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Session Review

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Session '86: Bill highlights and summaries

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Table of contents:

3	Unallotment ends budget problem Combination tax changes, spending cuts and unallotment resolves budget dilemma.
5	Bill highlights Short summaries outline major bills
16	Session law summaries Complete listing of all bills signed into law
32	Chapter Index
33	Senate File Index
34	House File Index
36	Senate Publications subscription renewal

Session Review

This issue of Session Review provides a summary of the budget balancing bill enacted during the special session and the unallotment procedures carried out by the administrative branch to resolve the state's budget dilemma. In addition, this issue contains highlights of many of the major bills and a complete listing of all bills signed into law this session. Finally, the back page of Session Review is devoted to a subscription renewal form. If you wish to continue receiving Senate publications—Briefly, Perspectives and Session Review—please return the renewal form to Senate Publications, Room 111 State Capitol, St. Paul, MN 55155.

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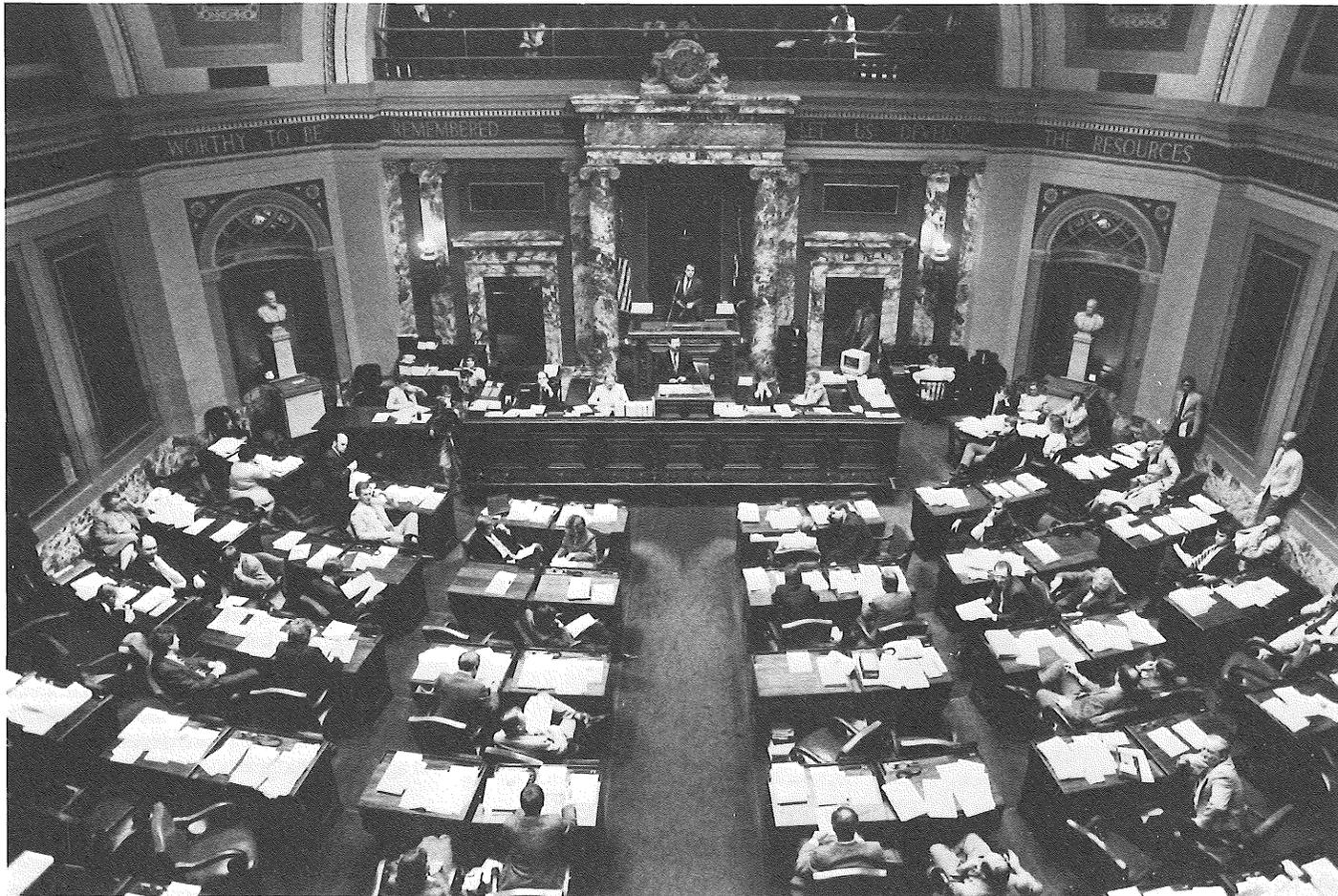
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On the cover:

An international design competition is currently under way to develop plans for enhancing Minnesota's front lawn, the Capitol approach area. This photograph, by David J. Oakes, taken from the top of the Capitol and looking toward downtown St. Paul, illustrates the area to be developed.

State Senators meet in a one day special session to enact a budget balancing bill. Immediately after the session Finance Commissioner Jay Kiedrowski outlined a series of budget unallotments.

photo by Mark M. Nelson



Unallotment ends budget problem

When lawmakers came to the capitol last February, they were faced with one major job: fixing the \$734 million shortfall. The task became more difficult when the majority parties of both houses proposed vastly differing solutions. Both parties agreed not to raise taxes. But, House Republicans called for significant cuts in state welfare programs, a major restructuring of the Department of Natural Resources, and the elimination of the Department of Energy and Economic Development. The Senate DFL argued for holding state payments in education while making less drastic cuts in state programs. The parties held firmly to their positions through the session, and when final agreements could not be reached, legislators decided it was time to stop. Previous agreements were reaffirmed and put into law during a special session. Cuts not agreed upon were left to the discretion of the governor and the finance commissioner.

During the special session, lawmakers enacted a variety of cuts and tax changes achieving a reduction of about \$175 million. The governor and the commissioner of finance were given the task of reducing about \$110 million in spending, and the bulk of the shortfall was covered by the \$450 million budget reserve.

Education cuts

Major cuts contained in the final legislative plan include a reduction in elementary and secondary education of \$11.5 million and a \$35.9 million cut in post-secondary education.

The basic formulas for state aid to schools are actually increased in the law. The foundation formula for 1987-88 is increased by \$10 to \$1700 per pupil unit. The regular and special purpose capital expenditure allowance is combined and increased to

\$130 per pupil unit, and the community education revenue is increased to \$5.50 per resident or at least \$7,340 per district. The law postpones a small portion of the metered payments to school districts.

The \$11.5 million cut to school districts for elementary and secondary education is taken from specific areas rather than the general aid allotments. The summer program allowance for 1986 is cut \$4.3 million by changing the state reimbursement of the program from 100 percent equalization to 60 percent. School districts will have to levy additional funding to make up for the state's 40 percent decrease in aid in this area.

Two relatively painless cuts totaling over \$4 million came from the transportation aid appropriation and the retirement aid appropriation. The almost \$2 million cut from transportation aid was expected to cancel back next year because of falling

gasoline prices. The state had also over-estimated teacher salary increases, which are the basis for appropriations to the teacher retirement fund, and was able to cut \$2.6 million from that area.

The law also cuts the state reimbursement of educator's salaries to secondary vocational education by \$1.5 million. Districts that have already finalized contract negotiations with teachers will have to fund the salary difference through other means.

Also cut in the elementary and secondary education portion of the law is \$1 million targeted for special programs from the Dept. of Education.

The law provides for a net reduction in general fund appropriations of \$35 million for post-secondary education and the Dept. of Education in the biennium.

The higher education portion of the law reduces the appropriation to the Dept. of Education by \$2.5 million. The Council on Quality Education and the ESV Computer Council are suspended in the law, and regional management centers are transferred from the Dept. of Education budget to the education aids budget.

Other cuts in the law include \$3.1 million from the Higher Education Coordinating Board (HECB); \$6 million from Vocational-Technical education; \$2.9 million from the community colleges; \$5.8 million from the State University System; \$15.8 million from the University of Minnesota; and \$50,500 from the Mayo Medical Foundation. The systems may decide, subject to the approval of the finance and appropriations committees, where the cuts could most easily be made.

Tax changes

The budget-balancing plan does not raise taxes, but it does make several changes in tax collections. By delaying the transfer of the motor-vehicle excise tax from the general fund to the highway fund, the state will keep \$106 million in its treasury. However, fewer dollars will be available for highway improvements. Also, by accelerating tax payments for liquor, cigarettes and other miscellaneous items, the state will secure \$8.5 million this biennium.

Another key provision of the budget-balancing package is the Department of Revenue's plan to go after delinquent taxpayers. According to state officials, the efforts could raise up to \$30.8 million in additional revenue. Under the plan, taxpayers will face a \$100 fine for filing late returns. More importantly, the department may revoke licenses from professionals who



Gov. Rudy Perpich and legislative leaders met immediately after the special session to finalize the unallotment procedure.

owe more than \$500 in state taxes. The department also may file tax liens against homestead property of delinquent taxpayers. Thus, the state would secure revenue when the owner sells the house. However, the state may not force foreclosure on the home. Furthermore, the department will add staff to increase its tax collection efforts and is empowered to contract with collection agencies.

The department also will increase efforts to investigate and prosecute tax fraud and evasion and will open out-of-state offices to insure that non-resident businesses are paying due state taxes. And, liquor wholesalers are prohibited from selling liquor to stores where owners have failed to pay their taxes.

Other items

An additional item to help circumvent the state shortfall delays state support of deficient welfare payments. That provision adds \$36.9 million to the state budget.

