, 1990, and submit a final implementation plan by Jan. 1, 1991.

Sponsored by Sen. Linda Berglin, the original Healthspan proposal was a \$150 million program aimed at providing medical coverage to an estimated 400,000 uninsured Minnesotans. However, Legislators raised questions about procedural and financial aspects of the far-reaching program, and agreed to commission the study to explore other cost-effective health care alternatives.

Chapter 327 establishes several duties for the Health Care Access Commission. Among them, the commission must determine the number of Minnesotans in need of health insurance, explore all potential insurance options, develop a cost containment policy, estimate resulting cost savings for other public programs, and consider alternatives

for financing the state's share of premium costs.

During the study interim, Chapter 327 appropriates \$50,000 for one-time subsidies to help community-based clinics cover the costs of walk-in health services for uninsured Minnesotans. These funds will be awarded to the clinics serving the uninsured that have the greatest financial need. An estimated \$1 million in new federal funding will also subsidize walk-in services for uninsured Minnesotans.

The law also appropriates \$375,000 for payments to clinics that provide covered services to Medical Assistance (MA) and Children's Health Plan (CHP) recipients. To be spent over the next two years, this funding provides a 20 percent increase in MA and CHP payments to public and community health clinics.

Minnesotans. The department has the authority over the Conservation Improvement Programs and is required to gather information on low-income energy programs.

Handicapped access to caucuses and conventions

Chapter 308 is aimed at providing handicapped access to precinct caucuses and party conventions. The law states that the major political parties must, upon 30-day prior written request of a communicatively impaired delegate or alternate, provide and pay for interpreter services if available for a county, legislative district, or congressional district convention. Upon the request of a visually impaired delegate or alternate, the major political parties must provide all official written convention materials as soon as possible, so that the person may have them converted to audio tape, Braille, or large print format. The parties' obligations are the same regarding individuals attending precinct caucuses.

In addition, Chapter 308 mandates that precinct caucuses be held in places that meet specific accessibility standards. If there are not enough places within a precinct that meet the standards or can be brought up to the standards, a party may hold its caucus at

a place outside the boundaries of the precinct.

The measure, which was sponsored by Sen. Jim Ramstad, does not require a party to provide an interpreter if it has made documented good faith efforts and no interpreters are available; or to hold a precinct caucus at a place that meets the accessibility standards if it has made documented good faith efforts to do so and no site is available.

The law appropriates \$39,500 for reimbursement of the parties for the cost of providing interpreter services.

Pensions

A major pension bill gained passage during the session. Chapter 319, sponsored by Sen. Sam Solon, makes the first major changes for public employee pensions since 1973. The law provides for benefit changes and makes numerous procedural changes in the administration of pension funds.

Benefit changes are made for members of Minnesota State Retirement System (MSRS), Public Employee Retirement Association (PERA), Teachers Retirement Association (TRA), and the first class city teacher funds under Chapter 319. Under the new law, the vesting period is reduced from five to three years, there is an increase from five to six

percent for interest on refunds, and deferred annuities will be augmented at five percent rather than at three percent after the member reaches age 55. In addition, an automatic bounce-back with a subsidy is provided. When an employee chooses a joint and survivor annuity, and the designated survivor dies before the employee, the employee's annuity will automatically bounce back to the level it would have been if the employee had not chosen the option.

Existing employees will have the option to choose between the current formula, the level formula, or the rule of 90 with current formula rates. The current formula provides one percent for each year of the first ten years of service, plus 1.5 percent for each year thereafter, with three percent annual reduction for early retirement. The level formula provides 1.5 percent for years of service, with actuarial reduction for early retirement, or if age plus years of service equal at least 90. The rule of 90 with current formula rates provides one percent for each of the first ten years of service, followed by 1.5 percent per year thereafter for coordinated members, with no early retirement reduction. New employees will automatically receive a level formula of 1.5 percent credit for all years of service and the benefit will be actuarially reduced if they retire early. For existing employees, the normal retirement age is 65, while for new employees the retirement age is that used by Social Security.

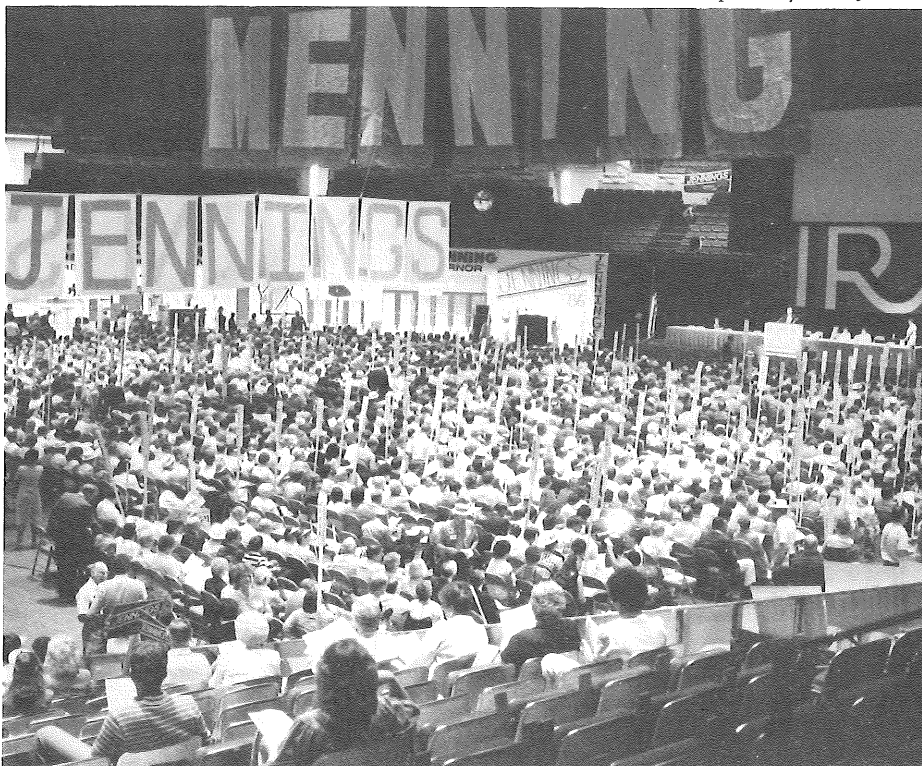
Chapter 319 provides for partial post retirement adjustments for individuals who have received benefits for under 12 months from the Minnesota Post Retirement Investment Fund. This provision decreases the waiting period for the first potential post retirement adjustment.

For pre-1973 retirees from PERA, PERA-Police and Fire (P&F), TRA, State Patrol, MSRS General, and early 1970's first class city teacher funds, coordinated members receive \$25 per year of service as a 1989 adjustment. Thereafter, the adjustment will automatically increase at the same percentage the Post Retirement Fund earns increases.

For legislators, the twenty-year cap on service credit and contributions is removed. In the future, regular and special session per diem amounts will be included in the pension salary base. Early retirement penalties are also reduced for legislators.

The law also provides benefit improvements for PERA-P&F, MSRS Highway Patrol and Correctional plan members. The benefit improvements include an automatic bounce-back joint and survivor annuity, early retirement at age 50 with actuarial reduction, and improvements in non-duty disability. In addition, increased survivor

photo by David J. Oakes



Political conventions and caucuses will become more accessible to the handicapped under Chap. 308. The measure also contains provisions regarding cases in which the political parties are unable to meet the law's requirements.

benefits and a level formula for retirement and disability benefits are part of Chapter 319.

Under Chapter 319, a community college or state university teacher who is age 55 and has ten or more years of service is permitted to participate in the qualified part-time teaching program. Individuals with less than three years service who transfer to the Individual Retirement Account Plan may only transfer employee contributions plus five percent interest. Those individuals with more than three years service can elect coverage by the plan, but contributions cannot be transferred.

In addition, the city of Minneapolis police and firefighters association has the authority to pay retirees an annual lump sum payment if an excess of investment income exists.

Season opening date for game fish changes

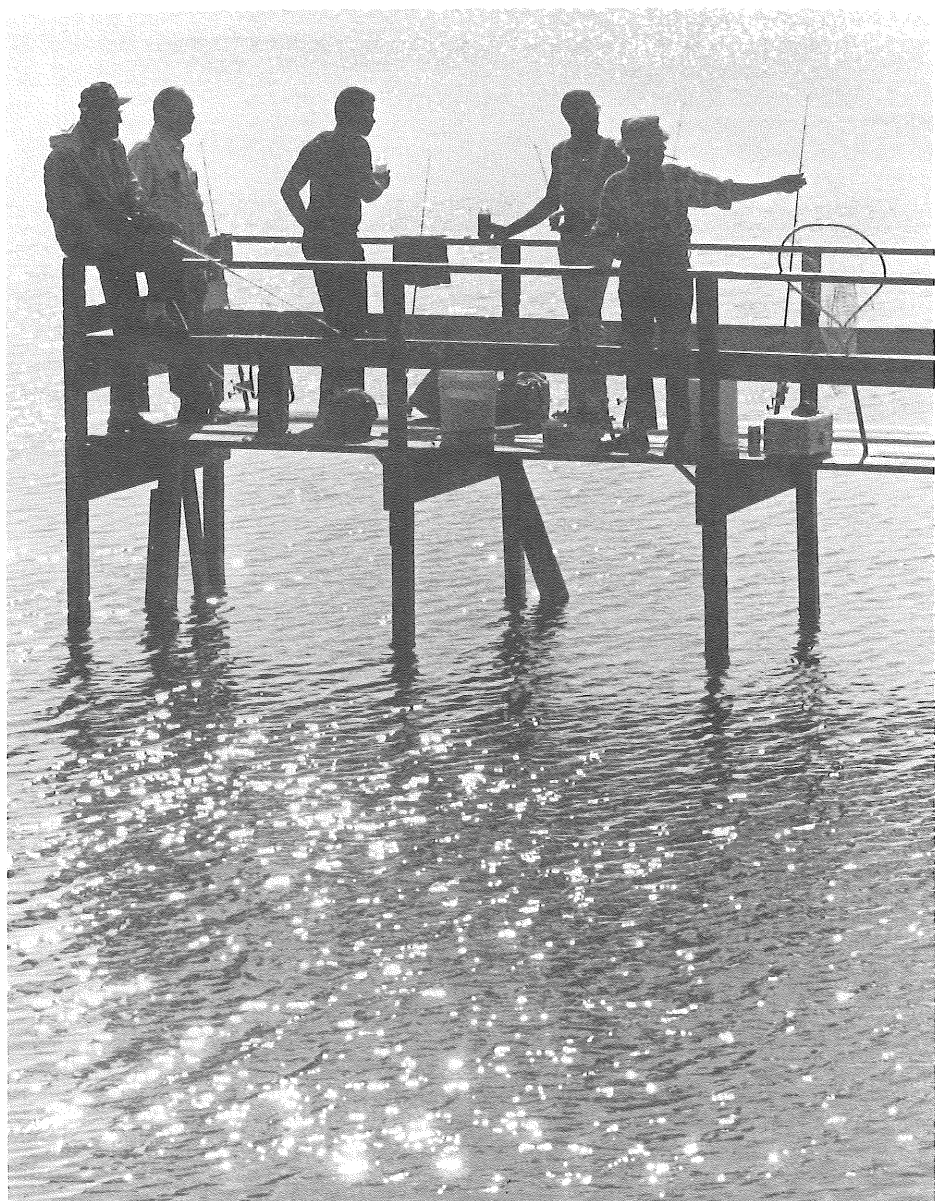
The season opening date for walleye, sauger, northern pike, muskellunge, largemouth bass, and smallmouth bass is now the Saturday two weeks prior to the Saturday of Memorial Day weekend. Also part of Chapter 242 is Take a Mom Fishing Weekend. When the Saturday and Sunday of the angling season coincide with Mother's Day, any mother who is a resident of Minnesota may fish without a license. In order to protect the resource, the season will be closed in areas of the state where fish are spawning. The new law was sponsored by Sen. Jim Vickerman.

Technical Institute name change

Chapter 246, authored by Sen. Gary DeCramer, changes the name of Minnesota's Technical Institutes to Technical Colleges by directing the revisor of statutes to change references to "technical institutes" to "technical colleges" in the next edition of Minnesota Statutes.

Affordable housing programs created

A major expansion of affordable housing initiatives is established by Chapter 328. Sponsored by Sen. Lawrence Pogemiller, Chapter 328 authorizes a variety of housing programs intended to promote safe affordable homes for all Minnesotans. Under the law, the Minnesota Housing Finance Agency will administer several new and revised housing assistance programs for low- and moderate-income Minnesotans, including neighborhood preservation grants, home ownership loans for low-



Under Chap. 242, the fishing opener will be the Saturday two weeks prior to the Saturday of Memorial Day weekend.

income buyers and grants to develop housing for homeless people.

Urban and suburban cities will benefit from nearly \$12.6 million in state aid for housing preservation and rehabilitation to alleviate or prevent blight in targeted neighborhoods. Of this amount, over \$11 million is earmarked for the Urban Revitalization Action Program (URAP) to revitalize run-down neighborhoods in Minneapolis, St. Paul and Duluth. The primary focus of the program is to rehabilitate affordable housing, but URAP funds may also be used for targeted commercial development and the removal or repair of hazardous buildings.

A new suburban version of targeted neighborhood revitalization, the Housing Preservation Grant Program authorizes \$1.5 million in grants for suburban cities to

establish revolving loan funds to acquire, repair or rehabilitate houses. Under the program, the state would provide one to one matching funds to cities that revitalize affordable housing.

A pool of \$100,000 is available for the Housing Finance Agency to make Capacity Building Grants to help non-profits, local government units and Indian tribes expand their ability to provide affordable housing and housing-related services. In addition, a revolving Capacity Building Loan Fund is established to provide the eligible organizations with interest-free loans for project pre-development costs.

Regarding home-ownership, Chapter 328 establishes a new program to help "at-risk" families become homeowners. Under the Rural Urban Homestead Program, \$375,000 in grants will be available to eligible

organizations that rehabilitate homes for sale to eligible low-income Minnesotans.

Under two new rental housing assistance programs, the Housing Finance Agency will provide \$3 million in loans or direct rental subsidies for eligible low-income families and individuals. The law also requires that, when possible, rental financial assistance to recipients of Aid to Families with Dependent Children (AFDC) be made in the form of vendor payments.

In addition to granting greater flexibility in the use of existing housing program funds for homeless families and individuals, Chapter 328 authorizes \$200,000 in loans and grants for temporary and transitional housing projects. The loans will enable the Housing Finance Agency to finance housing for migrant workers under certain circumstances. Another provision of Chapter 328 authorizes the Dept. of Administration to acquire several houses at Fort Snelling that are considered federal surplus, and lease the property to non-profit organizations that will rehabilitate them to provide homes for homeless veterans and their families.

Chapter 328 also authorizes several community services initiatives, including the Youth Employment and Housing Program, and two human services access programs. Under the new Community and Neighborhood Development Organization (CAN-DO) pilot project, \$700,000 is available for one to two matching funds for community public safety and human services activities, such as housing preservation, recycling, street lighting, beautification and clean-up projects, and park development.

For children, the housing measure establishes the Way to Grow/School Readiness Grants Program to provide pre-Head Start supportive services. Intended to improve and coordinate community services access, the \$500,000 in grants will help parents meet the health and developmental needs of their pre-school age children.

Another youth-oriented initiative, the Youth Employment and Housing Program, will also be implemented under Chapter 328. The education and training grant program provides \$200,000 to assist targeted at-risk youth in gaining work skills and experience. In the process, the youth will build or rehabilitate housing for the homeless.

Several other provisions of the affordable housing sections of Chapter 328 address the special needs of specific groups of Minnesotans. Among them, the Housing Finance Agency is authorized to make or purchase home equity conversion loans for low- or moderate-income elderly homeowners. A \$50,000 authorization also establishes a counseling program to advise

elderly persons who are considering a home equity conversion loan.

The law authorizes \$100,000 for new initiatives to assist disabled persons: \$50,000 is provided to extend the Home Sharing Program to include the disabled; and Accessible Housing Information Grants, totalling \$50,000, are available for eligible organizations to develop, maintain and publicize lists of accessible housing units.

Chapter 328 also revises landlord/tenant provisions of state housing law. Chief among these changes, the law establishes a three-year Housing Calendar Consolidation Pilot Project in Hennepin and Ramsey Counties. Under the program, which is authorized at \$500,000, the hearing and determination of residential rental housing matters may be consolidated to ensure continuity and consistency in the disposition of cases.

Over \$18.5 million for these and other housing programs was appropriated in the State Departments omnibus appropriations measure.

Calamity bonds authorized

Chapter 70 authorizes a school district to issue general obligation bonds without an election if a building owned by the district is substantially damaged by an act of God or other means beyond the control of the district. However, before the bonds are issued, the district must submit a combined application to the commissioner of education for health and safety revenue, and request review and comment by the commissioner.

The impetus for the new law occurred in March 1989, when Henry Sibley High School in Mendota Heights was badly vandalized. Chief Senate author of the measure is Sen. James Metzen.

Employee personnel records

Private sector employees gained the right to review and challenge information contained in their personnel records under a new law sponsored by Sen. Gene Merriam. Similar to the rights of state employees provided under the Data Practices Act, Chapter 181 establishes definitions, procedures and remedies regarding private sector employees' access to their personnel files. The law affects companies that employ 20 or more workers.

Before the enactment of Chapter 181, a company's personnel records were regarded as its private property. While some

Minnesota companies permitted employees to see their personnel files, it was a voluntary action, not an employee's legal right. As a result of Chapter 181, employees may have access to their records upon written request. Under the definition of personnel record, employees may review documents in their files related to employment history, including application, salary, compensation and fringe benefit information; notices of commendation, warning, discipline or termination; leave records; job titles; dates of promotions, transfers and other changes; attendance records; performance evaluations and retirement records.

Chapter 181 also provides private sector employers the right to withhold some documents from an employee's review. Among these exceptions, the law allows employers to exclude letters of reference, legally privileged information, information relating to a civil or criminal investigation of an employee's conduct, education records, employer testing, internal salary system or planning documents, written comments affecting another person's privacy rights, and job performance or misconduct statements that disclose a co-worker's identity.

Under the law, employees may have access to their records only once every six months while employed. The law also restricts employees to one review within the year following their separation from the company.

Chapter 181 also provides procedures for an employee to challenge information in a personnel record. If after the review of a personnel record an employee and employer cannot agree to revise or remove disputed information, the employee may submit a written rebuttal that becomes part of the permanent personnel file.

Regarding remedies, Chapter 181 permits employees to bring civil action against employers that violate their right to review their personnel records, or if employers retaliate against employees who request to review their personnel records. Employees pursuing civil action must do so within one year of discovering an alleged violation.

Infectious and pathological waste disposal regulations

After Jan. 1, 1990 the disposal of infectious and pathological waste will be regulated according to Chapter 337. The new law, sponsored by Sen. Gregory Dahl, effects any person who generates, treats, stores, transports or disposes of infectious or pathological waste except for those wastes



Appropriations for highway construction and maintenance are contained in Chap. 269, the omnibus agriculture, transportation and semi-states measure.

generated by households, farm operations or agricultural businesses.

The law establishes specific criteria for the management of infectious and pathological wastes. Criteria set by the law includes segregation of untreated infectious waste; labeling of containers used to collect, transport, or store infectious waste; and disinfection of containers that are used again. The criteria for sharps, management of pathological waste, storage, compaction and mixture with other wastes, and disposal are also defined.

Management plans for the handling of infectious and pathological waste by a facility must be prepared by a person in charge of a facility that generates, stores, decontaminates, incinerates or disposes of such waste. Facilities that generate such waste must submit the management plans to the Dept. of Health while facilities that store or decontaminate infectious or pathological waste must submit management plans to the Pollution Control Agency.

Under Chapter 337, guidelines are established for the transporting of infectious waste. A management plan is also required of a commercial transporter that handles infectious waste.

Two studies will be conducted to study the management of sharps generated by

households and to study the possibility of establishing a collection system for sharps generated by farm operations or agricultural business. In addition to receiving funds to carry out provisions of Chapter 337, the Dept. of Health is receiving funds to prepare educational material regarding the disposal of infectious and pathological waste.

Corporal punishment

Chapter 114 prohibits an employee or agent of a public school district from inflicting corporal punishment upon a pupil to reform unacceptable conduct or as a penalty for unacceptable conduct. The law defines corporal punishment as hitting or spanking a person with or without an object; or unreasonable physical force that causes bodily harm or substantial emotional harm.

Sen. Gary Laidig sponsored the legislation.

Agriculture, Transportation and Semi-States

Chapter 269, a \$2.54 billion omnibus appropriation measure provides funding for the Depts. of Agriculture, Transportation and numerous semi-state agencies, such as the Historical Society, the Board of Water

and Soil Resources and the Racing Commission.

The largest of the agency budgets, the Dept. of Transportation (MnDOT) biennial appropriation exceeds \$2.17 billion. Of that amount, \$1.585 billion finances construction and maintenance on Minnesota highways, an increase of \$61 million over the previous biennium. Unlike other agency budgets that are largely appropriated from the General Fund, most MnDOT funding is provided from highway user fees dedicated to state and local highway funds.

For MnDOT transit activities, Chapter 269 appropriates a total of \$72.9 million, which is divided among three major service categories: \$49.8 million for Metropolitan Area transit, including \$23 million for Metro Mobility services; \$16.3 million for transit activities in Greater Minnesota; and \$6.8 million to continue development of light rail transit. Airport development activities are funded at \$20 million. Chapter 269 also provides \$1.75 million to continue road design and construction research at the cold regions test facility; and \$9.4 million for several MnDOT building projects throughout the state.

Regarding the authority of the Regional Transit Board, Chapter 269 requires that MnDOT transit grants may be made only with the approval of the RTB. In addition,



Waste management policy concerns are addressed in Chap. 325.

the RTB is directed to promote the use of vehicles that operate on alternative fuels.

Chapter 269 appropriates \$186 million for operations of the Dept. of Public Safety, including \$1.9 million for emergency management, \$27 million for criminal apprehension, \$56.7 million for driver and vehicle services and \$77 million for the State Patrol. Under the State Patrol, nearly \$2.5 million is provided to consolidate and modernize Metropolitan Area radio communications centers.

Highlights of the \$22.6 million Dept. of Agriculture budget include \$1.5 million to promote and expand markets for Minnesota agricultural products. The budget includes \$200,000 for ethanol fuel promotion, \$400,000 for sustainable agriculture demonstration projects and \$400,000 to develop the Minnesota Grown program. Under the Board of Animal Health, Chapter 269 also provides \$698,000 for research and control efforts to eradicate pseudorabies in hogs.

The \$9.9 million budget of the Board of Water and Soil Resources contains \$1.8 million for conservation reserve administration within the Reinvest in Minnesota Resources (RIM) program. In addition, \$350,000 is appropriated for comprehensive local water planning.

The \$23.5 million Minnesota Historical Society budget includes \$1.3 million for continued construction of the Minnesota State History Center, \$560,000 in grants for local historic preservation projects, \$294,000 for the Minnesota Humanities Commission and an additional \$70,000 for operations and repairs at the Henry Sibley House. Chapter 269 also appropriates \$40,000 for the Minnesota International Center's US/USSR High School Program.

Other agency and semi-state agency budgets funded under Chapter 269 include \$20 million for the Dept. of Commerce; \$13 million for the Dept. of Public Service; \$4 million for the Public Utilities Commission; \$1.86 million for the Racing Commission; \$1.27 million for the Science Museum of Minnesota; and \$8.3 million for the Arts Board, including \$2.7 million to support regional arts councils throughout the state.

Chapter 269 also creates a special Great River Road Account to finance development projects on the Great River Road system in Minnesota. The law also designates that the account be established with the first \$750,000 in funds to the Highway User Tax Distribution Fund. When the account expires on June 30, 1991, all undistributed money in the account will revert to the Highway User Tax Distribution Fund.

Waste management

The state policy for waste management is amended under Chapter 325. In addition to improving waste management in the state, the intent of the legislative policy is that the waste management goal of the state is to foster an integrated waste management system in a manner appropriate to the characteristics of the waste stream. Waste management practices listed as part of the policy are waste reduction and reuse, waste recycling and yard waste composting, resource recovery through mixed municipal solid waste composting or incineration, and land disposal.

Under Chapter 325, a qualified solid waste management district or county is authorized to designate a solid waste processing or disposal facility. All or any portion of the mixed municipal solid waste that is

generated within the boundaries or any service area of the district or county will be delivered to the facility identified by them. In order to designate a facility, the county or district is required to submit a designation plan that is consistent with its solid waste management plan, and with statewide and regional waste management goals. The content requirement of the plan as well as the approval process for the plan is defined in the law.

A Greater Minnesota landfill cleanup fee is established under Chapter 325. An operator of a facility located outside of the Metropolitan Area is required to pay a fee on solid waste accepted and disposed of at the facility. Three quarters of the proceeds of the fee will be deposited in the Greater Minnesota Landfill Maintenance Fund and one quarter of the proceeds will be deposited in the Greater Minnesota Landfill Contingency Action Fund. The maintenance fund is created to assist authorized counties and sanitary districts, and the funds will be distributed by the commissioner of revenue according to the standards set in the law. The contingency action fund will be used for expenses for closure and postclosure care of a mixed municipal solid waste disposal facility outside of the Metropolitan Area for a 20-year period after closure if it is determined that the operator or owner will not take the necessary actions needed for closure and postclosure. The funds may also be used for postclosure costs at a facility that is in compliance with the closure and postclosure rules. The Dept. of Revenue is required to report to the Legislature every two years on monies spent from the two funds. The law also defines the authority of the county, city or town to set fees on operators of facilities for the disposal of mixed municipal solid waste.

Operators of landfills are required to maintain and submit financial reports. The law clarifies the limits of political subdivision liability for superfund cleanup at landfills. The Pollution Control Agency is authorized to acquire interests in real estate that the agency determines are necessary for response action. Political subdivisions may be reimbursed for costs incurred in responding to emergency releases of hazardous materials.

Under Chapter 325, the Harmful Substance Compensation Board replaces the Hazardous Injury Compensation Board. The board handles claims for compensation for an eligible injury or for eligible property damage that could have resulted from an exposure in Minnesota to a harmful substance released from a facility. Claims filed for compensation for property damages must be filed within two years after the full amount of compensable losses can be determined. Claims for injuries due to petroleum contamination are eligible for

compensation by the Harmful Substance Compensation Fund. The board is authorized to request a transfer of funds from the Petroleum Tank Release Cleanup Fund to the Harmful Substance Compensation Fund for claims related to petroleum releases.

The law specifies that permits for a mixed municipal solid waste resource recovery or disposal facility are to be issued by the Pollution Control Agency when a county projected in the permit to use the facility has an approved solid waste management plan in place. The capacity of the facility must be consistent with the needs for resource recovery or disposal capacity identified in the plan. The Metropolitan Council is responsible for determining the consistency of the plan for counties in the Metropolitan Area.

In addition, the law, sponsored by Sen. Gene Merriam, raises the solid waste disposal fee and clarifies the 1990 ban on disposal of unprocessed waste in the Metropolitan Area. The Metropolitan Council is required to amend its solid waste management policy plan. The PCA is required to conduct a study of the legislation authorizing the establishment of solid waste management districts.

Capital bonding projects

As provided by Chapter 300, the state will sell \$157.7 million in bonds to finance capital projects, such as new construction or repairs of state facilities. Among the projects, the Legislature authorized \$29 million for continued efforts to make state buildings fully accessible for disabled people. Under the current plan, all state-owned buildings will be accessible by the summer of 1993.

Regarding educational facilities, Chapter 300 authorizes \$56.2 million for planning,

remodeling, repairs and new construction projects in education buildings throughout the state. Included in a \$2.7 million authorization for primary and secondary education projects, the measure provides \$2 million in desegregation capital improvement grants to school districts. For state technical institutes, \$5.48 million is provided for capital improvements, land acquisition and to develop plans for new construction. Similarly, numerous state community college projects are funded at \$5.8 million.

Chapter 300 finances \$27.8 million for improvements and construction at state universities. Chief among these projects, \$11.2 million is authorized to remodel and construct an addition to the Mankato State University Memorial Library. Over \$10.3 million is also approved for the construction of a health and applied sciences building at the Winona State University campus.

A \$14.4 million University of Minnesota authorization will finance planning, remodeling and life safety improvements at facilities statewide. Among the major expenditures, Chapter 300 provides \$7.4 million for plans and working drawings to renovate the Walter Library and construct a biological and basic sciences facility at the Twin Cities campus.

The Dept. of Human Services received approval on projects totalling more than \$11.7 million for plans, new construction and physical improvements in state-owned residential buildings. Chapter 300 provides \$2.6 million for plans and construction related to the down-sizing of the state's regional treatment centers. This biennium, the state will construct eight group homes for mentally retarded Minnesotans. The homes are also known as state-operated community service facilities (SOCS).

Several other state agencies will make

modest physical improvements in their facilities with funds provided by Chapter 300. Among them, the Dept. of Corrections received authorization for \$2.6 million in repairs at correctional facilities throughout the state.

State Capitol remodeling and renovation projects, totalling over \$5.7 million, will also be continued. The bonding authority includes \$2.2 million to remodel the chamber and offices of the House of Representatives.

Reinvest in Minnesota (RIM) land acquisitions are funded at \$5 million. With an appropriation of \$1.5 million, the Board of Soil and Water Resources will acquire conservation easements, particularly on cropland in sensitive groundwater areas. Under the Dept. of Natural Resources (DNR), an additional \$3.5 million is provided for RIM fish and wildlife land acquisition and development. Chapter 300 also finances other DNR projects, including \$1.2 million to acquire and develop state trails, and \$1 million for flood damage reduction and prevention projects.

Under the Pollution Control Agency and the Public Facilities Authority, Chapter 300 authorizes over \$22.8 million in state grants to cities for sewer and wastewater treatment construction. Limited federal matching funds are also available for some projects.

A \$6.1 million state grant will facilitate dredging to clear the upper area of Duluth Harbor. Approximately \$10 million in federal and private funds will match the state grant for the harbor dredging project. Other Dept. of Trade and Economic Development capital projects include the planning and construction of two sports facilities. Chapter 300 provides \$400,000 for a national shooting sports center at Giant's Ridge in Biwabik, and \$280,000 for a kayaking center at Carlton.

photo by David J. Oakes



Funding for the acquisition and development of state park trails is provided under the bonding measure, Chap. 300. Many capital projects involving new construction and repair of state facilities are also funded in the chapter.

Two Historical Society projects are also authorized. Planning of the Red Lake Tribal Information Center will proceed with a \$165,000 appropriation for working drawings. In addition, Chapter 300 appropriates \$136,000 for the state to purchase land near Red Wing that was found to be an archaeological site.

An additional \$8 million is provided through the Dept. of Transportation for replacement and rehabilitation of key bridges on state roads.

Funding was also approved for asbestos removal from state-owned buildings throughout Minnesota.

Chapter 300 also appropriates \$3.7 million for deficiencies in several 1988 state agency budgets.

Session Law Highlights

Agriculture and Rural Development

Farm implement retailers

Chap. 76-H.F. 989 Provides for payment to farm implement retailers by the manufacturers, wholesalers or distributors repurchasing stock or inventory upon oral or written contract termination, cancellation or discontinuation. Modifies the required payment on repair parts. Provides for notice of retailer intent to return farm implements, machinery, attachments and repair parts in lieu of return. Provides for an escrow agent. Effective date: May 10, 1989, and applies to continuing contracts in effect now. SPARBY, SCHMITZ.

Dump truck bumper requirements

Chap. 118-H.F. 627 Exempts dump trucks operated by private agricultural carriers between production and processing or storage points from rear end protection requirements. Effective date: Aug. 1, 1989. TUNHEIM, STUMPF.

Cultured dairy food manufacturing regulations

Chap. 123-S.F. 583 Requires pasteurization in facilities making Minnesota farmstead cheeses and in facilities making cultured dairy food. Defines cultured dairy food as a dairy product other than a grade A cultured dairy product. Effective date: Aug. 1, 1989, except that pasteurization is not required until July 1, 1991. BERTRAM, BAUERLY.

Farm waste disposal

Chap. 131-S.F. 281 Authorizes farmers to bury or burn and bury solid waste generated as part of the farming operation in a nuisance and pollution free and aesthetic manner on agricultural land without a permit. Requires local solid waste management plans to describe methods to identify waste suitable for land application and use in agricultural practices. Requires Waste Management Board technical assistance and advice to local government units on separating the waste. Requires the Pollution Control Agency (PCA) to consider the effects of rule adoption or repeal on farming and other agricultural operations. Requires the PCA to notify the commissioner of agriculture for review and comment purposes and requires the PCA to hold public hearings on proposed rule changes affecting farm operations. Effective date: May 16, 1989. BERG, OLSON, E.

Agricultural cooperative voting rights

Chap. 133-H.F. 774 Changes the voting rights in certain agricultural cooperative associations. Effective date: Aug. 1, 1989. OLSON E., DECRAMER.

Elected officials as agricultural society members

Chap. 164-H.F. 1339 Permits state or local elected officials to serve as agricultural society members. Clarifies service on county agricultural society boards as nonpublic service. Effective date: Aug. 1, 1989. SIMONEAU, DAHL.

Gasohol producer payments eligibility clarification

Chap. 257-H.F. 415 Defines wet alcohol for Ethanol (gasohol) Development Fund producer payments eligibility purposes as agriculturally derived fermentation ethyl alcohol having a purity of at least 50 percent but less than 99 percent. Provides for calculation of the payments by the commissioner of revenue. Effective date: July 1, 1989. SVIGGUM, MEHRKENS.

Rural Finance Authority program alterations

Chap. 273-S.F. 104 Alters loan programs under the Rural Finance Authority. Modifies the definitions of primary and secondary principal to apply only to the Loan Restructuring Program. Separates the Seller Sponsored Loan Participation Program from the Beginning Farmer Loan Program. Specifies eligibility and restrictions. Authorizes new loans and specifies participation limit. Specifies interest. Repeals some restructured loan continuing eligibility requirements and beginning farmer loan applications review by the Family Farm Advisory Council. Effective date: Aug. 1, 1989. BECKMAN, WINTER.

Multiple grain load averaging changes

Chap. 310-H.F. 1108 Changes a provision that allows averaging of multiple loads of grain to provide that a purchaser and a seller may, by mutual agreement, average the measurements from multiple loads of acceptable quality grain with respect to those factors used to determine price. Requires notice to be posted at businesses licensed to buy or receive grain. Effective

date: Aug. 1, 1989. DILLE, DAVIS.

Seed and dairy inspection laws technical changes

Chap. 312-H.F. 1445 Makes technical changes in seed and dairy inspection laws. Limits permits to initial labelers who sell seed for use in Minnesota. Provides for misdemeanor penalty for physical threats to dairy inspectors. Effective date: Aug. 1, 1989. NELSON, C., MORSE.

Ag land preservation law changes

Chap. 313-S.F. 542 Changes the Agricultural Land Preservation Law. Changes exclusive zones to preserves. Extends period to adopt or amend plans. Sets limits on land use in preserves. Requires copies of application to be sent to the Dept. of Agriculture. Describes transfer from agricultural property tax law treatment. Effective date: Aug. 1, 1989. DAVIS, WINTER.

Omnibus Ag bill

Chap. 350-H.F. 878 Article I - Federal crop insurance Provides grants to farmers for partial payment of federal crop insurance premiums costs. Specifies eligibility and requires application to the commissioner of agriculture. Requires reimbursement to eligible farmers by Dec. 1, 1989, for up to 20 percent of the total premium cost of federal crop insurance on the 1989 crop with a maximum of \$300.

Article II - Community needs assessment Requires the Rural Development Board to select an organization to develop, test and implement a rural community needs assessment model. Provides for a community needs assessment model to identify community needs in the areas of social services, transportation, housing, education, health care, recreation, employment, public infrastructure, and economic development. Requires a report to the Legislature by Jan. 1, 1990.

Article III - Agricultural Data Collection Task Force Provides for Agricultural Data Collection Task Force and sets forth duties. Specifies that the Agricultural Data Collection Task Force expires Apr. 15, 1991, or 15 days after reporting to the Legislature, whichever is later.

Article IV - Aquiculture Provides for aquiculture program and promotion. Requires the maintenance of a data base of research, demonstrations and other related information. Defines aquiculture as an agricultural pursuit.

Article V - Dairy industry checkoff rate Specifies that the checkoff rate applicable to the Dairy Research and Promotion Council must be equal to the maximum credit allowed under the Dairy Promotion and Research Order, and specifies conditions. Extends the deadlines until Feb. 1, 1990, for a report to the Legislature, and until June 1, 1990, for the completion of duties of the Minnesota Dairy Task Force.

Article VI - Land transfers from federal agencies Requires the commissioner of natural resources to consult with the Board of Water and Soil Resources for a determination of marginal land, tillable farm land and farm homestead before accepting agricultural lands or farm homesteads transferred by federal agencies. Requires the commissioner to comply with wetlands for wildlife development acquisition procedures in accepting agricultural lands.

Article VII - Agricultural Utilization and Research Institute Establishes the Agricultural Utilization and Research Institute. Specifies composition and duties of the board of directors. Subjects institute actions and expenditures to audit and annual reporting requirements.

Article VIII - Urban and community reforestation Provides for community and urban reforestation study and recommendations. Requires the Minnesota Shade Tree Advisory Committee, the University of Minnesota and the Dept. of Agriculture to study problems presently facing community and urban forests for preservation purposes. Requires recommendations to the Legislature by January 1990.

Article IX - Agricultural Interpretive Center Sets forth policy of preserving history of basic industries and states desirability of establishing a living history agricultural interpretive center.

Article X - Grasshopper control program Requires the commissioner of agriculture to designate townships of counties with economic damage from grasshoppers as Grasshopper Control Zones and to develop and implement a grasshopper control program in the zones to prevent crop damage. Authorizes grants for experimental control methods in selected

areas. Provides for a cost share reimbursement to landowners. Requires the commissioner to adopt procedures, guidelines and forms to implement the program. Authorizes the commissioner to designate areas or types of controls for an experimental control program. Specifies participants cost limits. Authorizes property tax levies.

Article XI - Federal uniformity Provides for uniformity of the food law with federal provisions. Requires the commissioner of agriculture to set food handlers plan review fees for costs payment purposes and establishes the Food Handler Plan Review Fund for deposit of the fees.

Article XII - Soy-based ink Requires that, whenever practical and economically feasible, the state must use soy-based ink for printing orders or projects and that, whenever practical and economically feasible the state specify that materials and printing process use soy-based ink.

Article XIII - Minnesota-grown WIC coupons Requires the commissioner of agriculture to conduct demonstration projects in conjunction with federal programs to give Minnesota-grown coupons redeemable for food identified with a Minnesota-grown logo or labeling statement at selected sites to participants in the federal supplemental food program for women, infants, and children. Requires a report to the Legislature by Jan. 15, 1990.

Article XIV - Noxious weed control Authorizes town boards to suspend the duty of owners and occupants of land and road maintenance personnel to control noxious weeds if the vegetation is to be harvested for livestock feed during a drought.

Article XV - Cheese marketing study Requires the commissioner of agriculture to conduct an investigation and economic analysis of cheese marketing practices within the state, the region and the nation. Requires the report to be submitted to the Legislature by Mar. 1, 1990.

Article XVI - Mediation and first refusal Extends the expiration dates of the Farmer Lender Mediation Act and the mortgage or contract for deed foreclosure relief provisions. Extends the time period for the rebuttable presumption of the sale of agricultural land by an immediately preceding former owner as a violation of the right to receive an offer to buy the land and clarifies treasury notes and bonds requirement relating to discounts for equivalent cash offer purposes. Increases the limit on the value of farm machines and implements exempt from attachment, garnishment or sale. Extends the deadline for creditors to begin proceedings to enforce agricultural debts after debtor failure to request farmer-lender mediation for mediation provisions nonapplicability purposes. Eliminates consideration of a copy of a forbearance policy as the beginning of a proceeding to enforce a debt. Defines starting a proceeding to enforce a debt. Requires a legislative study to determine the efficiency and appropriateness of terminating the Family Farm Security Program and transferring program loans, properties and personnel to the Rural Finance Authority.

Article XVII - Advisory Task Force on Farm Safety Establishes an Advisory Task Force on Farm Safety and specifies membership and purpose. Specifies that the task force determine ways to minimize the risks of accident and injury to farm operators, families and employees. Requires a report to the Legislature by Mar. 1, 1990.

Article XVIII - Motor fuel labeling Eliminates the requirement for labeling of gasoline alcohol blends on pump dispensers and applies federal requirements on gasohol labeling to the state.

Article XIX - Wild rice labeling Alters labeling requirements for wild rice and specifies exceptions. Provides for the labeling of natural lake or river wild rice. Requires packages labeled as naturally grown to contain a license number. Prohibits the use of the label on packages not containing 100 percent natural lake or river wild rice. Requires the maintenance of records and annual reports to the commissioners of agriculture and natural resources by persons buying, selling, processing or marketing more than 500 pounds of wild rice not for use in packaged blended and ready to eat rice. Provides for the determination of misbranding relating to Indian harvested or processed wild rice.

Article XX - Appropriations Appropriates funds for federal crop insurance, vocational programs, Duluth grain inspection costs, marketing Minnesota products, by-product soil buffering, agriculture land preservation and conservation, grasshopper control, the agricultural data collection task force, the Minnesota Dairy Task Force, community needs assessment, an aerospace exploratorium, portable computerized fertilization, the agricultural contract task force, organic certification, agriculture, the Shade Tree Advisory Committee, health screening for herbicide and fumigant applicators, a small ruminant specialist, the Kanaranzi-Little Rock Watershed District, agriculture information centers, county and district agricultural societies, pseudorabies research and control, bluegrass research a forage and turf seed specialist, barley research and promotion, ethanol promotion,

Minnesota-grown WIC coupons, a task force on farm safety, farmer-lender mediation costs and the farm advocates program. Effective date: Various dates. WENZEL, DAVIS.

Commerce

UCC filing periods extension

Chap. 31-H.F. 937 Extends the period for filing of some perfected security interests in fixtures on real estate under the Uniform Commercial Code (UCC) for priority determination purposes. Effective date: Aug. 1, 1989. O'CONNOR, SOLON.

Detached banking facilities

Chap. 32-S.F. 114 Authorizes and provides for the establishment of a detached banking facility in the town of St. Augusta with prior approval of the commissioner of commerce. Effective date: Day after local action. BERTRAM, BERTRAM.

Lutsen off-sale liquor license

Chap. 36-S.F. 699 Authorizes the Cook County Board to issue an off-sale intoxicating liquor license to an exclusive liquor store in Lutsen Township with the approval of the commissioner of public safety. Effective date: Day after local action. JOHNSON, D.J., BATTAGLIA.

Minneapolis on-sale liquor license

Chap. 40-S.F. 203 Authorizes and provides for the city of Minneapolis to issue on-sale intoxicating liquor licenses to the Orpheum and State Theatres, to a restaurant and to the new convention center. Effective date: Day after local action. SPEAR, GREENFIELD.

Retail liquor license renewal

Chap. 49-S.F. 358 Authorizes municipalities to refuse to renew retail liquor licenses of persons convicted of liquor violations. Clarifies the authority of first class cities to issue off-sale licenses to general food stores. Extends the hours for on-sales of intoxicating liquor on Sundays until 1 a.m. Monday. Removes the restriction on off-sales of intoxicating liquor on New Years Day and Independence Day. Authorizes off-sale licensees and municipal liquor stores to provide samples of malt liquor. Authorizes Canosia Township in St. Louis County to issue an off-sale intoxicating liquor license to an exclusive liquor store with the approval of the commissioner of public safety. Repeals the bond requirement for retail intoxicating liquor licensees. Effective date: Various dates. SOLON, JACOBS.

Metal dies and molds

Chap. 56-H.F. 424 Provides for the ownership of metal dies and molds for unclaimed property purposes. Effective date: Apr. 27, 1989. O'CONNOR, METZEN.

Economic loss eligibility under no-fault auto insurance

Chap. 58-S.F. 361 Authorizes persons to bring negligence actions for economic loss through the assigned claims plan or due to lack of insurance coverage for basic economic loss benefits. Provides for the right of the Assigned Claims Bureau or reparation obligors to seek indemnification from an uninsured tortfeasor. Clarifies a reparation obligor subrogation provision and a provision relating to household members ineligibility for basic economic loss benefits through the assigned claims plan. Excludes adults adjudicated as incompetent from the ineligibility provision. Effective date: Aug. 1, 1989. LUTHER, CARRUTHERS.

Child health supervision and prenatal care coverage

Chap. 69-S.F. 701 Requires health and accident insurance policies, individual or group subscriber contracts and health maintenance or fraternal benefit society contracts to provide coverage for child health supervision and prenatal care services. Provides for exceptions. Effective date: Aug. 1, 1989. FREEMAN, SKOGLUND.

On-sale liquor licenses in Hibbing

Chap. 72-H.F. 212 Authorizes the city of Hibbing to issue two additional on-sale intoxicating liquor licenses without voter approval. Effective date: Day after local action. JANEZICH, DICKLICH.

Liquor fees increases

Chap. 104-H.F. 1405 Requires notice and hearing before city, town or county increases liquor license fees. Effective date: June 30, 1989. O'CONNOR, SOLON.

On-sale liquor license in Blaine

Chap. 105-H.F. 1352 Authorizes the city of Blaine to issue an on-sale intoxicating liquor license for the Dan Patch Raceway. Effective date: Day after local action. QUINN, NOVAK.

Life insurance benefits provisions

Chap. 125-H.F. 812 Allows life insurance policies to provide for early payment of benefits. Specifies policy disclosure requirements. Requires advertisements approval by the commissioner of commerce. Prohibits issuance to seniors over age 65. Specifies minimum coverage and benefits requirements, disclosure requirements and prohibitions for contracts with an accelerated benefits contingency on the receipt of long term care services. Effective date: May 17, 1989. KELLY, METZEN.

Board of Electricity citation issuance

Chap. 126-H.F. 593 Authorizes the Board of Electricity to issue citations for electrical violations. Specifies the form of citation. Authorizes citation alteration by local government units. Effective date: Aug. 1, 1989. KINKEL, BERTRAM.

Credit union amendment procedures

Chap. 127-H.F. 635 Requires credit union boards of directors to notify members of proposed amendments to the certificate of organization or bylaws and extends the notice period for balloting by mail. Authorizes and provides for member requests to receive copies of proposed amendments. Requires posting of a copy of the proposed amendments in the credit union office for member review. Clarifies the exclusion of specific loans from outstanding loans and risk assets computation for credit unions reserve fund maintenance requirements purposes. Authorizes insurance of member share and deposit accounts from legally constituted credit union share insurance corporations. Effective date: Aug. 1, 1989. SIMONEAU, SAMUELSON.

Account service charges of financial institutions

Chap. 129-H.F. 955 Establishes standards for financial institutions' determination of transaction account service charges. Authorizes state banks or trust companies to organize, acquire or invest in subsidiaries to engage in some activities that state banks, bank clerical service corporations, and national banks and bank holding companies or their subsidiaries are currently authorized to perform, upon approval of the commissioner of commerce. Provides for application and filing fee requirements and specifies an investment limit. Subjects the subsidiaries to commissioner examination and enforcement authority. Defines subsidiary. Authorizes banks to perform clerical services at off premises data processing and storage centers. Requires assurances to the commissioner of commerce of the services' subjection to regulation and examination. Authorizes property acquisition for centers establishment purposes. Effective date: Aug. 1, 1989. RODOSOVICH, SPEAR.

Township mutual fire insurance companies changes

Chap. 130-S.F. 886 Alters provisions that relate to township mutual fire insurance companies. Permits directors to choose managers from outside the company and expands the authority of treasurers and chosen managers. Authorizes the companies to insure secondary property if the township mutual fire insurance company covers qualified property belonging to the insured and provides a limit and defines secondary property. Authorizes the insurance of property outside territorial limits if the company is already covering qualified property belonging to the insured inside the company's territory. Authorizes the elimination or limitation of directors' personal liability for breach of fiduciary duty and provides exceptions. Effective date: Aug. 1, 1989. FREDERICKSON, D.J., COOPER.

Contractor letters of credit authorization

Chap. 132-H.F. 279 Allows contractors doing public work projects of under \$50,000 for a home rule charter or statutory city, county, town, school district or other local government authority, to provide irrevocable bank letters of credit in lieu of performance bonds. Effective date: Aug. 1, 1989. BLATZ, FREEMAN.

Minnesota Cooperative Law recodification

Chap. 144-H.F. 1411 Article I - Cooperative law Recodifies and clarifies provisions relating to cooperative associations and corporations, including provisions relating to organization, powers, boards of directors, officers, stock, members, earnings, reserve and distributions, mergers and consolidations and liquidation, and other general provisions. Repeals existing statutory provisions relating to cooperative associations including the Cooperative (agricultural) Marketing Act and provisions relating to accounting systems.

Article II - Correction of cross-references Makes technical corrections to provisions relating to financial corporations, eminent domain, cooperative electric associations, telephone company rate changes, property tax homestead determination, cooperative apartment corporations and defeasible estates, to conform to the recodification.

Article III - Amendments to Article I Requires and provides for cooperatives to maintain registered offices and to designate registered agents. Eliminates the requirement for the filing of a copy of articles and amendments in the office of the county recorder. Creates a presumption in the filing of articles. Provides for the approval of amendments to articles,

merger or consolidation plans or liquidation of cooperatives with articles or bylaws. Modifies filing requirements regarding amendments. Specifies certificate requirements. Provides for commencement of corporate existence and for bylaws. Authorizes the lending or borrowing of money to or from individual members and specifies fiduciary powers. Eliminates the requirement for board approval of acquisition and disposal of stock of another association or corporation. Grants cooperatives property holding rights in connection with any purpose not inconsistent with the purposes of the cooperative in its articles. Provides for the filling of directors' unexpired terms and for the removal of directors. Authorizes boards to require the surrender of membership of persons violating bylaws. Provides for published or mailed notice of special meetings. Authorizes cooperatives to distribute capital stock credits and allocated patronage equities. Specifies additional content and adoption requirements for merger or consolidation plans and eliminates the requirement for attorney general approval. Requires the secretary of state to issue a certificate of the merged or consolidated cooperative or association. Prescribes a fee for filing articles of consolidation. Prescribes voluntary and involuntary or court supervised dissolution procedures. Specifies which cooperatives are subject to the provisions in this act. Effective date: Aug. 1, 1989. KRUEGER, DECRAMER.

Labor and materials lien notices requirements

Chap. 160-H.F. 1282 Clarifies and simplifies requirements for contractors' and subcontractors' labor and materials' lien notices for the improvement of real property. Failure to strictly comply with subcontractor notice requirements not to result in loss of the lien if a good faith effort is made to comply, unless the owner of another lien claimant proves damage as a direct result of the failure to comply. Effective date: Allows use of existing notice until Aug. 1, 1990. ORENSTEIN, REICHGOTT.

Requirements for financial institutions modifications

Chap. 166-H.F. 1323 Amends provisions relating to financial institutions. Modifies application filing notice and statement publication requirements relating to qualified newspapers. Eliminates the requirement for proof of publication of the original certificate of authority. Regulates mergers under consolidation provisions and includes trust companies in the provisions. Regulates capital stock and surplus requirements of industrial loan and thrift companies. Changes the terms paid in capital to surplus and invested income to undivided profits. Eliminates the definitions of donated and contributed capital and appropriated reserves and defines capital stock. Applies the terms to regulated lenders under certain maximum rates and charges provisions. Modifies application notice publication requirements. Alters the limits on outstanding certificates of indebtedness and savings accounts and deposits. Requires compliance of deposit companies with some provisions relating to restrictions on bank liabilities and with some special dividend conditions. Alters the residency requirement for directors of companies holding certificates if the certificate includes the right to issue thrift certificates for investment. Provides for cure for companies that violate limits regarding outstanding certificates of indebtedness, savings accounts and savings deposits. Modifies provisions relating to property insurance in connection with regulated loans. Allows reductions for some homeowners and automobile insurance coverages. Authorizes the deposit of federal certificates of deposit that are fully insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation as collateral security. Effective date: Aug. 1, 1989. CARLSON, SOLON.

Cancellation of insurance agency contracts provisions

Chap. 170-H.F. 1354 Alters the application of the restriction on the cancellation of insurance agency contracts. Further restricts the reduction or restriction of the contracts. Requires the payment of earned commissions to terminated agents. Prohibits insurance companies from terminating or penalizing insurance agents for contacting government departments or agencies about problems that the agent or an insured may be having with an insurance company. Effective date: May 18, 1989. CARRUTHERS, LUTHER.

Control share acquisition provisions

Chap. 172-H.F. 1574 Modifies provisions relating to corporations. Applies some previously nonapplicable control share acquisition and business combination provisions to issuing public corporations. Clarifies the application of provisions. Modifies the definitions of beneficial owner and interested shareholder. Reduces the regulatory time period for business combinations to four years. Authorizes corporate boards to establish special litigation committees of independent persons to consider pursuing legal rights or remedies of the corporations. Creates an exception to shareholders meeting notice requirements for notices returned undeliverable. Repeals the provision allowing the establishment of committees of disinterested persons to determine whether to pursue, dismiss or discontinue legal rights or remedies. Effective date: May 20, 1989. SIMONEAU, LUTHER.

Over the counter securities exemptions

Chap. 173-H.F. 1581 Exempts specific over the counter securities from

registration requirements and requires national market system notice to the commissioner of commerce of material changes in designation requirements. Authorizes the commissioner of commerce to revoke the exemption if the commissioner determines that the designation requirements are not enforced or are amended in a manner that lessens protection to investors. Effective date: Aug. 1, 1989. SCHEID, COHEN.

Motor vehicle lease agreements definition

Chap. 174-H.F. 1447 Defines the effect of motor vehicle lease agreements as constituting sales or security interests for certificate of title issuance purposes. Effective date: Aug. 1, 1989. SCHEID, SOLON.

Registration information release restrictions

Chap. 178-H.F. 1338 Restricts the release of motor vehicle registration information concerning passenger automobile lessees. Effective date: Aug. 1, 1989. CONWAY, METZEN.

Self insuring local government authorizations

Chap. 185-S.F. 1191 Authorizes self insuring local government units to purchase environmental protection coverage from risk retention groups operating under specific U.S. Code, and to purchase nonassessable stock of the group if stock ownership is a prerequisite for participation. Effective date: Aug. 1, 1989. LUTHER, CARRUTHERS.

Grain storage sales exclusions under the UCC

Chap. 187-S.F. 391 Excludes the sale of a grain storage structure that is an improvement to real property from the statute of limitations for breach of contract under the Uniform Commercial Code. Effective date: May 20, 1989. MEHRKENS, SVIGGUM.

Disclosure of repaired damages to autos requirement

Chap. 188-S.F. 834 Requires dealers, manufacturers, distributors or importers to, in some cases, disclose before sale any damage to a new vehicle exceeding the greater of four percent of the manufacturer's suggested retail price or \$500. Requires sellers to disclose damages exceeding 70 percent of the vehicle's actual cash value to buyers on applications for title and registration or other transfer documents and requires revision of the certificate of title form by the registrar of motor vehicles to accommodate the disclosure. Requires and provides for registrar recording of damaged, flood damaged, salvage, rebuilt, reconditioned or reconstructed vehicles on certificates of title. Prescribes penalties for violation and provides for recovery of damages by injured persons. Specifies exclusions. Effective date: Generally effective July 1, 1990, except new vehicle disclosures. LANTRY, SARNA.

Payment of full deductible under subrogation claim

Chap. 193-H.F. 1353 Requires automobile insurers in direct recovery from uninsured third parties under a subrogation claim to pay the full deductible to the insured before applying the recovery to other uses. Effective date: Aug. 1, 1989. CARRUTHERS, LUTHER.

Unfair practices clarification

Chap. 198-H.F. 268 Clarifies legislative intent relating to unfair practices under franchise agreements. Creates a presumption of irreparable harm to the franchisee for violation of certain registration requirements. Effective date: May 20, 1989. SEGAL, SOLON.

Subrogation prohibitions on nonintentional acts

Chap. 201-S.F. 829 Prohibits insurers from maintaining subrogation actions against insureds in cases of loss caused by nonintentional acts of the insured. Effective date: Aug. 1, 1989. FREEMAN, TJORNHOM.

Separate no-fault auto coverages requirement

Chap. 213-H.F. 956 Requires separate no-fault automobile uninsured and underinsured motorist coverages. Modifies underinsured liability provisions. Effective date: Aug. 1, 1989. CARRUTHERS, PETERSON, D.C.

Charges and fees regulations

Chap. 217-H.F. 1548 Regulates charges and fees on loans and extensions of credit. Defines and provides for credit sale contracts under the Savings Association Act. Provides for the payment of real estate loans in the manner determined by the savings association. Clarifies provisions relating to additional credit extension and finance charges authority of the associations. Provides for borrower payment of court costs incurred in connection with collection or foreclosure. Restricts the procurement of credit life insurance in cases of multiple consumers and provides for joint insurance. Clarifies that associations must comply with specified sections of the Federal Truth in Lending Act, when applicable. Increases the required regulated loan amount percentage of corporate contributed capital and appropriated reserves for licensee interest receipt and calculation purposes. Clarifies some finance charge and refund provisions under the Motor Vehicle Retail Installment Sales Act. Authorizes real estate closing services charges for estimates given under the federal Real Estate Settlement Procedures Act. Corrects statutory references. Effective date: Aug. 1, 1989. SCHEID, PETERSON, R.W.

Insurance agents continuing education requirements

Chap. 231-S.F. 200 Provides for the approval of professional designation examinations for insurance agents' continuing education requirements purposes and defines professional designation examination to include an insurance or financial planning professional designation. Specifies requirements of the examinations. Requires the Continuing Insurance Education Advisory Task Force to recommend approval or disapproval and the number of continuing education credit hours to be awarded for passage. Requires commissioner of commerce approval of the examinations. Prohibits the receipt of continuing education credit for passing the exam by agents receiving credit for classroom instruction preparing for the exam. Reduces minimum credit hours requirements in some instances. Authorizes the commissioner to waive minimum education requirements for licensees no longer actively engaged in the solicitation and sale of insurance and specifies agent requirements and restrictions. Specifies that the agent is to be considered the holder of a valid license for the purposes of receiving renewal commissions and other benefits or compensation. Repeals rules and continues specific provisions regarding continuing insurance education requirements exemptions. Effective date: Effective for reporting year beginning June 1, 1989. SOLON, CARRUTHERS.

Uniform Commercial Code - Leases

Chap. 232-H.F. 579 Article I - Part 1-General provisions Defines terms. Provides for leases subject to other statutes, territorial application of article to goods covered by certificates of title, and applicable law and judicial forum choice limits. Provides for contract unconscionability and for the option to accelerate payment or performance at will.

Part 2-Formation and construction of lease contract Specifies lease contract enforceability conditions. Prohibits prior or contemporaneous agreement contradiction of final written expression and allows certain explanations or supplements. Provides for the formation, modification, rescission and waiver of contracts. Provides for the creation, exclusion, modification, cumulation and conflict of express and implied warranties and third party beneficiaries. Provides for the identification of goods, insurability and casualty provisions. Provides for the retention or passing of the risk of loss and specifies the effect of default on the risk.

Part 3-Effect of lease contract Provides for the enforceability of lease contracts. Restricts the transfer of party or lessor interest in goods unless specific conditions are met. Provides for subsequent lease of goods by the lessor and sale or sublease of goods by the lessee. Provides for the priority of various liens. Specifies special rights of creditors. Provides for lessor and lessee rights when goods become fixtures and when goods become accessions.

Part 4-Performance of leased contract: repudiated, substituted and excused Imposes an obligation under lease contracts on each party for adequate assurance of performance. Provides for anticipatory repudiation of the contract and retraction of anticipatory repudiation. Provides procedures for substituted or excused performance and provides for irrevocable promises in finance leases.

Part 5-Default A. In general - Provides procedures for default and notice entitlement after default. Provides for modification or impairment of rights and remedies for default. Provides for the liquidation of damages and for the cancellation, termination, rescission or fraud effect on rights and remedies. Provides a four year statute of limitations. Provides for the determination of damages based on market value. **B. Default by Lessor -** Specifies lessee remedies and rejection rights and duties and lessor cure or replacement obligations. Provides for the acceptance of goods, effect, burden of establishing default, and notice requirements. Provides for revocation of acceptance of a lot or commercial unit whose nonconformity substantially impairs its value in some instances. Provides for the substitution of goods and the determination of specific damages. **C. Default by Lessee -** Specifies lessor remedies and rights to identify and to possession and disposal of goods. Provides for damages for nonacceptance or repudiation and for default. Specifies allowable incidental damages. Provides for the right to sue third parties for damage to goods.

Article II - Conforming amendments Defines the effect of motor vehicle lease agreements as constituting sales of security interests for certificate of title issuance purposes. Redefines security interest under the general Uniform Commercial Code definitions.

Article III - Effective date Effective Jan. 1, 1990, and applies to leases becoming effective initially on or after that date. SCHEID, LUTHER.

Filings in compliance with information acceptance requirements

Chap. 236-S.F. 232 Modifies provisions relating to corporations filing information with the state. Authorizes the secretary of state to accept filings if the information on the filing is in substantial compliance with the applicable law. Authorizes the secretary of state to temporarily offer services

supplementing existing filing and information services, with the costs to be recovered from service recipients and to be deposited in the Uniform Commercial Code Account. Requires a report to the Legislature by Dec. 31, 1990. Includes mailing address and zip code in the definition of address. Simplifies filings with the secretary of state when a foreign corporation changes the location and address of its registered office, revokes the appointment of a registered agent, or appoints a new agent. Modifies some secretary of state notice requirements and changes the time period for the filing of annual reports by foreign corporations. Effective date: Various dates. REICHGOTT, MILBERT.

Currency exchange business licenses

Chap. 247-S.F. 353 Requires the licensing of persons engaging in the business of a currency exchange by the commissioner of commerce and defines currency exchange. Specifies application and fee requirements. Requires commissioner approval or denial of applications within 30 days. Specifies notice requirements for denial. Authorizes contested case hearing upon denial. Requires commissioner approval of name or location changes and an amended license fee. Specifies grounds for license revocation or suspension and fine authorization. Regulates check cashing fees and requires the commissioner to set a separate rate for government issued checks under \$500. Specifies bonding requirements for currency exchanges that engage in the sale of money orders or travelers' checks. Prohibits a currency exchange from accepting money or currency for deposit and from acting as a bailee or agent to hold money or currency in escrow for others. Provides recordkeeping requirements. Authorizes the commissioner to adopt administration and enforcement rules and requires fee schedule display. Prohibits false advertising. Provides penalties for violations. Preempts inconsistent local laws. Effective date: Aug. 1, 1989. SPEAR, JEFFERSON.

Payment for membership camping practices

Chap. 252-H.F. 1506 Defines advanced payment for membership camping practices and subdivided land sales regulation purposes. Prohibits acceptance of advanced payments in connection with the resale of a membership camping contract. Requires subdivided land sales annual reports to include financial statements. Effective date: May 24, 1989. SPARBY, SOLON.

Reapplication after revocation of insurance agents license

Chap. 258-H.F. 611 Increases the waiting period for reapplication after insurance agents license revocation. Requires the commissioner of commerce to require a performance bond as a condition of relicensure. Requires determination of customer suitability in agent recommendations for the purchase of life, endowment, long term care, annuity or Medicare supplement insurance. Requires offer and explanation of both categories of Medicare supplement insurance before issuance. Changes coverage requirements of Medicare supplement insurance plans. Requires basic or extended basic plans, and specifies required levels of coverage. Imposes penalties for violation of replacement or duplicate policies or unlicensed sales prohibitions. Regulates commissions and service fees. Increases qualified Medicare supplement plan coverage requirements under the comprehensive insurance plan. Repeals rules. Effective date: Various dates. SKOGLUND, DIESSNER.

Insurance provisions modifications

Chap. 260-H.F. 1283 Establishes a continuation date for insurance policies without specified terms. Changes the liability policy coverage requirement for rented vehicles to all commercial automobile liability policies and eliminates exclusions. Restricts liability insurers authority to reduce liability limits by the costs of legal defense. Increases a specific maximum risk under statutory lines insurance. Modifies the civil penalty that the commissioner may impose if the commissioner finds that the licensee is guilty of any of the listed violations. Changes the terms of the boards of directors of the Minnesota Joint Underwriting Association. Changes the stabilization reserve fund of the association from a trust fund to an escrow fund. Authorizes insureds to appeal nonrenewals of homeowners' policies to the commissioner of commerce. Requires insurers to establish nonrenewal plans specifying minimum claims resulting in nonrenewals. Includes mobile home insurance in the definition of homeowners' insurance for cancellation or nonrenewal purposes. Removes farm risks from the property or liability insurance exclusions. Defines "unable by reason of the injury to work continuously" for no-fault automobile insurance disability and income loss benefits eligibility purposes. Includes pickup trucks and vans in rental vehicle liability coverage requirements. Alters requirements for the return of unearned premiums. Requires return of all unearned premiums paid on life insurance policies. Prohibits deductions and excludes insurance for motorcycles or other seasonally rated or limited use vehicles where the rate is reduced to reflect seasonal or limited use from the requirements. Specifies a formula for determining unearned premiums, and authorizes insureds cancellation of policies at any time during the policy period. Prohibits arbitrary, capricious or unfairly discriminatory trade practices. Prohibits

limitations on health care providers by insurers providing benefits under no-fault automobile insurance or self insurance plans. Prohibits discrimination in automobile insurance policies based on applicant failure to have a policy in force during a period or on employment or tenant status. Requires insurer disclosure of policy coverage and limits within a 30 days of claimant request. Specifies insurer responsibility for judgment costs. Defines agent for workers' compensation assigned risk plan purposes. Repeals provision relating to the administration of the Joint Underwriting Association and certain rules. Effective date: Various dates. WINTER, LUTHER.

On-sale liquor license in Todd County

Chap. 265-H.F. 1435 Authorizes Todd County to issue an on-sale intoxicating liquor license to a premises located in Round Prairie Township. Effective date: Day after local action. KRUEGER, ANDERSON.

Heavy and utility equipment regulations

Chap. 267-H.F. 1530 Regulates business relations between manufacturers and dealers of heavy and utility equipment. Prohibits termination, cancellation, nonrenewal or substantial change in competitive circumstances of dealership agreements without good cause. Defines good cause. Requires prior written notice of agreement termination, cancellation or nonrenewal. Specifies notice content requirements. Provides for cure of deficiencies. Specifies manufacturer violations. Provides for the unenforceability of inconsistent agreement terms. Provides remedies through court action. Effective date: Aug. 1, 1989. LIEDER, SCHMITZ.

Consumer protection for seniors

Chap. 294-S.F. 536 Provides for enhanced civil penalties for deceptive acts against senior citizens or handicapped persons. Specifies factors to be considered by the court in determining imposition of the enhanced penalties. Specifies that ordered restitution is to be given priority. Authorizes civil action for recovery of damages and costs. Requires money collected from the penalties to be credited to the account of the State Board on Aging to be expended for the preparation and distribution of educational materials in order to inform senior citizens and handicapped persons on consumer protection laws and consumer rights. Effective date: Aug. 1, 1989. SOLON, MILBERT.

Insurance information regulations

Chap. 316-H.F. 162 "Minnesota Insurance Fair Information Reporting Act." Establishes standards for the collection, use and disclosure of information gathered in connection with many insurance transactions. Provides for the application of the provisions, covered persons and exceptions. Prohibits the use of pretext interviews. Requires insurers or agents to provide applicants or policy holders with a notice of insurance information practices, content requirements and exemptions, and provides for abbreviated notice. Requires the identification of information obtained solely for marketing or research purposes. Restricts the preparation of investigative consumer reports and specifies requirements for access by an individual to recorded personal information upon request. Restricts access to health records in some cases. Authorizes copy fees. Provides for the correction, amendment or deletion of recorded personal information and insurer notice requirements. Provides for an individual statement relating to disputed information upon insurer refusal to correct, amend or delete the information. Requires insurance companies or agents to provide in writing reasons for and specific other information relating to adverse underwriting decisions. Restricts access to information upon which previous adverse underwriting decisions had been made. Specifies requirements for insurer disclosure authorizations, and limits and conditions for insurer disclosure of personal or privileged information. Provides remedies for violations. Specifies insurer liability for damages and punitive damages limit. Prescribes penalties for obtaining information under false pretenses. Grants insurers, insurance agents or insurance support organizations immunity from liability for causes of action in the nature of defamation, invasion of privacy, or negligence resulting from disclosing personal or privileged information disclosed under the law. No immunity is provided for disclosing false information with malice or willful intent to injure. Effective date: Various dates. SKOGLUND, MARTY.

Proof of insurance requirements

Chap. 321-H.F. 1194 Requires insurance companies issuing or renewing no-fault automobile insurance policies to provide insurance identification cards to insured persons containing specified information. Increases the penalty for subsequent violations of provisions requiring automobile insurance coverage or for driving a motor vehicle without insurance and causing an accident resulting in death or substantial bodily harm. Requires insurers to provide a summary of criminal penalties with insurance identification card issuance. Requires motor vehicle drivers or owners to possess proof of insurance for production upon demand of a peace officer; if the driver is unable to do so, the proof must be provided within 14 days. Prescribes a penalty for failure to comply. Requires and provides for drivers license revocation upon continued failure to produce proof of insurance. Gives notice requirements and provides for administrative and judicial

review, for issuance of limited licenses and for license reinstatement. Specifies duties of the commissioner of public safety. Specifies unlawful acts relating to the false display of insurance identification cards or fictitious insurance statements and provides a penalty. Requires the commissioner to adopt implementation rules. Requires insurance companies to release information necessary to the verification of insurance coverage and provides liability immunity. Exempts some commercial vehicles and school buses from the requirements. Requires the Dept. of Public Safety, in consultation with the Information Policy Office, to study the feasibility of computer communication between insurance companies and the department relating to drivers with canceled insurance and report to the Legislature. Effective date: Aug. 1, 1989. CARRUTHERS, LUTHER.

Life and health insurance regulations

Chap. 330-H.F. 1155 Provides exceptions relating to the liability of issuers and agents for advertisement of investment products whose interest rates vary according to the earnings or income of the issuer. Clarifies the authority of the commissioner of commerce and provides for uniform service of process provisions relating to cosmetology. Clarifies inclusion of fraternal benefit societies in a provision relating to life insurance proceeds interest payment requirements. Authorizes and provides for the sale of group life insurance policies in connection with real estate mortgage loans. Eliminates requirement that notice of options be sent by certified mail to covered employees upon termination of or layoff from employment. Provides for lesser accident and health insurance coverage for nonresidents and provides for exclusions and application. Clarifies maternity benefits. Limits nonprofit health service plan preauthorization requirements for accident and sickness insurance for benefits denial purposes. Sets standards for preauthorization approval for nonemergency services or benefits. Modifies an insurer's liability in the event of a misstated age. Requires the Board of Nursing to adopt a list of professional nursing organizations to certify nurses in advanced nursing practice for health insurance coverage purposes. Clarifies provisions relating to mandated coverage for chiropractic services. Requires group health insurance policies and subscriber contracts providing benefits for mental or nervous disorder treatments in hospitals to provide coverage on the same basis for mental or nervous disorder treatments by licensed psychologists. Allows new employees to continue coverage for a preexisting condition under a former employer for up to 18 months. Provides for the determination of primary coverage of newborns. Defines home bound or house confined for purposes of long term care policies. Prohibits prior hospitalization and home bound or house confined requirements under a long-term care policy. Prohibits retroactive denial of payment for health care services based on insurer failure to provide review or authorization. Exempts mortgage life, mortgage accidental death and mortgage disability insurance from some provisions and eliminates exemption for other policies. Alters provisions regarding the amount of credit life insurance which may be written. Provides an exemption from some regulations for commercial health policies issued as companions to health maintenance contracts. Clarifies provisions under the Minnesota Comprehensive Health Association Act. Provides that creditors are limited to existing insurance when requiring debtors to provide insurance on real or personal property security under some circumstances. Provides for standards for preauthorization approval for accident and sickness insurance or subscriber contracts that require preauthorization approval for any nonemergency services or benefits. Classifies specific information as nonpublic. Requires insurer prior final notice of individual life or health policy or contract cancellations and nonrenewals for nonpayment of premiums. Restricts use of information obtained from a minor without a parent's permission. Requires and provides for insurers to provide loss or claims experience upon request and provides limits. Individual life and health insurance policies or personal automobile or homeowner's insurance policies are exempt. Provides that persons involved in making or processing a loan may not solicit an insurance product from the completion of the initial loan application until after the closing of the loan transaction. Provides exceptions. Prohibits issuance of policies of insurance paying a death benefit that returns premiums or premiums plus interest, or multiples of less than four times the premium or premiums plus interest, in lieu of the benefits. Provides for the irrevocability of funeral or burial trusts. Allows an insured, whose claim for medical benefits under the no-fault law is denied because it is claimed to be experimental, investigative, or not medically necessary, to appeal to the commissioner. Provides for arbitration. Classifies certain data. Provides for removal to District Court. Requires commissioner to adopt procedural rules for the conduct of appeals. Provides an instruction to the revisor. Repeals requirement for licenses for employers making insurance deductions from wages and repeals the prohibition on some mass marketed life or health insurance. Effective date: Various dates. SKOGLUND, PETERSON, D.C.

Real estate appraiser regulations

Chap. 341-H.F. 624 Article I Requires and regulates the licensing of real estate appraisers before acting or advertising oneself as a real estate

appraiser. Provides exemption for officers of a business entity if the entity has an interest in the real estate that is the subject of the appraisal. Provides requirements for appraisals conducted by unlicensed persons. Provides exemption for market analysis. Creates a Real Estate Appraiser Advisory Board. Provides for members, terms, conduct of meetings, compensation and powers. Outlines new duties of commissioner and licensing requirements. Outlines application content, effective date of license, renewals, notice, fees, and forfeiture. Outlines requirements for examinations. Provides for waiver and fees. Outlines classes of licenses. Specifies examination prerequisites, experience requirement and requires commissioner approval of instruction. Provides for license reciprocity under some conditions. Requires nonresidents to appoint the commissioner as attorney for legal process purposes, and provides for service of process. Requires notice of principal place of business and address change. Requires license designation, and provides for use of the term "licensed real estate appraiser." Provides for license renewal. Allows commissioner to adopt rules. Prohibits reinstatement of revoked licenses without evidence of completion of continuing education. Lists prohibited practices and enforcement. Provides for classification of services, and prohibits acceptance of some fees. Provides for transitional licenses and terms of appointments to the Real Estate Advisory Board. Appropriates money.

Article II Authorizes state banks or trust companies to invest in securities in the same manner as national banks. Grants industrial loan and thrift companies the powers of saving associations to extend credit and make loans, and provides a limit. Alters residence requirements for directors of deposit companies. Changes the calculation of delinquency and collection charges on holders of precomputed motor vehicle retail installment sales contracts. Effective date: May 27, 1989. MORRISON, FREEMAN.

Closing agents regulations

Chap. 347-S.F. 1227 Regulates real estate closing agents and provides exemptions. Alters definition of real estate closing agent. Includes closing agents in some provisions regulating and providing for the licensing of real estate brokers and salespersons by the commissioner of commerce. Exempts accountants acting incident to the practice of accounting from the definition of real estate broker if the accountant complies with the trust account provisions of the chapter. Specifies license fees and education requirements. Prohibits closing agents from charging a fee for closing services at settlement if the fee was not disclosed in writing at least one business day before the settlement. Eliminates the monetary limit on trust accounts, and authorizes use of trust accounts to satisfy minimum balance requirements. Increases the fee for restoration of the required balance in the Real Estate Education, Research and Recovery Fund. Modifies limits on payment from the recovery portion of the fund. Effective date: Various dates. METZEN, SCHEID.

Economic Development and Housing

Temporary Housing Demonstration Program changes

Chap. 47-S.F. 681 Changes the Temporary Housing Demonstration Program to the Transitional Housing Program. Increases the authorized duration of transitional housing to 24 months. Requires the commissioner of jobs and training to report annually to the Legislature. Effective date: Aug. 1, 1989. BECKMAN, DAWKINS.

Number of Hennepin County HRA commissioners increased

Chap. 78-H.F. 819 Provides that the Hennepin County Housing and Redevelopment Authority is to consist of seven commissioners. Effective date: Aug. 1, 1989. JEFFERSON, REICHGOTT.

Performance bonds waiver

Chap. 79-H.F. 1351 Authorizes the Dakota and Washington County Housing and Redevelopment Authorities to waive performance bonds for single-family housing construction projects if the authority determines the cost of the bond is greater than its benefit. Effective date: Aug. 1, 1989. MORRISON, METZEN.

State Energy Code exemptions

Chap. 82-H.F. 595 Exempts residential buildings relocated within or into local government units from the State Energy Code and the ban on lead pipes in plumbing fixtures. Requires energy audits on the relocated

buildings. Exempts relocated buildings from some city or town zoning requirements. Effective date: Aug. 1, 1989. O'CONNOR, BECKMAN.

Uniform Condominium Act changes

Chap. 98-H.F. 1069 Applies purchaser's right to cancel to condominiums created before Aug. 1, 1980. Provides that real estate liens added in expansion of flexible condominiums do not affect existing condominiums. Effective date: Aug. 1, 1989. BOO, REICHGOTT.

Economic development organizations contributions

Chap. 165-H.F. 719 Authorizes cities and towns to appropriate up to \$50,000 annually to incorporated development societies or organizations for promoting, advertising, improving or developing economic and agricultural resources. Effective date: Aug. 1, 1989. NELSON, C., LARSON.

Housing Finance Agency regulations

Chap. 270-S.F. 613 Authorizes the Housing Finance Agency (HFA) to purchase instruments backed by existing mortgages securing loans to finance residential housing for low and moderate income persons and families. Increases the limit on rehabilitation loans. Authorizes the HFA to make loans for profit or limited dividends for temporary or transitional housing. Eliminates the requirement for rental property to be at least 15 years old for energy improvement or rehabilitation loans eligibility purposes. Authorizes nonrepayment of the loans under conditions determined to encourage owners to maximize rehabilitation of the property. Authorizes the HFA to acquire multifamily housing not previously financed by the agency, but benefited by federal housing assistance or other rental subsidies or interest reduction contracts to preserve multifamily housing for low and moderate income persons. Authorizes the agency to invest in, purchase or acquire existing notes and mortgages from nonprofit entities for the construction, rehabilitation, purchase, improvement or refinancing of low and moderate income housing. Exempts the proceeds from specific appropriations limits. Authorizes loans to provide financing for low and moderate income residential housing credits. Exempts the loans from limits and insurance or security requirements. Authorizes the appointment of receivers. Exempts the limitation on minimum amounts of the original principal balances of mortgages. Authorizes the HFA to establish a fund to coinsure loans to low and moderate income persons. Authorizes the HFA to provide underwriting, loan processing and closing services on behalf of other lenders. Provides authority to charge reasonable fees. Authorizes housing programs for Indians intending to reside on reservations. Specifies limits. Effective date: Aug. 1, 1989. MORSE, O'CONNOR.

Local participation in secondary market authorization

Chap. 317-H.F. 65 Authorizes cities, counties or towns to sell instruments or obligations evidencing or securing loans for economic development, job creation, redevelopment or community revitalization purposes (secondary markets participation). Specifies sales restrictions. Specifies exceptions for public sales or proposed sales approved by the commissioner of commerce. Specifies exceptions for obligations from transactions involving loan proceeds financed from revenues derived from tax increments from a tax increment financing district that includes property owned by the borrower. Effective date: June 2, 1989. OTIS, DAHL.

Housing and community development programs

Chap. 328-S.F. 522 Article I - Affordable housing programs

Authorizes the commissioner of administration after consultation with veterans organizations to acquire surplus federal property for lease to a qualified nonprofit veterans organization for development of housing for homeless veterans and their families. Authorizes the commissioner of jobs and training to make accessible housing information grants to eligible organizations to develop, maintain and publicize a list of accessible housing units based on recommendations of the Council on Disability. Defines accessible housing unit as a unit that meets the handicapped facility requirements of the State Building Code. Specifies that the list may also include housing units that do not meet handicapped facility code requirements, but that are accessible to disabled persons. Requires that the list be made available at no cost to persons seeking accessible house and must be updated every two months. Authorizes Housing Finance Agency loans or loan participation for approved designated neighborhoods preservation programs for economic integration purposes. Specifies eligibility and limits. Includes handicapped and developmentally disabled persons in the shared housing programs of the HFA and authorizes technical assistance to sponsors of the program. Authorizes HFA home equity conversion loans for low or moderate income elderly homeowners. Specifies repayment conditions. Establishes the Minnesota Rural and Urban Homesteading Program under the HFA to acquire, rehabilitate and sell eligible residential properties for "at risk" homebuyers committed to strengthening the neighborhood and following a good neighbor policy. Provides for grants to eligible organizations and requires the establishment of Neighborhood Volunteer Resident Advisory Boards. Authorizes the agency

to establish a city housing preservation grant program for the acquisition, improvement and rehabilitation of residential buildings. Specifies eligibility, local match and advisory committee establishment requirements. Authorizes HFA establishment of a Capacity Building Revolving Loan Fund in the Housing Development Fund for predevelopments costs for nonprofit organizations and local government units engaged in the construction or rehabilitation of low and moderate income housing and housing related services. Authorizes capacity building grants to nonprofit organizations, local government units and Indian tribes for affordable housing and services. Authorizes HFA establishment of rental housing assistance programs to provide loans or direct rental subsidies for low income persons or families or persons with mental illness. Specifies priorities and administration and appropriations requirements. Authorizes the agency to make loans for temporary housing. Provides for the transfer of money between programs. Requires the agency to contract with a nonprofit corporation to administer a home equity conversion loan counseling program for senior homeowners. Specifies selection requirements and program responsibilities. Requires the agency to develop a statewide funding allocation plan for equitable distribution of money appropriated for rental housing. Repeals the requirement for the HFA to transfer a portion of bond allocation authority to the multifamily housing pool.

Article II - Landlord-tenant provisions Modifies the tenant damages recovery limits for unlawful ouster or exclusion or termination of utilities. Requires tenant screening services to disclose the nature and substance of all information in its files on the individual at the time of the request and the sources of the information to an individual. Authorizes a reasonable charge if the tenant report has not been used to deny a rental or increase the rent or security deposit of a residential housing unit within the past 30 days. Provides that in the event of a dispute on the completeness or accuracy of an item contained in an individual's file, the tenant screening service must reinvestigate and record the current status of the information. Provides that if the information is found to be inaccurate or can no longer be verified, the tenant screening service must delete the information and at the request of the individual, give notification of the deletions to persons who have received the report within the past six months. Requires owners of federally subsidized rental housing to notify tenants of termination conditions. Provides for the removal and storage of property on the premises after unlawful detainer actions. Specifies inventory and notice requirements. Defines unlawfully removed or excluded as actual or constructive removal or exclusion, including the termination of utilities, or the removal of doors, windows, or locks. Clarifies other provisions for forcible entry and unlawful detainer purposes. Authorizes receivership administrators to contract and receive funds for the rehabilitation of the property for safety purposes. Specifies the priority of expenditures. Provides that the administrator may not be held personally liable in the performance of duties except for misfeasance, malfeasance, or nonfeasance of office. Authorizes the HFA to establish a receivership revolving loan fund to pay administrative expenses and specifies property owners repayment responsibility. Provides for the escrow of rent to remedy violations. Requires courts to impose fines for violations of building repair orders. Establishes a housing calendar consolidation project in the Second and Fourth Judicial Districts to consolidate the hearing and determination of matters relating to residential rental housing and to ensure continuity and consistency in the disposition of cases. Describes jurisdiction of the Housing Calendar Consolidation Project. Provides for the appointment of referees and specifies referee duties. Requires the chief judge to establish implementation procedures. Specifies state court administrator evaluation requirements.

Article III - Miscellaneous Requires the commissioner of human rights to establish affirmative marketing regulations for housing developers receiving more than \$50,000 in state or local funds. Requires information to be given to minorities and other protected groups about available housing opportunities. Requires owners of accessible rental units to give priority to disabled persons. Modifies recovery provisions relating to the repair, razing, correction or removal of hazardous and substandard buildings. Specifies county or multicounty housing and redevelopment authority powers and responsibilities relating to housing projects involving the acquisition of multifamily housing rental properties financed by federal Section 8 or Section 236 programs, or are designed to be affordable to persons or families with incomes not greater than 80 percent of the median income for the statistical area or county. Authorizes HRAs to acquire and sell real property benefited by federal housing assistance payments, rental subsidies or interest reduction contracts to preserve the affordability of low and moderate income multifamily housing. Provides a procedure for shortening the redemption period on abandoned housing. Provides a limited right of entry to vacant or unoccupied premises by mortgagees or purchasers at foreclosure sales. Specifies authorized actions to protect the property from waste. Provides for the payment of costs incurred by the holder of the mortgage to protect the premises from waste.

Article IV - Special laws Expands the Minneapolis Housing and Rehabilitation Loan and Grant Program to include the city of St. Paul. Authorizes the acquisition and construction of housing to replace dilapidated and obsolete buildings for neighborhoods stabilization purposes. Specifies factors to be considered in making loans. Requires housing rehabilitation grants to be made primarily to rehabilitate housing to meet applicable housing codes. Increases general obligation bonding authority for the programs. Repeals St. Paul Housing Rehabilitation Loan and Grant Programs.

Article V - CAN-DO and Way to Grow/School Readiness Programs Establishes the Community and Neighborhood Development Organization Program (CAN-DO) to provide assistance to eligible organizations. Authorizes the commissioner of trade and economic development to award matching grants to the organizations. Specifies limits and authorized uses. Specifies application and certification requirements. Authorizes the commissioner to establish priority criteria for grant applications. Authorizes the commissioner to set aside up to 40 percent of the money available for grants to eligible organizations in first class cities. Authorizes the commissioner to develop and maintain a community assistance program inventory and to establish advisory committees. Requires the commissioner of state planning to administer the Way to Grow/School Readiness Program to promote development and school readiness of preschool children. Provides for program components and eligible grantees. Specifies grant application requirements. Requires the establishment of pilot projects in a first class city located within the metropolitan area; a second class city located within the metropolitan area; a city with a population of 50,000 or more outside the metropolitan area; and the area of the state located outside the metropolitan area. Specifies that every dollar of state money must be matched with 50 cents of nonstate money. Requires the commissioner to establish a program advisory committee and requires the grantees to establish program advisory boards. Requires a report to the Legislature.

Article VI - Neighborhood Revitalization Program Establishes and provides for targeted neighborhood revitalization and financing programs in first class cities (URAP). Authorizes the designation of targeted neighborhoods meeting eligibility requirements. Requires cities to prepare comprehensive revitalization and financing programs for each targeted neighborhood. Specifies program requirements. Requires the cities to involve residents of the targeted neighborhoods in the development and implementation of the program. Provides for community participation in Minneapolis and provides for program approval in Minneapolis, St. Paul and Duluth. Requires and provides for payment of state aid. Specifies that each city of the first class may receive a part of the appropriations made available that is the proportion that the population of the city bears to the combined population of cities of the first class. Specifies that a city may spend state money only if the revitalization program identifies city matching money to be used to implement the program in an amount equal to the state appropriation. Specifies restrictions on money use. Grants cities development, and loan and grant powers. Specifies authorized expenditures. Authorizes the assessment of a hazardous property penalty. Requires annual financial audits and reports. Requires the commissioner of state planning to monitor the development and implementation of the Urban Revitalization Action Program and to identify social and economic community needs throughout the state. Provides for commissioner of revenue conveyance of tax-forfeited land to local government units to provide for the redevelopment of the land as productive taxable property. Provides for the termination of revenue agreements or financing leases for multifamily housing developments which are rental property. Clarifies provisions relating to removal and repair of hazardous and substandard buildings including hazardous property conditions. Repeals provisions provided that actions taken under those provisions prior to the effective date with respect to any program or to a targeted neighborhood are ratified and affirmed and must be treated as if validly taken.

Article VII - Youth employment and housing program Changes the Youth Employment Planning Grants Program to an implementation demonstration grants program. Provides for the commissioner of state planning to award grants to eligible organizations for programs providing education and training services for targeted at-risk youth. Requires the education component of the program to require participants to complete secondary education and the work experience component to provide for the improvement of residential units for homeless persons and low income families. Specifies reporting and demonstration grant requirements.

Article VIII - Housing impact report Requires government units to prepare annual housing impact reports upon displacing ten or more low income housing units in first class cities. Requires report to include a plan for providing replacement housing if there is an inadequate supply of available and unoccupied low-income housing. Effective date: Various dates. POGEMILLER, O'CONNOR.

Education

School district health insurance premiums

Chap. 15-S.F. 149 Requires Special School District #1, Minneapolis, to pay health insurance premium subsidies at least annually to eligible retired teachers. Effective date: Aug. 1, 1989. SPEAR, CLARK.

Religious observance school excuses

Chap. 60-S.F. 69 Requires school districts to make reasonable efforts to accommodate pupils wishing to be excused from curricular activities for religious observance purposes. Effective date: Aug. 1, 1989. COHEN.

Qualifications for barber school teachers changes

Chap. 62-S.F. 1241 Decreases the number of years of experience required to qualify for teaching in barber school to three years. Effective date: Aug. 1, 1989. POGEMILLER, PRICE.

School board size in Askov reduction

Chap. 63-H.F. 695 Reduces the number of school board members of Independent School District #566, Askov. Effective date: Aug. 1, 1989. CARLSON, D., CHMIELEWSKI.

Willmar building purchase authorization

Chap. 66-H.F. 501 Authorizes Independent School District #347, Willmar, to purchase a building on the Technical Institute campus. Details cost restrictions. Effective date: Aug. 1, 1989. WELLE, JOHNSON, D.E.

School districts bond issuance authorization

Chap. 70-S.F. 1488 Authorizes and provides for school districts issuance of general obligation bonds without election for repair of building damages resulting from an act of God or other means beyond the control of the district. Requires the use of health and safety revenue for repayment. Sets forth application requirements. Effective date: Aug. 1, 1989. METZEN, PUGH.

School board requirements on teacher resignations

Chap. 97-S.F. 695 Requires school boards to report to the State Boards of Teaching, Education or Vocational Technical Education within 10 days after a teacher is discharged or resigns from employment after the filing of specified charges, or when a teacher is suspended or resigns while an investigation is pending under specified clauses. Requires investigation of the reports by the board with licensing jurisdiction for listed violations that are grounds to suspend or revoke a teacher's license. Requires school boards cooperation. Classifies data transmitted to the boards. Exempts the school boards from civil or criminal liability for reporting or cooperating if their actions are done in good faith and with due care. Effective date: Aug. 1, 1989. PEHLER, MCEACHERN.

Corporal punishment prohibitions

Chap. 114-H.F. 1387 Prohibits school district employees or agents from inflicting corporal punishment on pupils to reform unacceptable conduct or as a penalty for unacceptable conduct. Defines corporal punishment. Effective date: Aug. 1, 1989. KAHN, LAIDIG.

Unfair discriminatory practices of teachers

Chap. 152-S.F. 1374 Includes unfair discriminatory practice as conduct unbecoming a teacher for discharge or demotion purposes. Effective date: Aug. 1, 1989. POGEMILLER, JEFFERSON.

Student member of the Board of Regents requirements

Chap. 157-H.F. 101 Requires the student member of the Board of Regents of the University of Minnesota to be enrolled in a degree program at the time of election. Removes the term of service requirement. Effective date: Aug. 1, 1989. JOHNSON, A., DAHL.

District enrollment in Medical Assistance authorization

Chap. 191-H.F. 1221 Authorizes school districts to enroll as providers in the Medical Assistance (MA) program and receive direct payments for covered special education services provided to persons eligible for MA. Requires school districts compliance with federal and state regulations governing the program. Exempts school districts from matching funds requirements. Specifies rate limit. Authorizes contracts for services, administration and billing. Effective date: July 1, 1989. OLSON, K., BECKMAN.

Sale of Minnesota Education Computing Corporation

Chap. 202-S.F. 1020 Authorizes the Minnesota Educational Computing Corporation (MECC) board of directors to sell assets or ownership of the corporation and requires dissolution upon the sale of substantially all of the assets or ownership. Provides for the transfer of assets and distribution of proceeds. Requires the board to solicit offers in consultation with the commissioner of finance, requires the board and the commissioner to establish proposal evaluation methods. Specifies conditions of sale and proposal options and restricts board member or employee participation in proposals. Enumerates evaluation factors. Requires the board to review and

evaluate proposals and submit recommendations to the commissioner. Requires the commissioner to contract with an independent evaluator to provide a market valuation of the corporation and to submit recommendations to the legislative auditor for review. Requires a report of combined recommendations to the Legislature by Jan. 15, 1990. Effective date: May 20, 1989. PEHLER, CARLSON, L.