If future revenue projections indicate that the shortfall is less than predicted, the first \$100 million of any additional revenue must be restricted for use as the budget and cash flow reserve; half of any excess over that must be used to restore the post-secondary appropriation reductions, and half will again be restricted for use as the budget and cash flow reserve.

Because the Legislature enacted new spending initiatives this session, lawmakers had to make additional cuts, which achieved the \$175 million goal. Additional spending initiatives, which added to the deficit, include: a \$16 million farm program; \$21.6 million to restore mass transit funding; and

\$6 million in taconite tax breaks this biennium.

Unallotment

Because the state constitution requires the state budget to be balanced, the governor and the commissioner of finance were forced to make the remaining budget cuts, which totaled \$109.8 million. Most of those reductions came out of state department and agencies' budgets.

The largest cut was to the Department of Human Services, which will lose \$34.7 million through the biennium. The Department of Energy and Economic Development suffered the second largest reduction—\$20 million during the next 18 months. Nearly \$17.6 million of that amount is from the department's loan fund that is used to promote new and expanding businesses.

The Department of Natural Resources budget was trimmed \$2.8 million, and language in the legislative plan declares the intent that the department be decentralized into regional offices. Furthermore, the law requires that at least 20 DNR employees be shifted from the St. Paul department to field offices.

Other cuts include \$3.7 million from the Department of Jobs and Training; \$3 million from the Department of Corrections; \$4.5 million from the Department of Agriculture; \$1.1 million from the Historical Society; \$2.3 million from the Legislature; \$1.1 million from the Attorney General's Office; \$1.4 million from the Department of Administration; \$2.4 million from the Pollution Control Agency; \$8.2 million from the Department of Veterans Affairs; and \$6.2 million from the Housing Finance Agency.

Bill Highlights

photo by David J. Oakes

Drinking age

A law passed this session again raises Minnesota's drinking age to 21 on September 1 of this year, but those who are 19 by that date will not lose their drinking privileges.

Supporters of Chapter 330, authored by Sen. A.W. "Bill" Diessner, said that raising the age will cut down on drunk driving and alcohol-related deaths for 19- and 20-year-olds. Opponents of the measure said that they believed the bill was arbitrarily removing a basic right from adults and that the new law would lead to "bloody borders" between Minnesota and Wisconsin, where the drinking age is still 19.

A major impetus behind the law is the threat of the removal of federal highway dollars to states who do not have the 21-year-old drinking age in place by October 1, 1986. Minnesota stood to lose \$33 million over the next two years.

Another provision of the law establishes an alcohol impaired driver education account which will be used for grants to schools to help develop educational programs about drinking and driving. The account will be composed of 25 percent of the \$150 license reinstatement fee. The law also requires that driver's license application forms be accompanied by a pamphlet explaining the effects of alcohol on driving ability.

Under the law, persons age 18-20 are permitted to work or eat meals in licensed establishments. The law also prohibits any manufacturer, wholesaler, or retailer of alcoholic beverages to sponsor or financially contribute to events held on the campuses of post-secondary learning institutions.

Penalties for death of an unborn child

A recent Minnesota Supreme Court case revealed a gap in the state's criminal law statutes relating to the death or injury of an unborn child. Legislators responded by enacting a new law, Chapter 388, that details penalties for causing the death or injury of a fetus.

Under the new law, sponsored by Sen. Tad Jude, several new categories of crime are established. Specifically, the law states that whoever causes the death of an unborn child as a result of operating a motor vehicle, aircraft or watercraft, in a grossly



Minnesota's drinking age is raised to 21, under Chap. 330.

negligent manner; in a negligent manner while under the influence of alcohol, a controlled substance or both; or in a negligent manner while having an alcohol concentration of 0.10 or more, is guilty of criminal vehicular operation resulting in death to an unborn child and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000 or both. Similar conditions resulting in the injury to an unborn child who is subsequently born alive may be punishable by a prison sentence of not more than three years or to payment of a fine of not more than \$5,000, or both. In both instances of criminal vehicular operation, prosecution and conviction under the new law is not a bar to conviction or punishment for any other crime committed by the defendant as part of the same conduct.

The new law also sets forth penalties for murder of an unborn child in the first, second and third degree. Penalties range from life imprisonment for first degree murder of an unborn child to up to 40 years

imprisonment for second degree murder of an unborn child to imprisonment for up to 25 years for murder of an unborn child in the third degree.

In addition, penalties are also established for manslaughter of an unborn child, assault of an unborn child in the first, second and third degree and injury or death of an unborn child caused during the commission of a crime.

The new law only applies to actions on the part of persons other than the mother, thus the measure does not prohibit legal abortions.

Guardian ad litem appointments

Chapter 469 mandates the appointment of a guardian ad litem in cases where the custody or visitation of a child is an issue in marriage dissolution or legal separation proceedings and the court has reason to believe that the child is a victim of domestic abuse or neglect. A guardian ad litem is an

individual appointed by the court to represent the interest of the child and advise the court about custody, support and visitation matters. Under current law the appointment of a guardian ad litem is permissive. The mandatory appointment of a guardian ad litem when the court has reason to believe that the child is a victim of domestic child abuse or neglect is required in order to assure that a third party is trying to determine the best interest of the child.

The new law, sponsored by Sen. Eric Petty, also specifies that if the child is represented by a guardian ad litem in any other proceeding, the court may appoint the same guardian to represent the child in the custody or visitation proceeding. However, no guardian ad litem need be appointed if the alleged domestic child abuse or neglect is before the court on a juvenile dependency and neglect petition. Further, the bill specifies that the new law does not require the court to appoint a guardian ad litem if an allegation of domestic child abuse or neglect has not been made.

The new law also specifies that a guardian ad litem may be appointed either as a volunteer or on a fee basis. If the guardian ad litem is appointed on a fee basis, according to the new law, the court must enter an order for costs, fees, and disbursements against either or both parties unless the parties are incapable of paying the fees. In cases where the parties are unable to pay the fees, the costs are to be borne by the county in which the proceeding is held.

Civil suits for sexual exploitation by psychotherapists

A new cause of action for civil suits against psychotherapists for the sexual exploitation of patients and former patients was enacted into law this session with the passage of Chapter 372. The new law sets forth the definitions and circumstances under which patients or former patients may bring civil suits against psychotherapists and, in certain circumstances, against the employers of psychotherapists.

Under the new law, the patient could bring suit for injury caused by sexual contact with the psychotherapist, if the sexual contact occurred during the period the patient was receiving psychotherapy from the psychotherapist, or after the period the patient received psychotherapy from the psychotherapist if the former patient was emotionally dependent on the psychotherapist, or the sexual contact occurred by means of therapeutic deception.

"Emotionally dependent" is defined in the

law as meaning that the nature of the patient's or former patient's emotional condition and the nature of the treatment provided by the psychotherapist are such that the psychotherapist knows or has reason to believe that the patient or former patient is unable to withhold consent to sexual contact by the psychotherapist. Further, "therapeutic deception" is defined as meaning a representation by a psychotherapist that sexual contact with the psychotherapist is consistent with or part of the patient's or former patient's treatment. Finally, the new law defines "psychotherapist" as a physician, psychologist, nurse, chemical dependency counselor, social worker, member of the clergy, or other person, whether or not licensed by the state, who performs or purports to perform the professional treatment, assessment, or counseling of a mental or emotional illness, symptom or condition.

The new law, authored by Sen. Allan Spear, also specifies that the employer of a psychotherapist may be liable if the employer fails or refuses to take reasonable action when the employer knows or has reason to know that the psychotherapist engaged in sexual contact with the patient or former patient or if the employer fails or

refuses to make inquiries of an employer or former employer concerning the occurrence of sexual contacts by the psychotherapist with patients or former patients.

In any action for sexual exploitation, evidence of the plaintiff's sexual history is not admissible except when the defendant requests a hearing prior to trial and makes an offer of proof of the relevancy of the history and the court finds that the history is relevant. Finally, the new law specifies that civil suits for sexual exploitation must be started within five years after the cause of action arises. The law is effective August 1, 1986, and applies to causes of action arising on or after that date.

Guidelines for day care licensure rules

Chapter 395 sets forth the definitions and legislative intent for the regulation of child care in the state. The new law, sponsored by Sen. Linda Berglin, specifies that it is the intent of the legislature that child care standards and regulatory methods ease the availability of safe, affordable, quality child care throughout the state. To that end, the new law mandates that rules for family day

photo by David J. Oakes



The commissioner of human services received clear direction in setting family day care rules with the passage of Chap. 395.

care and group family day care homes must be adopted in consultation with representatives of counties and with families who reflect the diversity of families who use day care, including families from urban, suburban and rural communities, and with representatives of those who operate day care homes throughout the state. The law also requires that day care rules be summarized in language understandable to the general public, that information be distributed to providers and applicants, that departmental services be described to applicants and that the procedures for appealing a denial, revocation, suspension, or nonrenewal of license be summarized. In addition, the new law provides that the commissioner, when writing and enforcing day care rules, must identify and, when possible, incorporate objectively validated indicators of quality day care. Methods for establishing child/staff ratios should take into consideration the age distribution of children in day care and methods for establishing safety standards for day care facilities should take into consideration the findings of empirical studies of fire detection factors and fire spread factors.

Language in the new law also directs the commissioner to incorporate alternative methods of day care regulation that increase the variety of day care available to consumers, establish a substantial compliance standard rather than a full or absolute compliance standard, incorporate the use of national accreditation as a partial substitute for state licensing, set minimum standards for safety and sanitation, meet the developmental needs of children, use graded licenses as a means of informing consumers about the quality of day care delivered by a provider, and when appropriate, incorporate performance standards in place of specification standards to allow flexibility in regulation.