Immunization reports modifications

Chap. 215-H.F. 943 Modifies requirements for immunization reports to administrators of school districts or day care centers. Requires parents instructing children at home to submit immunization statements to superintendents. Modifies statement requirements. Eliminates pertussis from the primary schedule of three doses of vaccine for children age seven or older. Requires students attending most colleges, universities, technical institutes or trade schools to submit immunization statements indicating that the student has received immunization for measles, rubella, and mumps after age 12, and diphtheria and tetanus within 10 years of first registration at the institution. Provides an alternative. Gives exemptions. Specifies institution immunization records maintenance requirements. Authorizes inspection by the Dept. of Health and local boards of health. Effective date: Various dates. ORENSTEIN, VICKERMAN.

Education Code revisions

Chap. 220-H.F. 146 Revises provisions of the Education Code. Provides for the application of county school district provisions only to Independent School District #166, Cook County. Clarifies or reorganizes provisions relating to the State Academies for the Deaf and Blind, the Pine Point Experimental School in Becker County, land exchanges by districts in Chippewa Forest with the federal government, bordering state school facility agreements and the State High School League. Repeals specified school board bonding authority provisions relating to the betterment of schoolhouses. Effective date: Aug. 1, 1989. WAGENIUS, PETERSON, R.W.

Pine Point School termination extension

Chap. 221-H.F. 1502 Extends the termination date of the Pine Point Experimental School in Becker County. Requires the state auditor to audit the school's finances for Fiscal Years 1989 and 1990. Requires the Education Dept. to evaluate the continuation of the school. Requires a report to the Legislature by Jan. 1, 1991. Effective date: Aug. 1, 1989. POPPENHAGEN, LARSON.

Education provisions clarification

Chap. 222-H.F. 141 Corrects, clarifies and changes education funding provisions. Includes amounts levied for school facilities down payments and for education district bonds in levy recognition provisions. Includes health and safety levies in specified permanent fund transfer limits. Changes the financing of some cleanup expenditures from the hazardous substance levy and revenue to the health and safety levy and revenue. Authorizes permanent fund transfers in cases of health screening aid insufficiencies. Modifies transportation aid entitlement provisions. Changes the definition of aid entitlement per FTE to regular transportation allowance. Creates an excess transportation category for some pupils residing between one and two miles from the school attended, and redefines base cost. Defines transportation revenue and specifies the transportation aid formula for the 1990-1991 and following school years. Alters the depreciation reduction formula. Authorizes school boards to issue certificates of indebtedness or capital notes by resolution and without an election; they must be used for the purchase of vehicles other than school buses, computers, telephone systems, cable equipment, photocopy and office equipment, technological equipment for instruction, and other capital equipment having an expected useful life at least as long as the terms of the certificates or notes. Modifies the transportation levy off-formula adjustment and the nonregular and excess transportation levies. Changes the term "hazardous substance revenue" to "adjustments to capital expenditure aids." Provides for the continued availability of some Maximum Effort School Loan Fund unexpended balances. Effective date: Various dates. NELSON, K., PETERSON, R.W.

Technical institutes renamed

Chap. 246-H.F. 740 Changes the name of technical institutes to technical colleges. Effective date: Aug. 1, 1989. CARLSON, L., DECRAMER.

Teachers definition expansion

Chap. 251-H.F. 412 Includes support staff and secondary vocational classroom teachers in the definition of teachers for purposes of licensure by the Board of Teaching. Only supervisory personnel are to be licensed by the Board of Education. Vests the authority to license postsecondary and adult vocational teachers and support and supervisory personnel in the State Board of Vocational Technical Education. Limits fields of licensure after July 1, 1989. Provides exception. Authorizes the Board of Teaching to establish fields for provisional licensure and requires legislative approval. Reduces the membership of the Board of Teaching, and modifies representation requirements and selection criteria. Effective date: Aug. 1, 1989. MCEACHERN, PEHLER.

Energy savings contracts for district authorization

Chap. 263-H.F. 1160 Authorizes school districts to enter into guaranteed energy savings contracts with qualified providers to reduce energy or operating costs. Exempts the contracts from competitive bidding requirements. Authorizes installment payment contracts for the purchase and installation of energy conservation measures. Specifies contract requirements. Effective date: May 26, 1989. BAUERLY, FREDERICKSON, D.J.

School attendance requirements

Chap. 296-H.F. 996 Allows school boards to adopt policies that once a pupil under age 7 is enrolled in a public school, the pupil is subject to the compulsory attendance provisions. Requires dispute resolution process involving a neutral third party. Provides for pupil withdrawal for good cause and policy notice requirements in districts that adopt a policy. Outlines penalties. Effective date: Aug. 1, 1989. SKOGLUND, PETERSON, D.C.

Education omnibus bill

Chap. 329-H.F. 654 Article I - General education revenue Alters the criterion for commissioner of finance allocation of surplus General Fund revenues to the Budget and Cash Flow Reserve Account. Requires levy recognition shift reduction. Provides for state aid for alternative programs authorized under specific provisions if the programs meet requirements. Authorizes additional schedule adjustments. Provides that referendums levies must be held on the first Tuesday after the first Monday in November. Increases the percentage of voters needed for petition to increase referendum levy authority to 15 percent. Increases the basic revenue formula allowance, and imposes a penalty for school district failure to ratify teacher contracts by Jan. 15, 1990, for the two-year period ending June 30, 1991. Provides for elementary sparsity revenue to qualifying school districts. Increases the minimum allowance under supplemental revenue and the general education property tax capacity rate. Requires the Dept. of Education to convert existing referendum levy authority to tax capacity rates. Appropriates money to the Dept. of Education for general and supplement education and exceptional need aids, and repeals the exceptional need aid and levy after July 1, 1990.

Article II - Pupil transportation Authorizes school boards to provide transportation to student parents between residences, child care providers and schools. Authorizes aid payments for transportation to respite care facilities and for elementary students moving within designated mobility zones. Defines excess and desegregation transportation and other terms for transportation formula purposes. Redefines base cost and predicted base cost and modifies the base year softening formula. Sets inflation factors. Defines transportation revenue and aid. Specifies the procedure for Dept. of Education calculation of contracted services aid reduction. Increases the basic transportation property tax capacity rate. Clarifies the levy off-formula adjustment, and requires reduction under some circumstances. Modifies the nonregular and excess transportation levies. Appropriates money to the Dept. of Education for postsecondary and open enrollment transportation aid.

Article III - Special programs Requires the State Board of Education to adopt rules to determine eligibility for special education services. Requires due process hearings or appeals relating to special education placement or programs to be initiated and conducted in the district responsible for providing the program. Modifies the membership of the Interagency Coordinating Council. Changes the application dates for aid for Limited English Proficiency students and the deadline for the Dept. of Education to notify district of the amount of aid. Establishes Assurance of Mastery revenue, and specifies eligible districts, students and services. Reduces salary reimbursements for special education and secondary vocational handicapped teachers. Modifies the method for calculating the secondary vocational aid formula, and specifies district and cooperative center reporting requirements. Eliminates Division of Special and Compensatory Education review of Secondary Vocational Handicapped Program applications. Qualifies each American Indian-controlled contract school that is authorized under a specified U.S. law and is located on a reservation for tribal contract school aid if requirements are met. Provides revenue for individualized learning and development to reduce instructor-learner ratios in kindergarten and grade one, and sets forth criteria. Requires a commissioner of education effectiveness report to the Legislature. Requires school districts to document at least two instructional interventions before referring students for special education assessment. Establishes an Indian Teachers Grant Program to assist American Indians in becoming teachers and to provide additional education for current Indian teachers. Requires the Dept. of Education to adjust school district levies to account for special education aid changes and with the State Interagency Coordinating Council and the Association of Minnesota Counties to prepare a report describing the responsibilities of county boards and school districts to provide services for handicapped children under age five. Appropriates money to the department for special education aid, travel for home-based services, residential facilities

aid, the Limited English Proficiency Pupils Program and secondary vocational and handicapped aids. Appropriates money for American Indian scholarships, American Indian postsecondary preparation grants, American Indian language and culture programs, American Indian education, tribal contract schools and Indian teacher grants.

Article IV - Community and adult education Modifies school district community service programs provisions, and renames the programs Youth Service Programs. Authorizes school boards to award graduation credit to students for youth service requirements completion. Modifies program requirements and project options. Authorizes Early Childhood Family Education Programs to include activities and materials designed to prevent sexual and other interpersonal violence. Requires the transfer of money for teacher retirement and FICA obligations attributable to community education from the General Fund to the Community Service Fund. Requires school districts to establish voluntary Early Health and Developmental Screening Programs for children age 3-kindergarten. Specifies objectives, requirements and options of the program. Provides for screening aid, and requires commissioner of education guidelines. Requires school districts submit applications by June 1 to maintain eligibility for adult basic education aid. Authorizes the use of up to five percent of the combined state and federal adult basic education aid for administrative costs of coordinating services with human services, employment, training, corrections or other agencies providing educational services to adult learners. Sets the adult basic education levy. Increases maximum Early Childhood Family Education (ECFE) revenue amounts, and provides for additional aid for FY. 1990. Sets the community education revenue, levy and aid amounts. Specifies authorized uses. Provides for additional community education and handicapped adult revenue. Establishes an Interagency Adult Learning Advisory Council and grant program. Specifies goals and responsibilities. Requires school district population certification by the Dept. of Education. Appropriates money to the department for adult basic education, the adult handicapped program, community education, ECFE and health and developmental screening aids, basic skills and ECFE programs evaluation, GED and Learn to Read on TV, hearing impaired adults and adult literacy grants. Repeals prekindergarten child development grants.

Article V - Facilities and equipment Removes buildings paid for by school districts from the definition of public building under the State Building Code. Modifies the use of proceeds from the sale of school buildings. Eliminates a requirement that districts notify the commissioner on the disposition of the proceeds resulting from sales or exchanges of buildings or property. Reduces the capital expenditure facilities and equipment revenues and the equalizing factors. Requires review and comment by the Dept. of Education of school district installment contracts to purchase facilities over \$400,000. Provides for health and safety revenue and reduces the levy equalizing factor. Authorizes additional capital expenditures levies to purchase or lease purchase buildings for instructional purposes. Exempts public works or improvements under \$100,000 from architecture license requirements. Includes installment contracts under some lease purchase restrictions. Extends the bonding authority of Special School District #1, Minneapolis, and authorizes Independent School District #228, Harmony, to levy for the costs of handicapped accessibility improvements. Requires the Dept. of Education to make adjustments to the capital expenditures facilities levy, the capital expenditure equipment levy, and the health and safety levy certified for FY. 1991, for revenue for FY. 1990. Grants Independent School District #710, St. Louis County, additional facilities and buildings bonding authority. Appropriates money to the Dept. of Education for capital expenditure facilities, equipment, health and safety, hazardous substance and regular aids and the Maximum Effort School Loan Fund.

Article VI - Education organization and cooperation Includes levies of education districts and secondary vocational cooperatives in the levy recognition shift and excludes severance levies for secondary cooperative facilities grants from recognition calculation. Modifies the recognition formula. Subjects education districts to the provisions of the Uniform Financial Accounting and Reporting System. Authorizes school districts to consolidate during even numbered years if the school board and the exclusive bargaining representative of the teachers in each affected district agree to the effective date of the consolidation. Establishes procedures for school boards adopting written agreements to provide cooperative secondary instruction on a short term basis and to combine into one district thereafter. Specifies cooperation, combination and plan requirements. Provides for State Board of Education and voter approval. Provides for district employees, county auditor plats and referendum levies. Establishes revenue, levy and aid, and provides for grants. Alters interim contractual agreement provisions for teachers. Provides for the determination of the date of first employment for teachers in reorganized school district for combined seniority list implementation purposes. Alters requirements for interdistrict cooperation. Expands the purpose of education districts to include

cooperation with postsecondary institutions. Allows education district agreements to contain a provision allowing a postsecondary institution to join the education district. Requires members of education districts to be contiguous. Provides exceptions. Provides that districts under cooperation agreements must belong to the same education district. Requires a reduction in revenue to school districts withdrawing from education districts before the beginning of the fiscal year. Modifies education district board membership representation requirements and options. Authorizes superintendent contracts. Specifies budget requirements. Authorizes the discontinuance grades K-12 or part of those grades, with instruction provided within the education district. Requires a common academic calendar and a plan to increase education opportunities. Authorizes a negotiated plan for filling teaching positions. Prohibits members of education districts from belonging to different Education Cooperative Service Units (ECSUs). Modifies education district and secondary vocation cooperative revenue and levy provisions. Specifies authorized revenue uses. Provides for the transportation of nonresident students without charge between districts under certain joint powers agreements. Limits intermediate school district and interdistrict cooperation levies. Authorizes the renewal or continuation of an agreement providing for instruction of secondary students in two of the cooperating districts of Independent School Districts #424, Lester Prairie, #427, Winsted, and #880, Howard Lake. Provides for the composition of the school board of Consolidated Independent School District #232, Peterson, and #234, Rushford. Requires cooperating districts to report to the Information Policy Office in the Dept. of Administration for review and comment before purchasing or contracting for two-way interactive television equipment, systems or service agreements. Appropriates money to the Dept. of Education for education district, cooperation and combination, and secondary vocation cooperative aid and for a communications link grant to Independent School District #240, Blue Earth, and for telecommunications grants to a number of districts. Repeals the bonding authority of education districts and program improvement grants.

Article VII - Access to excellence Prohibits school districts from denying free admission to school age homeless persons. Requires the Board of Education to adopt goals for public education. Establishes the Office of Educational Leadership in the Dept. of Education to assist school districts and organizations in developing education policies maximizing learning. Requires the office to develop a plan for a research project to determine the effectiveness of a learner outcome-based education system. Requires Education Board appointment of a Research Advisory Committee. Provides for career teacher aid for districts that have career teaching programs to extend the teaching contract of a career teacher. Authorizes reserved revenue use for staff development. Classifies homeless students as residents of the school district of enrollment. Authorizes students eligible for the High School Graduation Incentives Program to enroll in nonprofit, nonpublic, nonsectarian schools contracting with the resident district to provide educational services. Provides for aid. Increases aid for private alternative programs. Defines learner goals and outcomes for planning, evaluating and reporting purposes. Changes the development of the assessment item bank to include learner outcomes measurement. Modifies and expands the Career Teacher Act to encompass learner outcome based education policies, including counselors and early childhood and community education components in the program. Provides a financial incentive for districts that have more than ten percent minority enrollment or that have a desegregation plan approved by the state board to hire minority teachers. Requires and provides for the Board of Education to select up to ten research and development sites to examine and implement learner outcome-based education policies. Specifies location requirements and selection criteria. Appropriates money to the Dept. of Education for the Education Leadership Office, adult graduation, area learning centers, arts planning grants, PER process aids, career teacher aids, and for minority teacher incentives.

Article VIII - Other Education Programs Requires the commissioner of finance to establish a revolving fund for Dept. of Education large scale purchases of processed commodities for the school lunch program. Provides for full payment of special education and tribal contract school aids, and eliminates abatement aid from full payment provisions. Requires a school breakfast program in districts in which at least 40 percent of the school lunches served during the 1989-1990 school year were served free or at a reduced prices or in which at least 15 percent of the children would take part in the program, as indicated by a survey of the parents. Provides an exception. Requires a school breakfast survey in districts, and provides exceptions. Requires school boards and the State High School League Board to adopt sexual harassment and violence policies, and requires the commissioner of education to develop a model. Exempts the policies from the time limit for filing grievances with the Dept. of Human Rights. Authorizes a special levy in and a grant to Independent School District #232, Peterson, to retire operating debt. Allows a rule compliance levy in Special School District #1, Minneapolis, and Independent School District #709,

Duluth. Appropriates money to the Dept. of Education for abatement, nonpublic pupil aid, school lunch aid, school milk aid, tobacco use prevention aid, integration grants, alcohol impaired driver education grants, a grant to Independent School District #197, West St. Paul, for the debt redemption fund, and a grant for liability insurance premiums and unemployment compensation expenses payment to Independent School District #707, Nett Lake.

Article IX - Miscellaneous Requires student identification of reasons for enrolling in the Postsecondary Enrollment Options Program. Provides for continued enrollment with reapplication. Provides for student transfers into or out of school districts with desegregation plans. Modifies acceptance and rejection notification procedures for nonresident districts. Specifies parent and district requirements regarding notification, and provides for enrollment obligation. Clarifies enrollment and participation procedures. Prohibits course auditing. Modifies credits provisions. Authorizes postsecondary institutions to charge students for fees, textbooks and materials for courses taken for postsecondary credit. Provides that textbooks and equipment provided for a student and paid for under specific provisions are the property of the resident school district. Prohibits the State Board of Education from adopting rules for extended day programs. Extends and provides for Learning Year Programs. Authorizes school board to arrange for postsecondary courses for secondary students. Requires the Dept. of Education, in cooperation with the State Fire Marshall, to develop guidelines for school lab safety. Modifies eligibility requirements under the High School Graduation Incentives Program. Authorizes the department to provide career information to educational organizations, employment and training services, human service agencies, libraries and families. Provides for department recovery of expenditures, and authorizes the use of grants for improvement or operation of the program. Requires the State High School League to establish, conduct and regulate championship high school tournament activities. Requires determination of the number of classes in interscholastic athletic activities. Requires rules governing athletic participation of students attending schools in nonresident districts. Modifies provisions relating to the Board of Intermediate School Districts. Makes technical changes relating to contributions to the Teacher's Retirement Association (TRA). Excludes state departments and agencies and local government units from the definition of business for affirmative action requirements purposes. Encourages local units receiving state funds to prepare and implement affirmative action plans. Removes penalties for specified delinquent contributions to the Minneapolis Employees Retirement Fund (MERF). Expands school district electronic funds transfer authority. Establishes a staff exchange program for K-12 instructional and administrative staff to provide program participants with an understanding of the educational concerns of local school districts. Outlines program requirements and application procedures. Repeals provisions relating to the authority of resident and nonresident school boards to waive application deadlines under the Enrollment Options Program, to public school classification, to compulsory school attendance, administration and supervision, hazardous substances removal standards, Dept. of Education booklists, the Minnesota Education Council, the Midwestern Education Compact, school district planning, Handicapped Pupils Education Inservice Training Programs, Library Facilities Maintenance, county school districts, use of English language textbooks, some holidays, expenses for asbestos and PCB cleanup and obsolete provisions.

Article X - Libraries Requires the commissioner of education to establish an advisory committee to advise the staff of the Minnesota Library for the Blind and Physically Handicapped on long range plans and library services. Eliminates some provisions relating to regional public library system participating city or county increases in the minimum level of support. Appropriates money to the Dept. of Education for basic support grants, for multicounty and multitype library systems, for an automated library system, for the state agency on-line system and for materials for librarians. Repeals provisions relating to establishment grants for first and second year participation and gives effective dates for repealers.

Article XI - Education agency services Alters the membership of the board of the Academic Excellence Foundation. Modifies or clarifies duties of the board. Places the board and foundation activities under the direction of the State Board of Education. Requires Administration Dept. Information Policy Office involvement in the statewide education management information system. Modifies the membership of the Elementary, Secondary and Vocational (ESV) Computer Council. Prohibits regional management information centers from charging school districts for transferring the district's summary financial data and essential data elements to the state. Authorizes the centers to charge districts for any service it provides to, or performs on behalf of, a district to render the data in the proper format for reporting to the state. Requires ECSU district property to be distributed to member districts upon dissolution. Designates ECSUs as public corporations. Expands eligibility for the Summer Scholarships for Academic Enrichment

Program to public and private postsecondary institutions. Modifies program eligibility requirements. Provides for the establishment of teacher centers and for loans to ECSUs to meet cash flow needs, and sets forth repayment requirements. Appropriates money to the Higher Education Coordinating Board (HECB) for summer program scholarships and to the Board of Teaching for Teacher Center grants. Appropriates money to the Dept. of Education for teacher mentorship programs, the Administrator's Academy, the Office of Transition Services, ECSUs, management information centers, the Legislative Commission on Public Education (LCPE), state PER assistance, educational effectiveness, curriculum and technology integration, arts planning program assistance, the Academic Excellence Foundation and health and wellness curriculum development. Appropriates money to the State University Board and the Board of Regents of the University of Minnesota for the faculty education exchange. Repeals the Exemplary Teacher Program and the requirement for the Academic Excellence Foundation to arrange funding for bicentennial competition travel expenses.

Article XII - State agencies' appropriations for education Provides annual appropriations to the Faribault Academies for the Deaf and Blind for staff development costs and for conferences, seminars, technical assistance and materials production. Changes the name of the Minnesota School and Resource Center for the Arts to the Minnesota Center for Arts Education, and removes references to the arts school. Authorizes the board to receive and award grants and expands the authority of the board to offer arts seminars. Requires rules covering discharge from the program to be consistent with the Pupil Fair Dismissal Act. Increases license fees for private business, trade and correspondence schools and permit fees for solicitors. Exempts purchases by the Minnesota Center for Arts Education from the sales tax. Requires the center to identify school districts interested in offering magnet arts' programs. Requires a report to the Legislature. Appropriates money to the Dept. of Education, the Faribault academies and the arts center.

Article XIII - Technical changes for school district property taxes Changes terms in provisions applying to school district levies from mills to tax capacity rates. Includes adjusted net tax capacities in Dept. of Revenue computations. Increases the per capita amount of local support for regional library basic system support grants. Effective date: June 2, 1989. NELSON, K., PETERSON, R.W.

Elections and Ethics

Voter registration card removal

Chap. 7-S.F. 204 Authorizes county auditors to remove original and duplicate registration cards of voters who have died outside the county. Effective date: Aug. 1, 1989. STUMPF, TUNHEIM.

Council membership changes

Chap. 30-H.F. 508 Authorizes statutory city councils to propose to voters by ordinance the question of increasing or decreasing council membership. Provides for a schedule of elections and terms. Effective date: Aug. 1, 1989. MORRISON, ADKINS.

Mankato polling places

Chap. 91-H.F. 426 Authorizes the city of Mankato to designate polling places for precincts outside precinct boundaries under specific conditions. Sets forth restrictions. Effective date: Upon local action until Dec. 31, 1991. DORN, TAYLOR.

Presidential primary provisions

Chap. 291-H.F. 630 Article I - Election law provisions Prescribes penalties for violation of the prohibition on the use of reports or statements filed with the Ethical Practices Board for commercial purposes and defines commercial purposes. Authorizes the secretary of state to sponsor or participate in activities designed to provide public information related to the precinct caucuses and to promote participation in the caucus process, and to sponsor or participate in nonpartisan activities to promote voter participation in Minnesota elections and in efforts to increase voter registration and voter turnout. Authorizes the secretary of state to provide a method for timely reporting of caucus results to the public. Applies the Minnesota election law to absentee voting. Modifies procedures for counting absentee ballots. Changes absentee ballot counting boards to absentee ballot boards and makes optional some mandatory duties of the boards. Authorizes election judges to count the ballots. Provides for submission of affidavits of candidacy by candidates absent from the state during the filing period. Authorizes the secretary of state to inspect sealed ballots for election procedures monitoring and evaluation purposes. Provides for mail elections for counties, municipalities and school districts on a permanent basis and requires application to and approval by the county auditor. Prohibits any congregating

within 100 feet of the entrance to a polling place. Requires the reporting of election returns to canvassing boards. Authorizes and provides for recounts for ballot questions. Requires a surety bond for recount expenses in some discretionary ballot question recounts. Specifies the expenses responsibility of candidates requesting optional or discretionary recounts. Requires secretary of state to adopt rules for the format and preparation of the state primary ballot. Authorizes and provides for the withdrawal of candidates from special primary ballots. Extends the deadline for the State Canvassing Board to declare results of special elections for state legislators. Requires prior notice to the county auditor of municipal and school district elections. Provides for school district canvassing board for referendum levy and bond issue election recount purposes. Specifies that examination of voting machines must include ballot programming, vote counting, and vote accumulation functions of each voting machines or system. Includes optical scan voting systems in examination requirements. Requires voting machine or electronic voting system vendors to furnish performance bonds to the secretary of state. Provides for partial recounts on electronic voting systems. Requires notice of contest for special elections. Changes deadlines for financial reports for special primaries, special elections and general elections for candidates or committees required to file. Specifies certification requirements.

Article II - Presidential primary Provides for a presidential primary election. Provides for separate major political party presidential ballots and specifies required listings. Requires and provides for prior announcement of tentative listings and determination of candidates to be listed by the secretary of state and requires notice to candidates and affidavit of withdrawal. Provides for the conduct of the primary election. Requires secretary of state notice to county auditors of the date of the presidential primary. Requires county auditors' notice to municipal clerks. Specifies municipal clerks' posting requirements. Provides for endorsed candidates and for selection of delegates to the national convention. Specifies delegate voting requirements. Provides for the use of voting machines. Effective date: Article I is effective May 31, 1989; Article II is effective Aug. 1, 1989. OSTHOFF, DICKLICH.

Handicapped access to caucuses requirements

Chap. 308-H.F. 354 Requires and provides for handicapped access to and interpreter services at election precinct caucuses and political party conventions. Provides for the availability of convention and caucus materials to the visually impaired and provides for exceptions. Effective date: Aug. 1, 1989. JEFFERSON, RAMSTAD.

Employment

High pressure piping definition change

Chap. 22-H.F. 410 Expands the definition of high pressure piping to include ammonia piping for regulation purposes. Effective date: Aug. 1, 1989. TRIMBLE, LANTRY.

Extended Employment Program terminology change

Chap. 35-S.F. 112 Changes the term "extended employment program participants" to "workers" under the Extended Employment Programs of the Dept. of Jobs and Training." Effective date: Apr. 18, 1989. FRANK, DORN.

Unemployment compensation technical changes

Chap. 65-S.F. 1270 Eliminates the exclusion of milk under the definition of employment from a provision relating to the performance of services by agents or commission drivers distributing beverages. Eliminates the exclusion of provisions under the definition of employment relating to services performed for local government units or nonprofit corporations and to payments in lieu of contributions by local units. Includes day training and habilitation programs licensed by the Dept. of Human Services in the exclusion for rehabilitation programs for impaired individuals. Clarifies a provision relating to coverage of agricultural workers and removes coverage exclusions for medical or dental interns or residents. Provides coverage for insurance or real estate corporate officers. Clarifies the term pay period under a provision excluding part-time employments. Requires the rounding of calculations relating to employers contributions and solvency assessments. Changes the term "wage credits" to "performed work" or "wages paid" in provisions relating to benefit years establishment. Prohibits the establishment of more than one benefit year as a result of one separation from employment. Expands or clarifies Dept. of Jobs and Training rights of access to data maintained by the Depts. of Revenue and Labor and Industry. Reclassifies data collected, maintained or used by the department. Authorizes compromise agreements for department collection of delinquent employer reimbursements. Eliminates the requirement for publication of agreement summaries. Exempts sales in the normal course of business from a successor

liability provision, and modifies contractors liability provisions. Eliminates interest, penalties and costs from a provision authorizing the withholding of unemployment benefits for unpaid employer contributions. Effective date: May 4, 1989. FRANK, BEARD.

Boiler inspection requirements

Chap. 71-H.F. 85 Alters inspection requirements to at least once every 24 months internally and externally while not under pressure, and at least once every 18 months externally while under pressure for qualifying boilers. Defines qualifying boilers as a boiler of 200,000 pounds per hour or more capacity, which has an internal continuous water treatment program approved by the department and which has been determined to be in compliance. Requires owners of the boilers to keep records. Specifies that if an inspector determines there are substantial deficiencies in equipment or in boiler water treatment operating procedures, inspections of a qualifying boiler may be required once every 12 months. Effective date: May 9, 1989. MURPHY, CHMIELEWSKI.

State Committee of Blind Vendors data release

Chap. 86-S.F. 134 Provides for the release of data collected and maintained by the Dept. of Jobs and Training to the State Committee of Blind Vendors to the extent necessary to complete committee duties. Effective date: May 10, 1989. FRANK, DORN.

Meal break requirements

Chap. 167-H.F. 30 Requires employers to provide meal breaks during the workday for employees working eight or more consecutive hours. Provides that payment for the breaks is not required. Provides for the establishment of differing meal periods through collective bargaining agreements. Effective date: Aug. 1, 1989. CARRUTHERS, DIESSNER.

Rail contractor requirements

Chap. 218-H.F. 786 Authorizes the commissioner of transportation to require railroads contracting for portions of rehabilitation work or rail service improvement projects assisted with state money to select contractors experienced in rail rehabilitation work. Requires the contractors to recruit new workers from the area of improvement and to pay the workers prevailing wages. Sets a minimum wage requirement. Effective date: Aug. 1, 1989. RICE, PEHLER.

Employee right-to-know changes

Chap. 249-H.F. 300 Alters employee right-to-know provisions under the Occupational Safety and Health Act. Clarifies the definitions of employer and technically qualified individual. Clarifies the authority of administrative law judges to order appropriate relief in cases of discharge or other discrimination due to the exercising of rights under the Occupational Safety and Health Act statutes. Provides for interest on unpaid balances of orders. Extends the deadline for training of employees routinely exposed to infectious agents. Effective date: Aug. 1, 1989. CLARK, PIPER.

Elevator operation regulations

Chap. 303-S.F. 431 Requires the commissioner of labor and industry to regulate the operation and operators of elevators. Provides for commissioner access to buildings for elevator inspection purposes. Defines elevator as moving walks and vertical transportation devices such as escalators, passenger elevators, freight elevators, dumbwaiters, handpowered elevators, endless belt lifts, and wheelchair platform lifts, but does not include external temporary material lifts, temporary construction personnel elevators at sites of construction of new or remodeled buildings, or elevators in owner-occupied buildings of no more than four living units. Prohibits false certification of the safety of elevators. Specifies minimum requirements to construct, install or repair elevators. Requires a permit from the commissioner or cities, counties or towns authorized to inspect elevators to install or construct elevators. Provides that projects under actual construction before July 1, 1989, are not required to obtain a permit. Sets fee requirements. Authorizes the commissioner to establish criteria for the qualifications of elevator contractors and to issue licenses based on the qualifications. Authorizes cities, counties or towns to provide for the inspection of elevator installation, repair and construction and for periodic routine inspection. Specifies requirements and restrictions. Requires the crediting of fees received to the Special Revenue Fund. Provides for rules and standards adoption authority by the commissioner. Eliminates rebates by the commissioner to cities, counties or towns of money received in excess of the cost to the department of passenger elevator inspector. Appropriates money. Effective date: July 1, 1989. HUGHES, QUINN.

Personnel records access authorization

Chap. 349-H.F. 260 Requires employers to provide employees with the opportunity to review personnel records of the employee upon request. Defines employer as a person who has 20 or more employees. Defines personnel record as any application for employment; wage or salary history; notices of commendation, warning, discipline, or termination; authorization

for a deduction or withholding of pay; fringe benefit information; leave records; and employment history with the employer, including salary and compensation history; job titles, dates of promotions, transfers, and other changes, attendance records, performance evaluations and retirement record. Provides that an employer is not required to provide an employee with an opportunity to review the employee's personnel record if the employee has reviewed the personnel record during the previous six months; except that, upon separation from employment, an employee may review the record only once at any time within one year after separation. Specifies time limit and location requirements. Provides for the removal or revision of information. Restricts defamation actions and employer use of information omitted from the personnel record in judicial proceedings. Authorizes employee remedies for employer violations. Prohibits employer retaliation. Effective date: Aug. 1, 1989. TRIMBLE, MERRIAM.

Environment and Natural Resources

Emergency deer feeding

Chap. 8-S.F. 574 Provides an additional appropriation of \$300,000 to the commissioner of natural resources for emergency deer feeding. Effective date: Mar. 10, 1989. MERRIAM, KINKEL.

Senate committee reference corrections

Chap. 19-S.F. 25 Corrects inaccurate statutory references to Senate committees. Removes an obsolete reference to Senate and House committees. Deletes references to the Senate Agriculture and Natural Resources Committee. Effective date: Aug. 1, 1989. STUMPF, SPARBY.

Turkey hunters selection

Chap. 29-H.F. 106 Authorizes the commissioner of natural resources to establish a method to impartially select turkey hunters for an area. Requires preference to hunters previously applying, but not selected. Effective date: Aug. 1, 1989. JOHNSON, BENSON.

Todd County land sale

Chap. 38-S.F. 390 Authorizes the sale of tax-forfeited land bordering public water in Todd County. Effective date: Aug. 1, 1989. ANDERSON, KRUEGER.

Emergency flood relief

Chap. 41-H.F. 1586 Appropriates \$250,000 to the commissioner of natural resources for emergency relief for flooding in the Red River Valley area of Minnesota. Appropriates \$3.8 million to the commissioner of administration to pay the State Office Building arbitration award. Authorizes the issuance of state bonds. Effective date: Apr. 22, 1989. LIEDER, MOE, R.D.

Landscape application contracts

Chap. 42-S.F. 916 Regulates contracts for the application of pesticides or fertilizer to landscapes. Requires contracts to be in writing and signed by the commercial application company and the property owner. Details minimum contract content requirements. Requires annual notice to property owners for continuing contracts. Requires contract cancellation upon sale of the property. Provides for exclusions. Sets penalties and details remedies. Effective date: Aug. 1, 1989. MERRIAM, MCGUIRE.

Firearms safety courses for young hunters

Chap. 45-S.F. 271 Requires firearms safety courses for young hunters to include instruction in identification by sight of various species of wild mammals and birds. Effective date: Aug. 1, 1989. DAHL, JOHNSON.

Rainy River walleye season

Chap. 46-S.F. 332 Specifies May 15 as the opening of the walleye season on Rainy River. Effective date: Apr. 26, 1989. STUMPF, TUNHEIM.

St. Cloud land conveyance

Chap. 48-S.F. 1080 Requires and provides for the conveyance of state land at St. Cloud State University to a specific landowner. Effective date: Apr. 26, 1989. PEHLER, MARSH.

State forestry development contracts

Chap. 50-S.F. 192 Eliminates the limit on state forestry development project contracts allowing security in lieu of bond. Effective date: Apr. 25, 1989. BERTRAM, JOHNSON, R.

Permanent School Fund donations

Chap. 51-S.F. 478 Authorizes and provides for the commissioner of natural resources (DNR) to accept donations of lands, interest in lands or improvements on lands on behalf of the Permanent School Fund and for the

commissioner of education to accept donations of cash, marketable securities or other personal property for the fund. Effective date: Aug. 1, 1989. PEHLER, MCEACHERN.

St. Cloud property exchange with state

Chap. 61-S.F. 936 Requires and provides for the exchange of St. Cloud State University property with the city of St. Cloud to accommodate the realignment of a right-of-way. Effective date: May 2, 1989. PEHLER, MARSH.

Carlton County land sale

Chap. 73-H.F. 1172 Authorizes and provides for the private sale of tax-forfeited land in Carlton County. Effective date: May 9, 1989. OGREN, CHMIELEWSKI.

Stevens County surplus land conveyance

Chap. 75-H.F. 895 Authorizes the commissioner of transportation to convey surplus state land to Stevens County. Authorizes the county to sell the land by public sale for commercial development purposes. Effective date: May 9, 1989. BROWN, BERG.

Beltrami County land conveyance

Chap. 99-H.F. 770 Requires and provides for the commissioner of natural resources to convey state land in Beltrami County to the Fourtown Mission Society. Effective date: Aug. 1, 1989. TUNHEIM, STUMPF.

Anoka County land sale

Chap. 100-H.F. 655 Authorizes and provides for the sale of tax-forfeited lands in Anoka County bordering public waters in the cities of Andover, Coon Rapids, East Bethel and St. Francis and the towns of Burns and Oak Grove. Specifies conservation easement requirements. Effective date: May 10, 1989. LASLEY, FRANK.

Rattlesnake bounties

Chap. 101-H.F. 930 Removes the authority of county and town boards to offer bounties for the destruction of rattlesnakes and other reptiles. Effective date: Aug. 1, 1989. WALTMAN, MARTY.

Benton County land conveyance

Chap. 107-H.F. 1416 Requires and provides for the private conveyance of tax-forfeited land in the town of Langola in Benton County. Effective date: May 10, 1989. OMANN, BERTRAM.

General obligation bonds authorization

Chap. 109-H.F. 765 Authorizes the Western Lake Superior Sanitary District to issue general obligation bonds to refund outstanding obligations without calling the outstanding obligations for redemption prior to maturity. Effective date: Aug. 1, 1989. MURPHY, SOLON.

Use of state-owned iron-bearing materials

Chap. 116-H.F. 545 Increases the percentage, to 45 percent, of dried iron allowed in low-grade paint rock, taconite, or other state-owned iron bearing materials disposed of by the commissioner of natural resources for construction or maintenance purposes. Effective date: May 16, 1989. BEGICH, DICKLICH.

St. Louis County land sale

Chap. 135-H.F. 43 Authorizes the sale of tax-forfeited lands bordering public waters in St. Louis County. Effective date: May 17, 1989. JANEZICH, DICKLICH.

St. Peter RTC land conveyance

Chap. 136-H.F. 1061 Authorizes and provides for the conveyance of surplus state land on the grounds of the St. Peter Regional Treatment Center to the Leo A. Hoffmann Center to construct a residential treatment facility. Requires submission of construction plans and specifications to the commissioner of administration for review and approval. Effective date: May 18, 1989. OSTROM, FREDERICKSON, D.R.

State park permits for handicapped persons

Chap. 137-H.F. 1492 Authorizes the commissioner of natural resources (DNR) to issue special state park permits to physically handicapped persons with disability certificates issued for parking privilege purposes. Effective date: Aug. 1, 1989. JACOBS, METZEN.

St. Peter land conveyance

Chap. 142-H.F. 1077 Provides for the conveyance of surplus state land to the city of St. Peter for street, water main and trail construction purposes. Effective date: May 17, 1989. OSTROM, FREDERICKSON, D.R.

Miscellaneous land exchanges

Chap. 150-S.F. 1417 Authorizes and provides for the commissioner of natural resources to exchange land in Benton County, sell trust fund lands in Itasca, St. Louis and Cook Counties, surplus state land for recreational purposes to the city of Faribault and Anoka County, state land to the cities of Warroad and Ortonville for recreational purposes, a lot in the city of Brainerd, surplus state land in Goodhue County to a private party, land in

Goodhue County to correct a survey error and land in Otter Tail County to clear a title. Requires the commissioner of transportation to transfer land in Carlton County to the Dept. of Natural Resources (DNR). Authorizes Chisago County to sell tax-forfeited lands bordering public water. Effective date: May 18, 1989. NOVAK, MCGUIRE.

Big game ammunition, party hunting and fishing

Chap. 153-S.F. 297 Authorizes the taking of big game with ten millimeter cartridges. Authorizes small game party hunting and party fishing by angling. Specifies conditions and requirements. Effective date: May 20, 1989. BERG, STANIUS.

State land conveyance in Washington County

Chap. 156-H.F. 502 Authorizes and provides for the private sale of tax-forfeited land bordering public water in Washington County. Effective date: May 20, 1989. SWENSON, LAIDIG.

Senior citizens spearfishing

Chap. 168-H.F. 169 Authorizes residents age 65 or over with angling licenses to spear fish without spearing licenses. Effective date: Aug. 1, 1989. BATTAGLIA, JOHNSON, D.J.

Mineral data classification

Chap. 182-H.F. 343 Classifies data relating to private mineral exploration or analyses supplied to and maintained by the commissioner of natural resources as non-public data. Specifies when the data becomes public. Effective date: July 1, 1989. RUKAVINA, STUMPF.

Elephant Creek impoundment

Chap. 192-H.F. 1560 Authorizes the commissioner of natural resources (DNR) to enter into a cooperative agreement with the U.S. Forest Service to construct and maintain a dam and control structure across Elephant Creek in St. Louis County in order to alter the natural water level and flowage volume for the benefit of wildlife, recreation and other public purposes. Specifies permit and easement requirements. Effective date: May 20, 1989. BATTAGLIA, JOHNSON, D.J.

Local government conservation planning

Chap. 196-S.F. 811 Permits dedicated cash payments under the municipal planning law to be used for conservation purposes or for public use as wetlands. Effective date: July 1, 1989. LAIDIG, SWENSON.

Fish house hours change

Chap. 199-S.F. 1502 Reduces the allowable nighttime hours for fish or dark houses to be on the ice after Feb. 28. Specifies the prohibited hours as between 12 a.m. and one hour before sunrise. Effective date: Aug. 1, 1989. BERTRAM, OMANN.

Recycling receptacles in state parks

Chap. 205-H.F. 527 Requires the commissioner of natural resources to provide recycling receptacles in state parks for collection of food containers. Specifies state park managers' duties. Requires deposit of money collected for recycling in the State Park Maintenance and Operation Account. Effective date: June 1, 1989. SKOGLUND, BECKMAN.

Petroleum tank release response provisions

Chap. 226-S.F. 997 Authorizes the commissioner of the Pollution Control Agency (PCA) to assist in determining petroleum tank release occurrences upon request and to assist in or supervise the development and implementation of response actions. Requires persons requesting assistance to pay for PCA assistance costs. Requires deposit in the Petroleum Tank Release Cleanup Fund. Authorizes use of the fund for PCA administrative costs of enforcing rules governing the construction, installation, operation, and closure of aboveground and underground petroleum storage tanks. Expands the costs eligible for partial reimbursement by the Petroleum Tank Release Compensation Board. Increases the reimbursement percentage and eliminates the minimum and increases the maximum cost limits. Provides for volunteer eligibility of nonresponsible persons. Requires commissioner approval of a design for corrective action or full construction or operation of a corrective action system prior to reimbursement. Requires board reduction of awards for noncompliance with requirements. Specifies board considerations. Authorizes the board to demand full or partial return of reimbursements. Provides for recovery by attorney general civil action in District Court upon failure to comply. Authorizes a civil penalty. Applies underground storage tank regulations to owners of aboveground storage tanks. Effective date: May 23, 1989. NOVAK, SPARBY.

Take a Mom Fishing Weekend

Chap. 242-H.F. 831 Changes the season opening date to the Saturday two weeks prior to the Saturday of Memorial Day weekend for walleye, sauger, northern pike, muskellunge, largemouth and smallmouth bass game fish. Requires the commissioner to close the season in areas of the state to protect spawning fish. Authorizes mothers to fish by angling without a license during the weekend of the angling season coinciding with Mother's Day. Requires

the commissioner of natural resources to publicize the weekend as Take a Mom Fishing Weekend. Effective date: Aug. 1, 1989. KINKEL, VICKERMAN.

State park lands changes

Chap. 259-H.F. 450 Adds lands to Buffalo River State Park in Clay County; Camden State Park in Lyon County; Father Hennepin State Park in Mille Lacs County; Glacial Lakes State Park in Pope County; Lake Carlos State Park in Douglas County and Carley State Park in Wabasha County. Deletes lands from Lake Shetek State Park in Murray County and McCarthy Beach State Park in St. Louis County. Provides for nonpark use of land in Buffalo River State Park by Moorhead State University and in Interstate Park in Chisago County. Abolishes Little Elbow Lake State Park in Mahanomen County and provides for the transfer of land. Establishes Grand Portage State Park in Cook County. Provides for land acquisition. Requires commissioner of natural resources to create an advisory committee to provide direction on establishment, planning, development and operation of the park. Specifies membership requirements. Effective date: May 26, 1989. MCGUIRE, STUMPF.

Taking of turtles changes

Chap. 266-H.F. 811 Changes provisions relating to the taking of turtles. Subjects possession of turtles to sales license requirements. Specifies turtle license requirement exceptions. Prohibits the use of turtle hooks. Provides an exception for licensed turtle sellers. Reduces the limit on snapping turtles from ten to three. Clarifies the size limit by specifying that a person may not take snapping turtles of less than 10 inches wide, including curvature, measured from side to side across the shell at midpoint. Repeals the authority of the commissioner of natural resources to take turtles. Effective date: Aug. 1, 1989. PUGH, BERG.

Small hazardous waste generators exemption

Chap. 276-H.F. 245 Exempts generators of small amounts of hazardous waste (less than 100 kilograms per month) from Pollution Control Agency (PCA) rules relating to the transportation, manifesting, storage and labeling of photographic fixer and x-ray negative wastes containing silver. Prohibits local government units from adopting more restrictive management requirements. Effective date: Aug. 1, 1989. JENNINGS, STUMPF.

Hunter harassment prohibition

Chap. 287-H.F. 827 Prohibits the harassment of hunters through disturbance of or interference with the hunter or the animal being taken. Requires that a person must obey the order of a peace officer to stop the harassing conduct if the officer observes the conduct and provides a misdemeanor penalty for failure to do so. Authorizes the commissioner of natural resources to open additional areas of the state for special seasons. Authorizes the charging of an application fee for special permits and requires the fees to be based on the estimated cost of conducting the special season. Eliminates the oath requirement for game and fish license applications. Subjects applications to the penalty for false statements relating to game and fish law violations. Prohibits auditors or subagents from providing postage stamps or preaddressed envelopes for obtaining the angling license fee refund for seniors. Requires the provision of information to seniors relating to receipts expenditures and refund application effects. Authorizes the killing of muskrats causing damage on owned or occupied land. Clarifies fur buying and selling license requirements. Exempts licensed taxidermists and fur manufacturers from license requirements. Restricts the use of specific ammunition in the taking of big game. Effective date: Various dates. STANIUS, BERNHAGEN.

Wild animal restitution requirements

Chap. 298-S.F. 299 Requires restitution to the state for the value of wild animals killed, injured or possessed in violation of game and fish laws. Requires that the money collected be used by the commissioner of natural resources for replacement, propagation or protection of wild animals. Specifies species afforded protection including game fish, game birds, big game, small game, fur-bearing animals, minnows, and threatened and endangered animal species. Provides that other species may be added by order of the commissioner after public meetings and notification of the chairs of the legislative Environment and Natural Resources Committees. Sets forth arrest, charging and sentencing procedures. Provides that restitution is to be in addition to criminal penalties. Provides for court determination of restitution. Requires the crediting of restitution to the Game and Fish Fund. Authorizes the commissioner to, by rule, prescribe the dollar value of wild animals. Requires an annual report to the Legislature of the amount collected and of expenditures. Effective date: Various dates. MERRIAM, RUKAVINA.