The commissioner is required, by the law, to submit a report to the health and human services committees of the Legislature on the activities and progress in incorporating the rule setting guidelines set forth by the Legislature. And, the commissioner is prohibited from adopting additional rules governing family day care and group family day care except those for which notice was published January 27, 1986, until July 1, 1987. Until the July 1, 1987, date no provider or applicant is required to spend more than \$100 to meet fire safety rules and the commissioner may issue a conditional license when it is determined that an applicant would be required to spend more than \$100 for fire safety if other conditions have been met.

The new law also establishes a task force to consider matters relating to day care, including the availability of liability insurance for providers, administration of the federal child care food program,

identification of objectively validated indicators of quality day care, methods for establishing child/staff ratios, methods for establishing safety standards for day care facilities and alternative methods of day care regulation that increase the variety of day care available to consumers.

The new law exempts from licensure programs not located in family or group family day care homes with the primary purpose of providing activities outside the regular school day for children age five and over. Finally, the new law provides for indemnification by the state for municipalities when the municipality is required to inspect or investigate a provider.

Child custody changes

One of the new laws gaining legislative approval this session, Chapter 406, makes several changes in laws dealing with child custody and support. Under the new measure, the court is directed to use a "rebuttable presumption" that, upon request of either or both parties, joint legal custody is in the best interest of the child. In addition, the new law provides that if it appears on the face of the petition or other application for an order or modification of an order for the custody of a child that custody is contested, the matter may be set for mediation of the contested issue. The purpose of mediation, as stated in the law, is "to reduce acrimony which may exist between the parties and to develop an agreement assuring the child's close and continuing contact with both parents after the marriage is dissolved." However, the law does provide an exception in those cases where the court determines that there is probable cause that one of the parties, or a child of a party, has been physically or sexually abused by the other party, then mediation is not required.

The new measure, sponsored by Sen. Gene Merriam, describes the minimum qualifications for a mediator and provides that all records of a mediation proceeding are to be private and are not to be available as evidence in the action for marriage dissolution. If the parties cannot reach agreement as a result of the mediation proceeding, the new law provides that the mediator may recommend that an investigation be conducted or that other action be taken to assist the parties in resolving the controversy before a hearing on the issues. The mediator may conduct the investigation and may recommend that mutual restraining orders be issued in appropriate cases in order to protect the well-being of the child in the controversy. If an agreement is reached through mediation, the new law directs that the approved agreement may then be included in the divorce decree.

The new law also contains a section providing for compensatory visitation in those cases where the noncustodial parent has been wrongfully deprived of the established right to visitation.

Other provisions of the new law deal with departures from child support guidelines. One section, though, specifically prohibits using the award of joint legal custody as a reason for departure from the guidelines.

For purposes of determining net income in the order for support or for modification of a support order, payment of reasonable pension deductions and payment of a child support or maintenance order that is currently being paid may be deducted from total monthly income along with other allowed deductions. The law also specifies that "net income does not include the income of the obligor's spouse."

The new law, though, does direct the court to take into consideration all earnings, income and resources of the parents, including real and personal property, the financial need and resources, physical and emotional condition and educational needs of the child, the standard of living the child would have enjoyed had the marriage not been dissolved, the amount of any AFDC grant and the parents' debts if the court determines that the debt was reasonably incurred for necessary support of the child or parent.

The new law directs the court to establish the annual support of an obligor with a seasonal income so that the obligor makes either the same monthly payments throughout the year or monthly payments that reflect variations in income. Finally, the termination of orders for income withholding are detailed in provisions of the new law.

Equal Access to Justice Act

Small businesses involved in legal action against the state will be able to recover court costs and attorneys' fees if the small business is the prevailing party in the legal action, under a new law enacted this year. Chapter 377, authored by Sen. Gerald Willet, is designed to provide recourse for small businesses involved in administrative hearings and court proceedings in civil cases and contested case proceedings against the state. Most cases involving small businesses and the state are due to conflicts arising from the state's conservation and environmental laws. Willet said that by enabling businesses equal access to justice, the states tough environmental laws will be protected.

The new law is effective August 1, 1986, and

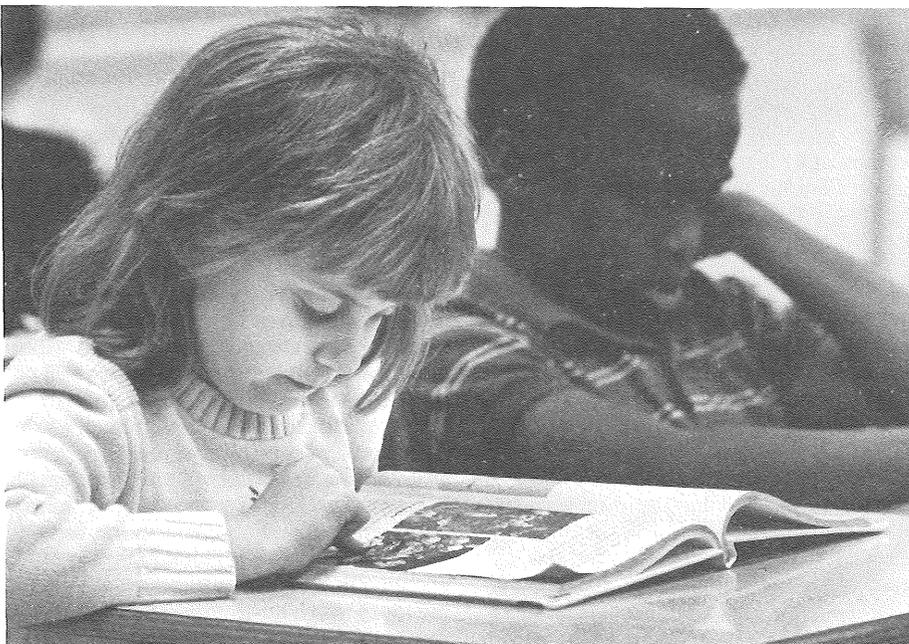
applies to any civil action or contested case which is pending on, commenced on or after that date.

“Home-school” task force

Standing-room-only crowds at Education Committee meetings this session often meant that a bill involving the compulsory attendance laws was on the agenda. Discussion, which revolved around the rights of parents to teach their children at home and the obligation of the state to ensure that each child gets an education, resulted in Chapter 472, establishing a task force to study these “home-schools.”

The law, authored by Sen. James Pehler, mandates that the task force study issues such as standards for pupil performance, including achievement test results; accreditation of schools; teacher qualifications and ways of determining teacher effectiveness; and schools associated with churches or religious organizations. A key provision of the law provides protection from prosecution for parents who choose to educate their children at home, as long as certain minimal requirements are met.

However, what the law does not do is also significant. Passage of a bill, authored by Sen. Gen Olson, or an amendment later proposed by Olson to Pehler’s bill would have drastically altered the definition of a school and made “home schools” more viable. Apparently, however, legislators decided that it would be best to wait until the report of the task force—due Feb. 1, 1987—is complete before considering further adjustments in the compulsory attendance laws.



Chap. 472 establishes a task force to study compulsory school attendance and home school issues.

Nutrition programs/ health insurance coverage in support orders

Several of the new laws passed this year dealing with the broad subject area of health and human services contained provisions relating to differing sections of existing law. One such law is Chapter 404, sponsored by Sen. Linda Berglin, which contains language pertaining to child nutrition programs, the strengthening of current child support laws to include specific levels of health insurance coverage and the establishment of a child day care resource and referral program.

The child day care resource and referral program is established under the auspices of the Department of Jobs and Training which may provide grants to public or non-profit agencies to set up the programs within specific geographical areas. The programs are defined in the law as programs that provide information to parents, including referrals and the coordination of community child care resources for parents and public or private providers of care. Services to be included are parent education, technical assistance for providers, staff development programs and referrals to social services. The bill further specifies that each child care resource and referral agency is to publicize its services through popular media sources, agencies and other appropriate methods. In addition, the law directs the state to apply for federal funds authorized under Chapter 8 of Title VI of the Budget Reconciliation Act for the planning, development and improvement of local resource and referral systems and school age child care services.

A second portion of the new law directs the commissioner of education to request a waiver from the federal government in order to allow pilot school breakfast programs to be implemented in school districts where there is currently no existing program. The pilot school breakfast program is to provide students with breakfasts designed to be taken with the student and eaten away from the school site. In addition, the commissioner is authorized to provide a cash incentive to schools to increase participation in school breakfast programs or to initiate a school breakfast program. The new law also requires the collection of nutritional data in order to identify problems and determine the most appropriate strategies for improving nutrition.

In addition, the law requires the supplemental food program for women, infants and children (WIC) to be monitored over the next three years and allows the designation of a different food program deliverer if the current deliverer fails to increase participation in the program by 10 percent. The commissioner of health is also directed to apply for, administer and expend at least 99 percent of available federal or private funds and to aggressively market services to individuals eligible for food programs. Finally, the measure strengthens the state’s oversight of the food stamp program by determining the statewide participation rate, monitoring the expedited issuance of food stamp benefits and insuring the compliance with federal regulations.

A third portion of the new law deals with health and dental insurance inclusion in child support orders. Under the new law the obligor must name the minor child as beneficiary on any health and dental insurance plan available to the obligor through a group plan or through an employer or union, unless the obligee has group dependent coverage at a more reasonable cost. Further, if the court finds that dependent health or dental insurance is not available to the obligor on a group basis or that the group insurer is not accessible to the obligee, the court may require the obligor to obtain dependent health or dental insurance or to be liable for the reasonable medical or dental expenses of the child. The new law also contains language detailing the implementation of a court order for insurance coverage.