Community right-to-know provisions

Chap. 315-H.F. 341 Establishes hazardous substance release emergency planning and community right-to-know requirements. Establishes the Office of Emergency Response in the Dept. of Public Safety and the Emergency Response Commission as part of the office in order to comply with and

administer the federal Emergency Planning and Community Right-to-Know Act. Specifies commission membership and duties. Authorizes the establishment of advisory committees and the establishment of agreements with other state departments and agencies, political subdivisions of the state, or the federal government in order to perform its duties. Requires state agencies and local government units to cooperate with and assist the commission. Requires the commission to establish emergency planning districts. Requires the commission to appoint and supervise a regional review committee for each district to serve as the local emergency planning committee under the federal act except where a local emergency planning committee has been established by one or more political subdivisions. Specifies review committee membership requirements and duties. Encourages local government units to prepare emergency plans addressing the requirements of the federal act. Sets forth procedure. Requires county organizations to coordinate emergency planning and to submit the plans to the regional office of the Public Safety Dept. Division of Emergency Management. Authorizes the commissioner to establish local emergency planning committees upon request and authorizes local units to establish planning advisory committees in lieu of local emergency planning committees. Requires counties to designate a library as the public information depository and requires the commission to provide updated information to the libraries. Requires owners and operators of a facility to notify the state emergency response center of the release of hazardous and extremely hazardous substances. Provides that the notification requirement does not apply to a release that results in exposure to persons solely within the site or sites on which a facility is located or to a release specifically authorized by state law. Specifies federal act compliance requirements. Requires facilities that are operated by employers subject to the occupational health and safety provisions of specific sections to comply with the hazardous chemical inventory reporting of the federal act. Requires the commission to adopt rules setting fees. Specifies a fee limit. Grants the commission enforcement powers. Provides for citizen suits and local committee actions. Prescribes civil penalties for violations. Continues the interim commission established by the governor until the 17 members of the commission are appointed. Requires the commission, in cooperation with the Pollution Control Agency, to study the need for expanding the toxic chemical release form requirements of the federal act to other facilities. Requires commission reports to the Legislature. Appropriates money to the commissioner of public safety for the Community Right-to-Know Program and for disaster relief due to flooding in the Red River Valley. Effective date: Various dates. TRIMBLE, MERRIAM.

Waste management provisions

Chap. 325-S.F. 530 Specifies the waste management goal and practices preference order. Defines waste reduction as an activity that prevents generation of waste including reusing a product in its original form, increasing the life span of a product, reducing material used in production or packaging, or changing procurement, consumption, or waste generation habits to result in small quantities of waste generated. Requires the establishment of a Market Development Coordinating Council and extends the expiration date of the Solid Waste Management Advisory Council and the Hazardous Waste Management Planning Council. Specifies additional requirements of solid waste management assistance plans relating to waste reduction, separation and recycling. Authorizes the Pollution Control Agency (PCA) to award grants for transfer stations if the transfer stations are part of a planned resource recovery project, the county where the planned resource recovery facility will be located has a comprehensive solid waste management plan approved by the agency, and the solid waste management plan proposes the development of the resource recovery facility. Requires materials and products used for recycling including container, receptacles and storage bins with short life cycles to be recyclable and made at least in part from recycled materials. Authorizes waste management districts or counties to designate solid waste processing or disposal facilities. Specifies designation plan requirements. Provides for amendment. Authorizes the commissioner to take emergency action to abate waste tire nuisances if the commissioner determines that the nuisance constitutes a clear and immediate danger of uncontrollable fire or other hazard requiring immediate action to prevent, minimize or mitigate damage to the public health and welfare or environment. Exempts waste residue from recycling facilities at which recyclable materials are separated or processed for the purpose of recycling from local fees. Increases the ceiling on city or town fee authority and increases the amount allowed to be used for General Fund purposes. Imposes a landfill cleanup fee on operators of mixed municipal solid waste disposal facilities outside the Metropolitan Area. Provides for exemptions. Provides for the disposition of proceeds. Classifies and provides for the exchange of information between the PCA and the commissioner of revenue for enforcement purposes. Authorizes the commissioner of revenue to implement rules. Establishes the Greater Minnesota Landfill Maintenance Fund to assist counties and sanitary districts with landfill maintenance

responsibilities including closure and postclosure care. Provides for the distribution of funds by the commissioner of revenue. Specifies county reporting requirements. Establishes the Greater Minnesota Landfill Contingency Action Fund to be used for closure and postclosure care of solid waste disposal facilities outside the Metropolitan Area if the agency determines that the operator or owner will not take the necessary actions requested by the agency for closure and postclosure in the manner and within the time requested and for postclosure costs at a facility outside the metro area that has been closed for 20 years in compliance with the rules of the agency. Provides for access to information and property for records examination or authorized response action purposes. Provides for the recovery of PCA expenses and for civil penalties for violations. Requires annual PCA expense reports to the Legislature. Exempts the operator or owner of a facility that has been closed for 20 years in compliance with the closure and postclosure rules of the agency from liability for response costs. Authorizes anticompetitive conduct by local government units and collectors organizing collection to the extent necessary to plan and implement the organized collection system. Specifies recordkeeping, financial and fee schedule reporting requirements of solid waste disposal facility operators. Requires annual PCA reports to the Legislative Commission on Waste Management. Specifies liability limits of local government units for environmental response, compensation and compliance cleanup at disposal facilities. Authorizes the PCA to acquire real property necessary for response action. Authorizes reimbursements from the "Superfund" to local government units for costs incurred in responding to emergency releases of hazardous substances, pollutants or contaminants and for expenditures in excess of liability limits. Changes the names of the Hazardous Substance Injury Compensation Board and the Hazardous Substance Injury Compensation Fund to the Harmful Substance Compensation Board and the Harmful Substance Compensation Fund. Defines harmful substance and release. Clarifies the classification of data. Changes the statute of limitations for filing property damage claims to two years after the full amount of compensable losses can be determined. Authorizes compensation from the fund for losses resulting from the inability of a property owner in hardship circumstance to sell the property due to the presence of harmful substances. Specifies limits. Authorizes compensation from the fund for claims for injuries due to petroleum contamination. Provides for the transfer of the amount needed from the Petroleum Tank Release Cleanup Fund. Restricts PCA issuance of permits for solid waste facilities. Specifies that the agency may not issue a permit for new or additional capacity for a mixed municipal solid waste resource recovery or disposal facility unless each county projected to use the facility has in place an approved solid waste management plan. Requires preliminary plans for ash management and ash leachate treatment or ash utilization. Authorizes counties to contract for recycling services. Modifies requirements of the Metropolitan Council Solid Waste Management Policy Plan and Development Schedule. Expands the authority of the council relating to county master plans compliance. Requires the elimination from the inventory of solid waste disposal sites of a site for which an environmental impact statement was being prepared as of Jan. 1, 1989 and that is not selected. Requires the council to determine the future need for sites in the Metropolitan Area. Authorizes metropolitan counties to enter into agreements with other local government units or the University of Minnesota to compensate for local risks, costs, or other effects of a waste processing facility. Specifies additional information requirements of solid waste facility permit applicants in the Metropolitan Area. Authorizes the use of bond proceeds to reimburse cities or towns for environmental impact statement preparation costs. Specifies additional county environmental impact statement requirements. Increases the metropolitan solid waste landfill fee and alters the disposition of the proceeds. Authorizes use of the Metropolitan Landfill Abatement Fund for public education, research and recycling purposes. Modifies the grant allocation procedure for local recycling development programs. Authorizes the use of the Metropolitan Landfill Contingency Action Fund for health assessments. Clarifies the 1990 ban on disposal of unprocessed waste in the Metropolitan Area. Requires county certification reports of unprocessibility to the Metropolitan Council for approval. Requires resource recovery facility operators certification to counties of unprocessibility of unaccepted waste. Requires council inclusion of quantity of unprocessed waste transferred to disposal facilities in the report to the Legislative Commission on Waste Management. Extends the exemption of metalcasting facilities generating nonhazardous solid waste from hazardous waste generator fees. Requires the PCA to study legislation authorizing the establishment of solid waste management districts. Requires a report to the LCWM by Dec. 1, 1989. Requires the Metro Council to amend the solid waste management policy plan to include a definition of and standards and criteria for buffer areas. Exempts specific closed landfills from financial assurance and closure requirements. Provides interim permitting and use requirements for combustion of refuse derived fuel (RDF). Requires the Metropolitan Waste Control Commission (MWCC), the Hennepin County Board and the commissioner of transportation to jointly conduct

demonstration projects to determine the long term potential and effects of the use of sewage sludge ash as a fine aggregate in asphalt for use in state paving projects. Requires reports to the LCWM by May 1, 1990. Provides for state assumption of liability for the projects. Requires the LCWM to prepare a report examining reasonable compensation to solid waste collectors and to evaluate the effectiveness of the Greater Minnesota Landfill Cleanup Fund and fees. Repeals certain allowable "Superfund" property claims. Effective date: Various dates. MERRIAM, LONG.

Omnibus groundwater protection package

Chap. 326-S.F. 262 Article I - Groundwater protection Defines the state goal of prevention of groundwater degradation caused by human activities. Provides for protection of sensitive areas and defines sensitive areas as geographic areas defined by natural features where there is a significant risk of groundwater degradation from activities conducted at or near the land surface. Requires the commissioner of natural resources to develop criteria for identifying sensitive groundwater areas and to map sensitive area locations. Sets forth notice requirements. Requires coordination of state and local collection of information to identify areas and requires information accessibility through the Land Management Information Center of the State Planning Agency. Requires state protection of sensitive areas. Requires each state agency that has a program affecting activities that may cause or contribute to groundwater pollution to identify and develop the best management practices to ensure that the program is consistent with and is effective in achieving the goal of prevention of groundwater degradation caused by human activities. Provides that agricultural land within a sensitive area is to be eligible for the Conservation Reserve Program and provides for easement for protection purposes. Exempts landowners from liability for degradation of groundwater caused by surface water from sensitive areas recharging groundwater after protection under specific conditions. Requires the commissioner of agriculture in consultation with local water planning authorities to develop the best management practices for agricultural chemicals and practices. Requires the Pollution Control Agency in consultation with local water planning authorities to develop the best management practices for other pollutants. Specifies that the best management practices to include prevention of groundwater degradation, education and promotion and sets forth requirements. Specifies state agency and local government unit groundwater quality monitoring requirements. Specifies State Planning Agency duties. Authorizes and provides for the commissioner of health to adopt health risk limits for substances degrading groundwater if groundwater quality monitoring results show that there is a degradation of groundwater. Requires the commissioner of agriculture and the PCA to evaluate the detection of pollutants in groundwater. Requires the development and implementation of groundwater monitoring and hydrogeologic evaluation following pollution detection in order to evaluate frequency and concentration. Requires and provides for management of pollutants upon detection. Requires promotion of the best management practices and requires adoption of water resource protection requirements if groundwater pollution is detected and the best management practices are proven ineffective. Sets forth procedures. Requires the PCA and the Dept. of Agriculture in consultation with the Board of Water and Soil Resources and the Minnesota Experiment Station to prepare a report on nitrogen compounds in groundwater for submission to the Legislative Water Commission by July 1, 1991.

Article II - Water research, information and education Establishes a temporary Legislative Water Commission to review state water policy reports and recommendations for legislation formulation assistance purposes. Specifies powers, duties and study requirements. Requires the commissioner of agriculture to investigate, demonstrate, report on and make recommendations on sustainable agriculture. Specifies the commissioner's duties and reporting requirements. Requires the commissioner to coordinate the development of a state approach to the promotion and use of integrated pest management. Specifies reporting requirements. Establishes an Environmental Agriculturalist Education Program and requires the Board of Water and Soil Resources, after review by the Legislative Water Commission, to award contracts for the program. Defines sensitive area and expands land eligibility under the Conservation Reserve Program. Requires the Environmental Quality Board to evaluate and report to the Legislative Water Commission and the Minnesota Future Resources Commission on statewide water research needs and recommended priorities. Establishes a Local Water Resources Protection and Management Program to provide financial assistance to counties through the Board of Water and Soil Resources for local government activities protecting or managing water and related land quality. Authorizes implementation contracts and provides for grants. Specifies priorities and requires the board to adopt rules. Requires comprehensive local water management plans to include objectives for sensitive areas and wellhead protection areas. Provides for University of Minnesota representation on the Board of Water and Soil Resources. Specifies

additional water resource management and planning duties of the Environmental Quality Board.

Article III - Wells, borings and underground uses Recodifies provisions relating to water wells, boring and underground space or storage. Defines additional terms. Specifies additional duties of the commissioner of health. Regulates well construction and ownership. Specifies notice, permit, license and fee requirements. Provides for well property sales and specifies disclosure requirements. Authorizes civil actions for well contamination. Specifies well sealing requirements. Provides for a county well sealing cost share program through the Board of Water and Soil Resources. Provides for priorities and landowner contracts. Specifies a sunset date of June 30, 1995. Creates a lien for collection and enforcement of well sealing costs. Expands contractors' licensing and examination requirements and provides for license reciprocity. Specifies surety bond requirements. Requires the registration of drilling machines. Provides for enforcement and prescribes administrative and criminal penalties.

Article IV - Water conservation Modifies water allocation priorities. Prohibits the issuance of water use permits from a groundwater source for once-through cooling systems using in excess of five million gallons annually. Alters or establishes water use processing fees and specifies a minimum fee of \$25. Authorizes joint powers watershed management organizations in Hennepin and Ramsey Counties to require water appropriation permits for nonessential uses below a number of gallons prescribed by rule on protected watercourses described by law. Requires the commissioner of natural resources to study and report to the Legislative Water Commission on the impact of consumptive water use on existing aquifers.

Article V - Pesticide amendments Modifies provisions relating to pesticide control. Defines or redefines terms. Expands the scope to include pesticide impact on the environment. Requires the commissioner of agriculture to develop a pesticide management plan for the prevention, evaluation and mitigation of pesticides or pesticide breakdown products in ground and surface waters. Requires coordination with state agencies under the direction of the Environmental Quality Board. Requires the state to use integrated pest management techniques in public lands management and requires the commissioner to monitor pesticide use biennially. Requires the commissioner to establish and operate a waste pesticide collection program. Authorizes pesticide user assessments and establishes a waste pesticide account to pay for program costs. Alters chemigation permit and fee requirements. Requires pesticide dealers and distributors to accept waste pesticides in original containers if the pesticide is purchased after the effective date of this requirement and a place is not designated in the county for the public to return empty pesticide containers and the unused portion of pesticide. Authorizes the commissioner to adopt rules. Expands pesticide registration requirements. Alters application fee provisions, specifies a minimum fee of \$150 and provides for payment. Requires that of the amount collected after July 1, 1990, \$600,000 per year must be credited to the Waste Pesticide Account. Requires annual registrant reports to the commissioner. Authorizes the commissioner to impose pesticide distribution restrictions. Specifies requirements for discontinuance of registration. Requires the commissioner to develop pesticide education and training programs in conjunction with the U of M Extension Service. Requires the appointment of educational planning committees and the development of a training manual and examinations. Requires the commissioner to establish and chair a Pesticide Applicator Education and Examination Review Board for programs review and recommendation purposes. Removes the pesticide dealer license exemption for distributors or wholesalers shipping restricted use pesticides to commercial applicators. Requires display of pesticide dealer, structural pest control, commercial applicator and noncommercial applicator licenses. Eliminates the full license fee exemptions for persons who are employees of businesses that have commercial or noncommercial applicator licenses. Imposes duplicate license application fees. Modifies private applicator certification and recordkeeping requirements. Requires the Dept. of Agriculture, in consultation with the commissioner of the Pollution Control Agency and the extension service to design and implement a pesticide container collection and recycling pilot project. Requires a report to the Legislature. Repeals the Pesticide Regulatory Account.

Article VI - Fertilizers, soil amendments and plant amendments Recodifies provisions relating to fertilizers and soil and plant amendments. Define additional terms. Specifies additional powers and duties of the commissioner of agriculture. Specifies prohibited fertilizer activities and chemigation permit requirements. Requires analyses of fertilizers deficient in plant food content. Requires a contingency plan for storage of bulk products. Specifies registration and licensing requirements. Requires the commissioner to develop recommendations for a mandatory state crop consultant certification program and to establish the best management practices. Specifies requirements for task force appointment for water resources impact study purposes. Sets forth reporting requirements.

Article VII - Agricultural chemical liability, incidents and enforcement Recodifies and applies pesticide incidents, liability and enforcement provisions to fertilizers, plant and soil amendments. Defines additional terms. Exempts landowners from liability for agricultural chemical application if the landowner applied or had others apply agricultural chemicals in compliance with state law, in compliance with any applicable labeling and in compliance with orders of the commissioner. Requires responsible party reports of incidents to the commissioner of agriculture. Provides for corrective actions. Specifies responsible party liability for corrective action costs and provides for apportionment. Expands inspection and enforcement authority of the commissioner. Provides for administrative penalties and for appeals. Specifies vicarious civil liability for employers. Provides for civil and criminal penalties.

Article VIII - Agricultural chemical incident payment and reimbursement Provides for citation as the Agricultural Chemical Response and Reimbursement Law. Provides for reimbursements to eligible persons for response and corrective costs. Establishes the Agricultural Chemical Response and Reimbursement Account. Specifies revenue sources and authorized uses. Requires the commissioner of agriculture to impose a response and reimbursement fee on agricultural chemicals. Provides for determination of fees. Provides that until Dec. 31, 1990 the response and reimbursement fee is to consist of specific surcharge fees. Creates the Agricultural Chemical Response Compensation Board for reimbursement purposes. Specifies membership and duties. Requires the commissioner of finance to administer a Response Account in the Environmental Response, Compensation and Compliance Fund to fund commissioner of agriculture response actions. Requires the commissioner of agriculture, in consultation with the Pollution Control Agency to review "Superfund" priorities for evaluation purposes. Requires a study and report to the Legislature on the agricultural chemicals posing the greatest health risk due to toxicity and on chemicals posing the greatest risk of incurring correction action.

Article IX - Watershed districts Establishes a Metropolitan Local Water Management Task Force to study and prepare a report to the governor and the Legislature on local water management issues. Prohibits the Coon Creek Watershed District from charging back to Public Ditches Number 11, 39, 44, 57, 58, 59, and 60 the \$143,140.94 spent prior to Jan. 1, 1989 by the district from its administrative fund for legal and other administrative expenses on these ditches. Authorizes the district to impose ad valorem property tax levies within the subwatershed of Public Ditches Number 11, 39, 44, 57, 58, 59, and 60 for payment of engineering and maintenance expenses.

Article X - Appropriations Appropriates \$13 million to the Dept. of Health, Dept. of Agriculture, Dept. of Natural Resources, the Board of Water and Soil Resources, the Legislative Water Commission, the Pollution Control Agency, the State Planning Agency, and the University of Minnesota. Appropriates \$1 million to the Response and Reimbursement Account and provides for reimbursement to the General Fund by July 30, 1991. Provides for funding of safe drinking water and for a DNR contract with the Minnesota Geological Survey to study the existence and source of high levels of natural radium in municipal water supplies and alternative for reduction of the levels. Effective date: Various dates. MORSE, BAUERLY.

Infectious Waste Control Act

Chap. 337-H.F. 661 Regulates the disposal of infectious wastes. Excepts wastes generated by households, farm operations and agricultural businesses. Requires packaging, containment and transport in a manner that prevents release of the material. Specifies labeling requirements. Requires the disinfecting of reusable containers. Requires the management of pathological waste according to state and federal sanitary standards. Requires storage of infectious and pathological waste in designated areas. Restricts the compacting or mixing of wastes and the transport of the waste into the state for treatment, storage or disposal purposes. Requires persons generating, transporting, storing, decontaminating, incinerating or disposing of infectious or pathological waste to prepare, maintain and comply with a management plan. Specifies plan content requirements. Requires plans of generators to be submitted to the commissioner of health and plans for storage, decontamination, incineration and disposal to be submitted to the commissioner of the Pollution Control Agency (PCA) for review. Provides for fees. Requires commercial transporters of the waste to register with the PCA and specifies management plan requirements. Provides for PCA and Dept. of Health rulemaking and enforcement authority. Requires PCA and Dept. of Health consultation with the commissioner of agriculture and the Board of Animal Health before adopting rules. Authorizes access to information and property for enforcement purposes. Restricts or specifies local government unit authority. Requires the PCA, in consultation with the commissioner of health, to study the feasibility of establishing a collection system for sharps generated by households, farm operations and agricultural businesses. Requires county attorneys to prosecute specific environmental law violations. Prescribes criminal penalties for violations. Appropriates money to the

commissioner of health to prepare educational information for distribution to infectious and pathological waste generators and transporters; treatment, storage and disposal facility operators; households that generate infectious waste and to the general public. Appropriates money to the Pollution Control Agency and the Dept. of Health. Effective date: Various dates. KAHN, DAHL.

Aitkin County land sale

Chap. 345-S.F. 661 Authorizes and provides for the sale of tax-forfeited land bordering public water in Aitkin County. Effective date: May 31, 1989. CHMIELEWSKI, CARLSON, D.

EQB siting exemption

Chap. 346-S.F. 1083 Provides for the exemption of a proposed electric power generating plan with a capacity between 50 and 80 megawatts from the power plant siting requirements of the Environmental Quality Board (EQB). Specifies notice requirements and EQB duties. Requires exempt utilities to comply with applicable state rules, local zoning, building, and land use rules, regulations, and ordinances of any regional, county, local, and special purposes governments in which the facility is to be located. Authorizes the EQB to charge an exemption processing fee to cover costs. Requires crediting the fee to a special account. Designates the EQB as the coordinating organization for state and federal regulatory activities relating to genetically engineered organisms. Requires the board to establish an advisory committee on genetically engineered organisms to provide advice on general issues involving genetic engineering. Requires the EQB to adopt rules. Provides that rules established by the board shall not affect liability under any other law or regulation for adverse effects resulting from activities relating to genetically engineered organisms. Effective date: July 1, 1989. BRANDL, JENNINGS.

Conservation Reserve Program modifications

Chap. 353-S.F. 895 Modifies Conservation Reserve Program provisions. Authorizes the commissioner of agriculture to authorize town boards to suspend requirements for the control of noxious weeds during a drought except under order of the commissioner or the local weed inspector. Transfers responsibility for the Conservation Reserve Program from the commissioner to the Board of Water and Soil Resources. Defines or redefines terms. Authorizes the placement of cropland in sensitive groundwater areas or adjacent to public waters and woodlots or abandoned building sites on agricultural land or land on a hillside used for pasture in the program. Provides for the inclusion of drained wetlands in the program. Modifies restrictions on the enrollment of agricultural land. Requires easements acquired on land for windbreak purposes to be of permanent duration. Requires the board to pay landowners for wetland restoration and specifies limits. Eliminates the total easements or agreements payment limit. Requires reduction of payments for hillside pasture conservation easements to reflect the value of similar property. Provides for enforcement of conservation easements or agreements. Specifies landowner damages liability. Authorizes attorney general actions in District Court for violations. Authorizes the board in cooperation with the commissioner of natural resources to authorize wildlife food plots on land with windbreaks. Grants the board rulemaking authority. Provides for the reservation of marginal land and wetlands. Requires the board to determine the marginal land and wetlands to be reserved or restricted by a conservation easement before sale. Restricts sale. Requires the commissioner of natural resources to determine the amount of reduction in the sale of school trust land restricted by a conservation easement. Authorizes the board to alter, release or terminate easements after consultation with the commissioners of agriculture and natural resources if the public interests and general welfare are better served by the alteration, release, or termination. Requires the commissioner of natural resources to consult with the board before acceptance of agricultural land or farm homesteads transferred in fee by a federal agency for marginal land, tillable farmland and farm homestead determination purposes. Sets forth acquisition procedure requirements. Authorizes use of money from the Reinvest in Minnesota Resources Fund for forest wildlife management projects. Exempts agricultural land used to meet the requirements of pollution control laws or rules from restrictions on corporate acquisition of agricultural lands. Prohibits casual trespass on public land for personal use or economic gain. Specifies penalties and specifies ticket requirements for violators. Provides for the payment of fines. Prohibits willful trespass and sets penalties. Provides for county attorney or attorney general enforcements. Provides for determination of damages. Effective date: July 1, 1989. NOVAK, MUNGER.

Municipal wastewater treatment funding

Chap. 354-S.F. 470 Reduces and limits funding for water pollution control through the state independent grants program of the Pollution Control Agency (PCA). Provides for combined funding through low interest loans under the Public Facilities Authority Revolving Fund, independent state grants and other financial assistance. Authorizes a service fee. Exempts notes and bonds of the authority from contract management and review

requirements under the Dept. of Administration. Authorizes municipalities that constructed wastewater treatment plants between the years of 1985 and 1988, paid the entire cost of the project with local funds, and elected to not remain on the reimbursement list to apply to the PCA to be placed on the reimbursement list. Specifies a deadline of Jan. 15, 1990. Requires the commissioner to compile a list of the municipalities applying and report to the Legislature by Feb. 1, 1990, for approval purposes. Effective date: June 2, 1989. DECRAMER, WINTER.

Finance

Payment of claims against the state

Chap. 225-S.F. 736 Provides for the payment of various claims against the state. Appropriates money to the commissioner of corrections for payment of inmate claims and for reimbursement to the state or local agencies for medical expenses for injuries incurred in the performance of community service work for correctional purposes. Provides for payment of claims of World War II, Korean Conflict and Vietnam service veterans. Appropriates money to the commissioner of transportation for payment of a claim relating to gravel and grading of township roads in Slayton Township that were used as an alternative to a state-established detour route. Effective date: May 20, 1989. DAHL, LIEDER.

Omnibus transportation and semi-state appropriations

Chap. 269-S.F. 1618 Appropriates money to the Dept. of Transportation for trunk highway construction and improvement, county and municipal state aids, highway debt service, transit assistance, light rail transit (LRT), airport development, programs management and building construction and maintenance. Appropriates money to the Regional Transit Board (RTB) for regular route services, Metro Mobility and replacement services. Appropriates money to the Transportation Regulation Board (TRB). Appropriates money to the Dept. of Public Safety for management information systems (MIS), nuclear plant preparedness, Criminal Apprehension Bureau cross-jurisdictional criminal activity investigation and an automated fingerprint identification system, pipeline safety, the Crime Victims Reparations Board and the Children's Trust Fund. Appropriates money to the Peace Officer Standards and Training (POST) Board. Appropriates money to the Dept. of Agriculture for increased costs for apiary inspection, the Minnesota Grown Account, ethanol fuel promotion, family farm security interest payment adjustments, sustainable agriculture demonstration project grants, farm crisis assistance, livestock damage claims and the Duluth Port Authority. Appropriates money to the World Trade Center Corporation for the World Assembly in 1990. Appropriates money to the Water and Soil Resources Board for grants, comprehensive local water planning and conservation reserve program technical services and implementation. Appropriates money to the Animal Health Board for pseudorabies control and research. Appropriates money to the Dept. of Commerce for petroleum cleanup. Appropriates money to the nonhealth-related boards. Appropriates money to the Public Utilities Commission (PUC), to the Public Service Dept., to the Racing Commission, the Ethical Practices Board, the Municipal Board, the Minnesota-Wisconsin Boundary Area and Uniform Laws Commissions and the Voyageurs National Park Citizens Committee. Appropriates money to the Minnesota Historical Society for historic site operation and preservation, the State History Center, the Sibley House, the Minnesota Humanities Commission, the Minnesota International Center, military museums and the Government Learning Center. Appropriates money to the Arts Board; to the Minnesota Horticultural Society; and to the Science Museum. Provides for studies, fund transfers and for the payment of tort claims. Creates a temporary special Great River Road Account for development of the road. Requires a \$750,000 Motor Vehicle Excise Tax set-aside for deposit into the account. Requires the commissioner of transportation to construct an exit from trunk highway #65 in Anoka County. Requires and provides for the commissioner of transportation to convey state easements to the Regional Railroad Authority of St. Louis and Lake Counties for railroad purposes. Increases power plant assessments for nuclear safety preparedness costs. Provides an annual appropriation for ethanol development and eliminates the Ethanol Development Fund. Provides for an additional position in the hazardous substance notification activity in the Dept. of Public Safety. Provides for special license plates for combat wounded veterans. Modifies the requirement for deputy registrars of motor vehicles to maintain convenient public places and increases the filing fee. Restricts the use of state funds for the acquisition of highway advertising devices. Authorizes the commissioner of public safety to charge tuition to cover the cost of Bureau of Criminal Apprehension continuing education courses. Exempts the boxing board license fees from commissioner of

finance approval requirements. Applies registrar provisions to county license bureaus if the director is a deputy registrar. Eliminates a restriction on RTB operating contracts outside the Metropolitan Transit Commission. Exempts the RTB from providing funding for transportation services used by human services programs participants. Includes other transportation corridors in city, town or county information map of plat filing provisions. Requires the commissioner of transportation to act as agent for the Bois Fort Indian Reservation in the use of funds for design and construction of a proposed highway project. Requires the commissioner of the state planning agency to report to the Legislature on special transportation services in the Metropolitan Area. Effective date: Various dates. MERRIAM, ANDERSON, G.

Finance Dept. housekeeping provisions

Chap. 271-S.F. 481 Authorizes the commissioner to permit state agencies to prepay or make advance deposits for sole source maintenance agreements, for exhibit booth space rental and for registration fees where advance payment is required or advance payment discount is provided and to purchase noninterest bearing certificates of deposit from depositories for performing depository-related services. Clarifies the role of the commissioner as custodian of payment documents. Renames the State Building Fund the Bond Proceeds Fund. Provides for the crediting of proceeds of bonds issued for programs of grants or loans to local government units to special accounts in the fund. Restricts the use of the Master Lease Program. Changes the responsibility for authorizing the issuance of certificates of participation under the program from the commissioner of administration to the commissioner of finance. Specifies the term of the certificates. Authorizes the use of master lease proceeds for personal property acquisition. Requires the finance commissioner to conduct a demand survey of the amount of projected rentals prior to entering into a master lease. Removes the Rural Finance Authority Security Account from the State Building (Bond Proceeds) Fund. Eliminates the Waste Management Fund. Provides for the deposit of waste management bond proceeds in a Waste Management Account in the Bond Proceeds Fund and transfers the Debt Service Account from the Waste Management Fund to the State Bond Fund. Eliminates the State Water Pollution Control Fund. Provides for a separate account in the Bond Proceeds Fund. Changes the deadline for the commissioner of education to issue warrants to school districts on the Debt Service Loan Account of the Maximum Effort School Loan Fund. Requires previous appropriations from the State Building Fund or the State Waste Management Fund or bond proceeds from the State Water Pollution Control Fund to be deemed appropriations from the Bond Proceeds Fund. Limits the availability of appropriations to the Rural Finance Authority for the Beginning Farmer Loan Program. Repeals provisions relating to the issuance of bonds for Voyageurs National Park, the Minnesota Zoological Garden Building Account and the Vocational Technical Building Fund and bonds. Effective date: Various dates. Generally effective July 1, 1989. MOE, D.M., RODOSOVICH.

Omnibus health and human services appropriations

Chap. 282-H.F. 1759 Article I - Appropriations Appropriates money to the commissioner of human services for social and mental health services, legal and intergovernmental programs, family support programs, human services and health care programs, and residential facilities. Requires the Board on Aging to evaluate congregate housing services programs. Requires juvenile detention facilities to provide for chemical use assessments. Requires a grant to Olmsted County for a therapeutic foster care program. Requires the commissioner to set the monthly standard of assistance at \$203 for an adult General Assistance (GA) and Work Readiness Assistance recipient who is childless and unmarried or living apart from his or her parents or legal guardian. Requires the commissioner to adjust the grant standards for the Aid to Families with Dependent Children (AFDC), GA and Work Readiness programs. Provides for literacy training pilot demonstration projects, for AFDC supplementary grants and for Food Stamp outreach programs. Extends the Developmental Achievement Center Pilot Payment Rate System. Authorizes the commissioner to determine the need for conversion of home and community based service programs for persons with mental retardation to intermediate care facility services (ICF/MR). Sets the maximum pharmacy dispensing fee under Medical Assistance (MA). Provides for the calculation of payments to vendors under the MA or General Assistance Medical Care (GAMC) programs. Requires the commissioner to contract for case management services for MA and GAMC recipients determined to be inappropriately using health care services. Authorizes the commissioner to develop a plan to minimize turnover of direct care employees in privately operated day training and habilitation services, ICF/MR, semi-independent living services and waived services programs for persons with mental retardation. Requires the Interagency Board for Quality Assurance to study long term care issues. Provides for the establishment of a statewide resource center on caregiver support and respite care services. Appropriates money to the Sentencing Guidelines Commission, the Corrections Ombudsman and

the health-related boards. Appropriates money to the commissioner of health for preventive and protective health services. Provides for a study of the relationship between air contaminants and the prevalence of asthma in Dakota County and for AIDS (HIV) prevention grants. Provides for the registration of contact lens technicians and respiratory therapists and for funding of the Women, Infants and Children (WIC) program. Sets an interim unlicensed mental health service provider filing fee. Requires studies. Specifies the inclusion of lead abatement costs in the study. Extends the availability of appropriations, and provides for fund transfers. Requires the commissioner of health to develop a fee schedule for diagnostic evaluations conducted at clinics under the Children with Handicaps Program and requires the receipts to be used for the Maternal and Child Health Program. Requires the commissioner of jobs and training to ensure that the same income eligibility criteria apply to both the Weatherization Program and the Energy Assistance Program. Requires the offset of county mortgage and deed tax receipts against state payment for income maintenance programs under specified conditions. Provides for the crediting of remaining amounts.

Article II - Social services, health and administration Exempts commissioner of jobs and training contracts for the distribution of funds for dislocated workers from specified validity requirements. Authorizes officers and employees of the State Office of the Military Order of the Purple Heart to purchase individually paid state life and health insurance benefits. Regulates supplemental benefits offered by health maintenance organizations (HMOs). Grants officers and employees of the Dept. of Health the right to inspect any building or place where contagion or filth exists or is suspected. Specifies building code requirements of Class B supervised living facilities (ICF/MR) for licensing purposes. Modifies the capacity requirements for rural hospitals swing beds license condition eligibility. Modifies hospital and outpatient surgical center costs voluntary reporting procedures to comply with written operating requirements that are established annually by the commissioner. Provides for lead screening and abatement. Requires registration of abatement contractors. Eliminates the requirement for commissioner of health advance notice of home care providers inspection. Requires a fee for a home care provider license or renewal. Specifies commissioner enforcement powers. Includes aerosol paint in the list of products containing hydrocarbon solvents or similar chemicals for sales to or possession by minors prohibition purposes. Provides for identification cards for persons needing special diets. Provides for the distribution of Maternal and Child Health Block Grant funds. Requires the Dept. of Health to develop uniform investigative guidelines and protocols for coroners and medical examiners conducting death investigations and autopsies of children under two years of age (sudden infant death syndrome). Provides for grants for case management services for AIDS infected persons. Clarifies examination requirements of physicians for initial licensure purposes. Modifies social worker experience and title use provisions. Authorizes specified licensed psychologists to practice marriage and family therapy without a license from the Board of Marriage and Family Therapy. Modifies the definition of mental health service provider. Increases the size and alters the membership of the Mortuary Sciences Advisory Council. Eliminates a funeral establishment advertising prohibition. Provides for the commissioner of health to share hearing instrument complaint information and changes the filing of the seller surety bond from the attorney general to the commissioner of health. Specifies registration and licensing requirements for board and lodging establishments providing specified supportive or health supervision services. Exempts nonprofit senior citizen centers selling home baked goods from restaurant licensing requirements. Alters the workers' compensation medical fees reimbursement allowance. Specifies required data sources and limits the standard deviation. Excludes Agent Orange settlement payments received by veterans or dependents from income for public assistance or benefit programs eligibility purposes. Authorizes the Board of Dentistry to set the salary of the executive director. Specifies limit. Requires reporting of death or serious injury to the Ombudsman for Mental Health within 24 hours and grants the ombudsman subpoena authority to obtain evidence relevant to a matter under inquiry. Modifies the Human Services Licensing Act. Exempts specified school age child care programs from licensure requirements and provides for licensing of drop-in child care programs. Clarifies methods for determining the cost of care at state facilities. Includes Prader Willi Syndrome in the definition of condition related to mental retardation for purposes of payment of costs of boarding care outside the home by the county of financial responsibility. Establishes new dates for payment rates to vendors providing day training and habilitation services for the mentally retarded. Provides for paid or volunteer guardians ad litem in neuroleptic medications' administration cases. Requires evaluations of persons proposed for admission to detoxification programs and requires separate sleeping areas for adults and minors. Provides for an inhalant abuse demonstration project. Modifies chemical dependency programs funding provisions. Allows culturally specific vendors to assess the treatment needs of the general public. Authorizes the commissioner of human services to allocate federal

fiscal disallowances or sanctions for audit exceptions based on a statewide random sample for the foster care program in direct proportion to county Title-IV-E foster care maintenance claims. Requires the commissioner to establish a child mortality review panel. Clarifies and expands duties of the Office of Ombudsman for Older Minnesotans. Expands powers and duties of the Council for the Hearing Impaired. Modifies the Community Social Services Act (CSSA) and requires county plans to address the collaborative development of supported and community based employment services for persons with mental retardation with local representatives of public rehabilitation and local education agencies. Authorizes the commissioner of human services to make grants for pilot programs for safe houses for homeless youth. Changes the formula and dates for distribution of permanency planning grants to counties. Requires the commissioner to establish a specialized grants program for placement prevention and family reunification for American Indian and minority children. Modifies child care programs provisions. Requires the Higher Education Coordinating Board (HECB) to administer the non-AFDC Postsecondary Child Care Program and provides for continued child care assistance without interruption in cases of a student move to another county and provides for child care services grants. Extends the deadline to Dec. 31, 1989, for the commissioner to revise rules setting standards for family and group family foster care. Provides for the presumption of paternity based on blood test results indicating likelihood to be 99 percent or greater. Provides for reimbursement for costs of care, examination or treatment of children transferred by the Juvenile Court to the County Welfare Board. Extends unemployment compensation eligibility to dislocated workers as defined in statute. Expands youth employment opportunities to include transitional services. Expands the Head Start Program under the Dept. of Jobs and Training. Establishes a Hospitality Host Older Worker Tourism Program. Provides for dislocated worker programs including an early warning system, a rapid response program and prefeasibility study grants. Specifies manufactured home park security deposit increases as a substantial modification of the rental agreement for rule modification requirements application purposes. Increases the marriage license fee to \$65 and the marriage dissolution fee to \$75. Modifies child support enforcement and automatic withholding provisions. Prohibits the availability of court supervised money or assets of minors held for settlement purposes until released by the court. Creates the crime of endangerment of a child. Modifies multidisciplinary child protection team provisions and requires the commissioner of human services to establish a pilot program for peer review of local agency responses to child abuse reports. Provides an exception to the moratorium on hospital capacity expansion. Expands Food Stamp Program outreach requirements of the commissioner to include low income households, disabled persons and refugee families. Requires negotiations between the state and food stamp quality control employees relating to classification seniority. Establishes a Community Action Program Legislative Task Force. Requires the commissioner of human services to study and report to the Legislature on exemptions to registration with the Board of Unlicensed Mental Health Service Providers. Establishes a committee to oversee and evaluate the Inventory, Referral and Intake System (IRIS). Repeals rules and a previous appropriation to the County Incentive Fund.

Article III - Health care and Medical Assistance Modifies eligibility provisions under the Medical Assistance (MA), General Assistance Medical Care (GAMC) and Childrens Health Plan programs. Expands the prohibition against denial or reduction of health insurance benefits to a person receiving public assistance medical benefits. Requires the commissioner of health to establish reimbursement classifications based upon the assessment of clients in intermediate care facilities for the mentally retarded. Provides for requests for reconsideration of assigned classifications. Prohibits licensed boarding care homes, supervised living facilities or nursing homes from refusing to accept residents with the human immunodeficiency virus (HIV) or hepatitis. Specifies exceptions. Requires nursing home staff to be trained in cardiopulmonary resuscitation (CPR). Creates exceptions to the nursing home bed moratorium. Imposes fines for certification deficiencies and penalties for abuse or neglect resulting in the death of a resident. Requires the establishment of resident advisory and family councils. Provides for the suspension of admissions. Specifies information provision requirements of nursing homes under license revocation or suspension proceedings. Changes the venue for emergency actions from the Ramsey County District Court to the Hennepin County District Court. Provides for emergency involuntary receivership of nursing or boarding care homes. Specifies rate recommendation provisions. Requires the commissioner of health to establish a mechanism for hearing appeals on transfers and discharges of residents. Provides for nursing home monitors. Requires the commissioner of health to implement Omnibus Budget Reconciliation Act (OBRA) training and competency evaluation requirements for nursing assistants and for the establishment of a nursing assistants registry. Clarifies the definition of nursing assistant. Transfers the authority to establish categories of assistants

exempt from educational requirements from the commissioner of education to the commissioner of health. Requires the director of vocational technical education to develop training program curricula. Requires the commissioner of health to approve the competency evaluation program. Expands the definition and purposes and limits liability of health care review organizations. Requires and provides for commissioner of human services establishment of procedures for determining MA and GAMC payment rates under a prospective payment system for inpatient hospital services in hospitals qualifying as vendors of Medical Assistance. Provides for appeals. Exempts all refugees with federal health services reimbursement from prepaid health plan requirements. Makes optional the requirement for the commissioner of human services to use volume purchasing through competitive bidding to provide medical supplies and equipment under the MA program. Provides for a statewide media campaign promoting early prenatal care. Increases the income standard for MA eligibility purposes. Provides for the treatment of income and assets of institutionalized spouses. Removes the exceptions to the prohibition on MA payments for the costs of nursing care provided to swing bed patients. Provides for reimbursement of special transportation or education services and transplant procedures costs. Prescribes additional duties for preadmission screening teams. Authorizes case managers, meeting the federal definition, to act as qualified mental retardation professionals in the screening of persons with mental retardation for home and community based services under MA. Authorizes county social service agencies to contract for public guardianship representation for screening and individual service and habilitation planning activities. Provides for case management services for persons with brain injuries. Excludes spouses of MA recipients from relative responsibility. Modifies nursing home reimbursement rates and provisions. Provides for OBRA compliance costs, appraisal sample stabilization and special reappraisals. Requires nursing homes certified as skilled nursing facilities to be fully Medicare certified. Provides for long term care receivership fees. Authorizes the commissioner of human services to adjust operating cost rates for intermediate care facilities for persons with mental retardation based on resident assessment and to administer experimental projects to determine the effects of competency based wage adjustments for direct care staff on the quality of care and active treatment for mentally retarded persons. Modifies prepaid demonstration project provisions. Requires nursing homes with inadequate rental per diems to submit copies of amortization schedules to the commissioner by June 30, 1989, for a study of the Capital Asset Replacement Fund concept. Requires a commissioner of human services nursing home workers' compensation costs study and a commissioner of health review of nursing home license revocation and managerial employees. Provides for GAMC and supplemental aid reimbursement for services to adults with serious and persistent mental illness who would be eligible for MA except that they reside in facilities determined to be institutions for mental diseases (IMDs).

Article IV - Mental health Minnesota Comprehensive Adult Mental Health Act. Revises the Minnesota Comprehensive Mental Health Act to apply to adults with mental illness. Requires a commissioner of human services' housing mission statement and a study and report to the Legislature on plans and fiscal projections for small community based programs and support services for persons with mental illness. Provides for case management services to refugees under specified conditions. Requires county boards to employ mental health professionals, mental health practitioners and case managers trained and experienced in working with adults with mental illness. Includes day treatment services under individual treatment plan and case management referral requirements. Requires education and prevention referral services. Requires and provides for county boards' case management activities and community support services for adults with serious and persistent mental illness. Modifies residential treatment and acute care and regional treatment center inpatient services requirements. Requires transitional and follow up services. Extends the deadline to Jan. 1, 1992, for county board screening for inpatient and residential treatment. Requires the commissioner of human services to appoint a task force on residential and inpatient treatment services. Eliminates specific local mental health proposal requirements. Provides for fees for mental health services. Changes the deadline for county board quarterly fiscal reports to 30 days after the end of the quarter. Requires the commissioner to develop consolidated reporting recommendations. Requires the commissioner to establish a public-academic liaison initiative to coordinate and develop brain research, education and training opportunities for mental health professionals. Establishes the Minnesota Comprehensive Children's Mental Health Act. Requires the commissioner of human services to create and ensure, and county agencies to plan for, the development in stages of a unified, accountable and comprehensive mental health service system for children. Provides for the continuation of existing county mental health services for children. Requires the commissioner to provide ongoing technical assistance and information to county boards to develop local mental health proposals

and to supervise the development and coordination of locally available services and delivery systems. Requires county boards to establish local children's mental health advisory councils or children's mental health subcommittees of existing local mental health advisory councils and to coordinate councils for review, evaluation and recommendation purposes. Specifies quality of services. Requires diagnostic assessments and individual treatment plans. Provides for referral for case management. Requires and provides for the availability of education and prevention, early identification and intervention, emergency, outpatient, case management and family community support, day, residential and home based family treatment and acute care hospital services. Requires and provides for screening for inpatient and residential treatment within five working days of admission. Requires the commissioner to appoint a task force on residential and inpatient treatment services for children. Provides for appeals. Requires local mental health proposals to include a children's section. Increases the membership of the State Advisory Council on Mental Health. Eliminates the expiration date and requires the council to coordinate the work of local childrens and adult mental health advisory councils and subcommittees. Specifies additional representation requirements for the Subcommittee on Childrens Mental Health. Changes the federal funding allocation formula. Sets guidelines for commissioner to develop rules for serving persons with mental illness. Establishes the Office of Medical Director in the Dept. of Human Services. Repeals the authority of county boards to make local mental health program grants.