Finally, the new law specifies that an employer who receives a wage withholding order must remit payments to the county within 10 days of the date the obligor is paid the remainder of income. The employer may also combine amounts withheld from different employees’ paychecks into one payment to the county. In those cases where there is more than one withholding order on a single employee,

the employer is directed to give priority first to amounts currently due and then to other amounts in the sequence in which the withholding orders were received up to the maximum allowed in the Consumer Credit Protection Act.

Long-term care programs

A number of issues relating to various long-term health care programs are addressed in Chapter 420. The new law contains provisions relating to the use of swing beds, pre-admission screening, alternative care grants and the refund of overpayments made to nursing homes.

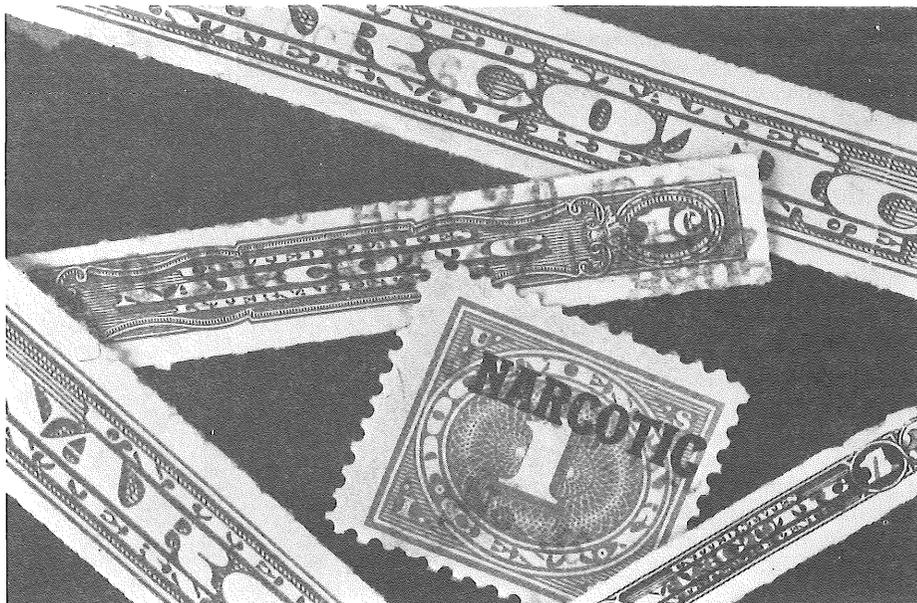
Current law provides that, for swing bed licensing purposes, hospitals must limit admissions to swing beds to patients who have been in that hospital and not yet discharged. The new law allows admissions to swing beds for patients who are transferred directly from an acute care hospital.

The new law, sponsored by Sen. Duane Benson, also directs the commissioner of health to monitor the provision of subacute or transitional care services provided in hospitals and in nursing homes that provide services to individuals whose length of stay is less than 42 days.

In addition, the definition of "life support transportation service" is altered to include all transportation involving the use of a stretcher, unless the person to be transported is not likely to require life support transportation service and medical treatment during the course of transport. The term "special transportation service" is then defined as meaning motor vehicle transportation provided on a regular basis by a public or private entity or person that is designed exclusively or primarily to serve individuals who are elderly, handicapped, or disabled and who are unable to use regular means of transportation but do not require life support transportation service.

Under the new law, a provision authorizes the commissioner of administration to lease any portion or unit of the Oak Terrace Nursing Home to provide food and shelter for the homeless.

A major section of the new law deals with adjustments to payments to hospitals for inpatient care under the diagnostic related group system. Under the new law, the rates will be adjusted retroactively, to August 1, 1985, in order to correct overpayments to some categories and underpayments to other categories. Further, the law specifies that after May 1, 1986, acute care hospital billings under the medical assistance and general assistance medical care programs



According to Chap. 470, illegal drugs are subject to taxation and must bear a stamp similar to these federal narcotic stamps.

must not be submitted until the recipient is discharged. However, the law directs the commissioner to establish monthly interim payments with inpatient hospitals that have individual patient lengths of stay in excess of 30 days regardless of diagnosis related group.

Changes to the pre-admission screening program contained in the new law provide that individuals not eligible for medical assistance whose length of stay is expected to be less than 30 days and individuals who have lifetime contracts with the Veterans Administration are exempt from screening. In addition, the measure provides that screenings may be done by one member of the team when the patient is private pay and is being transferred from a hospital to the nursing home.

The allocation for alternative care grants to counties is set forth under the new law, and is to be based on the total number of residents over the age of 65 in the county and the number of residents enrolled in the Medical Assistance Program over the age of 65. Alternative care grants may be used for payment of care-related supplies, equipment and services such as foster care for the elderly, nutritional counseling or medical social services. Further, the law requires that a client's service needs and eligibility be reassessed at least every six months and that clients be advised of all services available, including those of private providers.

Finally, the new law requires any nursing home that has charged a resident a rate for a case-mix classification upon admission that is in excess of the rate for the case-mix classification established by the commissioner of health must refund the excess amount. If a nursing home fails to refund the excess charge by July 1, 1986, it

will be subject to charges of three times the excess, interest payments, court costs and attorney's fees.

Penalties for selling drugs

Stiff penalties for selling drugs were enacted this year with the passage of Chapter 470. The new law sets a penalty of up to 20 years imprisonment and a fine of up to \$60,000, or both, upon conviction of selling or having possession with intent to sell seven or more grams or ten or more dosage units of any controlled substance classified in schedule I or II or of phencyclidine or any hallucinogen except marijuana or tetrahydrocannabinols. A second or subsequent violation carries a penalty of not less than two years nor more than 30 years imprisonment, or a fine of up to \$100,000, or both. Terms of imprisonment are doubled for individuals 18 years or older convicted of distributing a controlled substance to a person under 18 years of age who is at least three years younger.

The new law, sponsored by Sen. Tad Jude, also imposes a tax on marijuana and controlled substances. The tax is set at \$3.50 on each gram of marijuana, \$200 on each gram of a controlled substance and \$2,000 on each 50 dosage units of a controlled substance that is not sold by weight. Any dealer who violates the tax provisions is subject to a penalty of 100 percent of the tax in addition to the tax imposed. In addition to the tax penalty, a dealer distributing or possessing marijuana or controlled substance without affixing the appropriate tax stamps, labels, or other indicia is guilty of a crime and, upon conviction, may be sentenced to imprisonment for not more than five years or to payment of a fine of not

more than \$10,000, or both. Under the new law, which is intended to exact greater fines from drug dealers, the Department of Revenue is directed to make official stamps, labels, or other indicia available in denominations in multiples of ten dollars. Further, the law specifies that no immunity from criminal prosecution is provided by the tax provisions.

A third portion of the new law establishes penalties for obstructing any employee of the Department of Revenue from the performance of the employee's official duties. If the act was accompanied by force or violence or the threat of force or violence, the penalty is imprisonment for not more than one year or payment of a fine of not more than \$3,000, or both. In other cases, the penalty is imprisonment for not more than 90 days or payment of a fine of not more than \$700, or both.

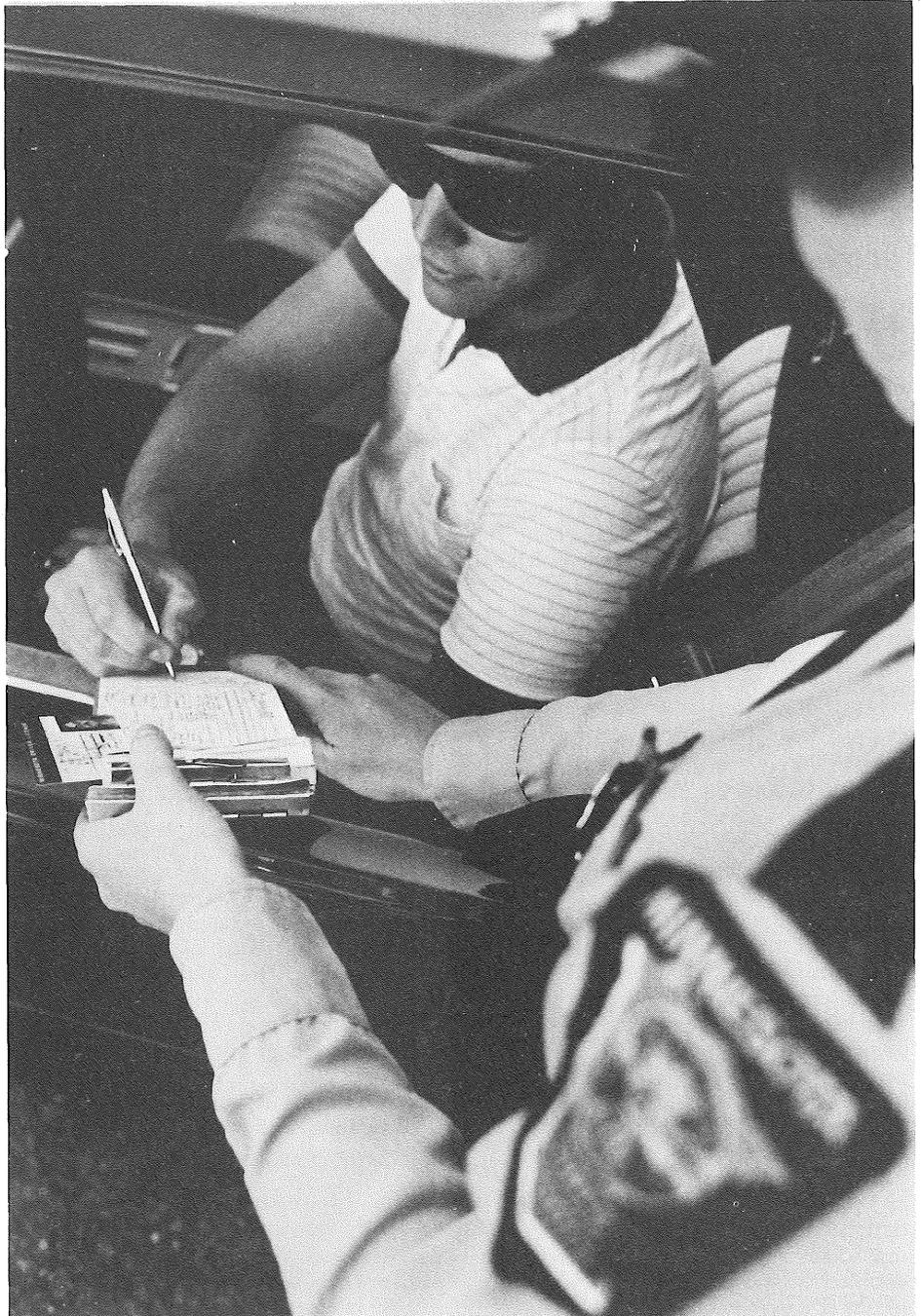
The final provisions of the new measure sets a mandatory minimum sentence of not less than six months for a person convicted of committing burglary of an occupied dwelling.