Article V - Income maintenance and welfare reform Authorizes the disclosure of welfare data to the Dept. of Jobs and Training to verify receipt of energy assistance for the Telephone Assistance Plan (TAP). Requires applicants' Social Security numbers on TAP applications. Increases the maximum allowable amount of reimbursement from the Telephone Assistance Fund for administrative expenses of the Dept. of Human Services. Requires the commissioner of human services to bear the nonfederal share of the costs of the MAXIS computer and child support enforcement systems. Establishes the Minnesota Family Investment Plan. Provides for the creation of a system for the economic support of the family unit and the care and nurturing of children. Authorizes the commissioner of human services to design the plan on an experimental basis. Requires congressional authority to implement the program in field trials. Requires the plan to meet specified goals. Specifies federal waivers requirements. Specifies eligibility conditions. Provides for determination of family income and resources. Provides for consolidation of the AFDC, Food Stamp and General Assistance Programs into a single cash assistance program. Specifies exceptions. Provides for automatic eligibility for MA with congressional authorization. Provides a coupon option. Modifies eligibility tests and simplifies budgeting and verification procedures. Provides for transitional status for eligible families. Specifies caregiver contract requirements and exemptions. Imposes sanctions for failure to comply. Provides income and child care supports. Provides an employment bonus upon leaving the program and for extended child care and MA. Provides assistance protections under specified conditions. Clarifies or modifies administrative and judicial procedures for review of social services or public assistance programs. Modifies AFDC eligibility and employment and training program provisions. Authorizes and provides for program operation by Indian tribes. Requires the commissioner of human services to establish grant programs for social adjustment and child welfare services to eligible refugees. Authorizes the commissioner to establish additional community work experience programs. Authorizes county agencies to develop on-the-job training programs permitting voluntary participation by AFDC recipients. Increases AFDC income disregards as defined in statute. Requires the commissioner to select and fund at least four pilot projects for a two-year period to test the effectiveness of public assistance fraud prevention investigations. Expands the Work Readiness Program and clarifies or modifies General Assistance payment and eligibility provisions. Provides for Work Readiness grant payments and start work grants. Specifies special payment provisions. Specifies persons required to register for and participate in the Work Readiness Program. Provides for disqualification for failure to comply. Provides for state reimbursement to local agencies for Work Readiness costs. Specifies limit. Applies GA requirements to the Work Readiness Program. Specifies exception. Transfers functionally illiterate persons from the GA to the Work Readiness Program. Specifies local agency notice requirements under the program. Provides for appeal of assistance termination. Provides for the Minnesota Supplemental Aid Act. Revises the supplemental aid program to provide a sound administrative structure and an integrated public assistance program for recipients of supplemental security income and provides that negotiated rate payments to be considered supplemental aid payments. Excludes residents of regional treatment centers or negotiated rate residences from full GA standard eligibility. Provides that the standard of assistance to be the personal needs allowance authorized for MA recipients. Eliminates negotiated rate payment provisions from the act. Modifies

eligibility requirements. Provides for income disregards and allocation. Specifies application procedures and verification and reporting requirements. Provides for the county of financial responsibility standards of assistance emergency supplemental aid and protective payments. Specifies county agency notice requirements for grants termination, suspension or reduction. Provides for appeals. Provides for the Negotiated Rate Act. Provides for a system of rates and payments for persons residing in negotiated rate residences. Specifies eligibility requirements. Prescribes payment rates. Provides for a personal needs allowance and specifies payment methods. Requires a task force to study migrant issues relating to public assistance and housing for migrant farm workers.

Article VI - Regional treatment centers Authorizes the commissioner of human services to provide technical training assistance to community based programs in conjunction with the discharge of persons from regional treatment centers. Requires the commissioner to review funding for mental health services and preadmission screening requirements for psychiatric hospitalization admission and report to the Legislature. Requires regional treatment centers at Anoka, Brainerd, Fergus Falls, Moose Lake, St. Peter and Willmar to provide chemical dependency services. Extends the authority of the commissioner to accept voluntary services. Requires the commissioner to publicize and notify family members or guardians of planned changes in services at regional treatment centers. Provides for closure of the Oak Terrace Nursing Home by July 1, 1992. Specifies relocation requirements. Requires the commissioner to operate nursing home beds at the Brainerd, Cambridge and Fergus Falls regional centers and authorizes operation at other locations as necessary. Requires the commissioner to provide nursing home care to persons requiring and eligible for that level of care as defined in statute. Authorizes agreements for auxiliary services and the offering of respite care. Establishes a policy relating to state provided services. Authorizes the commissioner to establish state operated community based programs for the least vulnerable regional treatment center residents. Requires the commissioner to report to the Legislature a plan to provide continued regional treatment center capacity and state operated community based residential and day programs for persons with developmental disabilities at Brainerd, Cambridge, Faribault, Fergus Falls, Moose Lake, St. Peter and Willmar. Requires regional structure of the state operated system. Authorizes the commissioner to designate catchment areas for regional treatment centers and state nursing homes and to continue to provide residential care in regional treatment centers. Authorizes respite care under specified conditions. Alters the new intermediate care facility beds set-aside requirement. Exempts state operated community based facilities from the limit. Authorizes the commissioner to request the advisory task force for advice on implementing a comprehensive plan to provide for the transition of persons with mental retardation from regional treatment centers to community based programs. Requires the commissioner to establish a system of state operated community based programs (SOCS) for persons with mental retardation or related conditions, including day training and habilitation programs until July 1, 2000. Provides for location. Provides for the establishment of reimbursement rates and for crisis and spiritual care services. Requires the commissioner to evaluate the development of community based services for improvement purposes. Requires separate licensure of residential and day habilitation services. Requires communities with regional treatment centers to establish groups to work with and advise the commissioner and the counties on services development. Requires the commissioner to determine the need for providing services for mentally ill persons in Southeastern Minnesota, for persons with brain injuries at the Faribault Regional Treatment Center and for auxiliary beds at the Brainerd Regional Treatment Center for the Minnesota Security Hospital. States the primary mission of regional treatment centers. Specifies required treatment services. Requires the commissioner to determine the need for psychiatric services based on individual needs assessments. Requires the commissioner to disseminate regional treatment center and security hospital admission and stay criteria. Authorizes the commissioner to establish a system of state operated community based programs for persons with mental illness. Provides for location and evaluation. Specifies conditions for discharge of persons with mental retardation from regional treatment centers. Requires screening teams to evaluate proposed services for mentally retarded persons. Requires and provides for commissioner grants to counties for mentally retarded case management costs. Requires commissioner studies to determine the number of persons transferred from public to private guardianship and the increased involvement of parents in screening team activities and of the progress of persons discharged from regional treatment centers. Effective date: Various dates. ANDERSON, G., MERRIAM.

Higher education appropriations

Chap. 293-S.F. 1625 Appropriates money to the Higher Education Coordinating Board (HECB), the State Board of Vocational Technical Education, the State Board for Community Colleges, the State University Board, the University of Minnesota and the Mayo Medical Foundation.

Continues the Postsecondary Quality Assessment Task Force. Prohibits further funding of enterprise development centers through the HECB. Provides for matching grants to postsecondary institutions for campus community service projects emphasizing students as tutors or mentors to younger peers. Requires the HECB to undertake the second phase of the postsecondary needs study, and to analyze and make recommendations on plans submitted for providing undergraduate education and practitioner oriented graduate programs in the Metropolitan Area. Provides for state scholarships and grants, and specifies that the appropriation contains money for increasing living allowances and for child care grants. Requires the HECB to examine and make recommendations on providing incentives to students to pursue international baccalaureate degrees. Authorizes grants for Akita Program participants. Provides for an Income Contingent Loan Repayment Program to assist medical, dental, pharmacy, chiropractic, medicine, public health, veterinary medicine, optometric and osteopathic students in repaying student debt. Requires the HECB to study the possible inclusion of students in other academic programs, and report its recommendations by Dec. 1, 1990. Provides for vocational technical education curriculum restructuring and for community colleges' and state universities' increased enrollments. Provides for a community college textbook rental system feasibility study. Delays the development of doctoral level programs or degrees at state universities. Provides for the development of the upper division component at Arrowhead Community College. Authorizes the State University Board to enter into an agreement to lease space at the College of St. Teresa for the instructional needs of Winona State University. Provides for nursing education outreach programs. Requires State University Board appointment of a task force for study of the need for and supply of nurses and the adequacy of access to nursing programs. Authorizes the task force to establish a private scholarship program for nurses. Requires the task force to make recommendations on the scholarship program and as necessary on other matters concerning nursing education. Prohibits further state funding of wood fired boilers at Bemidji or St. Cloud State Universities. Specifies the regular session enrollment projections for undergraduate students for the first year of the appropriation. Provides for enhanced and expanded graduate programs in Rochester and for a greenhouse on the Waseca campus. Establishes a program to reward winners of campus art competitions by displaying works in the State Office Building. Provides for the program to be called Bring Out Art Students' Talent (BOAST). Requires governing boards and HECB student progress, preparation and placement studies, and requires study of mechanisms to encourage students to complete their educational programs in a timely manner and to carry full credit loads. Alters definitions relating to secondary vocational education and the statewide education management information system. Extends the life of the Summer Scholarships Advisory Committee, the Average Cost Funding Task Force, and the Higher Education and HECB Student Advisory Councils. Expands system plan requirements. Requires the governing boards to adopt a sexual harassment and violence policy. Clarifies and updates procedures relating to State University Board bonding authority. Requires the HECB to prescribe policies, procedures and rules to administer programs under supervision of the board. Requires recommendations relating to technical institute programs to the state director of vocational technical education rather than to the commissioner of education. Requires technical institutes and school districts operating technical institutes to supply requested information to the HECB. Clarifies the authority of the HECB to enter into reciprocal agreements relating to nonresident tuition. Modifies or clarifies grant provisions. Clarifies the definition of a student, and modifies the definition of resident student for state grant purposes. Requires notice to students of independent student status and appeals. Provides for recovery of overpayments. Establishes a child care grant program under HECB supervision. Outlines eligibility, grant amount and duration. Requires public postsecondary systems operating child care facilities to develop alternatives for students unable to afford child care, and requires a report to the Legislature by Feb. 15, 1991. Repeals provisions relating to student scholarship and loan and professional programs after given dates. Increases HECB registration fee maximums and the revenue bonding authority of the Higher Education Facilities Authority. Clarifies or modifies powers of the State Board of Vocational Education and school boards operating Technical Institutes relating to accounting and reporting, temporary licensure, allocation and distribution of money, computer sales and maintenance, property use and traffic regulation. Authorizes the use of money in student association funds for charitable activities approved by the student association. Requires all technical institute money and tuition to be used solely for postsecondary vocational education. Modifies levy provisions for local share of technical institute construction. Makes technical changes. Repeals some federal and state aid and building fund and bonds provisions. Extends the Faculty Exchange Program. Authorizes and provides for exchanges between postsecondary institutions, colleges or schools of education and school districts. Specifies Information Policy Office and Advisory Task Force consultation requirements in developing the communications and technology capabilities, plans and

needs of state government. Requires use of the criteria developed by the Instructional Technology Task Force in evaluating projects or systems, and requires a report to the Legislature by Feb. 15, 1990. Prohibits further postsecondary institution two-way interactive television equipment, systems or services purchases until completion of the report. Effective date: Various dates. MERRIAM, ANDERSON, G.

Omnibus bonding provisions

Chap. 300-H.F. 46 Article I - Capital improvements Appropriates money and authorizes the issuance of state building bonds for the acquisition and betterment of public lands and buildings, and other public improvements of a capital nature. Appropriates money to the State Board of Vocational Technical Education for technical institutes construction in Independent School District #564, Thief River Falls, and Independent School District #819, Wadena. Appropriates money to the commissioner of administration for construction at various community colleges; for the State Academy for the Blind and Deaf; for the School and Resource Center for the Arts; for community services facilities to be owned by the state; for upgrading or installing heating, ventilating, and air conditioning equipment in state-owned residential and program buildings; for regional treatment centers; for nursing homes and correctional facilities; for the Minneapolis Veterans Home; for handicapped access to state buildings; and for State Capitol remodeling and restoration. Appropriates money to the commissioner of administration for desegregation grants to school districts, for equipment grants to Minnesota Public Radio, for the Agriculture Dept. planning and site selection for new department building, and for interest on the arbitration award for State Office Building remodeling. Appropriates money to the State University Board for construction at specified state universities. Appropriates money to the University of Minnesota, to the Dept. of Jobs and Training for department offices in Minneapolis, to the Board of Water and Soil Resources for the Reinvest in Minnesota (RIM) resources program, to the Minnesota Historical Society, and to the Capitol Area Architectural and Planning Board for executive branch agencies building site selection. Appropriates money to the commissioner of natural resources for fish and wildlife land acquisition, trails development, the Water Bank Program and flood damage reduction and prevention. Appropriates money to the Pollution Control Agency for combined sewer overflow and wastewater treatment facilities grants and to the Public Facilities Authority for the state Independent Grants Program. Appropriates money to the commissioner of trade and economic development to dredge the Duluth harbor; for a national shooting sports center at Giant's Ridge in Biwabik, and for the kayaking center at Carlton. Appropriates money to the Dept. of Military Affairs and to the commissioner of finance for bond sale expenses. Specifies child care facility consideration requirements. Requires the Community Colleges Board and the commissioner of human services to study the feasibility of converting Cambridge Regional Treatment Center buildings for Cambridge Community College Center use. Provides for debt service, and allows agencies to transfer the unencumbered balance in a project account to another project enumerated in the same section of that appropriation act, upon completion or abandonment of the first project. The transfer must be made only to cover bids that were higher than was estimated when the appropriation was made. Requires application for federal aid for capital improvement projects. Authorizes the commissioner of administration and the state university and community colleges boards to acquire lands by gift, purchase or condemnation proceedings. Requires and provides for legislative review of agency construction, remodeling or land acquisition plans. Provides for the awarding of continuations of previously awarded adjustments to water pollution control matching and state independent grants. Specifies that land must not be purchased and a building must not be purchased, constructed or erected on land at the University of Minnesota until the regents have consulted with the chairs of the Senate Finance Committee and the House Appropriations Committee. Grants the right of eminent domain to the Dept. of Jobs and Training to acquire property for a Minneapolis office site. Increases state transportation bonding authority for transportation system improvements and key bridge construction. Reduces a previous bond sale authorization for district heating systems by \$37,880,000.

Article II - Elementary and secondary education Changes bonding authority for some maximum effort school loans. Limits the amount of incentive grant money available. Modifies eligibility criteria. Reduces bonding authority under, and repeals the sunset of the Cooperative Secondary Facilities Grant Act. Requires the commissioner to establish application dates for desegregation capital improvement grants. Requires approved desegregation plans and project budgets, and outlines bonding authority. Approves capital loans to Independent School Districts #51, Foley, and #333, Ogilvie. Requires the commissioner of education to evaluate the effectiveness of the Maximum Effort School Loan and the Cooperative Secondary Facilities Capital Grant Programs, and report to the Legislature by Jan. 1, 1990.

Article III - Deficiency appropriations Appropriates money to the Depts. of Education, Human Services, Public Safety, Agriculture, Administration, Finance, Employee Relations, Natural Resources and Veterans Affairs for deficiencies in prior appropriations. Appropriates money to specified boards, courts, the attorney general, the secretary of state and the Pollution Control Agency for deficiencies in prior appropriations. Clarifies the definition of mental health service provider relating to exemptions. Sets an interim filing fee for mental health service providers. Provides that General Assistance Medical Care (GAMC) and supplemental aid may be paid for the period from Jan. 1, 1989, to June 30, 1989, for any adult who would be eligible for Medical Assistance (MA) except that the person resides in a facility that is determined by the commissioner of human services or the Federal Health Care Financing Administration to be an institution for mental diseases (IMD). Specifies covered services under GAMC for the same period for those adults. Exempts residential facilities certified to participate in the MA program, licensed as board and care or nursing homes and determined to be IMDs from the maximum negotiated rate under supplemental aid, and sets the rate. Provides for reimbursement to counties for payments made between Jan. 1, 1989, and June 30, 1989, on behalf of persons otherwise eligible for MA, and sets a limit. Effective date: May 31, 1989. ANDERSON, G., MERRIAM.

Omnibus state departments appropriations

Chap. 335-H.F. 372 Article I - State departments Appropriates money to the legislative, judicial and executive branches of state government, departments, agencies, boards, commissions and councils. Specifies base cut requirements. Requires the Legislative Commission on the Economic Status of Women to develop recommendations to the Legislature for a statewide coordinated child care system. Requires the secretary of state to prepare, catalog and preserve official government survey documents. Requires the state auditor to continue to audit the State High School League. Appropriates money to the attorney general for the Alliance for a Drug Free America Project. Appropriates money to the Dept. of Administration for operations, information, property and administrative management, for the Information Policy Office and for public radio and television grants. Appropriates money to the Dept. of Employee Relations for a State Employee Retraining Pilot Project. Appropriates money to the Dept. of Natural Resources for mineral diversification and research, shoreland and forest management, emergency firefighting expenses, an aspen thinning study, a state park system centennial celebration, payments in lieu of taxes on wildlife lands, emergency deer feeding, implementing the plan for the upper Mississippi River Environmental Learning Center grant, county biological survey activities, fish rearing and stocking, purple loosestrife control, wolf center planning, and a Kettle River Environmental Learning Center grant. Appropriates money to the Pollution Control Agency for hazardous materials handling training and waste tire dumps cleanup. Appropriates money to the Dept. of Trade and Economic Development for Minnesota Project Outreach, small business development centers, travel information centers, economic recovery grants, the Duluth Zoo, the Minnesota Advanced Manufacturing Technology Center, targeted neighborhoods revitalization, Minnesota Marketplace grants, the Community and Neighborhood Development Organization (CAN-DO) pilot project, community development corporations, the Womens Economic Development Corporation and the Minnesota Cooperation Office, the Western Lake Superior Sanitary District, a St. Paul transportation museum study, the St. Paul Union Depot concourse restoration and the Minnesota Inventors Congress. Transfers funds received by the Greater Minnesota Corporation to be used for other purposes (**line item vetoed**). Authorizes the Western Five Community Development Corporation to provide technical assistance to small businesses to secure federal government procurement contracts (**line item vetoed**). Requires the State High School League to develop a two class state high school hockey tournament. Appropriates money to the Housing Finance Agency for housing programs and to the State Planning Agency for Great Lakes Protection Fund participation. Appropriates money to the State Planning Agency for youth employment and housing program demonstration grants and the Way to Grow/School Readiness Program. Specifies required uses of the Minnesota Future Resources Fund by providing for a study of alternatives to chemical control of purple loosestrife; for household batteries recycling and disposal pilot educational programs; for PCA management options development; for Dept. of Health lead abatement grants; and for various groundwater quality assessment and natural resources projects. Appropriates money to the Dept. of Veterans Affairs for a Vietnam Veterans Memorial on the Capitol mall, a grant to the Vineland Center and for bronze grave markers. Provides for salary supplements, and limits managerial salary increases. Appropriates money to public retirement systems, and provides for postretirement adjustments for specific pre-1973 retirees. Continues prior appropriations. Provides for fund transfers. Requires studies and reports. Establishes a Legislative Task Force on Minerals to study issues relating to the environmentally sound development of the minerals industry. Requires the governor to provide for

studies of major state expenditure programs. Requires the revisor of statutes to increase the assessment against state agencies for bill drafting services after November 1 and until the annual session adjourns. Provides for recovery of a portion of attorney general costs for legal services provided to local government units. Extends the boundaries of the Capitol area. Requires the commissioner of finance to consult with the Legislature before adopting a format for the biennial budget document. Requires and provides for legislative determination of the complements for the DNR. Provides for the direct deposit of state employee pay in credit unions or financial institutions. Specifies that if the commissioner enters into a lease-purchase agreement for buildings or substantial portions of buildings within the Capitol area, the commissioner shall require that any new construction of non-state-owned buildings conform to design guidelines of the Capitol Area Architectural and Planning Board. Requires the commissioner of administration to ensure that state agencies have an efficient and cost effective method of producing and storing data for sharing purposes. Establishes the Statewide Telecommunications Access Routing System (STARS) to provide telecommunications transmission services to state agencies, educational institutions, public corporations and local government units. Requires the state building code to permit the use of vertical wheelchair and inclined stairway wheelchair lifts in public buildings. Authorizes the commissioner of natural resources to bill programs for professional support services costs, and requires the crediting of receipts to a special account. Authorizes the commissioner to pay up to ten percent above the appraised value in acquiring lands under certain conditions. Exempts railroad right-of-way acquisitions from the landowners bill of rights by mutual agreement of the commissioner and the landowner. Establishes a Eurasian Water Milfoil Education and Management Program in the DNR. Establishes the Minnesota Conservation Corps under the supervision of the commissioner to provide employment and public service opportunities to eligible youths for natural resources conservation purposes. Authorizes the commissioner to provide work crews to forested counties for forestry related programs, and requires the use of Minnesota Conservation Corps participants. Increases the size of the Minnesota Zoological Board, and exempts board appointees from Senate confirmation requirements. Grants salary supplement eligibility to zoo employees. Authorizes the board to contract for the construction and operation of entertainment facilities on the grounds of the zoo, and requires construction plan submission to the Legislature. Prohibits zoo entertainment contracts conflicting with the Minnesota State Fair. Subjects the zoo board to state budget and payroll systems, and recodifies admission fees provisions. Provides for the assignment of partial interests in state land certificates of sale, and requires the commissioner of natural resources consent of certificate assignments. Transfers authority and responsibilities for disposing of surplus land from the commissioner of administration to the commissioner of natural resources, and modifies appraisal requirements. Creates a Taconite Iron Ore Special Advance Royalty Account for the deposit of mineral lease money. Provides for game and fish fee adjustments. Alters the ratio of the source of payments for Indian agreements. Increases the fees for hunting and fishing licenses. Creates a family deer hunting license, and exempts the senior's angling license from the county commission charge. Authorizes the PCA to train sewage treatment system personnel and to charge fees to cover agency costs. Establishes the Office of Waste Management, and transfers duties of the Waste Management Board to the office. Requires the installation of monitoring systems for incinerators with permits that contain emission limits for dioxin, cadmium, chromium, lead or mercury. Transfers the Environmental Education Board from supervision of the commissioner of natural resources to the supervision of the commissioner of state planning. Creates the Division of Policy Analysis and Science and Technology in the Dept. of Trade and Economic Development. Requires the director of the Office of Tourism to be appointed by the governor. Specifies that the commissioner or director of tourism may not enter into an agreement which would obligate the state to pay any part of a debt incurred by a public or private facility, organization or attraction. Authorizes the commissioner to establish a tourism revolving loan program. Specifies additional duties of the commissioner. Authorizes the Office of Tourism to market promotional publications and materials to businesses and organizations. Requires proceeds from the marketing to be placed in a special account for publications preparation and distribution purposes. Requires the Bureau of Small Business to enter in agreements with the federal government and other entities to serve as the statewide coordinator for the Federal Small Business Development Centers Program, and to develop and administer a business assistance referral system for small business start-up, operation or expansion purposes. Establishes the Minnesota Project Outreach Corporation to facilitate the transfer of technology and scientific advice from the University of Minnesota and other institutions to businesses. Establishes a capital access program to be administered by the commissioner of trade and economic development to provide capital loans to businesses. Transfers administration of certified development company programs from the Agricultural and Economic Development Board to the commissioner, and

provides for a company board of directors. Transfers responsibility for operation of the Washington, D.C. office from the commissioner of trade and economic development to the commissioner of state planning. Modifies Job Skills Partnership Program provisions. Transfers the responsibility for providing staff and administrative services to the Job Skills Partnership Board from the Higher Education Coordinating Board (HECB) to the Dept. of Trade and Economic Development. Modifies Greater Minnesota Corporation provisions, powers and duties. Expands authorized Environment and Natural Resources Trust Fund expenditures. Requires psychological treatment under workers' compensation. Specifies a term for the adjutant general. Provides financial incentives for National Guard members, provides cash bonuses and tuition reimbursements and increases active duty pay. Increases fees charged for filing documents with the secretary of state. Specifies duties of the Council on Disability relating to technology for people with disabilities, and transfers the Council on Technology for People with Disabilities to the council. Extends the nongame wildlife income tax checkoff to corporate tax returns. Abolishes the Water Pollution Control and Public Health Funds. Increases the probationary period for state troopers. Increases the time for corporate registration filing before subjection to dissolution. Requires unmarked or unidentified burial grounds data to be integrated into the land management information system. Clarifies a provision relating to local regulation of charitable gambling. Requires and provides for the titling of watercraft. Excludes state departments and agencies and local government units from the definition of business for affirmative action requirements purposes, and encourages local units receiving state funds to prepare and implement affirmative action plans. Modifies funding requirements for the St. Paul Union Depot concourse restoration. Requires tax increment financing documents to be filed with the commissioner of revenue instead of the commissioner of trade and economic development. Transfers the Bonding Authority Allocation Program responsibilities of the commissioner of trade and economic development to the commissioner of finance. Requires the Metropolitan Council to develop plans for existing and expected water use and supply in the metropolitan area. Restricts water appropriations in Hennepin and Ramsey Counties. Provides for travel expenses payment to Supreme Court justices and subsistence expenses payments to District Court judges. Increases the civil and conciliation court filing fee surcharges, and requires transmittal to the state treasurer. Eliminates the requirement for decisions of the Court of Appeals to include a written opinion, and specifies that a statement of the decision without a written opinion must not be officially published and must not be cited as precedent, except as law of the case, *res judicata*, or collateral estoppel. Eliminates the authority of the court to waive the financial statement requirement for persons applying for the appointment of a public defender. Increases the limit on payment for services other than counsel. Authorizes payment in excess of the limit upon certification by the court and approval of the chief judge of the judicial district, and requires findings for denial of services. Provides for appeal. Requires the State Board of Public Defense to recommend a budget for judicial district public defenders and to design and conduct programs for the training of state and district public defenders, appointed counsel and attorneys for public defense corporations. Extends the expiration of the Minnesota Marketplace Program. Authorizes the commissioner of employee relations to make career development grants to state employees. Authorizes the commissioner of natural resources to make grants to local government units for shoreland management purposes. Creates an interagency task force to establish a long term program on the management of exotic plant and animal species. Changes the name of the Minnesota Future Resources Commission to the Legislative Commission on Minnesota Resources. Repeals industrial or hazardous waste processing facility loans, the Council on Productivity and Quality, Waste Management Board provisions and the expiration of the Job Skills Partnership.

Article II - Proceeds of stripper well litigation Appropriates money received by the state from the settlement of stripper well litigation to the commissioner of administration for a grant to Bemidji State University for research on the biotechnical conversion of peat to energy. Provides for a grant to the University of Minnesota, Crookston, for research on short rotation intensive culture of hybrid poplars for petroleum substitutes production. Provides for a grant to the Minneapolis Energy Office for multifamily buildings and small businesses energy efficiency promotion. Provides for a grant to the University of Minnesota Southwest Experiment Station for research on energy efficient and conservation farm methods. Provides for a grant to the University of Minnesota St. Anthony Falls Hydraulics Laboratory for economic hydropower development. Provides for a grant to the Self Reliance Center for a low cost furnace efficiency demonstration program. Provides for a grant to the Staples Technical Institute for a natural air and low temperature grain drying demonstration project. Provides for a grant to the Energy Resource Center for a multifamily buildings domestic hot water supply options evaluation project. Provides for

a grant to the Upper Minnesota Valley Regional Development Commission for research and analysis of issues relating to the lowering of feedstock costs into polyhydroxybutyrate (PHBV) biodegradable plastic resin plants. Provides for a grant to the University of Minnesota Extension Service 4-H Youth Development for a bicycle promotion program. Provides for grants to the University of Minnesota Cold Climate Research Center for energy efficiency promotion, and for a cold weather research center at International Falls. Extends the availability of a previous appropriation to the Amateur Sports Commission for operation of the Blaine sports facility. Repeals a previous appropriation for fossil fuel research.

Article III - Judicial system Provides for the transfer of District Court referees, judicial officers, court reporters, law clerks and district administration employees from county to state employment under the jurisdiction of the judicial branch for tort claims purposes. Excludes district administration employees in the Second and Fourth Judicial Districts, court administrators or staff, guardians ad litem and other paid by the county. Provides for state paid health and life insurance and benefits. Provides for membership in the Minnesota State Retirement System (MSRS), and establishes salary ranges. Imposes limits. Provides for election to retain insurance and benefits provided by the county to remain a member of the Public Employees Retirement Association (PERA). Requires counties to pay specific District Court fees. Increases or imposes fees, and provides for the crediting of specific fees to the state General Fund. Clarifies county authority to keep law library fees. Includes court administrators, district administration staff in the Second and Fourth Judicial Districts, guardians ad litem and other employees in the definition of employee for local unit tort liability purposes. Requires state payment of trial court information system costs. Modifies salary and expense payment provisions. Requires the state to provide referees, court reporters and law clerks in Hennepin and Ramsey County Family Courts. Suspends District Court administrator office budget appeal rights. Modifies transcript fee provisions. Provides for the inclusion of the Second and Fourth Judicial Districts in the public defender system and for the appointment and terms of public defenders. Requires district judges to adopt procedures ensuring time objectives for the disposition of criminal cases and to prepare caseload management plans to implement speedy trial goals. Requires the Supreme Court to establish a commission to study ways to more expeditiously dispose of criminal cases. Imposes a hiring and salary moratorium on a county or a court except in the Second or Fourth Judicial District, unless the increase was authorized before Jan. 30, 1989. Transfers property to the state. Authorizes the Supreme Court to adopt implementation rules. Provides for budget submission. Requires the Supreme Court to continue to study the county funded components of the District Courts and make recommendations to the Legislature on control and financing. Requires a study and report on the right to legal counsel in juvenile justice matters. Provides for a project in the Eight Judicial District relating to payment and crediting of fines, forfeited bail money and fees. Applies provisions statewide. Repeals public defender appointment, fee and duties provisions.

Article IV - Fund consolidation Consolidates or eliminates funds for accounting structure simplification and organization purposes. Provides for the payment of receipts into the General Fund instead of into separate accounts or funds. Eliminates specific dedicated fund uses. Creates an Environmental Fund for the deposit of environmentally related fees and activities receipts. Creates a Natural Resources Fund for the deposit of natural resource management fees and services receipts. Removes the authority to use General Services Revolving Fund money for local government unit records and information management services purposes. Transfers the Agricultural and Economic Development Fund (**line item vetoed**), the World Trade Center Corporation Fund, the Rural Rehabilitation Revolving Fund, the Greater Minnesota Fund and the Permanent Reassessment Revolving Fund to accounts in the Special Revenue Fund. Changes other funds to accounts. Changes the deposit of Minnesota Zoo receipts to the General Fund and the Special Revenue Fund. Requires the Greater Minnesota Corporation to publish bylaws and amendments in the State Register. Designates directors, officers and employees of the corporation as public officials for ethics purposes. Requires adoption of an affirmative action plan. Subjects the corporation to accounting and budgeting requirements. Transfers the deposit of Great River Road grants to the Special Revenue Fund. Restricts use of money in the 911 Emergency Telephone Service Account in the Special Revenue Fund. Provides instructions to the revisor. Authorizes the Dept. of Finance to adjust appropriations to individual agencies for the 1990-91 biennium to reflect the fund consolidation structure and to resolve inconsistencies. Requires reporting of the adjustments to the Legislature. Repeals the annual appropriation for costs of part partition fences adjacent to the Memorial Hardwood State Forest. Requires the DNR to develop a cost accounting system to track sources of revenues dedicated under repealed sections. Requires a report to the Legislature. Effective date: Various dates. SOLBERG, MERRIAM.

General Legislation and Public Gaming

Dance hall regulations

Chap. 10-S.F. 300 Repeals laws regulating dance halls. Repeals provisions requiring local permits for public dances and police presence at public dances. Repeals prohibition on immodest dances and dancing in the dark. Effective date: Aug. 1, 1989. HUGHES, KOSTOHRZY.

Dangerous dog provisions changes

Chap. 37-S.F. 382 Clarifies regulations relating to dangerous dogs. Clarifies the definitions of proper enclosure and owner. Defines animal control authority. Authorizes county board designees to issue registration certificates in counties without licensing systems. Requires registered dangerous dogs to wear an identification tag. Prohibits cities or counties from adopting ordinances regulating dangerous or potentially dangerous dogs based solely on specific breeds. Authorizes county contracts for services. Provides a grace period for obtaining registration after notice. Authorizes the court to order the confiscation and destruction of seized dogs. Specifies that owners are to pay costs. Provides procedures for reclaiming seized dogs and requires owners to pay costs. Provides for the treatment of subsequent violations. Increases the penalty for great or substantial bodily harm caused by uncontrolled dogs. Grants powers to animal control officers for the prevention of cruelty to animals. Effective date: Various dates. BERG, SCHEID.

Gambling on Indian lands

Chap. 44-S.F. 156 Authorizes the governor or designated representative to negotiate a tribal-state compact regulating the conduct of gambling on Indian lands pursuant to the federal Indian Gaming Regulatory Act. Designates the attorney general as legal counsel. Provides for the expiration of the authority to negotiate. Requires the compact to contain provisions relating to the rights of parties to the agreement and to effectiveness. Effective date: Apr. 20, 1989. LANTRY, KOSTOHRZY.

Parimutuel betting on televised races authorization

Chap. 141-H.F. 707 Authorizes the racing commission to, by rule, permit parimutuel betting on televised out of state horse races at licensed racetracks. Sets a fee for televised racing days. Defines televised racing day. Authorizes licensees to transmit telecasts of races conducted for wagering purposes to locations outside the state and to commingle amounts bet on televised racing days with the pools at the racetrack with prior approval of the commission. Specifies procedures. Provides for breakage calculation and distribution. Authorizes the commission to approve procedures governing the definition and disposition of unclaimed tickets. Requires set-asides and provides for disbursement and purse payments. Restricts the assignment of televised racing days. Requires races to be presided over by an official of the commission. Effective date: May 16, 1989. KOSTOHRZY, LANTRY.

Video games cash awards prohibition

Chap. 149-S.F. 1269 Prohibits cash awards or receipts for video games of chance. Provides penalties. Requires operator to prominently post in the owner's business premises a brief description of the legal consequences of awarding cash instead of game credits or replays on video game of chance. Requires employees of business premises owners to sign a statement of knowledge of the consequences of awarding cash for games located on the premises. Specifies distributor's recordkeeping requirement. Prohibits operators convicted of violation from obtaining or holding gambling licenses. Clarifies the right of the state to enter into a tribal-state compact under the federal Gaming Regulatory Act relating to games of chance currently operated by Indian tribes. Effective date: Aug. 1, 1989. DIESSNER, PRICE.

Charitable solicitations regulations

Chap. 151-S.F. 184 Regulates charitable organization solicitations and professional fund raisers. Exempts religious societies or organizations from registration and reporting requirements. Extends the bond requirement to professional fund raisers with access to contributions and to employees of professional fund raisers with custody of or access to contributions. Modifies or clarifies public disclosure requirements. Removes the requirement for disclosure of the percentage of the total amount solicited used for charitable purposes. Grants the District Court jurisdiction to redress violations. Effective date: Aug. 1, 1989. PEHLER, BAUERLY.

Charitable gambling expenditure expansion

Chap. 203-S.F. 1039 Expands the definition of lawful purpose expenditure for licensed charitable organizations to include real property erection, acquisition, repair or maintenance expenses. Expands the authorized use of profits for allowable expenses to include reasonable legal fees and damages

relating to the conduct of lawful gambling. Specifies exceptions. Effective date: Various dates. MERRIAM, JACOBS.

Veterinary drug restrictions

Chap. 314-S.F. 1378 Regulates the use of prescription veterinary drugs. Restricts possession of the drugs. Requires a prescription or other veterinary authorization for dispensing or extra label use. Provides for an exception. Specifies veterinarian and dispenser recordkeeping and information or labeling requirements. Provides for inspections and the taking of samples by representatives of the Board of Veterinary Medicine for enforcement purposes. Specifies limits. Authorizes the prescription of extra-label use of veterinary drugs for food producing animals only if the veterinarian makes a careful medical diagnosis within the context of a valid veterinarian-client-patient relationship; the veterinarian determines there is no drug specifically labeled to treat the condition diagnosed or that the therapy recommended by the labeling has been found to be clinically ineffective; the veterinarian recommends procedures to insure that the identity of the treated animal will be carefully maintained and the veterinarian prescribes an extended time period for drug withdrawal before marketing meat, milk, or eggs. Eliminates the requirement for the Board of Pharmacy to provide for the annual registration of retail establishments selling or distributing veterinary drugs or devices. Clarifies a requirement for the licensing of veterinarians and extends the time period for filing applications with the Board of Veterinary Medicine. Establishes an Animal Population Control Study Commission to study the feasibility of a pilot program in the Metropolitan Area to reduce the population of unwanted and stray dogs and cats. Effective date: Aug. 1, 1989. BERG, DILLE.

Smoke detector requirements

Chap. 322-H.F. 892 Requires smoke detectors in new construction to be attached to a centralized power source. Clarifies a penalty provision to specify that violators will be subject to the same penalty and the enforcement mechanism that is provided for the violation of the Uniform Fire Code. Expands the authority to adopt rules more restrictive than state standards for the installation of smoke detectors in single family homes to all local government units. Establishes the position of Public Fire Safety Educator in the Dept. of Public Safety and provides a sunset of June 30, 1991. Effective date: Various dates. BROWN, MERRIAM.

Lottery and gambling provisions

Chap. 334-H.F. 66 Article I - Parimutuel horse racing Creates the Division of Parimutuel Racing in the Dept. of Gaming under the supervision and control of the Racing Commission and a director to be appointed by the governor. Places the commission within the division and reduces the number of members to eight. Authorizes licensed racetracks to transmit telecasts of races to Indian tribes conducting parimutuel wagering authorized by tribal-state compacts.

Article II - Lawful gambling Modifies lawful gambling provisions. Defines or redefines terms. Removes the word charitable from the provisions and changes the name of the Charitable Gambling Control Board to the Gambling Control Board. Expands the definition of lawful purpose expenditure to include contributions to tax-exempt hospitals and nursing homes. Expands the authorized use of gross profits for allowable expenses to include the reasonable costs of bank account service charges and audits. Decreases the size and modifies the powers and duties of the Gambling Control Board. Restricts the number of members belonging to the same political party. Requires the governor to appoint a director of the Division of Gambling Control and specifies duties. Prohibits conflicts of interest and specifies that a person may not serve on the board, be the director, or be an employee of the division if the person has an interest in any corporation, association, or partnership that is licensed by the board as a distributor, manufacturer, or a bingo hall and that a member of the board, the director, or an employee of the division may not participate in the conducting of lawful gambling. Authorizes the board to issue four classes of licenses and specifies the fees for each. Increases county investigation and distributor license fees. Expands gambling equipment distributor license disqualifications and prohibitions. Further restricts the distribution of unregistered equipment. Specifies additional distributor recordkeeping requirements. Exempts bingo sheets from the registration stamp requirement. Prohibits licensed organizations possession of unaffixed stamps. Requires and provides for the registration of distributors sales or storage facilities. Requires unregistered equipment and unaffixed stamps to be stored at the facilities and provides for inspection. Requires the licensing of gambling equipment manufacturers. Increases the fee and provides for records inspection. Modifies bingo hall license qualifications and restrictions. Increases the license fee. Restricts the use of leased space for lawful gambling purposes and regulates rent. Specifies requirements for the storage of gambling equipment by licensed organizations. Expands accounting and recordkeeping requirements. Requires termination plans and annual audits. Requires organization gambling managers to conduct lawful gambling and requires notice to the

board of manager changes. Regulates the payment of compensation. Provides for penalties for violations. Modifies procedures for suspension or revocation of distributors permits. Specifies powers and duties of the commissioner of revenue. Expands the prohibition on possession for resale of untaxed pull tabs or tipboards to all gambling equipment. Expands the definition of contraband and specifies additional prohibitions. Authorizes cities or counties to require licensed organizations to spend all or a portion of net profits from gambling within the local trade area. Requires local approval of bingo hall licenses. Requires unlicensed organizations conducting lawful gambling to pay a fee to the board. Extends the time period for the organization to notify the board and local government units of gambling occasions in first class cities. Requires the return of unused pull tabs and tipboard deals to the distributor within seven working days after the gambling occasion. Modifies penalty provisions. Authorizes the disclosure of return information by the commissioner of revenue to the Gambling Control Board for administration purposes. Repeals a prohibition on signs which state directly or indirectly that all of the receipts from lawful gambling are used for charitable purposes.

Article III - State lottery Creates the State Lottery Division within the Dept. of Gaming under the supervision and control of a director to be appointed by the governor. Specifies powers and duties. Provides for employees. Requires background checks and fingerprinting. Establishes the State Lottery Board within the division. Specifies membership and duties. Restricts the number of members belonging to the same political party. Authorizes the director to adopt game procedures and rules governing specific elements of the lottery. Requires and provides for the director to contract with lottery retailers for ticket sale purposes. Specifies qualifications and restrictions. Specifies bond and rental payments computation requirements. Sets fee. Provides that sale proceeds are to constitute a trust fund and provides for retailer liability. Prohibits local regulation. Provides for contract suspension, cancellation and nonrenewal. Authorizes and provides for director contracts for goods or services. Specifies investigation, ineligibility and bond requirements. Provides for lottery prizes and provides for payment of prizes to underage persons. Provides for the disposition of unclaimed prizes. Prohibits payments to board members, the director or employees of the division. Provides for the withholding of delinquent tax payments or other debts. Regulates advertising. Specifies advertising content restrictions, requires chances of winning statement and provides for posting requirements. Requires the director to establish a State Lottery Fund, a Lottery Prize Fund and a Lottery Operations Account in the Lottery Fund. Provides for the deposit of receipts. Prohibits conflicts of interest. Specifies prohibited acts and prescribes penalties. Requires annual audits and reports. Creates the crime of state lottery fraud and prescribes penalties. Authorizes disclosures by the commissioner of revenue to the Lottery Division for administration purposes.

Article IV - Dept. of Gaming Creates the Dept. of Gaming and establishes the office of the commissioner to be appointed by the governor. Specifies commissioner duties and provides for employees.

Article V - Gambling enforcement Creates the Division of Gambling Enforcement within the Dept. of Public Safety under the control and supervision of a director to be appointed by the commissioner of public safety. Specifies duties and powers of the director relating to the lottery, gambling and horse racing. Provides for background investigations, inspections, access to data and specifies subpoena and arrest powers. Authorizes the commissioner to adopt rules. Prohibits conflicts of interest. Restricts owners of establishments convicted of specific gambling violations from further gambling activity on the premises.

Article VI - Miscellaneous Includes the commissioner of gaming, the directors of the divisions in the department, the deputy director of the Division of State Lottery and the director of the Division of Gambling Enforcement in the Dept. of Public Safety in the definition of public official for ethics purposes. Increases the salary range for the commissioner of public safety and sets the salary range for the commissioner of gaming and the director of the state lottery. Provides for the use of unmarked state vehicles by the Divisions of Gambling and State Lottery. Authorizes the sale of lottery tickets in licensed liquor establishments as authorized by the lottery director. Excludes the purchase or sale of lottery tickets and the lottery from the definition of gambling for recovery of money purposes. Exempts the tickets from the definition of bets under the Criminal Code. Prohibits compensation or rewards for credits earned on video games of chance. Includes agents of the Division of Gambling Enforcement in the definition of peace officer for licensing, training and investigations and search warrant purposes. Clarifies the authority of the state to enter into a tribal-state compact under the Federal Gaming Regulatory Act relating to games of chance currently operated by Indian tribes.

Article VII - Compulsive gambling Requires the commissioner of human services to establish a program for the treatment of compulsive gamblers. Requires an annual report to the Legislature.

Article VIII - Appropriations Appropriates money to the commissioners of gaming and public safety, the attorney general and the director of the state lottery for implementation purposes. Requires the transfer of funds or appropriations. Transfers positions relating to the processing of license applications from the commissioner of revenue to the Gambling Control Division and transfers positions relating to the responsibility for auditing and investigating gambling from the commissioner of revenue to the commissioner of public safety. Increases the complement of the Dept. of Public Safety and the office of the attorney general. Appropriates money to the commissioner of revenue for computer modifications. Effective date: Various dates. QUINN, LESSARD.

Governmental Operations

Audit guide task force

Chap. 67-S.F. 123 Requires the state auditor to establish a task force to promulgate an audit guide for legal compliance audits. Specifies membership representation requirements. Effective date: Aug. 1, 1989. FREDERICKSON, D.J., RUKAVINA.

Commission on Uniform State Laws membership

Chap. 68-S.F. 671 Revises the membership of the Commission on Uniform State Laws. Effective date: Aug. 1, 1989. WALDORF, SIMONEAU.

State part-time employment policies

Chap. 81-H.F. 100 Regulates state government part-time employment policies. Requires state agencies to list employees by status in the summary of personnel part of detailed budgets. Provides state-paid life and health insurance benefits eligibility for part-time or temporary employees. Requires the commissioner of employee relations to biennially report to the Legislative Commission on Employee Relations (LCER) on the percentages of employees in each job classification receiving full and partial state contributions for life and health insurance benefits. Requires the report to note job classes as male-dominated, female-dominated and balanced. Effective date: Aug. 1, 1989. JOHNSON A., PIPER.

Harassment of public employees prohibition

Chap. 96-H.F. 1311 Establishes a policy prohibiting racial and disability harassment among state employees. Requires disciplinary action of employees engaging in harassment based on race or disability. Effective date: Aug. 1, 1989. JEFFERSON, POGEMILLER.

LAC recommendations requirement

Chap. 139-H.F. 390 Requires recommendations of the Legislative Advisory Commission (LAC) to be made at meetings of the commission. Specifies exceptions. Reduces the number of member requests required to call a meeting. Effective date: May 17, 1989. KAHN, MERRIAM.

Exempt rules regulation

Chap. 155-S.F. 206 Regulates the effectiveness of rules exempt from administrative procedures. Specifies state agency notice publication and filing requirements. Exempts rules of the Division of Game and Fish of the Dept. of Natural Resources (DNR) from the publication and filing requirements for up to seven days under emergency conditions. Authorizes the Legislative Commission to Review Administrative Rules (LCRAR) to periodically review statutory exemptions to rulemaking provisions. Repeals obsolete or rulemaking process exemption provisions. Effective date: May 18, 1989. BELANGER, RODOSOVICH.

State employee vacation time donation

Chap. 161-H.F. 1027 Authorizes state employees to annually donate up to eight hours of vacation time in 1989 for the payment of unreimbursed medical expenses that total at least \$10,000 of other state employees, spouses or dependents. Requires employee notice to the agency head of the amount of time donated and the name of the employee to benefit from the donation. Requires the agency head to determine the monetary value of the donated time. Creates the Vacation Benefit Account to be administered by the commissioner of employee relations. Requires agency heads to transfer the converted amounts to the account. Specifies vacation time donation to be irrevocable after transfer to the account. Requires the commissioner of commerce to study the feasibility of health insurance coverage for nonexperimental transplant surgery. Requires a report to the Legislature by Jan. 15, 1991. Effective date: May 20, 1989. JANEZICH, DICKLICH.

Security regulation exemption

Chap. 206-H.F. 1287 Exempts non-issuer sales of securities including

revenue obligations issued by the state, governmental subdivisions or local government units from regulation. Effective date: May 20, 1989. SCHEID, METZEN.

Public Employment Labor Relations (PELRA) changes

Chap. 255-H.F. 489 Requires the commissioner of the Bureau of Mediation Services to maintain a roster of persons suited and qualified by training and experience to act as arbitrators of labor disputes for provision to parties upon request. Specifies rule adoption requirements. Removes hospital employees, other than state hospital employees, from the definition of essential employee. Requires the Public Employment Relations Board to adopt rules governing the administration of the arbitration roster. Eliminates the requirement for exclusive representatives to provide advance notice of fair share fees to the commissioner of the Bureau of Mediation Services. Requires that unfair labor practices complaints and court orders or judgments to be filed with the commissioner. Modifies negotiation and interest arbitration procedures. Clarifies the subjection of disciplinary actions to the grievance procedure and compulsory binding arbitration. Effective date: May 26, 1989. DAWKINS, FREEMAN.

Metropolitan airport planning

Chap. 279-S.F. 1358 Requires the Metropolitan Council to prepare annual assessments of air transportation trends and factors affecting major airport development in the Metropolitan Area for a prospective 30-year period. Requires Metropolitan Airports Commission (MAC) involvement. Requires the council, by Feb. 1, 1990, to amend the aviation chapter of the Metropolitan Development Guide to incorporate policies and strategies ensuring comprehensive, coordinated, continuing, thorough and timely investigation and evaluation of alternatives for major airport development for the same 30-year prospective period. Requires the council, in consultation with MAC, to designate a search area for a major new airport by Jan. 1, 1992. Expands MAC membership to reflect various regions and interests outside the Metropolitan Area. Requires MAC to adopt a long-term comprehensive plan for the international airport at the existing location. Specifies plan and update requirements. Authorizes interim construction of a new runway or terminal facility under specified conditions. Requires public hearings. Requires MAC, in consultation with the council, to complete a conceptual design study and plan for a new airport by Jan. 1, 1991. Requires MAC to select a site for a new airport in the designated search area within four years following the council's designation of a search area, and to prepare a comprehensive plan and development schedule. Requires a concept plan for development and environmental documents for site acquisition. Requires the council and MAC to enter into an intergovernmental agreement by July 1, 1989, to establish a process and define agency responsibilities for comprehensive and coordinated development planning. Requires the agreement to establish a joint committee to oversee agreement implementation. Requires a scope of work report and use of available federal funds. Specifies consultation requirements. Authorizes the commencement of preparing immediate plans and studies. Establishes the State Advisory Council on Metropolitan Airport Planning. Specifies review and comment duties and provides for membership. Sets forth sunset provision. Specifies council and MAC reporting requirements. Effective date: Various dates. MOE, R.D., WYNIA.

First responder death benefits eligibility

Chap. 289-H.F. 391 Provides eligibility, retroactive to Oct. 1, 1987, for peace officer death benefits for a specific fire and rescue unit member killed in the line of duty. Expands eligibility, effective July 1, 1989, for peace officer death benefits to include certified first responders killed in the line of duty. Effective date: Various dates. BERTRAM, BERTRAM.

Metro Council and metro agency changes

Chap. 306-H.F. 1181 Clarifies Metropolitan Government Development Guide content requirements. Clarifies the requirements for summary and annual budgets. Requires a comparison of budgeted and actual revenues and expenditures for at least two preceding fiscal years in the annual budgets. Authorizes recipients of right-of-way acquisition loans from the council for highway projects to include environmental documents preparation costs in the conveyance price or to deduct from repayment 40 percent of the loan amount. Sets the tax levy authority for the loans. Provides for extension of the deadline for determination of the metropolitan significance of proposed projects. Specifies notice requirements and hearing procedures for significance reviews. Modifies the tax levy authority of the council. Repeals a levy limit. Effective date: Various dates. CARRUTHERS, LUTHER.

State Patrol escort services and Capitol security fees

Chap. 311-S.F. 143 Appropriates fees charged for escort services provided by the State Patrol and fees charged for contracted security services provided by the Capitol Complex Security Division of the Dept. of Public Safety to the commissioner of public safety to administer and provide the services. Expands State Patrol Services contracting authority. Effective date: July 1, 1989. DECRAMER, COOPER.

Public employee pension plan changes

Chap. 319-S.F. 783 Article I - Minnesota State Retirement System

Makes administrative and operational changes in benefits provisions governing the Minnesota State Retirement System (MSRS). Eliminates language relating to the calculation of allowable service for employees in shared positions. Clarifies continuing coverage under MSRS for full-time teachers. Establishes an appeals procedure for termination or denial of MSRS, deferred compensation, legislators, state troopers, elective state officers, judges, Social Security coverage or certain general benefits. Specifies petition and hearing requirements. Modifies the payment of an optional annuity in the form of a joint and survivor annuity. Requires reduction. Entitles laid off employees to refunds or deferred annuities. Eliminates provisions relating to specific former Metropolitan Transit Commission (MTC) employees and entitles specific former correctional employees under the Unclassified Employees Retirement Plan to partial refunds. Clarifies vesting provisions and changes the effective date of an optional disability benefit under the State Troopers Retirement Plan. Eliminates minimum transfer and balance requirements under the unclassified plan. Reduces the age for transfer of shares to the Minnesota Postretirement Investment Fund and for the payment of death benefits and extends the deadline for the transfer of prior service contributions or the repayment of refunds. Eliminates the requirement for the Dept. of Labor and Industry to send abstract copies to the director. Eliminates a supplemental benefit inflationary relief provision.

Article II - Teachers Retirement Associations Makes various administrative changes to Teachers Retirement Association (TRA) provisions. Requires two percent of salary deductions and employer contributions for state university and community college faculty to be credited to the Administrative Expense Reserve Account of the Supplemental Retirement Plan for payment of administrative expenses. Requires the crediting of supplemental plan reserves to the Administrative Expense Account. Makes optional the requirement for remitting omitted salary deductions to the Plan Investment Account. Provides procedures. Provides for the crediting of one-half of the cash realized on the redemption of shares to the Administrative Expense Reserve Account. Eliminates a cancellations proration requirement. Modifies the definition of salary for teachers retirement purposes by excluding leave, workers compensation and disability insurance payments. Expands the definition of severance payments. Excludes teaching service resumption contracts from the definition of termination of teaching service. Establishes an appeals procedure for use upon termination or denial of benefits. Specifies notice, petition and hearing requirements. Provides for board decision and findings and for appeal to the Court of Appeals or for contested case hearing. Applies a service credit provision retroactively to July 1, 1961. Modifies sabbatical leave provisions. Provides certification requirement. Provides for employee contributions. Authorizes electronic transfers of automatic deposits. Provides for an optional accelerated retirement annuity before normal retirement age. Requires refund of erroneously paid employer contributions and transfer to the appropriate pension fund of contributions erroneously received. Requires and provides for reduction of annuity payments received upon resumption of teaching service after retirement. Specifies a reemployment income maximum. Specifies exemptions. Modifies provisions relating to refund after death. Increases the minimum amount allowable for payment up to \$1,500 to the surviving spouse without probate proceedings. Eliminates the Minnesota Postretirement Investment Fund from administrative expenses provisions. Provides for the purchase of prior service credit for parental or maternity leave for basic or coordinated members of the St. Paul and coordinated members of the Duluth Teachers Retirement Fund Associations. Sets a deadline and provides for repayment of public pension plan refunds. Specifies retirement annuity beneficiary form and signed acknowledgment requirements under optional retirement annuity election spousal notice provisions. Provides for the release of pension benefits or rights data in marriage dissolution proceedings upon receipt of a copy of the legal petition showing commencement of marriage dissolution. Repeals a requirement for the state university or community colleges boards to record reasons for extended leaves of absence denial. Repeals obsolete provisions.

Article III - PERA Expands Public Employees Retirement Association membership eligibility to employees of the Association of Metropolitan Municipalities and the Minnesota Association of Townships and to employees holding positions in more than one governmental subdivision. Provides for or clarifies coverage of temporary or part-time employees. Excludes volunteer ambulance service personnel and firefighters from eligibility. Provides for continued participation for some ambulance service personnel and firefighters. Modifies or clarifies omitted salary deduction requirements. Provides for the collection of and specifies a six percent interest rate on past due payments of excess police state aid. Authorizes the repayment of refunds prior to the effective date of disability benefits. Authorizes simultaneous application for retirement annuities and disability benefits. Specifies that the

retirement annuity application is void upon determination of disability benefits. Conditions the receipt of disability benefits on participation in a vocational rehabilitation program if the executive director determines that the disabled person may be able to return to a gainful occupation. Clarifies workers compensation benefits coordination provisions. Provides for refunds of employee contributions plus interest to active members terminating public service in one fund and becoming a member of another fund covered under combined service annuity provisions. Modifies refund repayment provisions. Provides for police and fire fund coverage of police officers or firefighters periodically assigned to employment duties outside the scope of regular coverage. Requires the reduction of police officer or firefighter disability benefits under excess conditions. Extends the term of office of a PERA board member. Repeals obsolete provisions relating to coverage of University of Minnesota peace officers.

Article IV - Purchase of prior service credit Authorizes and provides for the purchase of prior service credit in the Public Employees Retirement Association by a certain St. Paul seasonal employee, a certain former Ramsey County court commissioner, a certain Hennepin County employee, a certain former Dakota County recorder, a certain former Bloomington (Metropolitan Sports Facilities Commission) employee, the White Bear Town Board supervisor and certain former Crystal and Spring Lake Park City Council members. Authorizes and provides for the purchase of prior service credit in the Minneapolis Employees Retirement Fund (MERF) by an assistant to an alderman. Modifies an optional employer partial payment provision relating to certain individuals previously authorized to purchase prior service credit in retirement funds.

Article V - Other retirement issues Excludes employees of the Minneapolis Community Development Agency from PERA coverage. Alters requirements relating to the referendum permitting members of MSRS, PERA, the Public Employees Police and Fire Fund, the Teachers Retirement Funds, the Minneapolis Employees Retirement Fund and the Local Government Correctional Service Retirement Plan to select Medicare coverage. Applies combined service annuity, disability and survivor benefit provisions to the Judges Retirement Fund. Provides for the repayment of contribution refunds received from the Judges Retirement Fund upon resuming the position of judge. Provides for refund from PERA of excess contributions to the St. Paul Bureau of Health Pension Fund by former bureau employees.

Article VI - Public employees insurance Establishes the Public Employees Insurance Reserve Holding Account in the Public Employees Retirement Association. Requires counties, cities, towns, park districts and the University of Minnesota with police retirement coverage provided by the Public Employees Police and Fire Fund to deposit excess police state aid received into the account for transfer to the Insurance Trust Fund under the Public Employees Insurance Plan for premiums payment purposes.

Article VII - Minnesota Public Pension Plan Fiduciary Responsibility and Liability Act Establishes, codifies, clarifies and revises the obligations, responsibilities and liabilities of public pension plan fiduciaries. Provides for fiduciary status and activities. Specifies prohibitions. Specifies general standards of fiduciary conduct. Specifies duties applicable to all fiduciary activities and additional duties for investment of assets. Specifies minimum liquidity requirements and prohibited transactions. Requires provision of benefit and funding summaries to plan participants and benefit recipients. Requires adoption and implementation of review procedures. Specifies summary requirements. Limits fiduciary compensation. Provides for fiduciary breach and specifies remedies. Provides for cofiduciary responsibility and liability. Authorizes cofiduciary responsibility and liability limitation through activities allocation or delegation under specified conditions. Provides for fiduciary indemnification and for legal challenges in the District Court against fiduciary action or inaction. Specifies limits. Requires and provides for fiduciary continuing education programs.

Article VIII - Conforming amendments to fiduciary provisions Conforms statutory provisions relating to public retirement plans to the fiduciary requirements including provisions relating to the State Board of Investment, Police and Firefighters Relief Associations, State University and Community College Personnel Supplemental Retirement Plan, MSRS, PERA, TRA and MERF.

Article IX - Other Teachers Retirement Associations provisions Requires assets of the Variable Annuity Investment Fund to be transferred to the Minnesota Combined Investment Funds to the credit of TRA after June 30, 1989. Authorizes repayment of refunds of variable account accumulations to the formula account. Terminates the Variable Annuity Account after June 30, 1989. Requires the transfer of assets to the Regular Formula Account and required reserves to the Minnesota Postretirement Investment Fund. Entitles qualified surviving spouses to the second portion of a 100 percent joint and survivor annuity under the formula program.

Article X - Volunteer firefighters Specifies the employment position salary used for benefit and postretirement increase calculation for fire departments converted to volunteer fire departments. Eliminates references to and service credit for probationary volunteer firefighters for membership purposes. Eliminates the requirement for lump sum distributions of pension or retirement benefits to be involuntary for state supplemental benefit eligibility purposes. Reduces the service requirement for service pensions eligibility.

Article XI - Local police and firefighters Permits a certain employee of the Minnesota Sheriffs Association to elect PERA Police and Fire Fund coverage. Increases St. Paul police surviving spouse benefits. Permits the Mankato Fire Department Relief Association to provide for payment of disability benefits to members regardless of the cause of disability. Authorizes increases in benefits payable by the Virginia Police Relief Association. Authorizes the Minnetonka Volunteer Firefighters Relief Association to pay a greater nonforfeitable percentage of accrued service pension to eligible retiring employees. Authorizes retroactive increases in retirement benefits to retired police officers, firefighters and surviving spouses in the city of Eveleth. Provides for duty and nonduty disability benefits for members of the Bloomington Volunteer Firefighters Relief Association and increases duty-related and provides for nonduty-related death survivor benefits. Requires the St. Paul Police and Fire Department Relief Associations to provide for proportional representation of retired members on the boards of directors. Repeals local laws governing the Brooklyn Center Firefighters Relief Association.

Article XII - Higher education supplemental plan Modifies salary deduction and employer contribution requirements under the State University and Community College Personnel Supplemental Retirement Plan. Authorizes collective bargaining for matching employer contributions to the plan instead of the Minnesota Deferred Compensation Plan.

Article XIII - Benefit changes Establishes a normal retirement age for members of MSRS, the Covered Correctional Service, the State Troopers Retirement Fund, PERA, the Public Employees Police and Fire Fund, the Local Government Correctional Service Retirement Plan and the Teachers Retirement Association. Increases employee and employer contribution rates. Reduces minimum service periods required to receive annuities and disability benefits. Applies a uniform one-quarter of one percent to all years of service for annuity calculation purposes. Adopts a Rule of 90 under MSRS and the TRAs. Alters reductions for early retirement. Extends eligibility for restoration of a normal single life annuity to persons selecting optional joint and survivor annuities (bounce back annuity). Increases interest rate to six percent on specified refunds and interest assumptions. Extends the date for full funding. Grants Teachers Retirement Associations in cities of the first class bylaw amendment authority. Requires annual reviews of the Rule of 90 calculation requirements.

Article XIV - Partial Postretirement adjustments Provides partial post retirement adjustments for retired public employees who have received an annuity or benefit for at least one full month, but less than 12 full months as of June 30, 1989. Defines and requires separate reporting of eligible and noneligible reserves. Specifies partial adjustment calculation requirements.

Article XV - Pre-1973 retirees Provides automatic postretirement adjustments to pre-1973 retirees and other specified benefit recipients under PERA, the Public Employees Police and Fire Fund, the Teachers Retirement Funds, the State Patrol Retirement Fund and MSRS. Indexes payments to the Postretirement Investment Fund or to increases granted by the first class city Teachers Retirement Funds. Provides postretirement adjustment lump sum payments to specified MERF retirees.

Article XVI - Legislators Defines salary for the Legislators Retirement Plan to include monthly compensation and regular or special session per diem payments. Excludes additional compensation attributable to leadership positions and living expense payments. Redefines average monthly salary. Removes the cap on service credit and contributions. Reduces early retirement penalties. Increases the deferred annuity augmentation rate to five percent after age 55. Provides for payments in lieu of member contributions for regular and special session per diem payments for retirement credit purposes during the period, Dec. 31, 1988 to July 1, 1989. Authorizes legislators previously capped to again accrue service credit.

Article XVII - Police and fire Provides a joint and survivor bounce back annuity option. Increases the retirement annuity and disability benefits formulas and survivor benefits. Provides for early retirement with reduced annuities and reduces the nonduty disability benefit vesting period for members of the MSRS Correctional Employees and State Patrol Retirement Funds and PERA Police and Fire Fund.

Article XVIII - State University and Community College Individual Retirement Account Plan Provides for membership in the Teachers Retirement Association for Social Security purposes only. Provides for optional participation in the Individual Retirement Account Plan, including part time faculty. Provides for transfer of coverage under specified election conditions. Requires the division of assets. Specifies sunset. Delays the effective date of the plan to July 1, 1989.

Article XIX - Pension Refinancing and Incentive to Retirement Investment Earnings Act of 1989 Authorizes large cities of the first class, with population exceeding 300,000, to allot the appropriate portion of the total police or fire state aid to apply toward the employer contribution of the city to the Public Employees Police and Fire Fund based on the covered salary of police officers and to transmit the balance to the Police or Firefighters Relief Association. Excludes administrative expenses from the financial requirements of the relief association. Adjusts requirements for the preparation of actuarial valuations. Requires reversion to the city of relief association assets upon conclusion of benefit payments. Restricts use of the assets to law enforcement or firefighting expenditure purposes. Authorizes annual postretirement payments to eligible members based on excess investment income, determination. Requires report on annual postretirement payments. Effective date: Various dates. SOLON, SIMONEAU.

Disadvantaged small business loan guarantees

Chap. 320-H.F. 42 Authorizes the commissioner of transportation and the Metropolitan Council or specified metropolitan agencies to invest in a working capital fund administered by a nonprofit organization guaranteeing loans to businesses owned and operated by socially or economically disadvantaged persons for contracting purposes. Effective date: June 2, 1989. MCLAUGHLIN, MARTY.

Advisory council sunset dates extension

Chap. 343-S.F. 1242 Increases the membership of the State Council on Asian-Pacific Minnesotans. Increases the compensation of members of administrative boards and agencies and reduces the maximum compensation for members of advisory councils and committees. Extends the expiration date of some advisory councils and committees to June 30, 1993. Eliminates the requirement for commissioner of administration appointment of a State Employees Assistance Program Advisory Committee. Repeals the expiration date of the Voyageurs National Park Citizens Council and repeals the Minnesota Education Council, the Advisory Committee on Aid to Families with Dependent Children (AFDC) Verification Procedures Reduction and Dept. of Jobs and Training Advisory Councils. Ratifies the labor agreements between the State and the State Residential Schools Education Association and salaries for the chancellors of the State University and Community College Systems, the directors of vocational technical education, the Higher Education Coordination Board (HECB) and certain other positions approved by the Legislative Commission on Employee Relations Oct. 11, 1988 and Dec. 20, 1988, respectively. Effective date: Various dates. POGEMILLER, O'CONNOR.

Small business procurements study commission

Chap. 352-H.F. 1443 Establishes a small business procurements commission to study state and local government unit small business procurement programs for conformity to recent federal Supreme Court decisions. Specifies membership, powers and duties. Specifies sunset. Requires the commission to determine the existence and extent of discrimination in business, trade and industry and to be visible to businesses of minorities and women. Requires a report to the governor and the Legislature by Jan. 31, 1990. Requires the Legislative Coordinating Commission (LCC) to provide administrative and support services for the commission and the commissioner of administration to assist in the study. Requires commissioner recommendations. Requires the commissioner to assess the feasibility of establishing a preference program incorporating urban and rural areas of high unemployment. Modifies Small Business Procurement Act provisions. Changes references to small businesses owned and operated by socially or economically disadvantaged persons to economically disadvantaged small businesses. Defines small business and economically disadvantaged business. Expands or modifies eligibility requirements. Alters preference and eliminates set-aside provisions. Requires the commissioner and the University of Minnesota to award five percent of all procurements to economically disadvantaged businesses. Increases or specifies procurement performance requirement percentages. Modifies prime contractor subcontracting requirements. Makes the Small Business Procurement Advisory Council permanent. Modifies requirements of the annual commissioner report to the governor and the Legislature. Provides for the certification of small businesses or economically disadvantaged small businesses by the commissioner. Authorizes commissioner implementation of rules. Reinstates specific provisions after June 30, 1990. Effective date: June 3, 1989. JEFFERSON, MOE, D.M.

Health and Human Services

Nursing home property-related payment rates

Chap. 12-S.F. 644 Changes the method for calculating nursing home property-related payment rates under Medical Assistance upon refinancing. Requires the commissioner of human services to notify nursing homes potentially eligible for the property rate adjustment within five working days after final enactment of this chapter. Effective date: Mar. 18, 1989. POGEMILLER, KAHN.

Human services program reporting requirements

Chap. 89-S.F. 787 Requires the commissioner of human services to establish county fiscal and statistical reporting requirements for human services programs. Authorizes the commissioner to delay payments and withhold funds from county boards for noncompliance with the requirements or for noncompliance with reporting deadlines. Specifies an exception if the county demonstrates that the commissioner failed to provide appropriate forms, guidelines and technical assistance to enable the county to comply. Requires corrective action plans from noncompliant counties. Provides for appeals. Prohibits subsequent county reduction or withholding of benefits or services. Modifies duties of the commissioner under the Community Social Services Act. Requires the use of corrective action procedures and a schedule of fines to ensure county compliance with rules and regulations. Requires the implementation of an incentive program for counties meeting or exceeding minimum standards. Requires the commissioner to provide technical assistance to counties in developing corrective action plans upon request. Requires the commissioner to establish and maintain a monitoring program to reduce noncompliance with federal regulations resulting in federal fiscal sanctions. Effective date: Aug. 1, 1989. WALDORF, JEFFERSON.

Centers for independent living board requirements

Chap. 106-H.F. 1048 Requires that 51 percent of the members of boards of directors of centers for independent living be persons with disabilities. Increases the membership of the Council for the Blind from seven to nine members. Requires the commissioner of jobs and training to determine initial terms. Effective date: May 10, 1989. DORN, FRANK.

Service dog training

Chap. 108-H.F. 1459 Permits the training of service dogs for the blind or physically handicapped in public accommodations. Effective date: Aug. 1, 1989. TJORNHOM, SOLON.

Public telecommunications device requirements

Chap. 111-H.F. 1498 Requires Minneapolis and St. Paul intercity bus terminal operators and the Metropolitan Airports Commission to provide, in public areas of the bus terminals and the international airport, pay telephones with telecommunications devices (TDD) for communication impaired persons. Requires the posting of signs indicating telephone locations. Effective date: Aug. 1, 1989. LYNCH, MERRIAM.

Health promotion team authorization

Chap. 120-S.F. 858 Authorizes community health boards to establish community-based health promotion teams. Specifies duties. Authorizes the commissioner of health to make grants to community health boards to fund the teams. Requires the commissioner to monitor the activities of the teams and report to the Legislature by Jan. 1, 1991, on the teams' operations and progress. Effective date: Aug. 1, 1989. RENNEKE, SCHAFER.

Ambulance license standards revision

Chap. 134-H.F. 1429 Revises standards for licensure of ambulance services. Modifies commissioner of health notice and publication requirements. Expands the authority for licensure of air ambulance services. Requires applicant compliance with applicable federal and state rules governing aviation operations. Authorizes and provides for issuance of temporary licenses for primary service areas deprived of ambulance service. Requires drivers and attendants to possess emergency medical care certificates. Allows substitute drivers. Authorizes the commissioner to grant variances allowing the use of attendants certified in advanced first aid and emergency care to ensure 24-hour emergency ambulance coverage until Aug. 1, 1990. Requires the commissioner to study and report on the roles and responsibilities of first responder units by Jan. 1, 1991. Specifies study requirements. Alters equipment, staff and regulated services requirements. Authorizes or requires the commissioner to adopt standards and rules. Provides for intermediate and specialized ambulance services. Specifies requirements for advanced ambulance services. Eliminates police and Dept.

of Public Safety vehicle operation exceptions. Alters ambulance service vehicle operations exceptions. Alters ambulance service vehicle driver requirements. Authorizes the commissioner to issue fines for violations. Classifies reports filed with the commissioner. Provides for training reimbursement to volunteer ambulance attendants. Effective date: Aug. 1, 1989. CONWAY, VICKERMAN.

EMS personnel post-exposure notification protocols

Chap. 154-S.F. 1031 Requires hospitals and emergency medical care facilities receiving patients to adopt post-exposure notification protocols for emergency medical services personnel exposed to the human immunodeficiency virus (HIV) or the hepatitis B virus. Specifies protocol, testing and counseling requirements. Exempts facilities making good faith efforts from civil or criminal liability for actions relating to notice. Provides for a patient's right to refuse testing. Exempts prisoners in the custody or under the jurisdiction of the commissioner of corrections from the right to refuse testing. Requires the reporting of test results to the employer and to the patient. Provides for confidentiality of test information. Prescribes a penalty for unauthorized release of patient information. Requires the commissioner of health to provide technical consultation. Authorizes rules. Effective date: July 1, 1989. LANTRY, TRIMBLE.

Noncommunicative patient's family notification

Chap. 186-S.F. 218 Requires health care facilities under the Patients and Residents Bill of Rights to notify family members or persons designated by the patient as emergency contacts of the admission of unconscious, comatose or noncommunicative patients or residents for treatment planning participation purposes. Specifies exceptions. Requires the facilities to make reasonable efforts to determine the existence of advance directives relating to health care decisions. Defines reasonable efforts. Exempts the facilities from liability for damages on the grounds that notice or participation by family members or designated contacts was improper or violated the patient's privacy rights. Authorizes the facility to examine the personal effects and medical records of the patient or resident to assist in family or contact location for notification purposes. Requires notice to county social service or law enforcement agencies upon inability to notify family members or designated contacts. Requires the agencies to assist facilities in identifying and notifying family members or contacts. Specifies liability exemption. Effective date: Aug. 1, 1989. BERGLIN, CLARK.

Minnesota Nurse Practice Act

Chap. 194-S.F. 723 Regulates the practice of registered and licensed practical nursing. Defines or redefines terms. Modifies board of nursing membership representation requirements. Classifies information received and records maintained by the board. Provides for disclosure of documents relating to disciplinary proceedings. Provides that disciplinary hearings be closed to the public. Grants the board subpoena and records access powers. Requires registration of public health nurses. Provides for the licensing and examination of licensed practical nurses. Modifies license applicant and application requirements. Specifies grounds for license denial. Removes a provision requiring board distribution of licensure requirements to secondary school counselors. Authorizes and provides for board issuance of conditional licenses or temporary permits. Requires and provides for board approval of nursing programs. Eliminates institutions survey and report requirements. Specifies grounds for disciplinary action. Provides for the imposition of civil penalties. Specifies persons mandated to report conduct or disciplinary actions. Requires insurer malpractice awards and court judgments reports to the board for review. Provides for immunity from liability for any person, health care facility, business or organization for good faith reports of violations. Provides for immunity from liability for persons involved in investigations of violations. Requires nurses cooperation with investigations. Modifies or clarifies regulation exemptions and violations provisions. Increases a penalty provision. Repeals specific grants-in-aid provisions. Effective date: Aug. 1, 1989. BERGLIN, SEGAL.

Medical clinic and hospital district authorization

Chap. 211-S.F. 1252 Authorizes and provides for the towns of Crystal Bay, Beaver Bay and Stony River, the cities of Beaver Bay and Silver Bay and Unorganized Territory #1 to create a medical clinic district by resolution. Specifies resolution content and filing requirements. Prescribes powers and property tax levying authority of the district. Provides for governance by a medical clinic board. Provides for membership and civil liability immunity. Provides for dissolution of or withdrawal from the district. Authorizes Cook County to appropriate up to \$240,000 from general tax levy proceeds for the cost of acquiring, constructing, improving, altering, equipping, maintaining and operating county hospitals. Authorizes and provides for Cook County establishment of a county hospital district by resolution. Provides for governing board membership. Specifies property tax levy limit. Adds unorganized territories to and removes unorganized territory from the St. Louis County Hospital District. Validates prior hospital referenda. Clarifies bonded indebtedness of the city of Cook relating to transfer of the hospital

and nursing home to the hospital district. Effective Date: May 20, 1989. JOHNSON, D.J., BATTAGLIA.

Nursing home liability waiver prohibition

Chap. 285-H.F. 1423 Prohibits inclusion of waivers of facility liability for health and safety or personal property of residents in continuing care facility or nursing home admission contracts. Requires availability of nursing home admission contracts to potential applicants and to the state or local long-term care ombudsman. Specifies posting and print requirements. Requires contracts to be consumer contracts for plain language regulations purposes. Specifies contract signature requirements and financial responsibility restrictions. Requires contracts indication of Medicare, Medical Assistance or Veterans Administration programs eligibility. Prohibits the inclusion of clauses requiring consent to certain treatment and an acknowledgment of patients bill of rights information. Prescribes penalties for violation. Eliminates the application time limit for dental assistants registration purposes. Requires the commissioner of health to establish a facility fee payment mechanism for outpatient hospitals enrolled in the Medical Assistance program for emergency room or outpatient clinic visits provided after July 1, 1989. Specifies exceptions. Includes victims of emotional maltreatment in the definition of children in need of protection or services under the Juvenile Court Act. Defines emotional maltreatment. Effective Date: Various dates. OGREN, LANTRY.

Health Care Access Commission creation

Chap. 327-S.F. 491 Creates a 15 member Health Care Access Commission to develop and recommend, with the assistance of the commissioner of state planning, a plan to provide access to health care for all state residents. Specifies factors for consideration in plan development. Requires a report to the Legislature by Feb. 15, 1990, on progress in developing the plan, including preliminary data analysis and other appropriate information. Requires a final report by Jan. 1, 1991. Requires a report of the demonstration project for uninsured low income persons to the commission. Requires the report to include information on the number and percentage of enrollees in the project, benefits provided and the financial commitment of enrollees and employers. Appropriates \$800,000 to the Health Care Access Commission and \$50,000 to the commissioner of human services to be used for one-time subsidies to community-based clinics. Specifies application requirements and requires establishment of a committee to determine recipients and subsidy amounts. Appropriates \$375,000 for the biennium to provide an increase in Medical Assistance and Children's Health Plan payments for covered services provided by clinics enrolled as public health clinics or community health clinics. Effective date: July 1, 1989. BERGLIN, OGREN.

Judiciary

Six member juries

Chap. 2-H.F. 1 Reenacts the statutory provision authorizing six member (petit) juries in nonfelony cases. Effective date: Feb. 9, 1989. KELLY, SPEAR.

Living will

Chap. 3-S.F. 28 Adult Health Care Decisions Act. Authorizes competent adults to make declarations of preferences or instructions regarding health care, including consent or refusal and proxy designations. Specifies requirements for executing a declaration. Specifies suggested form. Requires physician or other health care provider compliance and to continue to obtain informed consent. Requires inclusion in the medical records of the declarant a provider notice to the patient of unwillingness to comply. Specifies a duty of patient transfer for failure to notify and specifies conditions. Provides for proxy responsibilities. Provides for records access and the effect of marriage dissolution or annulment on proxy designation. Provides for transfer of care. Authorizes patient revocation of declaration. Prescribes penalties for concealing or changing a declaration, forging a declaration, coercing a declaration or requiring or prohibiting the execution of a declaration. Specifies that declarations are not to affect life insurance. Clarifies that provisions apply only to persons issuing declarations or designating proxies. Requires decisions to administer, withhold or withdraw medical treatment to be based on reasonable medical practice. Provides that mercy killing, euthanasia, suicide or assisted suicide are not to be condoned. Provides for the recognition of other health care declarations and for the preservation of existing rights. Effective date: Aug. 1, 1989. REICHGOTT, BISHOP.

County law library fees

Chap. 4-S.F. 171 Requires county law library fees to be set annually. Effective date: Aug. 1, 1989. DIESSNER, SWENSON.

Recodification of trespass laws

Chap. 5-S.F. 32 Recodifies the laws on dangerous trespass and misdemeanor trespass. Prescribes penalties relating to trespass. Removes the misdemeanor penalty for trespass on the Camp Ripley military reservation. Effective date: Aug. 1, 1989. SPEAR, WAGENIUS.

Notaries public reappointment extension

Chap. 6-S.F. 215 Extends the period of time from 10 days to 30 days for reappointment of notaries public. Effective date: Aug. 1, 1989. MCQUAID, OLSEN.

Substantial bodily harm to an unborn child definition

Chap. 20-H.F. 27 Defines substantial bodily harm under the crime of second degree assault of an unborn child to include birth of the unborn child prior to 37 weeks gestation if the child weighs 2,500 grams or less. Effective date: Aug. 1, 1989. VELLENGA, PETERSON, D.C.

Juvenile and adult restitution collection procedures

Chap. 21-H.F. 14 Modifies procedures relating to the enforcement of juvenile and adult restitution orders and collection. Authorizes the inclusion in restitution requests of out of pocket losses resulting from the crime. Authorizes partial grants. Requires the court to specify the full amount of restitution. Prohibits the court from requiring victims to waive or forfeit rights or causes of action as a condition of granting restitution. Requires court administrator disbursement of restitution in incremental payments. Juvenile Court not to be required to appoint guardians ad litem for juvenile offenders before restitution order docketing. Provides for interest on unpaid judgment balances. Specifies factors to be considered in court determination of restitution and requires presentence investigation reports to contain information pertaining to the factors. Requires restitution orders to include a payment schedule or structure. Grants victims the right to request probation review hearing for offender failure to pay restitution. Effective date: Aug. 1, 1989. KELLY, SPEAR.

Ramsey County Attorney prosecution

Chap. 52-S.F. 560 Requires the county attorney in Ramsey County to prosecute gross misdemeanor violations relating to unreasonable restraint, malicious punishment or neglect of children. Effective date: Day after local action. MARTY, MCGUIRE.

Unlawful release of research animals penalties

Chap. 55-S.F. 294 Subjects persons unlawfully releasing confined animals to liability for damages, including costs of restoring the animal to confinement and to its health condition prior to release; and for damage to personal and real property caused by the animal. Specifies that the person is liable for all costs of repeating the experiment, including replacement of the animals, labor, and materials if the release causes the failure of an experiment. Increases the penalty to a gross misdemeanor for repeat violations of the prohibition against the unauthorized release of animals. Effective date: Aug. 1, 1989. STUMPF, BERTRAM.

Deputy examiners limit removal

Chap. 59-H.F. 29 Removes the limit on the number of deputy examiners of titles in each judicial district. Requires the appointment of attorneys to serve as deputy examiners. Effective date: Aug. 1, 1989. REST, REICHGOTT.

Patient records upon request

Chap. 64-S.F. 264 Requires health care providers to promptly furnish health or medical records and reports to patients or other providers upon patient request. Effective date: Aug. 1, 1989. DIESSNER, BEARD.

Disorderly house crimes

Chap. 77-H.F. 483 Includes controlled substance offenses in the evidentiary provision of the disorderly house crime. Effective date: Aug. 1, 1989. WAGENIUS, BERGLIN.

Relocation assistance under eminent domain

Chap. 83-S.F. 628 Expands the requirements for provision of relocation assistance to displaced persons by acquiring authorities under eminent domain. Effective date: May 10, 1989. PETERSON, D.C., JEFFERSON.

School district employment exemptions

Chap. 85-S.F. 618 Exempts school districts from the provisions requiring employment of rehabilitated criminal offenders. Effective date: Aug. 1, 1989. COHEN, SCHEID.

Minimum age change for adoption information requests

Chap. 88-S.F. 1106 Reduces to age 19 the minimum age at which an adopted person may request original birth certificate information. Reduces the time limit from 121 days to 31 days for the right of birth parents to file an affidavit with the commissioner of health requesting nondisclosure and for disclosure of consenting parents information by the commissioner. Provides for the disclosure of information in cases of consent by only one birth parent. Effective date: Aug. 1, 1989. PIPER, VELLENGA.

Uniform Determination of Death Act

Chap. 93-S.F. 227 Provides for the determination of death. Provides for a determination of death if an individual sustains irreversible cessation of circulatory and respiratory functions, or all functions of the entire brain, including the brain stem. Requires determination according to generally accepted medical standards. Effective date: Aug. 1, 1989. DAHL, QUINN.

In forma pauperis income or indigency standard

Chap. 94-H.F. 438 Specifies the income or indigency standard for court authorization of in forma pauperis proceedings in civil actions as public assistance, volunteer or free legal services based on indigency, or annual income not greater than 125 percent of the federal poverty line. Effective date: Aug. 1, 1989. MACKLIN, FREDERICKSON, D.R.

Unauthorized computer access penalties

Chap. 95-H.F. 22 Prohibits and defines the crime of unauthorized computer access. Prescribes misdemeanor, gross misdemeanor and felony penalties. Defines computer security system as a software program or computer device that is intended to protect the confidentiality and secrecy of data and information stored in or accessible through the computer system; and displays a warning to a user that the user is entering a secure system, or requires a person seeking access to knowingly respond by use of an authorized code to the program or device in order to gain access. Effective date: Aug. 1, 1989. KELLY, REICHGOTT.

Public nuisance law expansion

Chap. 112-S.F. 321 Expands the law against public nuisances to include three or more misdemeanor convictions or two or more convictions, of which at least one is a gross misdemeanor, or felony convictions within two years for unlawful sale or possession of controlled substances or unlicensed or unlawful sales or gifts of alcoholic beverages within the building. Effective date: Aug. 1, 1989. BERGLIN, CLARK.

CHIPS definition change

Chap. 113-S.F. 493 Expands the definition of child in need of protection or services under the Juvenile Court to include children residing with a perpetrator of domestic child abuse. Expands the child hearsay exception to include statements regarding the abuse or neglect of another child witnessed by the child making the statement. Requires the court in determining the necessity of temporary removal of a child due to immediate endangerment to consider the effect of residing with a perpetrator of domestic child abuse. Effective date: Aug. 1, 1989. BERGLIN, WAGENIUS.

Presentence investigations for gross misdemeanor cases

Chap. 117-H.F. 97 Requires the court to order the preparation of presentence investigations and reports in gross misdemeanor cases upon request of the prosecutor. Effective date: Aug. 1, 1989. HASSKAMP, COHEN.

Children's Trust Fund membership increase

Chap. 119-S.F. 827 Increases the membership of the Children's Trust Fund Advisory Council from 15 to 18. Makes the advisory council permanent. Effective date: May 16, 1989. COHEN, WILLIAMS.

Juvenile detention in adult jails limitation

Chap. 147-H.F. 76 Establishes maximum periods of detention of juveniles in adult jails or lockups. Prohibits detention beyond the maximum period before a detention hearing is held. Prohibits detention beyond the maximum period after Aug. 1, 1991, unless a reference motion for adult prosecution has been filed. Prohibits temporary detention beyond the maximum period. Effective date: Aug. 1, 1989. VELLENGA, MERRIAM.

Distribution of destructive computer program penalties

Chap. 159-H.F. 647 Prohibits the intentional, unauthorized distribution of destructive computer programs (viruses). Defines destructive computer program. Prescribes misdemeanor, gross misdemeanor and felony penalties. Effective date: Aug. 1, 1989. KAHN, DAHL.

Uniform Probate Code changes

Chap. 163-H.F. 1151 Modifies procedures under the Uniform Probate Code for notice to creditors. Sets forth the personal representative authority and duties relating to reasonably diligent searches for unknown or unidentified creditors. Alters time limits for the presentation and payment of claims. Effective date: June 16, 1989. DORN, LAIDIG.

Security guard hiring prohibitions

Chap. 171-H.F. 186 Prohibits employers of private detectives or protective agents from hiring detectives or agents convicted of a felony or of a crime that requires disqualification under the private detective licensing statute. Provides for conditional employment for training purposes until completion of a background check by the Bureau of Criminal Apprehension (BCA). Exempts proprietary employers from the license requirement, however, requires proprietary employers to comply with the background check requirements. Defines proprietary employer. Disqualifies persons convicted of criminal sexual conduct from holding a license to operate a private

detective or protective agent service. Prohibits license holders from providing armed protective personnel to labor disputes or strike locations. Sets forth exceptions. Sets forth a penalty provision. Effective date: May 20, 1989. CARRUTHERS, REICHGOTT.

Medical data access

Chap. 175-H.F. 444 Provides for access to private medical data, medical examiner data or health records by the surviving spouse, parents, children, and siblings of a deceased patient or client or, if there are no surviving spouse, parents, children, or sibling, to the surviving heirs of the nearest degree of kindred. Effective date: Aug. 1, 1989. WEAVER, MERRIAM.

Child abuse data classification

Chap. 177-H.F. 731 Classifies investigative data held by law enforcement agencies that become inactive and that relate to the alleged abuse or neglect of a child by a person responsible for the child's care as private data. Effective date: Aug. 1, 1989. BLATZ, PETERSON, D.C.

Notaries public bond elimination

Chap. 189-S.F. 331 Eliminates the bond requirements for notaries public. Effective date: Jan. 1, 1990. MOE, D.M., KELLY.

Sexual assault victims statute of limitations change

Chap. 190-H.F. 461 Modifies the statute of limitations provision governing damage actions brought by sexual assault victims. Provides that an action for damages based on personal injury caused by sexual abuse must be commenced within two years, or, in the case of an action for negligence, within six years of the time the plaintiff knew or had reason to know that the injury was caused by the sexual abuse. Requires victims of crimes against the person to be notified of the amount of time recommended for offender incarceration under plea agreements. Requires victims to be notified of the conditions governing the release of the offender and the identity of the corrections agent or court services agency supervising the release. Removes the data classification for the written request for notice of release. Requires sexual assault victims to be notified of the release from pretrial detention of the alleged sex offender. Provides for commencement of causes of action for certain damages by plaintiffs with otherwise time-barred claims. Effective date: Various dates. KELLY, PETERSON, D.C.

Grain storage law changes

Chap. 197-H.F. 862 Revisor's bill. Revises the text of laws relating to grain storage, warehouses and town board powers to remove redundant and obsolete language, to simplify grammar and syntax, and to improve the style of language without causing changes in the meaning of the laws. Effective date: Aug. 1, 1989. PUGH, COHEN.

Juvenile Court changes

Chap. 208-H.F. 135 Limits the authority of the Juvenile Court to transfer legal custody of a child for the purpose of obtaining special treatment or care solely because the parent is unable to provide the treatment or care. Clarifies the grounds relating to the need for protection or services for the termination of parental rights. Clarifies the liability for persons providing outreach services to runaways. Effective date: Various dates. PAPPAS, COHEN.

Revisor's bill

Chap. 209-H.F. 1197 Corrects erroneous, ambiguous and omitted text and obsolete references. Eliminates redundant, conflicting and superseded provisions. Makes miscellaneous technical corrections to statutes and other laws. Effective date: Aug. 1, 1989. BISHOP, COHEN.

Penalty increases for repeat DWI offenses

Chap. 216-H.F. 949 Increases penalties for persons convicted of driving while under the influence of alcohol or controlled substance (DWI) after prior impaired driving convictions for criminal vehicular operation. Effective date: Aug. 1, 1989. FREDERICK, TAYLOR.

Award of sentimental property modifications

Chap. 219-H.F. 1355 Modifies provisions for the award of property with sentimental value to eligible children. Modifies the ineligibility of personal property specifically devised under a will or separate writing. Requires the court to appoint an appraiser to determine the value of the property. Specifies that the value of the property is to be the appraised value. Effective date: Aug. 1, 1989. CARRUTHERS, LUTHER.

Discrimination action evidence

Chap. 223-H.F. 456 Authorizes the commissioner of human rights or state courts to use results of job evaluation systems and reports as evidence in proceedings or actions alleging discrimination under comparable worth plans. Effective date: Aug. 1, 1989. WILLIAMS, REICHGOTT.

Juvenile photograph authorization

Chap. 224-H.F. 371 Authorizes the commissioner of corrections to authorize photographs of juveniles committed to the legal custody of the commissioner for institution management and law enforcement

apprehension assistance purposes. Specifies that the commissioner must maintain photographs of juveniles in the same manner as Juvenile Court records and names. Removes a recovery limit on parent or guardian civil liability for thefts by minors. Effective date: Aug. 1, 1989. PAPPAS, MARTY.

Failure to appear in court license suspension

Chap. 228-S.F. 126 Provides for the suspension of drivers licenses of persons failing to appear in court for traffic violations. Sets forth court notice requirement. Provides that failure to comply with a written notice to appear in court is equivalent to a conviction. Prescribes fee for reinstatement of a drivers license suspended by a court order. Effective date: May 23, 1989. DIESSNER, PUGH.

Residual marital interests in real estate elimination

Chap. 229-S.F. 535 Provides that the marital property interest in real property that was owned by a person's former spouse is abolished effective July 1, 1990, as against the interest of a third person that is of record before Jan. 1, 1989. Sets forth exceptions. Applies a limitation on actions affecting title to real estate to repurchase options or rights encumbering interests in land based on instruments other than deeds of conveyance granted by governmental units. Provides an exception. Requires the court administrator to certify the discharge of judgments against bankruptcy debtors to the judgment debtors upon payment of the filing fee. Extends the effective dates of provisions relating to the validation of mortgage foreclosure sales. Provides for the appointment of retired judges as special magistrates in binding alternative dispute resolution proceedings and extends the pilot project in the Fourth Judicial District. Effective date: Various dates. LUTHER, DEMPSEY.

Controlled substance list addition

Chap. 230-S.F. 339 Adds anabolic substances to Schedule IV in the list of controlled substances. Defines anabolic substances as the naturally occurring androgens or derivatives of androstane (androsterone and testosterone); testosterone and its esters, including, but not limited to, testosterone propionate, and its derivatives, including, but not limited to, methyltestosterone and growth hormones. Provides an exception in that anabolic substances are not included in Schedule IV if they are expressly intended for administration through implants to cattle or other nonhuman species and approved by the USDA for that use. Effective date: Aug. 1, 1989. SOLON, JENNINGS.

"Reasonable efforts" requirements

Chap. 235-S.F. 486 Requires courts to insure that reasonable efforts including culturally appropriate services by the social service agency are made to prevent placement or removal of children in need of protection or services consistent with the safety and protection of the child. Defines reasonable efforts as the exercise of due diligence by the responsible social service agency to use appropriate and available services to meet the needs of the child and the child's family in order to prevent removal of the child from the child's family; or upon removal, services to eliminate the need for removal and reunite the family. Requires findings and conclusions by the court as to the provision of reasonable efforts in detention, disposition and termination of parental rights proceedings. Clarifies definitions, jurisdictions, services and procedures relating to Indian children. Requires consideration of racial or ethnic heritage in the appointment of guardians ad litem for Indian or minority children. Requires court consideration of reasonable efforts by the social service agency to rehabilitate and reunite the family and of services offered or not offered to the parents in determining child neglect. Provides for release of children taken into custody for protection purposes if it is determined that the child's health or welfare will not be endangered and the provision of appropriate and available services will eliminate the need for placement. Requires reasonable efforts determinations by the court in protection or services proceedings before determining custody continuation. Requires determination of available services for further detention prevention. Provides for a hearing for notice to the court of a wish to present an alternate placement arrangement to provide for the safety and protection of the child. Extends the deadline for adjudicatory detention hearings to 90 days if good cause is shown by a party to the proceeding why the hearing should not be held within 60 days, unless the parties agree otherwise and the court so orders. Requires the temporary placement of children taken into custody for protection purposes in the least restrictive setting consistent with the health and welfare of the child and in closest proximity to the family. Authorizes court consideration of reports of foster parents, guardians ad litem, tribal representatives or other advocates for the child before disposition. Requires written findings relating to reasonable efforts toward family reunification in disposition orders. Requires reasonable efforts specifications in written case plans for dispositions ordered and provides for review. Requires notice to grandparents of proceedings for the termination of parental rights if the child has lived with the grandparent within the two years immediately preceding the filing of the petition. Effective date: Aug. 1, 1989. BERGLIN, REST.