Motorboat DWI penalties

Penalties for operating a motorboat while under the influence of alcohol or other controlled substance were strengthened under a new law enacted this year. Chapter 401 provides for screening tests, arrests, mandatory testing and penalties for persons operating a motor boat while under the influence of alcohol.

The new law, sponsored by Sen. A.W. "Bill" Diessner, specifies that at the time a test is requested, the person must be informed that Minnesota law requires a person to take a test to determine if the person is under the influence of alcohol or a controlled substance; that a person is subject to a civil penalty of up to \$700 for refusing to take the test and prohibited from operating any motorboat for refusing to take the test; that if testing is refused it will not affect the person's motor vehicle driver's license; that if the test is taken and the results indicate the person is under the influence of alcohol, the person will be subject to criminal penalties and, in addition to any other court imposed penalties, the person's privilege to operate a motorboat will be suspended; that the persons has a right to have additional tests made by a person of his own choosing after having submitted to testing; and that a refusal to take the test will be offered into evidence against him at trial.

Under the provisions of the new law, violations are subject to misdemeanor penalties. A person who violates the law within five years of a prior conviction or within ten years of two or more prior convictions is guilty of a gross



Chap. 474 forbids the State Patrol to require troopers to issue a certain number of traffic citations on a quota basis.

misdemeanor. Upon conviction, the new law specifies that, in addition to any other penalty imposed, the person is prohibited from operating any motorboat on the waters of the state for a period of 90 days between May 1 and October 31, extending over two consecutive years if necessary. A person who operates a motorboat during the period he has been prohibited from operating a boat or after having his operator's permit revoked is guilty of a misdemeanor.

The law further specifies that the commissioner must also periodically circulate to appropriate law enforcement agencies a list of all person who are prohibited from operating any motorboat or

have had their permits revoked. Conservation officers of the Department of Natural Resources, sheriffs, sheriff's deputies and other peace officers may arrest a person for a violation without a warrant upon probable cause if the violation was committed in the officer's presence. If the violation did not occur in the officer's presence, the officer may arrest the person if the person was involved in a motorboat accident resulting in death, personal injury, or property damage.

The new law is effective May 15, 1986, and applies to offenses committed on or after that date.

Omnibus insurance bill

Legislators enacted a law to remedy the availability and affordability crisis in liability insurance. Chapter 455 confronts the immediate need for affordable insurance by establishing a Joint Underwriting Association (JUA) and by increasing the state's regulatory powers over the insurance industry. It also provides a long-term approach to reducing insurance costs by providing tort reform directed at decreasing the cost of civil lawsuits, which is increasing at the rate of 10 to 15 percent per year.

The new law, which originated as a bill authored by Sen. William Luther, creates a JUA to provide a back-up system for businesses that need insurance to operate and are unable to find coverage in the private sector. The JUA would not go into effect until the insurance industry's Market Assistance Program has failed at locating coverage. All licensed commercial insurers in the state would be required to join the JUA.

The availability and affordability crisis has been particularly detrimental to businesses that are covered by specialty lines of insurance. Evidence shows that the largest rate increases have resulted from a lack of competition in the specialty market rather than from negative claims. The new law will address the problem by giving the commissioner of commerce the authority to declare insurance rates excessive if less than five companies control over 75 percent of the speciality market. Chapter 455 also requires insurance companies to provide more comprehensive information to the Department of Commerce so the department can more effectively monitor the insurance industry. In addition, the measure extends Fair Plan coverage to rural areas and expands the Fair Plan to include liability as well as property insurance. The Fair Plan is a law which prevents insurers from discriminating against property in distressed areas. The Fair Plan was restricted to homes and businesses in the past but under the new law condominiums and cooperative housing units will be eligible for coverage.

Insurance coverage for governmental units and medical professionals has also become prohibitively expensive. The new law addresses the concerns of governmental units by reducing local government liability and expanding state and local government immunity for suits based on natural accumulations of ice and snow on sidewalks. It also restricts joint and several liability for governmental units so that they can only be forced to pay up to twice their percentage of fault if they are found to be less than 35 percent responsible. This provision will eliminate the so-called "deep pocket" strategy of involving governmental units in lawsuits so that they must pay the

entire damage award if the other defendants cannot pay their share. In the area of medical malpractice, the law reduces the statute of limitation for minors by requiring that suits for birth-related injuries be brought by the age of nine rather than eighteen. It also prohibits any medical malpractice suit from being filed without a medical expert agreeing that it is a valid claim. Another provision of the new law should expedite the litigation process by providing the defending attorney with access to the records of the physician treating the plaintiff.

The new law also makes several changes in the state's general civil liability laws. The tort reform provided by Chapter 455 is aimed at eliminating frivolous civil lawsuits, reducing punitive damage settlements and holding down the cost of awards. The legislation places a \$400,000 limit on intangible losses such as embarrassment, emotional distress and loss of consortium. It also toughens the current law on frivolous lawsuits by allowing defendants subjected to frivolous lawsuit to collect legal costs. The new law abolishes the collateral source rule which has prevented courts from considering other injury payments such as worker's compensation when awarding damages. Under the new law, courts will be required to offset awards by other sources of compensation except for private disability plans and social security funds. Another provision of the new law is expected to

eliminate about 90 percent of punitive charges by prohibiting the initial filing of punitive damages. Suits can later be amended to include punitive damages. The legislation also requires that future damages be discounted for their present value.

Gender revision

"Fishermen" will now be referred to as "fishing licensees" in the Minnesota Statutes, in accordance with Chapter 444, the gender neutral revision law.

The law, carried by Sen. Ember Reichgott, grants the revisor's office the power to replace gender specific words with gender neutral words. None of the changes in the statutes will be substantive.

Mandatory seat belts

To get people in the habit of wearing seat belts, the Legislature enacted a law requiring drivers, children under eleven and front seat passengers to "buckle up." Warning tickets will be issued to violators of the new law. Persons exempted from the new law, Chapter 310, include farmers driving while engaged in farm work; a worker who makes frequent stops or deliveries, such as a mailman; and a person with a written medical exemption, which is approved by a doctor. The legislation was initiated by Sen. Don Frank.



All front seat passengers are required to wear seatbelts, under Chap. 310.

Post-secondary options act

Legislators decided that the controversial Post-Secondary Enrollment Options Act enacted during the first part of this legislative session needed revamping during the second part. The act allows secondary students to take post-secondary courses at state expense.

Supporters of the act have said that it gives secondary students the chance to take challenging courses that may not be offered at their high school, thus encouraging them to work up to their full potential. Opponents of the bill say students see it only as an opportunity to accrue "free" college credits.

The major change in the law, Chapter 447, revolves around what type of credit students may receive for post-secondary courses. Under the new law, the state will only reimburse tuition expenses if the student enrolls in the post-secondary course for secondary credit. However, if a student takes a course at a post-secondary institution and after high school graduation decides to attend that institution, the student must be given post-secondary credit for courses taken under the program.

The law also mandates that students and their parents receive, to the extent possible, counseling about the program before enrollment. The school district must provide information such as who may enroll in the program, what courses pupils may take, and financial arrangements regarding books and materials.

Other changes in the law include mandating post-secondary institutions to give registration priority to its post-secondary students; adding two-year colleges and universities to the list of post-secondary institutions students may attend under the program; and limiting the maximum time of participation in the program to two years.

The advanced placement program is also addressed in the law, carried by Sen. Tom Nelson. Officials representing the University of Minnesota, the State University Board, and the State Board for Community Colleges are mandated to develop a clear and uniform policy regarding its system for awarding post-secondary credit for students who earn acceptable scores on advanced placement tests. Each institution must provide the Higher Education Coordinating Board (HECB) with this information.

Mpls. election changes

Chapter 433 establishes a uniform election date and extends terms of office for members of the Minneapolis Library Board,

Parks and Recreation Board, and Board of Estimate and Taxation. Sen. Carl Kroening sponsored the legislation.

Interstate banking

The Legislature enacted a new law allowing interstate banking within a five state region. The law is intended to help the Twin Cities develop into a regional financial center.



A new law, Chap. 339, permitting interstate banking is designed to help Minnesota become a regional financial center.

Supporters of the bill believe that consumers will benefit from the new law because the increased competition will improve interest rates and banking services in the state. Chapter 339 allows banks and bank holding companies in Minnesota, Wisconsin, Iowa, North Dakota and South Dakota to cross state lines to establish new banks or to buy existing banks. However, the reciprocating states must enact similar legislation before interstate banking can begin. The new law was initiated by Sen. Eric Petty.

Long-term care insurance policies

Minimum standards for long-term care insurance policies are set under language contained in Chapter 397. The new law, sponsored by Sen. Eric Petty, allows companies to offer long-term care insurance to individuals and groups. Under the law, a long-term care policy must cover medically prescribed long-term care in nursing facilities and medically prescribed long-term home care services. The policy must include a maximum lifetime benefit limit of at least \$100,000 under one coverage plan or \$50,000 under an alternative plan. Under both plans, nursing facility and home care coverages must not be subject to separate lifetime maximums. The policies may include a requirement of prior hospitalization of at least one day for coverage of care in a nursing facility. Furthermore, the policy may require a 90-day waiting period before benefits are paid.

Either policy must include a provision that the plan will not be canceled or refused except if payment is not received. The premium can be increased each year, but the increase must be based on loss experience.

Benefits can be provided on a per diem basis or on an expense-incurred basis. Benefits on an expense-incurred bases cannot be less than 80 percent of covered charges for medically prescribed long-term care.

Workers' compensation revisions

Doctors will no longer be reimbursed through workers' compensation benefits for performing unnecessary surgery, under revisions to the workers' compensation laws provided under Chapter 461. Previously, doctors received payment for the surgery as long as the worker had obtained a second opinion—even if the opinion was from the doctor's partner.

The law, sponsored by Sen. Florian

Chmielewski, also provides revisions intended to hasten the hearing and settlement process. The Court of Appeals will now be able to settle awards based on briefs rather than hearing every case. Also, in cases where a dispute exists over medical causation, an administrative conference will first hear the case and make a ruling. If a party is dissatisfied, the case may then be heard before a workers' compensation judge.

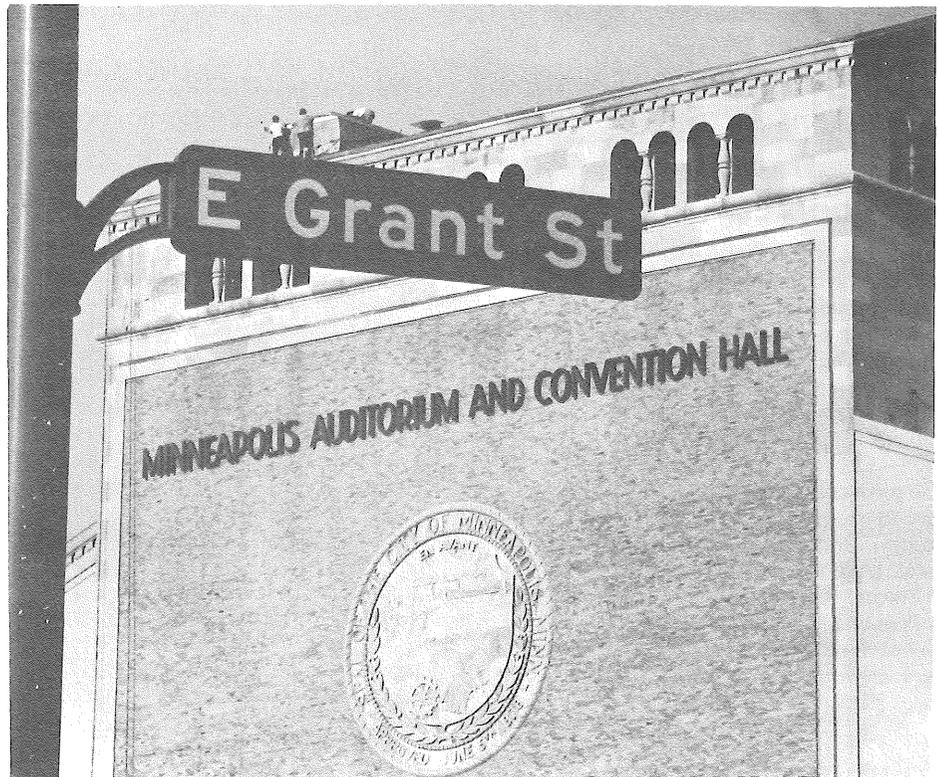
The cost of administrating state employee workers' compensation claims will be charged to the State Employee Revolving Fund rather than the General Fund, under the new law. This provision is expected to save considerable money in the General Fund and provide an incentive for state departments to settle claims, rather than denying them or attempting to litigate with employees.

The exemption for domestic workers will increase to \$1,000, with the intent of excluding most babysitters and household workers from workers' compensation. These people would receive normal homeowners' protection coverage if injured while working.

Metropolitan governance

Chapter 460 helps clarify roles and facilitate communication between the Metropolitan Council and metropolitan agencies. The new law, originally authored by Sen. Darril Wegscheid, is intended to assist the council in planning and implementing long-term policies for the seven county metropolitan area. It also establishes new appointment procedures for members of the Metropolitan Council, Regional Transit Board, Minnesota Waste Control Commission and Metropolitan Parks and Open Spaces Commission.

Under the new law, the governor must create a nominating committee, to nominate persons for appointment to the Metropolitan Council from each of the districts. Three of the committee members must be local elected officials. Upon receiving applications, the law specifies that the nominating committee conduct public meetings, accept statements from, or on behalf of, persons who have applied or been nominated, and consult with local elected officials. According to the law, the committee must submit to the governor a list of nominees for each appointment. However, the governor is not required to appoint from the list. The council will continue to appoint members of the other metropolitan agencies but the new law also requires the council to establish an appointments committee to hold a public meeting and to gain input from local elected officials.



Minneapolis is granted authority to finance and build a new convention center at the Grant St. site with the passage of Chap. 396.

The new law also provides for annual audits of the Metropolitan Council by the state auditor and clarifies the council's oversight of metro agency budgets. The new law also requires several reports to the Legislature in order to fulfill the legislative oversight function in relation to the metropolitan agencies.

Public Utilities Commission regulations

Another bill signed into law this session restricts the conduct and administration of the Public Utilities Commission. Sponsored by Sen. Neil Dieterich, Chapter 409 addresses issues concerning the controversy surrounding former commissioners' behavior.

Under the new law, no person who has been employed by a utility company that is subject to rate regulation can be appointed to the commission if the person is still employed one year prior to the term. And, a commissioner cannot accept employment with a utility company or receive any compensation within one year after the term is completed. A utility company also is prohibited from offering employment or compensation to a commissioner within a year after the commissioner's term ends. Furthermore, a commissioner may not discuss with any person who is party to a case potential benefits or compensation to be received from that person or party.

A commission employee is required to disclose any communication concerning future benefits or compensation with a person who is party to a pending case. The new law further requires the commission to adopt rules prescribing a code of conduct for commissioners and employees of the commission as well as permissible and impermissible ex parte communications. However, the commission may only prohibit ex parte communications concerning disputed cases or compensation. Also, the law requires at least one commissioner who is living outside the metropolitan area to be appointed.

Minneapolis convention center

Legislators this year gave Minneapolis the power to finance and build a \$118 million convention center. Chapter 396 authorizes a sales tax of up to one-half percent, a three percent liquor tax, and a three percent hotel-motel tax, all within either the entire city of Minneapolis or just the downtown area. Money raised from the taxes will be used to pay off the bonds issued to finance the center.

Although the law requires that the convention center be located at the site of the existing convention center on Grant Street, city officials may decide to remodel the old convention center or demolish it and build an entirely new one. Officials

estimate the completion date at 1989 or 1990. The new law was sponsored by Sen. Linda Berglin.

Met stadium site development

The city of Bloomington, under Chapter 391, may now impose local liquor, sales and lodging taxes to finance the development of the 85-acre site of the old metropolitan stadium. The citywide liquor and lodging taxes may not exceed five percent and the on-site retail sales tax may not exceed one percent.

The most controversial provision in the law, carried by Sen. Michael Freeman, allows Bloomington to borrow money from the fiscal disparities pool. The city is expected to borrow about \$25 million from the pool to finance highway improvements needed to develop the area. The city must pay back the loan from the year 2000 through 2009.

Voluntary hazardous waste siting process

A new approach for siting a hazardous waste "stabilization and containment" facility in Minnesota was put into law this session with the enactment of Chapter 425. That approach permits the Waste Management Board to enter into contracts with counties volunteering to quarter the facility. Under the law, hazardous waste brought to the facility would be stabilized through a

chemical or thermal process prior to being placed in an above ground containment facility. The board would no longer seek an underground disposal facility, and the four candidate disposal sites would be removed from future consideration.

In order to be eligible to enter into a contract, the county must offer a suitable site for the "stabilization and containment" facility. Each county that becomes eligible to negotiate a contract with the board is entitled to receive \$48,000 in local government aid per year. If a contract is agreed upon, the county would get \$150,000 per year for two years in additional local government aid plus the benefits contained in the contract.

The board also is authorized to select the developer for the facility, and it must report on the costs of stabilization and containment and its procedures for operation.

The law, sponsored by Sen. Gene Meirriam, contains a provision discouraging the federal siting of a nuclear waste repository in Minnesota. Under the provision, the construction of a hazardous waste disposal system is prohibited if it would "reasonably be expected to cause" pollution to the state's water supply.

Reinvest in Minnesota

The proposed "Reinvest in Minnesota" program, which uses \$16 million through the sale of general obligation bonds to improve fish and wildlife habitat, won

legislative support this year and was signed into law. The greatest portion of the money, \$10 million, will be used to pay farmers who set aside marginal farm land to provide wildlife habitat.