Visitation changes

Chap. 248-H.F. 729 Provides visitation rights to a person, other than a foster parent, with whom the child has resided for two years or more if the court finds that visitation would be in the best interests of the child, the person and the child had established emotional ties creating a parent and child relationship and the visitation rights would not interfere with the relationship between the custodial parent and the child. Requires the court to consider the reasonable preference of the child, if the court considers the child to be of sufficient age to express a preference. Includes the primary caretaker and intimacy of the relationship between parent and child as factors to be considered in custody determinations. Prohibits the court from using one factor to the exclusion of all others in determining custody. Requires detailed findings and explanations of factors leading to determinations. Requires the court to consider the existence of domestic abuse in awarding joint custody, to grant visitation rights on behalf of the child and noncustodial parent upon the request of either parent. Authorizes court restriction of visitation rights for chronic or unreasonable failure to comply with court ordered visitation. Provides for court appointed visitation expeditors to resolve continual visitation disputes. Provides for the apportionment of costs and agreement procedure. Provides for private agreements to preclude or limit spousal maintenance. Sets forth stipulation requirements. Changes the date for valuation of marital assets in marriage dissolution proceedings. Effective date: Various dates. PAPPAS, SPEAR.

Imposition of sentence demand prohibition

Chap. 253-H.F. 193 Provides that an offender may not demand execution of sentence in lieu of a stay of imposition or execution of sentence if the offender will serve less than nine months at the state institution. Specifies exception for offenders serving the sentence consecutively or concurrently with a previously imposed executed felony sentence. Reduces the number of required meetings of the Board of Pardons to two each year and eliminates the meeting location requirements. Effective date: Aug. 1, 1989. CARRUTHERS, PETERSON, D.C.

Hate crimes penalty increases

Chap. 261-H.F. 700 Increases the penalties for crimes of assault, property damage and harassment committed because of the victim's actual or perceived race, color, religion, sex, sexual orientation, national origin, disability or age. Authorizes the commissioner of public safety to report on additional bias-motivated criminal activity not covered by the Bias Crime Reporting Law. Effective date: Aug. 1, 1989. GREENFIELD, BERGLIN.

Juvenile offenders probation placements

Chap. 262-H.F. 1016 Provides for placement of juvenile alcohol or controlled substance offenders on probation. Specifies dispositional alternatives for repeat juvenile alcohol or controlled substance offenders. Requires commissioner of public safety revocation of drivers licenses or permits or denial of driving privileges until the age of majority upon notice from the court. Clarifies the civil liability of parents or guardians for thefts by minors. Extends the repeal to Aug. 1, 1990, of the authority of the chief judge in Hennepin and Ramsey Counties to extend the principal assignment of Juvenile Court judges regardless of the time served on the assignment. Effective date: Various dates. MORRISON, COHEN.

Crime victim reparations

Chap. 264-H.F. 95 Requires unclaimed restitution payments to be deposited in the Crime Victim and Witness Account. Clarifies criminal fine provisions. Provides for determination by the Crime Victims Reparations Board of the maximum amount of reparations payable for funeral, burial or cremation expenses. Authorizes the payment of reparations to Minnesota residents injured by crimes committed outside the state who would otherwise be eligible for reparations upon a showing that the state, territory, or U.S. possession in which the crime occurred does not have a crime victim reparations law covering the resident's injury or death. Clarifies the authority of the board to deny reparations on the basis of contributory misconduct by the claimant. Effective date: Aug. 1, 1989. BISHOP, PETERSON, D.C.

Release of Juvenile Court data to victims

Chap. 278-H.F. 826 Authorizes the release of private or confidential court services data to victims of delinquent acts for restitution purposes. Specifies that the data released may include only the juvenile's name, address, date of birth, and place of employment; the name and address of the juvenile's parents or guardians; and the factual part of police reports related to the investigation of the delinquent act. Effective date: Aug. 1, 1989. WEAVER, MERRIAM.

Human Rights Act changes

Chap. 280-H.F. 950 Adopts federal fair housing amendments. Clarifies the definition of disability and expands the definition of familial status. Provides that if a respondent contends that a person is not a qualified disabled person, the burden is on the respondent to prove that it was reasonable to conclude the disabled person, with reasonable accommodation, could not have met

the requirements of the job or that the selected person was demonstrably better able to perform the job. Removes exemptions to unfair discriminatory housing practices based on familial status for specified unoccupied dwelling units, condominiums, cooperative apartments and manufactured home parks. Defines housing for elderly persons for exemption purposes. Removes an exemption to age discrimination in employment practices, limits age related questions in employment applications, and limits the use of physical examinations for employment purposes. Clarifies aggrieved party for unfair employment practices violations purposes. Permits employers to reduce the total number of hours normally worked to accommodate disabled persons. Requires employer notice to applicants or employees of information adversely affecting hiring, firing or promotional decisions within 10 days of the final decision. Clarifies unfair discriminatory practices relating to housing for the disabled. Requires public accommodations to make reasonable accommodations for disabled persons. Expands unfair discriminatory credit practices to include discrimination on the basis of race, color, creed, religion, disability or national origin. Requires service of subpoenas issued by the commissioner of human rights personally or by certified mail. Specifies subpoena requirements. Removes the residency requirement under affirmative action requirements for state agency contracts. Clarifies the time period allowed for filing private lawsuits and the requirements for filing a notice of appeal. Effective date: Aug. 1, 1989. ORENSTEIN, REICHGOTT.

Employee benefits reasonable exemption

Chap. 284-H.F. 761 Limits the exemption of employee pension benefits from attachment or garnishment. Effective date: June 2, 1989; retroactive to April 12, 1988. SIMONEAU, FRANK.

Drug related racketeering penalties

Chap. 286-H.F. 837 "Little RICO" bill. Creates the crimes of concealing or engaging in a business of concealing criminal proceeds, including proceeds gained as a result of the commission of drug crimes. Sets penalties. Defines the crime of racketeering and related criminal activity. Specifies permitted activities. Prescribes penalties. Provides for restitution and for the forfeiture of property related to the crime. Provides for preservation of property subject to forfeiture. Specifies District Court procedures. Provides for the disposition of forfeiture proceeds with no reversion to the defendant. Provides for civil remedies and other relief. Provides for statute of limitations. Effective date: Aug. 1, 1989. CARRUTHERS, FREEMAN.

Omnibus crime package

Chap. 290-H.F. 59 Article I-Appropriations Appropriates money to the Dept. of Administration and authorizes the issuance of state bonds to convert portions of the Faribault Regional Treatment Center to a medium security correctional facility for adult males. Appropriates money to the commissioner of corrections for Faribault facility conversion costs, for staffing requirements, for a grant to the state coalition of sexual assault programs, for providers and agencies for victims' services, for sex offender treatment programs and for management services. Appropriates money to the Sentencing Guidelines Commission to study the mandatory minimum sentencing law for local correctional resource data collection. Appropriates money to the commissioner of state planning for the Community Resources Program. Appropriates money to the commissioner of public safety for Bureau of Criminal Apprehension analysis and collection of DNA data, for crime reduction projects and for drug abuse prevention programs. Appropriates money to the commissioner of human services for grants to agencies providing chemical dependency treatment to pregnant women and mothers.

Article II-Sentencing provisions Exempts the placement and supervision of inmates serving a supervised release term from the definition of rule under the Administrative Procedure Act (APA). Requires probation officers to report in writing to law enforcement authorities the addresses of sex offenders and specifies restrictions on the use of the information. Requires that an inmate for whom a work assignment is available must perform daily work assignments in order to earn good time. Specifies that the commissioner may excuse an inmate from work only for illness, physical disability, or to participate in an education or treatment program. Eliminates the authority of the commissioner of corrections to adopt rules for the placement and supervision of inmates serving supervised release terms. Prohibits supervised release for repeat first degree murderers previously convicted of heinous crimes. Increases the mandatory minimum term of imprisonment for persons convicted of murder in the first degree and sentenced to 30 years to life imprisonment. Requires the Sentencing Guidelines Commission to consider public safety when establishing or modifying the sentencing guidelines. Authorizes and provides for increased sentences for dangerous and career criminals convicted of violent crimes. Increases the sentence for intentional murder in connection with felony controlled substance violation in the crime of first degree murder. Requires

court imposition of the statutory maximum term of imprisonment for persons with previous convictions of heinous crimes convicted of murder in the second or third degree. Increases the maximum sentence for repeat sex offenders. Directs the Sentencing Guidelines Commission to increase the presumptive sentence for intentional second degree murder and unintentional second and third degree murder.

Article III-Controlled substance crimes Creates controlled substance crimes in the first, second, third, fourth and fifth degrees. Sets penalties. Includes sales in school zone or park zone and sales to minors in second and third degree controlled substance crimes. Imposes mandatory minimum sentences for repeat offenders and prohibits early release. Prescribes penalties for sale or possession of Schedule V controlled substances, for possession of marijuana in a motor vehicle or possession or sale of small amounts of marijuana. Requires participation in a drug education program after conviction for possession or sale of small amounts of marijuana unless the court enters a written finding that a drug education program is inappropriate. Provides for "inference of knowing possession" of a controlled substance in residences or passenger automobiles. Requires the attorney general to disseminate plain language information to the public relating to the penalties for committing controlled substance crimes in park and school zones. Requires wide dissemination of the information including school boards and local government units. Increases penalties for controlled substance offenses. Limits stayed sentences. Increases the penalty for introducing controlled substances or weapons into state correctional facilities or hospitals. Requires the Sentencing Guidelines Commission to modify the sentencing guidelines to authorize upward departures from the presumptive sentence for conviction of controlled substance offenses in park or school zones and requires a report to the Legislature. Provides for reference for prosecution as adult of some juvenile felony level controlled substance offenders. Requires placement on the record of evidence showing use of a firearm or dangerous weapon during the commission of murder in the first, second or third degree; assault in the first, second or third degree; burglary; kidnapping; false imprisonment; manslaughter in the first or second degree; aggravated robbery; simple robbery; criminal sexual conduct; escape from custody; arson in the first, second, or third degree; or a felony controlled substance violation. Includes felony controlled substance violations committed with a firearm or dangerous weapon in mandatory minimum sentence requirements. Includes Suburban Hennepin Regional Park District rangers in the definition of appropriate agency provisions and expands the definition of designated offense relating to prostitution under forfeiture provisions. Prescribes a gross misdemeanor penalty for selling tobacco to minors and provides for an affirmative defense. Requires the Sentencing Guidelines Commission to study and report on issues relating to the mandatory minimum sentencing law and, with the assistance of the Supreme Court, the State Planning Agency, corrections administrators and the commissioner of corrections, to assess local data collection needs. Requires the commissioner of corrections to report to the Sentencing Guidelines Commission on the results of the nonimprisonment guidelines pilot project and requires the commission to report to the Legislature.

Article IV-Sex offenders Establishes a sex offender treatment system under the administration of the commissioner of corrections to provide and finance programs for eligible adults and juveniles. Requires the commissioner to adopt rules for the certification of sex offender treatment programs in state and local correction facilities by July 1, 1991. Requires program compliance with adopted standards. Specifies the requirements of programs for adults and juveniles. Requires the designation of three or more pilot programs to increase treatment for adult and juvenile sex offenders. Sets forth grant application requirements and authorizes the commissioner to appoint an advisory task force to assist in the review of applications and the awarding of grants. Requires the commissioner to develop, by Jan. 1, 1990, in-service training for specialized corrections agents and probation officers supervising released sex offenders. Sets forth training completion requirements. Requires the court to order an independent professional assessment of the need for sex offender treatment of juveniles adjudicated delinquent for criminal sexual conduct. Requires the Bureau of Criminal Apprehension to develop uniform procedures and protocols for collecting evidence in cases of alleged or suspected criminal sexual conduct. Includes the collection and preservation of human biological specimens for DNA analysis. Specifies the factors to be considered before transferring persons with psychopathic personalities from hospitals to correctional facilities. Grants the court special sentencing authority for departure from presumptive sentences for patterned sex offenders and specifies the factors to be considered in the determination. Provides for early probationary release under conditions of successful completion of sex offender treatment and aftercare. Requires the commissioner to pay the cost of treatment. Increases the penalties for criminal sexual conduct in the first, second, third and fourth degrees. Requires DNA analysis of convicted sex offenders. Provides for the admissibility of DNA analysis results as evidence and provides for statistical

probability in civil or criminal proceedings. Extends the statute of limitation period for criminal sexual conduct offenses involving children to two years after the offense was reported to law enforcement, if the victim was under 18 when the offense was committed and failed to report the offense within seven years but specifies that the criminal sexual conduct complaint may not be brought after the victim becomes 25 years of age. Creates a Legislative Child Protection System Study Commission to study the current structure and operation of the child protection system and of the Child Abuse Reporting Law. Requires a report to the Legislature. Requires the commissioners of corrections and human services to evaluate funding mechanisms for existing sex offender treatment programs and the pilot programs and report to the Legislature.

Article V-Prenatal exposure to controlled substances Requires the commissioner of education, in consultation with the commissioner of health, to assist school districts in developing and implementing programs to prevent and reduce the risk of harm to unborn children exposed to controlled substances and alcohol by mothers during pregnancy. Includes pregnant women engaging in habitual or excessive use of controlled substances in the definition of chemically dependent person under the commitment act. Includes prenatal exposure to controlled substances used by mothers for nonmedical purposes in the definition of neglect under the Child Abuse Reporting Law. Requires reports to local welfare agencies under the Child Abuse Reporting Law of pregnant women suspected of controlled substance use. Authorizes voluntary reports. Specifies local welfare agency duties. Requires physicians to administer toxicology tests to newborn infants or pregnant women if there is evidence the woman has ingested a controlled substance, if there are obstetrical complications that are a medical indication of use of a controlled substance or if there is evidence that the infant has been exposed to a controlled substance. Requires reports to the Dept. of Health, limits liability and provides for the reliability of the tests.

Article VI-Penalty increases Increases penalties for criminal vehicular operation resulting in death or great bodily harm; for the sale of marijuana or controlled substances without the appropriate tax stamps; for possession of explosives without a valid license or permit; for some restraint of trade violations; for manslaughter in the second degree; for death or injury resulting from the operation of a motor vehicle, aircraft or watercraft; for assault in the first, second, third and fourth degrees; for unreasonable restraint or malicious punishment of children; for manslaughter or assault of an unborn child; for receiving profit from prostitution; for failure to pay over state funds; for perjury; for fleeing a peace officer in a motor vehicle; for negligent fires; for fraud; and for commercial bribery.

Article VII-Miscellaneous criminal provisions Increases the penalties for persons, other than licensed retailers, selling or furnishing alcoholic beverages to a minor who becomes intoxicated and causes or suffers death or great bodily harm. Provides for a presumptive sentence. Prohibits the retention of a child with knowledge of removal from another state. Sets penalties. Increases the penalties for parental kidnapping involving the use of a dangerous weapon, actual or threat of bodily harm, child abuse or neglect or ransom, or in case of previous conviction. Includes intentionally taking or driving a motor vehicle without the consent of the owner in the crime of theft. Increases the value of property or services stolen under the theft penalty provisions. Makes technical corrections to theft provisions. Makes the penalties for receiving stolen property similar to the penalties for theft. Imposes penalties for tampering with a motor vehicle. Includes forged check endorsements in the crime of check forgery. Expects the possession or use of alcoholic beverages in alcohol use awareness programs at post-secondary institutions from the prohibition on liquor in school buildings or on school grounds. Modifies provisions relating to trespass at Camp Ripley.

Article VIII-Fire department access to criminal history data Requires the superintendent of the BCA, in consultation with the state fire marshal, to develop and implement a plan for fire departments access to criminal history data. Requires the plan to include security and other procedures. Restricts the use of criminal history data in assessing fire protection agency job applicants. Provides for the determination of relationship. Exempts fire protection agencies from the requirements relating to public employment of rehabilitated criminal offenders. Eliminates the requirement for burn injuries to be reported to the telephone hotline.

Article IX-Drug policy programs Establishes the Office of Drug Policy in the Dept. of Public Safety under the supervision of an assistant commissioner appointed by the commissioner. Requires the development of a state drug strategy and the coordination of drug enforcement, prevention, education, treatment and rehabilitation programs. Specifies the assistant commissioner's duties. Establishes a Drug Abuse Prevention Resource Council to foster the coordination and development of a statewide drug abuse prevention policy and outlines membership and responsibilities. Requires an annual report to the Legislature. Establishes the Drug Abuse Resistance Education Program

(DARE) to provide grants to law enforcement agencies or school districts for training peace officers to teach a drug abuse resistance curriculum in schools. Requires the BCA to develop the program and requires the commissioner's approval. Requires and provides for grants to assist community and neighborhood organizations in preventing and reducing criminal drug activities. Requires the commissioner to prescribe criteria for eligibility and awards. Requires the Drug Abuse Prevention Resource Council to assist in the selection and monitoring of grant recipients. Requires the commissioner, in consultation with the council, to administer a grant program to fund community based programs designed to enhance community sense of personal security and to assist in crime control efforts. Sets forth grant procedure. Authorizes peace officers and heads of local law enforcement agencies purchasing bullet proof vests to apply to the commissioner of public safety for reimbursement. Sets forth eligibility and limits. Increases the limits on county contingent funds to defray criminal case expenses. Requires the assistant commissioner of the Office of Drug Policy, in consultation with the Drug Abuse Prevention Resource Council to review existing drug abuse prevention programs and develop and recommend a statewide drug abuse prevention policy emphasizing local efforts and a coordinated approach. Transfers the responsibility for administration of the federal Anti-drug Act from the commissioner of state planning to the commissioner of public safety.

Article X-DWI provisions Prohibits offenders repeatedly convicted of driving while under the influence of alcohol or controlled substance or of criminal vehicular operation under DWI from refusing to submit to chemical testing under the Implied Consent Law. Sets penalties. Requires the court to order persons convicted of violating the prohibition to submit to the level of care recommended in the chemical use assessment. Includes snowmobile, all-terrain vehicle (ATV) and boating prior impaired driving convictions in the provisions. Authorizes the access to law enforcement data in chemical use assessments of persons convicted of DWI and changes the time limit for performance of the assessment. Requires the county where the defendant is to be sentenced to perform the assessment. Increases the penalties for criminal vehicular operation resulting in death or injury.

Article XI-Community resource program Authorizes cities of the first class to designate targeted neighborhoods meeting the eligibility requirements for community resources programs for family stabilization and safe environment purposes. Authorizes the addition of a contiguous area of one-half mile in all directions from the designated targeted neighborhood and of assisted housing. Requires preparation of a comprehensive community resources program describing services. Specifies program objectives. Requires residents participation in planning, developing and implementing the programs. Requires the establishment of an advisory council to assist in development and implementation. Provides for city program approval, and requires public hearings. Authorizes the establishment of community initiatives programs as part of the resource plan. Provides for payment and allocation of state money to implement the resources programs. Specifies uses. Requires the city of Minneapolis to spend \$350,000 on the Way to Grow Program. Grants powers to the cities and requires an annual report on the status to the commissioner of state planning and the Legislature.

Article XII-Multidisciplinary chemical abuse prevention team Authorizes counties and cities with populations of under 50,000 to establish multidisciplinary chemical abuse prevention teams with representatives from health, mental and public health, law enforcement, educational, social service, court service, community education, religious and other appropriate agencies and parent and youth groups to disseminate information on and assist in coordinating chemical abuse prevention and treatment services. Authorizes the teams to develop and conduct educational programs on chemical abuse prevention. Authorizes the assistant commissioner of the Office of Drug Policy to make grants for demonstration projects to establish the teams and specifies the grant process requirements. Requires the assistant commissioner to monitor the activities of the funded teams and report to the Legislature on the operation and progress of the teams. Effective date: Various dates. KELLY, SPEAR.

Contested name procedure

Chap. 292-S.F. 180 Establishes a procedure for contesting the registration of a corporate, limited partnership or assumed name or a trade or service mark with the office of the secretary of state. Sets forth notice, deposit and affidavit requirements. Requires the secretary of state to review the affidavits and make a decision or order a hearing within 30 days. Requires an attempt at settlement before a hearing. Sets a standard of review and specifies the factors for the secretary of state to consider. Provides for appeal to the District Court. Excludes the office of the secretary of state from liability for damages resulting from registrations or decisions. Clarifies corporate and cooperative name requirement provisions. Effective date: Various dates. BECKMAN, HUGOSON.

Drivers license provisions

Chap. 301-S.F. 139 Allows the issuance of special veterans license plates for self-propelled recreational equipment. Provides for the transfer of EX-POW license plates to surviving spouses. Expands the definition of physically handicapped person for special license plates or handicapped certificates eligibility purposes. Requires the surrender of Minnesota identification cards previously issued before drivers license issuance. Increases the age designations under motorized bicycle operators permit renewal fees. Changes the provisional drivers license to an under-21 drivers license and increases the age requirement and fees. Increases the age for suspension of licenses of minors convicted of illegally purchasing or attempting to purchase alcoholic beverages. Increases the license suspension period and requires the suspension of licenses of persons aiding minors in the illegal purchase or attempted purchase of alcoholic beverages. Prescribes a penalty for misuse of a Minnesota identification card. Increases the penalty for counterfeiting a drivers license or identification card. Prohibits the lending of identification to minors for the purpose of purchasing or attempting to purchase alcoholic beverages. Clarifies the application of the carding defense for illegal sales of alcoholic beverages. Effective date: Aug. 1, 1989. SPEAR, JOHNSON, A.

Nonprofit corporate law changes

Chap. 304-H.F. 1203 "Minnesota Nonprofit Corporation Act." Provides for the organization, operation and dissolution of nonprofit corporations. Provides for the election of application by corporations incorporated under Chapter 300, 309 or 315 that have not become governed by Chapter 317 and subjects nonelecting corporations within the scope of the chapter to governance by Jan. 1, 1991. Provides for incorporation and specifies required and optional provisions of the articles of incorporation. Provides for amendment. Requires filing with the secretary of state and sets fees. Specifies corporate name requirements and prohibitions. Provides for reservation in the records of the secretary of state. Specifies registered office maintenance requirement. Authorizes registered agents and prescribes procedures for changes. Prescribes powers of corporations. Provides for the use of corporate seals. Authorizes actions for violation of authority. Provides for the organization and bylaws of corporations. Requires governance under a board of directors. Provides for membership, terms, compensation, removal, replacement and meetings. Authorizes and provides for board establishment of committees. Provides a standard of conduct for directors and committee members and for director conflicts of interest. Exempts unpaid directors, officers, trustees, members or agents from liability for damages. Sets forth exceptions. Requires and prescribes duties of the president and treasurer. Authorizes the election or appointment of other officers or agents and sets forth contract rights and standard of conduct. Specifies a corporate members option. Provides for certificates, transfer, liability, resignation and termination. Authorizes delegates. Requires regular meetings of voting members and prescribes procedures. Requires special meetings and provides for court ordered meetings. Sets forth meeting notice requirements. Provides for the determination of members entitled to notice and vote. Specifies record date and members list requirements. Prescribes voting rights and authorizes some voting agreements. Provides for specific actions without meetings. Defines a quorum. Provides for proxies. Specifies recordkeeping requirements. Authorizes loans and advances and specifies conditions. Specifies indemnification requirements. Provides for merger, consolidation or transfer of assets and specifies plan and articles requirements. Prescribes procedures for dissolution. Provides for notice to creditors and claimants. Prescribes statute of limitations. Provides for assets distribution. Provides for revocation and for judicial intervention. Specifies qualifications and powers of receivers. Specifies requirements for filing of claims, decree and articles. Provides for extension after expiration of duration. Requires notices to the attorney general. Requires and provides for corporate registration with the secretary of state. Provides for actions against corporations and provides for service of process. Provides special provisions for chambers of commerce, boards of trade or exchanges, for corporations to secure or maintain homes for dependent children and for corporations formed for religious purposes. Authorizes the elimination or limitation of personal liability of credit union directors in the bylaws and provides exceptions. Repeals existing statutory provisions governing nonprofit corporations. Effective date: Various dates. PUGH, REICHGOTT.

Drug related property forfeiture

Chap. 305-H.F. 159 Provides for the termination, cancellation and forfeiture of real estate interests related to contraband or controlled substance seizures. Provides for covenants not to sell or allow the sale of drugs in leases or licenses of residential premises. Provides that a breach of the covenant voids the lessee or licensee right to possession of the residential premises. Prohibits waiver or modification of the covenant. Requires county attorneys to notify the landlords or fee owners of the property of the drug seizure and of the applicable duties and penalties. Provides an exception in that the notice is not required during an ongoing investigation. Requires the

notice to be sent by certified letter, return receipt requested, within 30 days of the seizure. Requires the landlords to bring unlawful detainer actions against the tenants or assign to the county attorney the right to bring an unlawful detainer action against the tenants within 15 days of notice of the first occurrence. Subjects the property to forfeiture upon notice of a second occurrence. Provides exceptions. Provides for additional remedies. Establishes defenses. Effective date: Various dates. DAWKINS, MOE, D.M.

Failure to appear in court penalties

Chap. 333-H.F. 702 Expands the crime of failure to appear in court. Provides that if the offense is a petty misdemeanor, the notice to appear in court must include a statement that a failure to appear will be considered a plea of guilty and waiver of the right to trial, unless the failure to appear is due to circumstances beyond the person's control. Provides that for felony offenders the penalty for failure to appear is one year imprisonment or payment of a \$3,000 fine, or both. Provides for a misdemeanor penalty for gross misdemeanor and misdemeanor offenders failure to appear. Provides for an affirmative defense. Provides that prosecution for failure to appear is by the prosecuting authority responsible for prosecuting the offense in connection with which the person failed to appear in court. Effective date: Various dates. WAGENIUS, POGEMILLER.

Wiretap law changes

Chap. 336-H.F. 1425 Article I Clarifies the authority of electronic communication service providers to divulge the contents of communications pertaining to the commission of a crime. Clarifies the inclusion of electronic communications under specific provisions. Eliminates the authority to use employees under contract with the state for interception purposes. Modifies reporting requirements to include the use of pen registers or trap and trace or mobile tracking devices and the activity under the order that was to be carried out. Provides for public inspection of the report to the Legislature by the state court administrator of all warrants and orders authorizing the interception of communications and the use of pen registers, trap and trace devices or other electronic or mechanical devices and all applications that were denied. Requires court orders for installation or use of mobile tracking devices. Provides an exception where the consent of the owner of the object to which the mobile tracking device is to be attached has been obtained. Modifies court order application and content requirements to include mobile tracking devices. Requires notice and inventory for order denials or terminations except that on an ex parte showing of good cause, a judge may postpone or dispense with service of the required inventory. Provides for civil action for recovery of damages. Describes statute of limitations and defenses.

Article II Authorizes the attorney general and county attorneys to issue subpoenas, and require the production of records of utility or transportation businesses for law enforcement investigation purposes. Provides for enforcement. Specifies disclosure restrictions. Specifies a misdemeanor penalty. Provides for ex parte orders. Creates the crime of warning subjects of investigations, electronic surveillance or search warrants. Specifies a penalty of up to five years imprisonment or a fine of up to \$10,000, or both. Provides for emergency interception if an emergency situation exists. Repeals the sunset on the Privacy of Communications Act. Effective date: Various dates. PUGH, PETERSON, R.W.

Trusts and estate law changes

Chap. 340-H.F. 306 Article I - Trusts Authorizes the creation of active express trusts. Abolishes passive express trusts of real or personal property. Authorizes the termination of active express trusts if the purposes for which an active express trust is created have been accomplished, or become impossible of accomplishment or become illegal. Provides a presumption of trusts resulting from purchase money paid and for appointment of and acquisition of title by successor trustees. Provides for the suspension of the power of alienation and provides exceptions. Specifies authorized property and investment acquisitions. Authorizes trustees to employ persons to advise and assist in the performance of duties.

Court proceedings Authorizes trustees of express trusts to petition the District Court for specific court orders. Establishes venue, hearing and notice requirements. Provides for the representation of unborn, unascertained, unknown, minor or incapacitated persons. Provides for appeal. Provides for the confirmation of trustees appointment and requires inventories and verified accounts. Specifies court jurisdiction.

Charitable trusts and their supervision Provides for the validity and construction of charitable trusts. Provides for the liberal interpretation of trusts by the courts to carry out the intentions of donors. Provides for the determination of trust, gift, bequest and devise intentions. Provides for the incorporation of private foundations, charitable trusts and split interest trusts. Designates specific provisions as the "Supervision of Charitable Trusts and Trustees Act." Requires the attorney general to establish and maintain a register of charitable trusts and trustees subject to the "Supervision of

Charitable Trusts and Trustees Act." Specifies charitable trust registration and filing requirements. Requires public availability of records filed with the attorney general for inspection purposes. Specifies investigatory and enforcement powers of the attorney general. Grants the attorney general the right to participate in court proceedings to terminate a charitable trust or to liquidate or distribute its assets; to modify or depart from the objects or purposes of a charitable trust as contained in the instrument governing the trust; to construe the provisions of an instrument with respect to a charitable trust; to review an accounting of a charitable trust submitted by a trustee; or involving a charitable trust when the interest of the uncertain or indefinite charitable beneficiaries may be affected. Grants the attorney general the right to participate in civil actions in order to remedy and redress a breach of trust. Authorizes the sale or transfer outside the state of stock or assets of banks owned by charitable trusts. Restricts additional acquisitions by some out of state banks.

Sales and leases of real property Authorizes trustees or beneficiaries to petition for a court order directing the sale, mortgage or lease of real property held in trust. Specifies the conditions and terms for granting the petition. Specifies hearing and notice requirements. provides for representation of unborn, unascertained, unknown, minor or incapacitated persons. Provides for the execution of the transaction. Specifies the form and conclusiveness of the order. Specifies sale agreement requirements. Requires court approval and confirmation. Provides for the safekeeping, management and distribution of assets.

Uniform Principal and Income Act Requires trusts to be administered with due regard to the respective interests of income beneficiaries and remainder persons. Describes income beneficiary entitlements. Provides for the apportionment of income and for the distribution of corporate shares, stock splits and stock dividends. Defines bond principal and income. Defines business and farming operations income and losses. Provides for the disposition of natural resources, timber and other property subject to depletion. Provides for the calculation and accrual of delayed income from underproductive property. Specifies charges required against income and principal. Prescribes conditions and limits for nontrust estates.

Minnesota Trustees Powers Act Defines and enumerates the powers of trustees relating to assets, deposits, sales, leases, repairs, improvements, development, insurance, stock or securities, borrowing, contracts, claims, trust expenses, reserves, payments and distributions. Provides for incorporation by reference.

Miscellaneous Authorizes and provides for the filing of disclaimers of interests by beneficiaries. Provides for exceptions. Provides for the distribution of disclaimed property. Specifies the effect of restrictions. Provides for the suspension of the powers of a fiduciary during war time and provides for reinstatement upon their return. Repeals the existing statutory provisions regulating uses and trusts.

Article II-Miscellaneous sections Conforms statutory provisions to the changes. Makes technical corrections to the Minnesota Nonprofit Corporation Act.

Article III-Rule against perpetuities Extends prospective application and effective dates. Effective date: Various dates. PUGH, PETERSON, R.W.

Conciliation Court claims limit change

Chap. 344-H.F. 13 Raises the jurisdictional limit on civil claims heard in Conciliation Court to \$3,500. Provides that if the claim involves a consumer credit transaction, the amount of money or property that is the subject matter of the claim may not exceed \$2,000. Defines consumer credit transaction. Permits bail in civil contempt cases to be used to satisfy judgments. Modifies standard for the awarding of costs for Conciliation Court appeals. Provides for costs and disbursements upon removal to District Court. Provides that the Conciliation Court jurisdictional limit is to increase to \$4,000 on July 1, 1990. Effective date: Aug. 1, 1989. KELLY, LUTHER.

Data Privacy Act changes

Chap. 351-H.F. 1150 Clarifies the classification of audit data for Legislative Audit Commission (LAC) purposes. Clarifies the definition of nonpublic data. Modifies the definition of representative of the decedent for decedent data classification purposes. Updates provisions relating to the disclosure of educational data pursuant to federal requirements. Grants the legislative auditor access to mental health data, records and files for purposes of conducting an audit approved by the LAC in 1988. Classifies local human rights department, Administration Dept., Iron Range Resources and Rehabilitation Board (IRRRB), Meeker County Hospital Study and state agencies internal auditing data. Clarifies the classification of Trade and Economic Development Dept. loan application data. Authorizes access to public benefit data of law enforcement agencies. Requires the commissioner of finance to coordinate the development of and develop standards for internal auditing in state agencies. Requires the commissioner of finance, in

cooperation with the commissioner of administration, to report on progress in developing standards to the Legislature and the governor by Dec. 31, 1990. Authorizes and provides for public hospitals or organizations to hold closed meetings on specific marketing activity and contracts where the hospital or organization is in competition with health care providers that offer similar goods or services, and where disclosure of information pertaining to those matters would cause harm to the competitive position of the hospital or organization, provided that the goods or services do not require a tax levy. Clarifies a provision relating to the disclosure of specific juvenile law enforcement records. Effective date: Various dates. PUGH, PETERSON, R.W.

Revisor's bill

Chap. 356-H.F. 1616 Corrects miscellaneous oversights, inconsistencies, ambiguities, unintended results and technical errors of a noncontroversial nature in laws passed by the 1989 Legislature. Effective date: Dates of the corrected enactments. BISHOP, SPEAR.

Local and Urban Government

Heritage preservation commissions authorization

Chap. 9-H.F. 113 Expands the authority to establish heritage preservation commissions to all towns. Allows direct negotiation for rental contracts under the uniform municipal contracting law. Requires town board approval of plats. Removes limits on the payment of town attorney fees. Effective date: Aug. 1, 1989. BATTAGLIA, ADKINS.

Washington and Anoka County payment procedures

Chap. 13-H.F. 148 Authorizes the Washington and Anoka County Boards to provide procedures for the payment of county obligations by the county auditors without presentation to the boards. Requires procedures to include regular and frequent review of the auditor-treasurers' actions by the boards. Effective date: Day after local action. PRICE, DIESSNER.

Unpaid service charge collection

Chap. 14-S.F. 121 Authorizes town boards to annually certify unpaid service charges to county auditors for collection with property taxes levied against the property. Specifies property owner notice requirement. Effective date: Aug. 1, 1989. ADKINS, DAUNER.

Bond requirements authorization for cartway establishment

Chap. 16-H.F. 512 Authorizes town boards to require bonds or other security for estimated damages in establishing cartways by resolution. Effective date: Aug. 1, 1989. BAUERLY, VICKERMAN.

St. Peter Hospital Board and EDA authorization

Chap. 18-H.F. 509 Authorizes the city of St. Peter to provide for a hospital board with seven members and an economic development authority with nine members. Effective date: Mar. 30, 1989. OSTROM, FREDERICKSON, D.R.

Optional plans of town government adoption

Chap. 24-H.F. 897 Clarifies procedures for town adoption by election of optional plans of government. Requires that question be submitted to electors at an annual town election. Effective date: Aug. 1, 1989. HASSKAMP, SCHMITZ.

Rental of county-owned residences authorization

Chap. 26-H.F. 210 Authorizes counties to rent county-owned residences acquired for approved capital improvement projects according to conditions set by the county board, rather than by the bidding procedures required for other sales, leases or conveyances of real estate. Effective date: Aug. 1, 1989. PRICE, DIESSNER.

Mora wastewater treatment facility authorization

Chap. 33-H.F. 481 Authorizes the city of Mora to negotiate contracts for the acquisition and betterment of the municipal wastewater treatment facility provided that the city council first determines that the procedure will be economically advantageous to the city. Effective date: Day after local action. PETERSON, DAVIS.

Appropriations for arts organizations authorization

Chap. 39-S.F. 831 Authorizes counties, cities or towns to appropriate money to support artistic organizations. Provides that the appropriation may be divided among organizations in the proportions that the county, city or town determines. Effective date: Aug. 1, 1989. DECRAMER, STEENSMAN.

Minneapolis employee authorization

Chap. 54-H.F. 664 Authorizes the appointment of employees of the city of Minneapolis by the designee of the city coordinator and provides for the appointment of additional employees. Authorizes the city to enter into agreements relating to the convention center, related facilities or any other city construction project with appropriate labor organizations and contractors which provide that no strike or lockout may be ordered during the term of the agreement. Authorizes the superintendent of schools of Special School District #1, Minneapolis, to appoint an executive secretary. Effective date: Day after local action. MCLAUGHLIN, PETERSON, D.C.

Olmsted County public morgue exemption

Chap. 57-H.F. 553 Exempts Olmsted County from the requirement of operating a public morgue. Effective date: Day after local action. GUTKNECHT, BRATAAS.

St. Louis Park Housing Authority name change

Chap. 80-H.F. 1517 Authorizes the city of St. Louis Park to change the name of the Housing and Redevelopment Authority to the Housing Authority of St. Louis Park. Validates city resolution effective Oct. 1, 1988. Authorizes the recording of deeds. Effective date: Day after local action. OLSEN, MCQUAID.

Local governments group insurance requirements

Chap. 90-H.F. 1440 Requires local government units providing group insurance coverage and benefits for employees to request proposals from and enter into contracts with qualified carriers. Specifies proposal request requirements. Authorizes the exclusion from consideration of proposals requiring self-insurance. Provides for the selection of carriers. Authorizes negotiation of benefits, premiums and contract terms. Requires carriers' aggregate claims records. Specifies a maximum contract period of five years. Prohibits the reduction of benefits covered by collective bargaining agreements unless the public employer and exclusive representative of the employees of an appropriate bargaining unit agree to a reduction in benefits. Requires filing of contract copies for public inspection purposes. Provides a temporary exemption from the proposal requirements for local units currently providing group insurance coverage and benefits through contracts awarded by competitive bidding. Repeals contract bidding requirements. Effective date: May 10, 1989. GREENFIELD, BERGLIN.

Local contributions to hospitals authorization

Chap. 92-H.F. 529 Authorizes counties and cities or towns to contribute to private, nonprofit or public hospitals upon governing body approval. Effective date: Aug. 1, 1989. BATTAGLIA, FREDERICKSON, D.J.

Goodhue County payments authorization

Chap. 102-H.F. 1389 Authorizes the Goodhue County Board to provide procedures for payment of county obligations by the county auditor without presentation to the board. Specifies review requirement. Effective date: Day after local action. SVIGGUM, MEHRKENS.

Olmsted County economic development appropriations

Chap. 103-H.F. 1131 Authorizes the Olmsted County Board to appropriate up to \$250,000 annually to a fund for promoting, advertising, improving or developing economic and agricultural resources. Specifies limits of fund. Effective date: Day after local action. FRERICHS, BRATAAS.

Minneapolis energy services authorization

Chap. 115-H.F. 1589 Grants the city of Minneapolis powers relating to the delivery of energy conservation and environmental services. Authorizes the city to contract with a nonprofit corporation to carry out the activities. Provides for liability. Authorizes the assignment of a city employee to the nonprofit corporation. Provides for combined hearings on improvements and assessments. Grants city councils an alternative method of applying excesses relating to assessments for street, park or parkway improvements. Effective date: Day after local action. KAHN, PETERSON, D.C.

Martin County court administrator duties

Chap. 121-S.F. 1258 Authorizes the Martin County Board to assign court administrator duties relating to vital statistics and marriage licenses to the county recorder. Effective date: Day after local action. BECKMAN, HUGOSON.

Cambridge sanitary sewer easement conveyance

Chap. 128-H.F. 1626 Requires and provides for the commissioner of administration to grant and convey permanent easements to the city of Cambridge for the construction, maintenance, operation and repair of sanitary sewers, pipes and mains. Effective date: May 17, 1989. LASLEY, PETERSON, R.W.

Chisago County ditch assessments cancellation

Chap. 138-H.F. 804 Authorizes the Chisago County Board to cancel ditch assessments and provides for the crediting of assessments on County Ditch #5. Effective date: Day after local action. LASLEY, PETERSON, R.W.

Dakota County juvenile offender employment authorization

Chap. 143-H.F. 1115 Authorizes Dakota County to temporarily employ juveniles ordered by the juvenile court to make monetary restitution or to pay a fine as a condition of probation without complying with personnel system requirements. Extends the deadline for personnel board findings after the filing of an appeal. Authorizes the employment of a campground operator without advertising for bids. Exempts the county from public morgue building, equipping and maintenance cost limits. Effective date: May 18, 1989. TOMPKINS, PARISEAU.

Ramsey County land use authorization

Chap. 145-H.F. 832 Authorizes Ramsey County to use a parcel of public real property for a public library. Effective date: May 17, 1989. KOSTOHRZY, HUGHES.

MMCC duty expansion

Chap. 146-H.F. 942 Extends the responsibility of the Metropolitan Mosquito Control Commission (MMCC) to control of disease vectoring ticks. Requires consultation and cooperation with the Dept. of Health in developing management techniques. Effective date: Aug. 1, 1989. SKOGLUND, DAHL.

Ramsey County Personnel Review Board increase

Chap. 162-H.F. 1104 Increases the size of the Ramsey County Personnel Review Board to seven members. Provides for the production of relevant documents or testimony relating to disciplinary actions. Effective date: Day after local action. TRIMBLE, MARTY.

Sheriff's fees authorization

Chap. 176-H.F. 1207 Authorizes county boards to set fees charged and collected by sheriffs. Authorizes the lease or exchange of county real property for county highway right-of-way without advertising for bids. Effective date: Aug. 1, 1989. MORRISON, METZEN.

Town road burning regulations

Chap. 180-H.F. 33 Authorizes town ordinances to regulate the burning of vegetation on town road rights-of-way subject to Dept. of Natural Resources (DNR) fire regulations. Requires ordinances to prescribe limits and conditions on burning. Requires copies of the ordinances to be submitted to the DNR. Effective date: Aug. 1, 1989. LIEDER, STUMPF.

Uniform Municipal Contracting Law exemptions

Chap. 200-S.F. 1498 Exempts land subdividers or contractors of subdividers from the Uniform Municipal Contracting Law and contractors' bond requirements. Authorizes municipal zoning regulations to permit interim uses of property. Specifies conditions. Requires public hearings on the granting of permits. Effective date: Aug. 1, 1989. MCGOWAN, SCHREIBER.

Suburban storm sewer improvement projects

Chap. 207-H.F. 1540 Authorizes the cities of Plymouth and Golden Valley to annually amend capital improvement programs for storm sewer improvement projects. Eliminates a provision relating to tax levies for the improvement projects as levies for the payment of principal and interest on bonded indebtedness. Effective date: May 20, 1989. HEAP, RAMSTAD.

St. Cloud Special Service Districts changes

Chap. 210-S.F. 764 Changes conditions for the establishment and operation of special service districts in the city of St. Cloud. Specifies veto requirements. Effective date: May 24, 1989. PEHLER, GRUENES.

Rochester general sales tax

Chap. 233-H.F. 1143 Authorizes the Rochester City Council to continue to impose a general sales tax for increased flood control improvements costs. Effective date: Day after local action. GUTKNECHT, BRATAAS.

Hermantown property tax exemption extension

Chap. 237-S.F. 1278 Extends the duration of the property tax exemption for property held by the city of Hermantown for later resale for economic development purposes. Effective date: Aug. 1, 1989. GUSTAFSON, MILBERT.

County hospital district bonding authority increase

Chap. 238-S.F. 1239 Increases Roseau County bonding authority for hospital districts to \$5 million. Effective date: Day after local action. STUMPF, TUNHEIM.

St. Louis County budget modifications

Chap. 240-S.F. 1101 Modifies budget procedures for St. Louis County. Requires the county board to adopt an annual budget by resolution. Specifies estimated revenues and expenditures requirements and restrictions. Provides for unexpended and unencumbered amounts. Requires operating and capital budgets. Authorizes the board to develop a long range capital program. Requires reduction of appropriations under shortfall conditions. Requires property tax levy adoption by resolution. Authorizes supplemental appropriations and changes in appropriations. Provides for administration of the budget. Specifies recordkeeping and county auditor rulemaking.

requirements. Increases the recorder fee for indexing or recording deeds or other instruments. Authorizes the county to assess users in townships for the cost of maintaining television relay service. Effective date: Day after local action. SOLON, JANEZICH.

Anoka County appointment authorization

Chap. 243-H.F. 1267 Permits Anoka County Board appointment of the county auditor, recorder and treasurer. Provides for board reorganization of the county offices upon adoption of a resolution. Provides for a reverse referendum. Effective date: Day after local action. QUINN, FRANK.

Hennepin public safety building bond authorization

Chap. 245-H.F. 1448 Authorizes Hennepin County to issue up to \$20 million in general obligation bonds without elector approval to finance land acquisition planning, design, site preparation and other preliminary work for the construction of a public safety building and related facilities. Requires the Hennepin County Board, attorney and sheriff and judges of the Fourth Judicial District to prepare reports to the Legislature on ways to improve the administration of the criminal justice system in the district. Specifies report requirements. Effective date: Various dates. REST, PETERSON, D.C.

Sheriff deputy appointment authorization

Chap. 254-S.F. 1541 Authorizes the appointment of a chief administrative deputy sheriff in the unclassified service of Hennepin County. Removes the county size requirement for county sheriffs' appointment of chief deputies or first assistants. Effective date: Various dates. KROENING, REST.

Olmsted County land subdivision regulations

Chap. 274-S.F. 1394 Authorizes Olmsted County to adopt regulations governing the platting of subdivisions of lands. Provides for the approval of conveyancing instruments by the county zoning administrator to facilitate the uniform applications and enforcement of the regulations. Effective date: Day after local action. BENSON, FRERICH.

Kanaranzi-Little Rock watershed levy increase

Chap. 275-S.F. 564 Increases the authorized property tax levy for the Kanaranzi-Little Rock Watershed District Administrative Fund. Specifies the method for determining the maximum net tax capacity rate. Effective date: Aug. 1, 1989. DECRAMER, WINTER.

Spang land annexation authorization

Chap. 295-H.F. 1454 Authorizes the Itasca County Board to accept a petition to annex a portion of unorganized territory to the town of Spang. Effective date: Jan. 1, 1990. NEUENSCHWANDER, LESSARD.