Under the program, landowners would be paid up to \$75 an acre for planting grass or trees on the land, and the Department of Natural Resources would pay for conservation easements to the property. For a temporary easement, which would have to be at least 10 years, the department would pay 90 percent of the average of local bids for the federal conservation reserve program. If the department acquires a perpetual easement, the payment is 70 percent of the estimated market value of agricultural property. The state could not pay more than \$50,000 to a landowner for all conservation easements and agreements.

The new law, Chapter 383, sponsored by Sen. Randolph Peterson, further provides \$2.5 million to a critical natural habitat matching account, which would match state dollars with private donations for wildlife and fish enhancement and release state dollars to improve land donated as a gift; another \$2.5 million for a fish and wildlife resources management program; and \$1 million for an aspen recycling program.

Farm bill

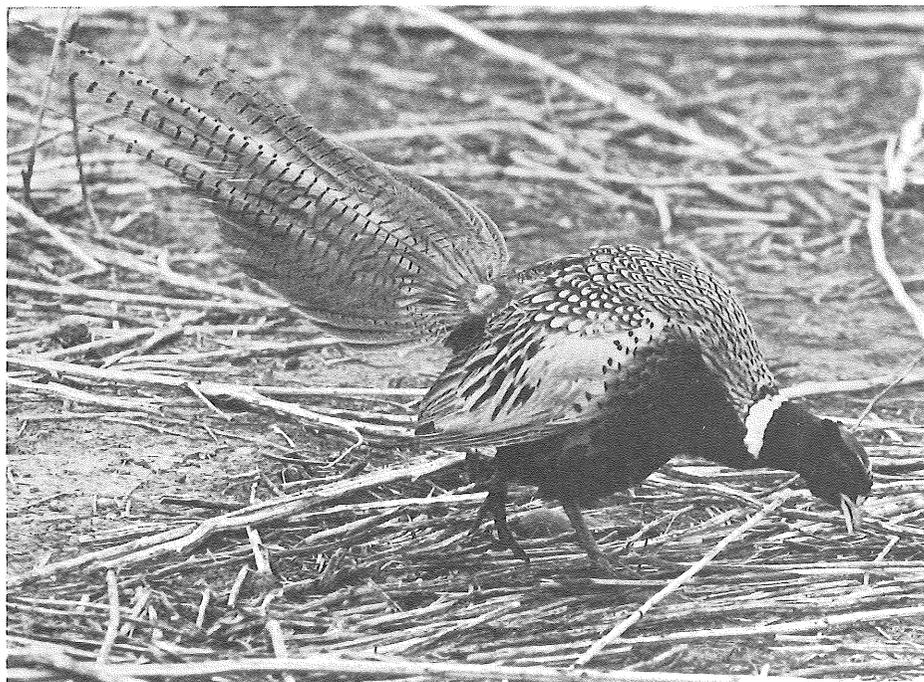
Addressing Minnesota's rural problem was among the top priorities of the 1986 Legislature. Lawmakers responded by enacting a \$16 million package designed to help the state's financially troubled farmers.

A key provision in the law provides \$4.8 million in state funds to pay the debt service for \$50 million in general obligation bonds, which then would guarantee \$200 million in general revenue bonds. The provisions could generate up to \$800 million, which would be used to restructure farm debt at a lower interest rate. Loans would be based on current land values rather than the higher values that were in place when the loans were made.

The new law, Chapter 398, sponsored by Sen. Charles Davis, also creates a voluntary and mandatory mediation program, which encourages lenders and farmers to work out possible debt repayment plans. Mediation is mandated upon a debtor's request when the lender has indicated an action to enforce a security interest against agricultural property. The proceedings to enforce the debt are then suspended until 90 days after the mediation is initiated or an agreement is reached. If the mediator determines that the creditor has not mediated in "good faith," the debtor can request court supervision over the mediation. The court may issue orders to insure "good faith" mediation.

Another \$5 million is appropriated to the

photo by David J. Oakes



Chap. 383 creates a \$16 million bonding program to improve Minnesota's fish and wildlife habitat.

interest buy-down program, which would lower interest rates by 50 percent. The state would pay 75 percent of the interest subsidy, and the lender would cover 25 percent. But unlike last year's program, the maximum loan amount is raised to \$100,000.

The law places a one year moratorium on deficiency judgements on agricultural real property and limits future judgements to the difference of the amount owed on the mortgage and the fair market value of agricultural real property. In addition, the homestead exemption in rural areas for personal or deficiency judgements is increased from 80 to 160 acres.

Other appropriations in the law provide \$1.35 million to agriculture vocational-technical institutes to reduce tuition costs for existing farm business and small business management programs. The money also could be used to provide additional farm business management programs and workshops. About \$1.25 million is allocated to the University of Minnesota for its agricultural extension service projects. The projects include mediation training, project support programs, farm financial management programs, and family financial and stress management education. And, \$650,000 is appropriated for a legal assistance program. Under that program, the supreme court would be able to contract with nonprofit organizations to provide the service. The family farm advocate program will receive \$300,000.

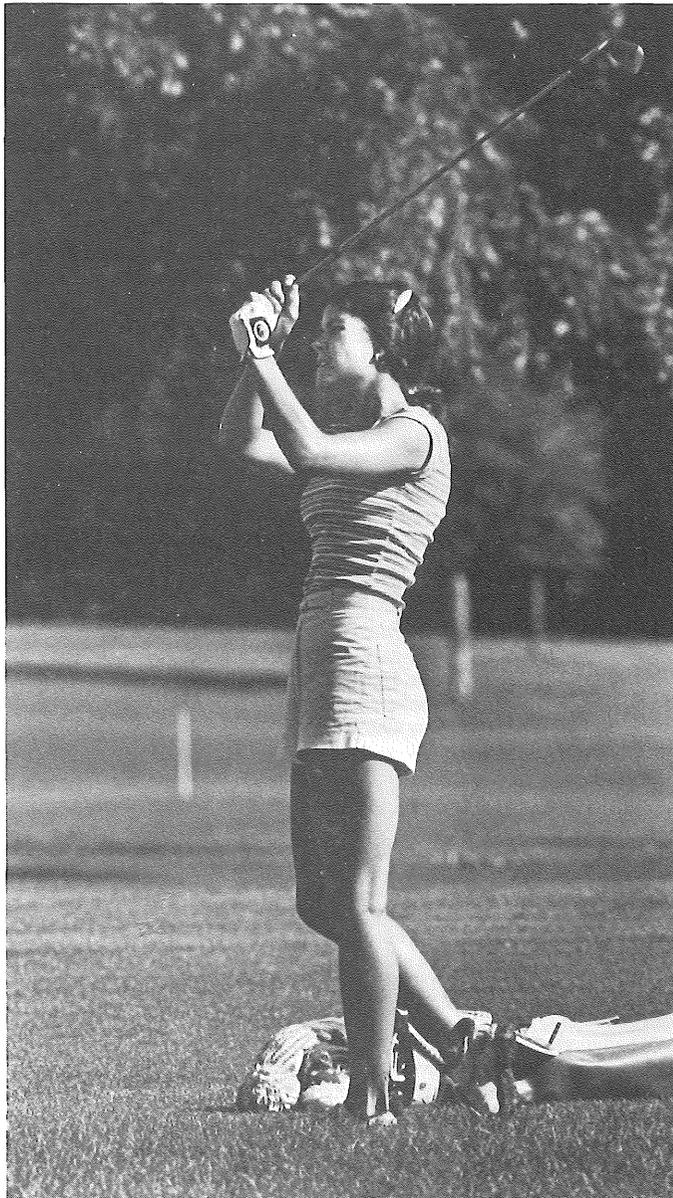
Landlords are given a priority lien in the proceeds of agricultural products that are produced on their property, according to the new law, and veterinarians who provide emergency services to help a farmer's animals also are given a priority lien on the proceeds of those animals.

Farmers will not have to pay taxes on capital gains earned upon foreclosure of a mortgage on real property used in farming, under another provision of the law. Furthermore, farmers deeding back the property in lieu of foreclosure also are exempted from paying taxes on the capital gain. However, the capital gain exemption does not apply to any net cash proceeds resulting from foreclosure or a deed in lieu of foreclosure.

And the law provides for the creation of an interstate grain compact if five states accept the idea. The compact would study agricultural grain marketing and make recommendations to Congress.

Taconite tax

Taconite companies will receive about \$36 million in tax cuts over the next three years,



Discrimination against women golfers is discouraged, under the provisions of Chap. 412. A golf club's property tax benefits will be removed if women are restricted from becoming members or using the course.

under another law enacted this year. The intent of Chapter 441, sponsored by Sen. Douglas Johnson, is to help boost the Minnesota's taconite industry.

The new law reduces the production tax, which is paid in place of a property tax, from \$2.04 to \$1.90 per ton. As long as companies meet certain production levels, the production tax break will remain in place through 1988. Companies may also claim the production taxes as a deduction in computing their occupation tax, which is paid instead of a corporate income tax. Furthermore, the deduction for rail transportation costs is increased.

Discrimination in golf clubs

A bill discouraging golf clubs from discriminating against women passed the

Legislature this session and was signed into law. Chapter 412 removes a club's property tax benefits if women are restricted from becoming club members or using the course.

Under the current tax law, golf courses, ski areas, and archery or firearm ranges are taxed on the value of the facility rather than the potential development value of the property. This "Open Space Property Tax Law" reduces the property tax burden for these organizations. However, under the new law, organizations discriminating against women would be ineligible for the tax break.

The intent of the law is to insure that women have equal access to the course. But, clubs are allowed to limit playing time on the basis of sex one weekend each month and two weekdays each week. The new law was sponsored by Sen. Gene Merriam.