County office location authorization

Chap. 348-S.F. 1009 Provides for the location of offices for the county attorney, court administrator and sheriff and for the location of the District Court and the county jail in Carver and Scott Counties. Effective date: Day after local action. RENNEKE, McDONALD.

regulation provisions. Allows revocation of decision to be subject to the competitive services regulation provisions after Jan. 1, 1994. Modifies an emerging competitive service relating to annual gross revenues. Authorizes telephone companies to petition for classification of services as subject to effective or emerging competition. Restricts the changing of classifications resulting in lessened regulation. Requires additional filings by telephone companies decreasing rates for services subject to emerging competition. Requires the PUC to prevent proposed price reductions from taking effect if the commission finds that the proposed rate is below incremental cost or is not just and reasonable. Alters procedures for increasing rates for services subject to emerging competition. Provides for interim rates. Provides for price list changes and new services. Specifies incremental cost study requirements. Modifies procedures for changing rates for noncompetitive services and services subject to emerging competition. Modifies requirements for investments for both noncompetitive and competitive services. Authorizes companies to petition the PUC for approval of incentive plans applying to services to improve operating efficiency while maintaining or improving quality and outlines plan requirements. Provides for adoption. Provides for changes in tariffs. Modifies competitive services registration requirements. Extends the sunset of specified provisions. Effective date: July 1, 1989, with partial repeal on Aug. 1, 1994. JACOBS, DICKLICH.

Administrative rulemaking impact on small businesses

Chap. 87-S.F. 1082 Excludes public utilities and telephone and telegraph companies from the applicability of the requirement for state agencies to consider the impact of proposed rules on small business. Effective date: Aug. 1, 1989. BRANDL, WAGENIUS.

Emergency relief for tenant's loss of essential services

Chap. 214-H.F. 1107 Authorizes and provides for an emergency relief proceeding in the District Court under forcible entry and unlawful detainer provisions for tenant's loss of essential services. Specifies venue and petition and notice requirements. Limits tenant remedies for emergencies resulting from the deliberate or negligent act or omission of the tenant. Effective date: Aug. 1, 1989. JEFFERSON, MARTY.

Pipeline regulation changes

Chap. 244-H.F. 907 Alters pipeline regulations. Excludes pipelines owned or operated by natural gas public utilities from the definition of pipeline. Exempts interstate gas pipelines operating in eminent domain under the authority of the federal Natural Gas Act from routing requirements. Includes the state and local government units in the definition of operator, and local units in the definition of person under the one call excavation notice system. Provides for civil penalties for violations of the system. Authorizes the commissioner of public safety to negotiate compromise settlements. Requires crediting of collected penalties to the Pipeline Safety Account. Requires the commissioner to adopt rules establishing guidelines for imposing penalties. Provides for injunctive relief in the District Court. Includes intrastate hazardous liquid pipelines in intrastate gas pipeline safety regulation provisions. Requires compliance with the one call excavation notice system. Includes transportation by gravity or at a stress level of 20 percent or less in the definition of hazardous liquid pipeline facilities. Authorizes the commissioner to, by rule, establish additional or more stringent gas pipeline safety standards. Provides for the adoption of federal standards as minimum safety standards. Increases the maximum allowable civil penalty for violation of intrastate pipeline safety regulations. Requires commissioner penalty imposition guidelines. Requires preparation and maintenance of plans for the operation of gas pipelines. Eliminates the requirement for inspection plans. Transfers enforcement authority of the commissioner relating to intrastate hazardous liquid pipelines to intrastate gas pipelines. Requires the commissioner to establish and implement an inspection program. Eliminates the certificate of compliance issuance requirement. Excludes expenses relating to seeking and maintaining federal interstate agent status from inspection fee calculation. Provides for the commissioner, with reason, to waive compliance with hazardous liquid pipeline standards. Alters annual certification report requirements. Requires Office of Pipeline Safety inspectors to meet federal qualifications. Alters duties of the commissioner relating to the Office of Pipeline Safety. Requires the commissioner to establish an inspection program for interstate pipelines complying with federal requirements and to coordinate responses to pipeline accidents with the federal government according to procedures. Sets a deadline of Dec. 31, 1990, for the commissioner to adopt a model pipeline setback ordinance. Extends the deadline to Aug. 1, 1991, for subsequent county, city or town adoption of ordinances to meet or exceed the minimum standard of the model ordinance. Alters county or city emergency operations plans requirements. Requires supporting documents. Changes the imposition and calculation of the interstate pipeline inspection fee. Requires and provides for the commissioner to calculate office support costs. Modifies civil penalties. Repeals operator map and notice requirements. Effective date: Aug. 1, 1989. ORENSTEIN, NOVAK.

Public Utilities and Energy

Telephone service regulation

Chap. 74-H.F. 1056 Regulates noncompetitive and competitive telephone services. Requires telephone companies to file with the Dept. of Public Service specific rates, tolls or charges for noncompetitive services and price lists for services subject to emerging competition and liability limits. Requires telephone companies to file with the department and the Public Utilities Commission (PUC) a statement of charges to customers in competitive services sales and the filing of separate prices in combined sales. Requires the offering of services on a nondiscriminatory basis. Allows special or individual pricing. Provides for the settlement of disputes through settlement conferences or contested case hearings. Provides for PUC acceptance or rejection of settlements. Requires PUC notice to a telephone company before investigating complaints or the level of rates charged by the company. Prescribes procedures for the PUC to follow after the investigations. Requires the PUC to establish rates and prices. Authorizes direct charges to telephone companies for investigation costs of the department and the PUC without regard to a limit until reporting of gross jurisdictional operating revenue by the companies. Exempts telephone companies with gross jurisdictional operating revenues of less than \$5,000 from assessments. Modifies the applicability of competitive services

Service area task force creation

Chap. 309-S.F. 631 Establishes a task force to study issues relating to the setting and changing of electric utility service area boundaries and outlines study requirements. Requires cooperation of the Public Utilities Commission (PUC) and the Public Service Department. Authorizes the PUC to employ the services of consultants and to assess the costs associated with the task force study against the affected utilities and provides a \$200,000 limit. Grants the task force subpoena issuance authority under specified provisions. Effective date: June 2, 1989, except for the appropriation section, which is effective July 1, 1989. DICKLICH, QUINN.

Low-income energy needs

Chap. 338-H.F. 1532 Requires the Public Utilities Commission (PUC) to establish by rule a policy governing the disconnection of residential utility customers unable to pay for service during cold weather and requires the policy to forbid disconnection of customers who pay the utility ten percent of the customer's income or the full amount of the bill, whichever is less. Requires the policy to provide for referral to weatherization, conservation, or other programs likely to reduce the customer's consumption of energy. Transfers jurisdiction over the Energy Conservation Improvements Investment Program from the PUC to the Dept. of Public Service. Designates the department as the low income persons energy policies coordinating agency. Expands eligibility for the investment program and changes investment and expenditure provisions. Authorizes the department to require utilities to undertake programs suggested by outside sources. Requires that at least half the money spent in residential programs be devoted to programs for low income persons unless an insufficient number of appropriate programs are available. Authorizes energy improvements to building envelopes upon department determination that special circumstances, which would unduly restrict the availability of conservation programs, exist. Authorizes the petitions to the commission to modify or revoke a department decision requiring a program if the commission determines that the program is ineffective, does not adequately address the needs of renters and low-income families and individuals, or is otherwise not in the public interest. Requires the PUC to allow utilities to recover expenses resulting from a required program. Requires the commissioner to collect information on conservation and other energy related programs. Requires the appointment of an advisory task force to evaluate the information collected and formulate recommendations to the Legislature. Requires commissioner annual reports to the Legislature on money needs and availability to finance energy related programs. Authorizes the commissioner to collect fees from energy program proposers and operators to cover the department's costs in making reviewal, evaluation, or approval and in developing additional programs for others to operate. Requires the Energy Conservation Information Center to maintain a central source of information on conservation and energy related programs, including information on policies covering disconnections or denials of fuel during cold weather adopted by public utilities and other fuel suppliers not governed by specified statutes, and including the number of households disconnected or denied fuel and the duration of the disconnections or denials. Requires the commissioner of jobs and training to require that the benefits of weatherization assistance grants to rental dwelling unit owners accrue primarily to the low income family that resides in the unit and prohibits rent or property value increases due to the assistance. Requires the Dept. of Public Service to study the feasibility of requiring heating fuel suppliers to undertake conservation improvement programs and of basing grants to low income energy users on total energy costs. Requires a report to the Legislature by Jan. 15, 1990. Provides for the allocation of money received by the state, or to be made available to the state in the future, as a result of litigation or settlements of alleged violations of federal petroleum pricing regulations that is not otherwise appropriated by law or dedicated by court order. Effective date: Various dates. DAWKINS, DICKLICH.

Resolutions

Funding for VA Medical Centers

Res. 1-S.F. 83 A resolution memorializing Congress to restore full funding the VA Medical Centers. BERTRAM, KOSTOHRZY.

Condemnation of Iran

Res. 2-S.F. 686 A resolution memorializing the President and Congress to condemn Iran for its action against Salman Rushdie and to refuse to return frozen Iranian assets. KNAAK, ABRAMS.

Rejection of Minnesota waters in coal slurry pipelines

Res. 3-S.F. 1051 A resolution memorializing Congress to reject legislation which would authorize use of Minnesota waters in coal slurry pipelines and would grant the right of eminent domain to such pipelines. NOVAK, WELLE.

Rejection of rules to govern state-chartered banks

Res. 4-H.F. 1438 A resolution memorializing the Federal Reserve Board of Governors to reject amendments to its rules which would govern permissible activities of state-chartered banks. OSTHOFF, SOLON.

Flexibility of use of federal highway funds

Res. 5-S.F. 388 A resolution memorializing the President and Congress to enact legislation allowing greater flexibility in the use of federal highway funds, to provide funding for light rail transit, and to make funds available to complete and repair federal aid highways. BERGLIN, CLARK.

Delays for increase in compensation of members of Congress

Res. 6-H.F. 762 A resolution memorializing Congress of the Minnesota Legislature's ratification of a proposed amendment to the U. S. Constitution providing a delay in the increase in compensation of members of Congress until an intervening election of representatives has occurred. DEMPSEY, FREDERICKSON, D.R.

Taxes and Tax Laws

Local government financing provisions

Chap. 1-H.F. 40 Alters the limit on capital loans to school districts. Requires county auditors to increase the adjusted tax capacity rate of each local government unit. Specifies limit. Requires disparity aid reductions. Changes the limit on net debt to 0.25 percent of market value of taxable property. Requires the adjustment of other debt limits for conversion to a percentage of gross tax capacity. Removes a provision relating to the calculation of the original tax capacity rate for tax increment financing districts certified in 1988 for increment computation purposes, and modifies an effective date. Excepts a city from the requirement for the county auditor to increase the original assessed value of the district by the assessed valuation of prior planned improvements constructed pursuant to a specific site or building permit. Effective date: Aug. 1, 1989. LONG, JOHNSON, D.J.

Mining and corporate franchise tax changes

Chap. 27-H.F. 68 Article I Makes technical corrections to the Unmined Iron Ore Property Tax. Changes commissioner of revenue notice and hearing deadlines relating to determination of market value. Provides a retroactive corporate franchise tax modification for mining income or gains. Clarifies the computation of mining occupation taxes. Provides for the determination of gross income, deductions and special deductions. Removes the subjection to alternative minimum taxes.

Article II Makes technical corrections and clarifications to the Corporate Franchise Tax. Removes financial institutions from the presumption of obtaining or regularly soliciting business from within the state. Interest in funds of regulated investment companies or in money market instruments or securities are not to be factors in determination of S corporation tax subjection. Redefines participation loan and defines syndication loan for purposes of determining the receipts factor for financial institutions. Clarifies the property factor determination relating to assets in unsecured commercial loan and installment obligations. Exempts S corporations from notice of business activities report filing requirements. Removes other exemptions. Allows causes of action relating to tax liability without notice filing. Makes mandatory the power of the court to excuse corporations for failure to file if the corporation has paid all taxes, interest, and civil penalties due the state for all periods, or provided for payment of them by adequate security or bond approved by the commissioner. Alters effective dates for specific corporations. Effective date: Various dates. WELLE, POGEMILLER.

Individual income and corporate franchise tax changes

Chap. 28-H.F. 214 Makes technical corrections and clarifications to individual income and corporate franchise taxes. Updates references to the Internal Revenue Code. Provides an income tax subtraction for income realized on the forced sale of agricultural property. Clarifies the application of an additional tax for married individuals filing separately. Clarifies the calculation of the lump sum distribution tax credit, the dependent care credit relating to the receipt of Aid to Families with Dependent Children (AFDC) and for persons with income included in the computation of federal adjusted gross income but not subject to Minnesota tax. Allows the credit for taxpayers not required to file a federal individual income tax return. Clarifies the subtraction for the elderly and disabled. Requires surety deposits by

out-of-state contractors to guarantee payment of income, franchise, withholding and sales and use taxes. Effective date: Various dates. WELLE, POGEMILLER.

Liquor tax refund claims time limitation

Chap. 110-H.F. 1357 Changes the time limit for claims for refund of liquor taxes qualifying as bad debts to one year of the filing date of the taxpayer's federal income tax return containing the bad debt deduction that is being claimed. Effective date: Aug. 1, 1989. JACOBS, NOVAK.

Revenue data classification and disclosure changes

Chap. 184-H.F. 243 Article I Specifies the classifications for and access to tax returns and return information. Provides for disclosure to subjects of the data. Provides for compilation and disclosure of statistical studies by the commissioner of revenue. Provides for disclosure of returns or return information in state or federal tax proceedings or investigations, for tax administration and for business license clearance purposes. Provides for disclosure of sales tax permit information and of names and addresses in order to locate taxpayers owed refunds. Provides for the disclosure of return information for purposes other than tax administration including child support enforcement, unemployment compensation, enterprise zone administration, revenue recapture and horse racing events. Specifies data not to be subject to discovery. Provides for civil remedies and criminal penalties for violations. Authorizes the commissioner to adopt rules.

Article II Conforms statutory provisions to the recodification of Dept. of Revenue information and disclosure provisions. Effective date: July 1, 1989. REST, BRANDL.

Hangar property tax exemption

Chap. 239-S.F. 46 Exempts leased hangars at airports in small cities from property tax. Effective date: For taxes levied in 1989. VICKERMAN, OLSON, K.

Tax provisions technical changes

Chap. 277-H.F. 266 Article I - Department sales and special taxes

Authorizes the commissioner of administration to provide unmarked motor vehicles for use by the Dept. of Revenue for seizure or criminal investigation purposes. Provides for registration and license plates for the unmarked vehicles. Removes a restriction on cash payments from the Ethanol Development Fund. Changes fire or police state aid qualification certification dates to March 15, and a due date, from November 30 to October 31, for the surcharge on fire insurance premiums to restore the deficiency in the special fund for fire and police state aid. Authorizes the commissioner of revenue to enter into cigarette tax refund agreements with Indian tribes. Provides for manufacturer sales of unstamped tobacco products and liquor to Indian tribes. Provides that retailer sales to nonqualified buyers are to be subject to tax, and provides for retailer person liability for violations. Grants the commissioner the authority to cancel sales tax permits if the permit holder has not filed a sales or use tax return for one year or more; the permit holder has not reported any sales or use tax liability on the permit holder's returns for two or more years; or the permit holder requests cancellation of the permit. Subjects out of state retailers to use tax collection requirements. Excludes motor vehicle leases from the sales tax exemption for sales to government agencies or nonprofit groups. Imposes the Motor Vehicle Excise Tax on vehicles purchased or acquired on Indian reservations with Motor Vehicle Excise Tax refund agreements. Requires full payment of the Motor Vehicle Excise Tax for collector vehicles registered for street use within one year of registration as a classic car. Specifies marijuana or controlled substance taxpayer liability for the difference between the tax due and taxes paid to other states or to local units of government. Prohibits the use of controlled substance tax stamps in criminal proceedings, and authorizes the use against the taxpayer in other proceedings. Requires wholesalers documentation to the commissioner of revenue prior to selling cigarettes at prices other than those presumed by law for actual cost verification purposes. Imposes an annual cigarette distributors fee. Authorizes town imposition of lodging taxes at special meetings. Requires Metropolitan Area solid waste landfill and tipping fees to be calculated on the same basis. Provides for the continual effect of local lodging taxes. Increases the complement of the Dept. of Revenue. Repeals express, freight line and sleeping car company gross earnings taxes. Repeals a sales tax rules display requirement, the sales tax exemption for satellite broadcasting facility materials tax and city and town lodging tax imposition authority. Provides for the continual effect of specific local lodging taxes.

Article II - Property taxes Clarifies the authority of counties to levy to provide funds for agricultural societies. Clarifies the time of payment of fair market value for severed mineral interests. Adds the homestead and agricultural credit guarantee and aid to school district aid adjustment provisions. Changes the effective date of state participation rates for human services programs. Includes additional airlines in the definition of air commerce. Imposes penalties on late filings of airline company reports and changes the penalty for late payment of airline property taxes. Provides for

valuation of class or classes of real property. Alters senior accreditation and residency requirements for county assessors. Requires specific leased property to be assessed and collected as personal property. Expands the definition of transitional housing facility for property tax exemption purposes. Requires full documentation of late assessments. Provides for agricultural classification and green acres treatment of some nurseries and greenhouses, and clarifies agricultural land classification provisions. Extends valuation and deferment of agricultural property taxes to real estate farmed with real estate qualifying for the valuation and deferment. Provides that, to qualify for open space property tax treatment, a golf club may not offer a membership or golfing privileges to a spouse of a member that provides greater or less access to the golf course than is provided to that person's spouse under the same or a separate membership in that club, except that the terms of a membership may provide that one spouse may have no right to use the golf course at any time while the other spouse may have limited or unlimited access to the golf course. Provides for the treatment of agricultural land that is occupied and used as a homestead by its owner, who must be a Minnesota resident, as an agricultural homestead. Modifies the definition of family farm corporation under a homestead ownership provision. Extends full homestead treatment to midyear homesteads and homesteads of VISTA or Peace Corps volunteers. Eliminates the requirement for the commissioner of jobs and training to provide a copy of the blind person property certification to the commissioner of revenue. Includes disparity reduction and conservation tax credits in the computation of net property taxes. Clarifies and recodifies the distribution of penalties, interest and costs collected on special assessments and real and personal property taxes. Clarifies the determination of validity of assessments in counties containing first class cities. Provides that the Dept. of Revenue Sales Ratio Study is prima facie evidence of assessment levels, and authorizes valuation reductions on grounds of discrimination under median ratio conditions. Modifies the allocation of taconite tax proceeds to cities and towns. Provides for the establishment of town subordinate service districts. Increases the market value limit for county board granting of reductions or abatements. Exempts public parking facilities from the property tax. Eliminates the requirement for the commissioner to certify the market value of railroad property to school districts. Modifies the definition of city revenue for local government aids purposes. Expands town eligibility for distributions. Modifies a tax increment financing transition rule and effective date. Provides for the establishment of special service districts in the cities of Mankato and Hopkins. Repeals a reduction in county administrative aid; the authority of counties, cities or towns to levy for removal of property condemned as hazardous to health safety or welfare; and an additional levy election provision.

Article III - Special taxes Modifies the definition of stamp, and extends the licensing period for cigarette and tobacco tax purposes. Eliminates the surety bond requirements for cigarette distributors. Extends the deadline for heat applied tax stamping machine requirements. Eliminates references to imprint tax meter machines. Increases the fee per distributor and subjobber license. Eliminates the bond requirement for manufacturers or wholesalers of wine and distilled spirits. Removes an intoxicating liquor import restriction.

Article IV - Mill rate conversions Converts statutory reference relating to the property tax from mill rates to percentages of market value. Repeals provisions relating to city police and fire relief association property tax levies. Effective date: Various dates. LONG, STUMPF.

Tax Court recodification

Chap. 324-S.F. 462 Recodifies and clarifies Tax Court powers and procedures. Recodifies and clarifies powers of the commissioner of revenue relating to tax reductions or abatements and examinations or investigations. Makes technical corrections, and eliminates redundant and unnecessary language and obsolete references. Requires the commissioner to issue a certificate of release for erroneously filed lien notices. Extends the deadline for pleadings to 30 days. Includes cases involving nonhomestead property under the jurisdiction of the small claims division. Clarifies penalty and interest requirements for delinquent property taxes. Repeals provisions requiring payment of tax pending appeal. Effective date: Various dates. STUMPF, BISHOP.

Public debt conditions and requirements

Chap. 355-S.F. 1582 Provides conditions and requirements for the issuance and use of public debt. Exempts bonds and other obligations issued by the Iron Range Resources and Rehabilitation Board (IRRRB) from contract management and review requirements. Authorizes county issuance of bonds for solid waste facility closure, postclosure and contingency costs and noncapital responses. Modifies a solid waste facility bond issuance condition. Modifies competitive bidding exemption provisions for housing and redevelopment authority housing development projects. Requires local government units to take action to reduce the costs of borrowing for public

purposes. Expands the definition of project for municipal industrial development purposes to include the purchase of local government obligations located whole or in part within the boundaries of the municipality that are issued or to be issued for public purposes. Provides for a revenue agreement requirement exemption. Authorizes counties containing a city of the first class, statutory or home rule charter cities of the first or second class and metropolitan agencies to enter into option agreements to buy or sell specific securities. Authorizes and provides for the Metropolitan Council to issue certificates of indebtedness or capital notes to purchase equipment to be owned and used by the council and having an expected useful life of at least as long as the terms of the certificates or notes. Authorizes and provides for the Metropolitan Council to issue revenue bonds for disposal system acquisitions. Defines bond investment program and other governmental unit for public indebtedness purposes. Exempts obligations from the redemption notice of call publication requirement, and provides for waiver of publication or mailing if actual notice of the call has been given through a different means of communication. Authorizes the payment of obligations in foreign currency under specific conditions. Authorizes the use of registration data to offer obligations under bond reinvestment programs. Provides for interest and obligation denomination determination under bond reinvestment programs. Authorizes the publication of notice of public sale of obligations in Metropolitan Area newspapers. Expands public sale requirements exemptions. Clarifies indebtedness powers. Effective date: June 3, 1989. POGEMILLER, REST.

Transportation

Marked state patrol vehicle exemptions

Chap. 17-H.F. 387 Specifies that marked state patrol vehicles are exempt from rules requiring a security barrier between the front and rear seat of the vehicle. Effective date: Aug. 1, 1989. SARNA, LANTRY.

Reasonable compensation for warranty services

Chap. 25-H.F. 323 Changes the method for determining reasonable compensation for warranty services performed by motor vehicle dealers. Provides for reimbursement for parts purchased in performing the services. Effective date: Aug. 1, 1989. SCHEID, FREEMAN.

Used motor vehicle definition change

Chap. 34-H.F. 322 Modifies the term dealer to include a lessor directly or indirectly selling leased, used motor vehicles. Excludes demonstrator vehicles from the definition of used motor vehicle. Specifies conditions. Excludes class C total loss vehicles from express warranty requirements. Effective date: Aug. 1, 1989. BEGICH, DAHL.

New vehicle dealer's liability limits

Chap. 43-H.F. 321 Limits the liability of new motor vehicle dealers due to the failure of the manufacturer to repair, refund or replace nonconforming vehicles (lemon law). Effective date: Aug. 1, 1989. BEGICH, DAHL.

Passenger transportation service deregulation

Chap. 122-S.F. 847 Deregulates persons providing passenger transportation services under contract to and with assistance from the Dept. of Transportation. Requires contractor compliance with rules of the commissioner. Exempts local transit commissions, a transit authority created by the legislature, or special transportation services certified by the commissioner. Effective date: Aug. 1, 1989. SAMUELSON, HASKAMP.

Passenger automobile definition changes

Chap. 140-H.F. 218 Expands the definition of passenger automobile to include station wagons and passenger carrying vans for insurance, registration and taxation purposes. Requires the commissioner of public safety to conduct criminal records checks of applicants for a drivers license school bus endorsement. Specifies requirements. Effective date: Jan. 1, 1990. OLSON, K., LANTRY.

Motor vehicle certificates of title changes

Chap. 148-H.F. 931 Modifies motor vehicle certificates of title requirements. Specifies a time limit of ten days for motor vehicle dealers mailing or delivery of certificate applications to the Dept. of Public Safety. Requires delivery of appropriate taxes. Modifies form requirements. Requires certificates of title to contain a form for disclosure by the transferor of the condition of the vehicle pollution control equipment. Requires certificates of title to be mailed to owners. Requires notification to be mailed to secured parties of security interest filed. Eliminates the waiting period for duplicate title certificates. Provides for the immediate delivery to transferees of certificates of title upon transfer of interest by owners. Requires application

for a new title within 10 days. Requires the transferee to complete the application for title section on the certificate of title. Requires assignment and warranty of title execution by the secured party in involuntary transfers. Increases the department retention period requirement for surrendered certificates. Provides for the release of security interests upon satisfaction of the security interests in vehicles with certificates of title in possession of the owners. Requires the department to suspend or revoke certificates of title upon vehicle owner failure to surrender the certificates in involuntary transfers. Effective date: July 1, 1990. KALIS, LANTRY.

Bridge construction requirements

Chap. 158-H.F. 242 Requires bridges constructed on public highways or streets to conform to the strength, width, clearance and safety standards imposed by the commissioner of transportation for the connecting highway or street. Specifies minimum strength and width requirements. Effective date: Aug. 1, 1989. DAUNER, FRANK.

Route No. 249 removal from Trunk Highway System

Chap. 169-H.F. 966 Removes Legislative Route No. 249 from the Trunk Highway System subject to a transfer of jurisdiction agreement between the commissioner of transportation and Houston County. Effective date: May 18, 1989. JOHNSON, V., MORSE.

Mowing or tilling rights-of-ways

Chap. 179-H.F. 578 Authorizes local road authorities to, by ordinance, establish conditions for mowing or tilling rights-of-way of highways located outside cities. Effective date: Aug. 1, 1989. LIEDER, PURFEERST.

Service sign definition change

Chap. 181-H.F. 278 Expands the definition of specific service sign to include signs for tourist-oriented businesses. Defines tourist-oriented business to include greenhouses or nurseries, bait and tackle shops, marinas and gift or antique shops under the Highway Specific Service Signs Program. Effective date: May 18, 1989. BATTAGLIA, STUMPE.

Vacating ways abutting public waters notification

Chap. 183-H.F. 400 Requires notice to the commissioner of natural resources by the commissioner of transportation, counties, cities and towns before vacating highways, roads, streets, alleys or public grounds or ways terminating at or abutting public waters. Effective date: Aug. 1, 1989. WAGENIUS, STUMPE.

Vehicle fleet owners delinquency penalties

Chap. 195-S.F. 1105 Provides for suspension of apportioned license plates and international fuel tax compact licenses for interstate vehicle fleet owners delinquent in the filing or payment of the fuel tax agreement reports or the payment of the international registration plan billing. Specifies notice requirement. Provides for installment payments by the owners. Specifies bond, bank letter of credit or certificate of deposit requirement. Prohibits the use of the vehicle and imposes penalties for failure to pay installments by the due date. Authorizes the registrar of motor vehicles to deny subsequent installment payment privileges. Specifies conditions. Effective date: Aug. 1, 1989. LANGSETH, LIEDER.

Traffic regulation changes

Chap. 204-S.F. 163 Further restricts U-turns. Requires all school buses with a seating capacity in excess of 10 persons to be equipped with stop arms and prewarning flashing amber signals and flashing red signals and to be National School Bus Glossy Yellow in color. Alters the requirements for use of the flashing amber signals to load or unload school children. Clarifies the definition of private passenger vehicle for bumper requirement purposes. Requires pickup trucks and vans to be equipped with front bumpers and with either rear bumpers or reflectors. Includes vans and pickup trucks in specific bumper height requirements. Requires vehicles to meet federal motor carrier rear end protection requirements. Specifies strength requirements for wheelchair securement devices. Effective date: Aug. 1, 1989. FRANK, BAUERLY.

Railroad right-of-ways first refusal provision

Chap. 212-H.F. 1432 Requires nonrailroad lessors of railroad rights-of-way to offer the right of first refusal to leaseholders before selling interests in real property within the right-of-way. Defines nonrailroad lessor. Effective date: May 24, 1989. STEENSMA, DECRAMER.

AMVETS Memorial Highway renamed

Chap. 227-S.F. 1011 Redesignates the AMVETS Memorial Highway as the American Veterans Memorial Highway. Effective date: Aug. 1, 1989. PURFEERST, BISHOP.

Special license plates for handicapped minors

Chap. 234-S.F. 169 Allows custodial parents or guardians of permanently, physically handicapped minors to obtain special license plates for the physically handicapped. Authorizes the issuance of special license plates to employers for physically handicapped persons furnished motor vehicles for

exclusive use in employment. Authorizes the commissioner of public safety to waive the licensed physician or chiropractor statement requirement, if the applicant has previously filed with the commissioner a statement of a licensed physician or chiropractor certifying that the applicant has a permanent physical handicap. Expands the definition of physically handicapped person for parking privileges purposes. Effective date: May 26, 1989. FREDERICK, HARTLE.

Edina transit system authorization

Chap. 241-S.F. 54 Authorizes the city of Edina to acquire, construct, maintain and operate a nonrail public transit system in an area of the city. Specifies area. Provides for acquisition of equipment and property. Authorizes contracts. Exempts the system from Transportation Regulation Board regulation. Authorizes the city to establish special service districts for services rendered or contracted for by the city, including the transit system. Provides for governance. Authorizes the imposition of service charges. Specifies conditions. Exempts the city and the housing and redevelopment authority from competitive bidding or performance bond requirements in connection with specified redevelopment projects. Effective date: May 26, 1989. STORM, FORSYTHE.

Semitrailers length increase

Chap. 250-H.F. 472 Increases the maximum allowable length of semitrailers. Removes other restrictions. Defines mobile crane and provides for special permits. Deregulates persons providing passenger transportation services under contract to and with assistance from the Dept. of Transportation. Requires a charter carrier permit to provide charter service. Requires the commissioner of transportation to conduct a highway costs allocation study. Specifies study requirements. Requires a report to the Legislature by Oct. 1, 1990. Effective date: Aug. 1, 1989. KALIS, PURFEERST.

Towing restrictions

Chap. 256-H.F. 1697 Restricts towing authorities from allowing or requiring the towing of motor vehicles for parking or traffic violations for four hours following the issuance of a ticket or citation. Specifies exceptions. Prohibits towing for expired registration tabs that have been expired for less than 90 days or for expired parking meter when the vehicle has fewer than five unpaid parking tickets. Provides for recovery of damages for violation. Creates a lien on motor vehicles towed and stored at the request of law enforcement officers. Requires preparation of a written towing report prior to towing. Effective date: May 26, 1989. CARRUTHERS, NOVAK.

Highway funding reapportionment

Chap. 268-H.F. 1764 Reduces the apportionment of the Highway User Tax Distribution Fund to the Trunk Highway Fund and increases the apportionment to the County Turnback Account in the County State Aid Highway Fund. Increases the amount required to be spent from the County Turnback Account for town roads. Authorizes use of the State Park Road Account for city streets and town roads providing immediate access to public lakes, rivers and state parks and campgrounds. Increases the motor vehicle registration tax for older vehicles. Specifies limit. Modifies the phased transfer of motor vehicle excise tax proceeds to the Highway User Tax Distribution and Transit Assistance Funds. Appropriates money to the commissioner of transportation for highway development. Effective date: Various dates. KALIS, LANGSETH.

Essential Air Service Program funds authorization

Chap. 272-S.F. 499 Authorizes the commissioner of transportation to use State Airports Fund money to provide the matching portion required to participate in the federal Essential Air Service Program. Establishes a classic registration classification for aircraft that have a base price for tax purposes of \$10,000 or less, and that are owned and operated solely for recreational purposes. Effective date: Various dates. VICKERMAN, WAGENIUS.

RTB borrowing authority regulations

Chap. 283-H.F. 1137 Increases the borrowing authority of the Metropolitan Council for the Regional Transit Board (RTB). Effective date: Aug. 1, 1989. JOHNSON, A., LANTRY.

Seat belt fines dedication

Chap. 288-H.F. 1146 Requires the deposit of fines collected for violations of the mandatory seat belt law into the Emergency Medical Services Relief Account. Effective date: July 1, 1989. STEENSMAN, FRANK.

Pole length pulpwood transport permits

Chap. 299-S.F. 738 Authorizes the commissioner of transportation to issue special permits for vehicles transporting pole length pulpwood for travel on highways under the commissioner's authority. Specifies fee. Specifies permit restrictions. Provides for the payment of grade crossing improvement costs. Authorizes the commissioner to apportion the costs for new grade crossings. Eliminates the requirement for the commissioner to deposit federal money in the Rail Service Improvement Account and eliminates the exclusion of state rail bank bond proceeds and income. Modifies commissioner's

contracting authority. Eliminates the Rail Bank Improvement Account and provides for the deposit of receipts and proceeds in the Rail Service Improvement Account. Includes the preservation of abandoned rail rights-of-way for future transportation uses as a purpose of regional railroad authorities. Repeals the authority of the commissioner to acquire the right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad between Jackson and Ramsey and between Minnesota Lake and Wells. Effective date: Aug. 1, 1989. STUMPF, OLSON, E.

Commercial motor vehicle license changes

Chap. 307-H.F. 927 Modifies the definition of bus for licensing, registration, traffic regulations and drivers license purposes. Defines passenger endorsement. Defines commercial motor vehicle for traffic regulations and drivers license purposes. Prescribes criminal and administrative penalties for persons driving or operating commercial motor vehicles while under the influence of alcohol under stricter federal standards of .04 percent. Provides for arrest and authorizes fresh pursuit into another jurisdiction. Provides for the admission of evidence and for chemical testing. Provides that a person driving, operating, or in physical control of a commercial motor vehicle with any presence of alcohol is prohibited from operating a commercial motor vehicle for 24 hours from issuance of an out-of-service order. Requires operation disqualification for a minimum period of one year for refusal to take the test. Requires operation disqualification for one year if the test results indicate a concentration of more than .04 percent. Requires drivers license endorsements for a person who operates a vehicle designed to transport more than 15 passengers, including the driver. Modifies the requirements for drivers license classifications and provides an additional classification for vehicles transporting hazardous materials. Exempts nonresident commercial motor vehicle drivers with drivers licenses complying with federal requirements issued by other state from drivers license requirements. Prohibits the issuance of drivers licenses during periods of cancellation or disqualification. Increases the fees for Class CC, Class B, and Class A licenses. Requires social security numbers on license or permit applications. Requires "Minnesota Commercial Driver's License" to be marked on Class CC, Class B or Class A commercial drivers licenses. Eliminates the records maintenance exemption for offenses committed while operating a vehicle as a chauffeur in another state or Canadian province. Specifies grounds for commercial drivers disqualification and specifies exemptions. Requires the commissioner of public safety to adopt rules. Requires and provides for commissioner review and reconsideration of license disqualifications. Clarifies the start of periods of license revocation, suspension, cancellation or disqualification. Prescribes a penalty for operating a commercial motor vehicle after disqualification. Enacts the Driver License Compact. Provides for reports of convictions among party states. Specifies the effect of conviction in the home state for convictions in another member state. Prohibits license issuance if the applicant has held a license but it has been suspended for a violation, the applicant has held a license but it has been revoked for a violation, the applicant is the holder of a license to drive issued by another party state currently in force unless the applicant surrenders the license. Provides that the commissioner of public safety is to be the compact administrator. Provides for the exchange and reporting of information. Provides for withdrawal from the compact. Specifies a construction and severability clause. Requires the Driver License Compact Commission to file a copy of the bylaws and amendments with the secretary of state. Provides for the issuance of temporary licenses, of the class currently held by the driver, to a driver who possesses a good driving record as determined by the commissioner but fails to pass the commercial driver license written examination before the expiration date of that driver's license. Effective date: Various dates. LASLEY, DECRAMER.

Limousine provision changes

Chap. 318-H.F. 166 Provides for the classification of complaint data received by the Dept. of Transportation and investigative data relating to motor carriers. Modifies the definition of limousine for registration purposes and clarifies the requirement for registration of limousines. Authorizes persons operating limousines for personal use to apply. Specifies a minimum aggregate amount of required insurance. Exempts special transportation service providers holding a current certificate of compliance issued by the commissioner. Modifies the definition of "for hire" and defines special passenger carrier for regulation purposes. Modifies vehicle identification rules provisions and specifies name and address display requirements. Provides for the expiration of hazardous waste transporter vehicle identification decals. Clarifies the requirement for household goods carriers to obtain irregular route common carrier permits. Specifies insurance or bond requirements. Authorizes charter carriers to provide special passenger service and specifies tariff filing requirements. Provides for motor carrier permit transfer upon death of the permit holder and specifies a time limit. Clarifies a provision relating to the requirement for attachment of federal

liability insurance regulations to policies issued to motor or interstate carriers. Prescribes penalties for failure of carriers to comply with insurance or bond requirements. Authorizes and provides for commissioner of transportation interstate agreements for cooperative registration of motor carriers engaged in interstate commerce. Effective date: Aug. 1, 1989. LASLEY, NOVAK.

Dealer license plate fee increase

Chap. 323-S.F. 659 Increases fees for additional drive-away in transit license plate and the fees for motor vehicle, motorized bicycle and boat and snowmobile trailer dealers license plates. Increases the amount of motor vehicle dealer license plate fees allocated as motor vehicle excise tax. Further restricts the use of motor vehicle dealer plates. Effective date: Aug. 1, 1989. PURFEERST, LASLEY.

ATV provision changes

Chap. 331-H.F. 333 Expands the state liability exemption for use of the outdoor recreation system to grant-in-aid trails and the Minnesota Zoological Garden. Specifies an exception to the zoo exemption. Alters registration requirements and regulations for all-terrain vehicles. Removes exemptions for agricultural and private use. Provides for private or agricultural use registration and specifies fee. Increases the minimum damage limit for required accident reports, specifies a time limit for the reports, and requires accident reports by investigating officers. Requires a drivers license to operate all-terrain vehicles along or on public road rights-of-way. Excepts trails designated for ATV or multiple use. Strengthens youthful operator prohibitions and restricts the application of safety certificates. Increases the age limit under the helmet requirement to provides that a person less than 18 years of age shall not operate an all-terrain vehicle unless wearing a safety helmet. Provides for operation of ATVs registered for private or agricultural purposes on a public road right-of-way of a trunk, county state-aid, or county highway if the all-terrain is operated on the extreme right-hand side of the road. Further restricts operation on bridges. Removes a reflector material requirement. Authorizes road authorities to designate corridor access trails for ATV use. Requires a hand or foot brake on ATVs. Specifies additional operation prohibitions. Authorizes cities or towns to prohibit ATV operation on streets or roads. Imposes and increases penalties. Expands the scope of highway traffic regulations to include persons driving or operating snowmobiles on snowmobile trails. Modifies motorized bicycle headgear, equipment and operation requirements and regulations. Excludes ATVs from the definition of implement of husbandry for drivers license exemption clarification purposes. Excludes counties from tort liability for operation of ATVs and specifies an exception. Removes a local authority liability exemption. Requires the commissioner of natural resources to evaluate family all-terrain vehicle use and report to the Legislature by Jan. 1, 1990. Effective date: Aug. 1, 1989. BEGICH, VICKERMAN.

RTB and light rail provisions

Chap. 339-H.F. 1408 Modifies provisions relating to the Regional Transit Board (RTB) and the Metropolitan Transit Commission (MTC). Requires the commissioner of transportation to submit applications to the RTB for approval before distribution of money from the Transit Assistance Fund. Requires the RTB to report to the Legislature on the use and planned distribution of construction funds before approval. Authorizes regional railroad authorities to enter into joint powers agreements. Transfers the Metropolitan Area light rail transit (LRT) design plans approval duties from the Metro Council to the RTB. Modifies hearing and local approval requirements. Expands the duties of the RTB relating to transit service and specifies advisory duties. Alters the membership of the RTB and provides for length of terms. Removes the prohibition on board receipt of federal operating or capital assistance funds or grants. Prohibits the use of bond sale proceeds to provide assistance to private public transit operators. Authorizes the RTB to provide financial assistance to private for-profit public transit operators for specified services. Requires the RTB to adopt a regional LRT plan before construction of LRT facilities. Specifies developer conformity requirements. Requires the RTB to adopt a regional development and financial plan for LRT and specifies required elements. Requires Metro Council approval. Requires the RTB to adopt a regional coordination plan for LRT. Specifies content requirements. Requires the RTB to establish a Joint Light Rail Transit Advisory Committee to assist in planning light rail transit facilities and in coordinating activities of the county regional railroad authorities and the MTC. Provides for committee membership. Requires proposers to submit preliminary and final design plans to the RTB for review and approval. Specifies plan requirements. Increases the membership of the MTC, provides for length of terms and modifies qualification requirements. Requires the MTC to operate LRT facilities and services. Requires coordination of the LRT system with bus service. Specifies light rail planning requirements and deadlines. Protects the existence of regional railroad authorities. Grants eligibility for federal assistance. Requires the RTB to conduct a study of methods to improve the delivery of transportation services

for the elderly, handicapped and disabled. Specifies study requirements. Requires community involvement and a report to the Legislature by Dec. 1, 1989. Effective date: June 2, 1989. CARRUTHERS, NOVAK.

Park trailer provision changes

Chap. 342-H.F. 1046 Requires and provides for the registration and taxation of park trailers. Defines park trailers. Modifies the definition of manufactured home and excludes manufactured homes from the definition of park trailer. Eliminates the definition of and references to house trailer. Defines travel trailer for regulation purposes. Requires unregistered park trailers to be taxed as manufactured homes if occupied as human dwelling places. Imposes the motor vehicle excise tax on park trailers. Includes park trailers in the definition of motor vehicle for sales purposes. Requires motor vehicle dealers acquiring late model or high value graded vehicles to submit information to the Dept. of Public Safety and maintain records for certificate of title purposes. Sets an inspection fee to be paid to the Dept. of Public Safety for inspection of motor vehicles issued salvage certificates of title. Requires deposit in the General Fund. Effective date: Various dates. JOHNSON, A., STUMPE.

Veterans and Military Affairs

National Guard adjutant general promotion

Chap. 11-H.F. 267 Reduces from two years to one year the length of time the National Guard adjutant general must serve as brigadier general before being promoted to major general. Effective date: Aug. 1, 1989. KOSTOHRYZ, BERTRAM.

National Guard pay grade clarification

Chap. 23-S.F. 286 Clarifies the authority of the adjutant general to establish the pay grade for military personnel. Effective date: Aug. 1, 1989. VICKERMAN, BERTRAM.

Flags for deceased National Guard members authorization

Chap. 53-S.F. 115 Requires the adjutant general, upon request, to furnish American flags at the death of active members of the National Guard. Effective date: Aug. 1, 1989. BERTRAM, STEENSMA.

Board of directors rulemaking authorization

Chap. 84-S.F. 435 Grants the Minnesota Veterans Home Board of Directors emergency rulemaking authority. Specifies Dec. 31, 1989, as the sunset for the emergency authority. Requires the board to create a utilization review committee for each home to assess the appropriateness and quality of care and services provided to residents. Requires the board to create an admissions committee for each home. Changes admissions standards. Requires the board to determine the method of calculating the average cost for domiciliary and nursing care residents. Specifies residents' liability for arrearages. Provides for District Court enforcement of discharge orders. Restricts residents' tenant rights. Retaliatory eviction presumption does not apply to residents with arrearages. Effective date: May 10, 1989. BERTRAM, COOPER.

Posttraumatic stress disorder inmates evaluation

Chap. 124-S.F. 590 Requires chief executive officers of adult correctional institutions to require directors of inmate classification to determine the stressfulness of military duty or civilian medical service performed by inmates in developing corrections plans for the inmates. Effective date: Aug. 1, 1989. DIESSNER, WELLE.

Additional veterans home study authorization

Chap. 332-H.F. 732 Adopts the asset limits established by the Board of Directors of the Minnesota Veterans Homes for veterans' Medical Assistance eligibility determination purposes. Specifies that provisions relating to transfers of property are not to apply. Specifies limits. Specifies commissioner of human services federal waivers requirement. Requires the commissioner of administration, in cooperation with the Minnesota Veterans Homes Board of Directors and the Interagency Board for Quality Assurance, to complete a study by Feb. 1, 1990 that will assist the Legislature in determining the need for additional veterans homes sites. Specifies factors to be considered in the study. Requires the study to analyze various potential sites for the homes upon a determination of need. Specifies other factors. Provides for community proposals and requires rank order recommendations in the study. Requires the veterans homes board to establish a veterans nursing care facility in Luverne. Specifies funding requirements. Effective date: Various dates. STEENSMA, LANGSETH.

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DFL	296-5981	Adkins, Betty	235 Cap.	22	DFL	4136	Lessard, Bob	111 Cap.	3
IR	6455	Anderson, Don	153 SOB	12	DFL	8869	Luther, William	205 Cap.	47
DFL	5713	Beckman, Tracy L.	G-10 Cap.	29	DFL	5645	Marty, John J.	235 Cap.	63
IR	5975	Belanger, William V., Jr.	107 SOB	41	IR	2159	McGowan, Patrick D.	132B SOB	48
IR	3903	Benson, Duane D.	109 SOB	32	IR	1279	McQuaid, Phyllis W.	135 SOB	44
DFL	5094	Berg, Charles A.	328 Cap.	11	IR	8075	Mehrkens, Lyle G.	127 SOB	26
DFL	4261	Berglin, Linda	G-29 Cap.	60	DFL	4154	Merriam, Gene	122 Cap.	49
IR	4131	Bernhagen, John	113 SOB	21	DFL	4370	Metzen, James	303 Cap.	39
DFL	2084	Bertram, Joe, Sr.	323 Cap.	16	DFL	4264	Moe, Donald M.	309 Cap.	65
DFL	4837	Brandl, John E.	306 Cap.	62	DFL	2577	Moe, Roger D.	208 Cap.	2
IR	4848	Brataas, Nancy	139 SOB	33	DFL	5649	Morse, Steven	309 Cap.	34
DFL	4182	Chmielewski, Florian	325 Cap.	14	DFL	4334	Novak, Steven G.	301 Cap.	52
DFL	5931	Cohen, Richard J.	G-27 Cap.	64	IR	1282	Olson, Gen	133 SOB	43
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DFL	8298	Diessner, A. W. "Bill"	323 Cap.	56	DFL	7809	Pogemiller, Lawrence J.	306 Cap.	58
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