Session Law Summaries

Agriculture and Natural Resources

Home park, campground licensing

Chap. 311-H.F. 1699 Requires operators of campgrounds and manufactured home parks to obtain a license. Effective date: Aug. 1, 1986. ZAFFKE, WEGSCHEID

Wadena county potato promotion

Chap. 318-H.F. 1727 Changes Wadena county's potato promotion district from area one to area four. Effective date: Aug. 1, 1986. RICHTER, ANDERSON

Farm product security interest

Chap. 322-S.F. 1597 Removes the liability of persons who buy farm products and repeals the notification and registration system for security interests in farm products. Effective date: Mar. 15, 1986. BERG, DIMLER

Solid waste management agreements

Chap. 340-H.F. 1800 Allows the counties of Becker, Grant, Hubbard, Otter Tail, Stevens, Todd, Traverse, Wadena and Wilkin to enter into contracts and agreements for solid waste management. Effective date: Day after local approval. ANDERSON, R.; PETERSON, C.C.

Milk definitions

Chap. 354-H.F. 1838 Establishes legal definitions for skim and lowfat milk. Effective date: After executive order. RICHTER, BERTRAM

Soft drink, vending machine regulations

Chap. 375-S.F. 1703 Allows the commissioner of agriculture to promulgate rules regulating beverage manufacturers' sanitation practices. Exempts vending machines dispensing only bottled or canned soft drinks from state, county and city inspection fees, but allows the Department of Agriculture to conduct inspections. Effective date: Aug. 1, 1986. WEGSCHEID, BENNETT

Reinvest in Minnesota Resources Act

Chap. 383-H.F. 628 Creates a \$16 million program to improve the state's fish and wildlife habitat. Establishes a set-aside program, which pays farmers who set aside marginal farm land in order to provide wildlife habitat. Creates a critical natural habitat matching account, which matches state dollars with private donations for wildlife habitat improvement and fish enhancement and releases state dollars to improve wildlife habitat on land donated as a gift. Provides money for a fish and wildlife resource management program and an aspen recycling program. Effective date: Various dates. ROSE; PETERSON, R.W.

Game and fish laws recodification

Chap. 386-S.F. 1526 Clarifies language in the state's game and fish laws, but makes no substantive changes to them. Effective date: Aug. 1, 1986. MERRIAM, ROSE

Watershed management tax districts

Chap. 389-H.F. 1911 Authorizes watershed management organizations to establish taxing districts within a minor watershed unit of a watershed. Effective date: Aug. 1, 1986. LEVI, MERRIAM

Farm bill

Chap. 398-H.F. 1599 Establishes a \$16 million farm program to help Minnesota's financially troubled farmers. Creates a program to restructure farm debt at a lower interest rate, thus loans would be based on current land values rather than the higher values that were in place when the loans were made. Institutes a voluntary and mandatory mediation program, which encourages lenders and farmers to work out possible debt repayment plans. Provides additional funds to the interest buy-down program, which would lower interest rates by 50 percent. Places a one year moratorium on deficiency judgements on agricultural real property and limits future judgements to the difference of the amount owed on the mortgage and the fair market value of agricultural real property. Increases the homestead exemption in rural areas for personal or deficiency judgements from 80 to 160 acres.

Gives landlords a priority lien in the proceeds of agricultural products that are produced on their property, and veterinarians who provide emergency services to help a farmer's animals also are given a priority lien on the

proceeds of those animals. Appropriates money to agriculture vocational-technical institutes to reduce tuition costs for existing farm business and small business management programs and for additional programs; appropriates money to the University of Minnesota for agricultural extension service projects; creates a legal assistance program; and provides funds for the family farm advocate program.

Exempts from taxes capital gains earned upon foreclosure of a mortgage on real property used in farming; farmers deeding back the property in lieu of foreclosure also are exempted from the capital gains tax—but, exemption does not apply to any net cash proceeds resulting from the foreclosure or a deed in lieu or foreclosure. Creates a procedure for planting crop owners to harvest the crop. Creates an interstate grain compact. Increases allowable width of certain trucks. Authorizes trucks hauling sugar beets or potatoes to be overweight during season. Establishes penalties for removing conservation practices. Reinstates the data collection task force. Establishes procedures for railroad property first refusal. Authorizes additional interest payment to family farm security program sellers. Effective date: Various dates. FJOSLIEN, DAVIS

Pearl Lake parcel sale

Chap. 407-S.F. 1745 Authorizes the sale of Pearl Lake lakshore parcel in Stearns county. Effective date: Mar. 25, 1986. BERTRAM, BRINKMAN

Lake of the Woods land sale

Chap. 417-S.F. 2101 Allows the sale of certain state land in Lake of the Woods county; authorizes an exchange of certain state lands with the city of Thomson. Effective date: Lake of the Woods, Mar. 25, 1986; Thomson, Aug. 1, 1986. GUSTAFSON, MURPHY

Stocking private streams

Chap. 424-H.F. 1793 Emphasizes that the Department of Natural Resources may stock fish in any stream within privately owned lands if the public is granted free access to that stream. Regulates the repair to drainage systems in Anoka county. Effective date: Aug. 1, 1986. JOHNSON, BENSON

Hazardous, radioactive waste

Chap. 425-H.F. 1968 Establishes an approach for siting a hazardous waste "stabilization and containment" facility by permitting the Waste Management Board to enter into contracts with counties volunteering to house the facility. Provides additional local government aid to counties offering suitable sites. Offers more local government aid to a county entering into a contract with the board plus the benefits contained in the contract. Authorizes the board to select the developer for the facility, and requires a report on the costs of stabilization and containment and procedures for operation.

Removes from consideration the four candidate sites for an underground disposal facility. Requires hazardous waste brought to the new facility to be stabilized through a chemical or thermal process prior to being placed in the above-ground containment facility.

Authorizes establishment of county solid waste management service areas. Allows the city of Babbitt to exercise certain powers for solid waste management purposes; authorizes St. Louis county to enter into joint powers agreements with the city of Babbitt.

Discourages the federal siting of a nuclear waste repository in Minnesota if it would "reasonably be expected to cause" pollution to the state's water supply. Effective date: Mar. 25, 1986. ROSE, MERRIAM

Wild rice account, land claims settlement

Chap. 429-H.F. 2138 Places all money received from the sale of wild rice licenses into the "wild rice management account." Extends a law allowing the federal government to resolve White Earth Indian reservation land claims settlements. Effective date: Wild rice account, July 1, 1986; extension of claims settlement provision, Mar. 25, 1986. ROSE; MOE, R.D.

State park boundaries

Chap. 432-H.F. 2466 Authorizes additions and deletions from various state park boundaries. Provides for the maintenance of roads providing access to Forestville state park. Effective date: Mar. 25, 1986. SVIGGUM, CHMIELEWSKI

Public water access restrictions

Chap. 439-S.F. 1949 Assures that public access restrictions be no more restrictive than the lake use restrictions. Effective date: Mar. 26, 1986. MERRIAM, CARLSON, D.

Lake improvement districts

Chap. 443-H.F. 1782 Institutes a procedure allowing property owners to establish a Lake Improvement District. Effective date: Mar. 26, 1986.

ANDERSON; PETERSON, C.C.

Sale of state-owned lake property

Chap. 449-H.F. 2169 Creates a procedure for selling state-owned lake property to the lessee. Establishes disposition of the land acquisition account proceeds. Permits Winona county to convey real estate to a county agricultural society. Effective date: Winona county conveyance, day after local approval; other provisions, Mar. 25, 1986. MINNE, DICKLICH

Raptor breeding regulations

Chap. 450-H.F. 2170 Requires the Department of Natural Resources to regulate and issue permits for persons breeding, propagating and selling raptors. Effective date: Mar. 26, 1986. MCPHERSON, LAIDIG

Croft Mine Park transfer

Chap. 457-H.F. 2407 Directs the transfer of the Croft Mine Park to the cities of Ironton and Crosby and the Croft Historical Park Board. Effective date: Aug. 1, 1986. THEIDE, SAMUELSON

Economic Development and Commerce

Miscellaneous insurance provisions

Chap. 313-S.F. 1612 Makes miscellaneous changes to the state's insurance laws. Classifies various data collected by the Department of Commerce concerning insurance and township mutual companies as nonpublic. Authorizes joint underwriting association issuance of insurance to hospitals and nursing homes. Provides liability insurance for foster parents. Regulates fraternal benefit societies. Allows the Minnesota automobile insurance plan to write liability insurance on school buses up to \$1 million. Redefines cost for purpose of insurance company bidding for government contracts. Makes changes to the incorporation requirements for domestic insurance corporations. Effective date: Mar. 6, 1986. WEGSCHEID, POPPENHAGEN

Employee insurance premium payments

Chap. 321-S.F. 1349 Prohibits an insurer, health maintenance organization or company from requiring a public employer to contribute toward the payment of insurance premiums or charges for insurance for retired officers or retired employees. Allows an insurer, health maintenance organization or company issuing the policy or contract to require a retired officer or retired employee to pay all or any part of the premiums or charges. Effective date: Aug. 1, 1986. PETERSON, R.W.; BECKLIN

Moorhead banking facility

Chap. 334-S.F. 1886 Allows the establishment of a detached banking facility in the city of Moorhead by a state bank located within 30 miles of Moorhead. Effective date: Aug. 1, 1986. MOE, R.D.; VALAN

Interstate banking

Chap. 339-H.F. 671 Allows interstate banking within the five state region. Permits banks and bank holding companies in Minnesota, Wisconsin, Iowa, North Dakota and South Dakota to cross state lines to establish new banks or to buy existing banks. Requires reciprocating states to enact similar legislation before interstate banking can begin. Effective date: Various dates. KNICKERBOCKER, PETTY

Service bays prohibition extension

Chap. 343-H.F. 1897 Extends the law prohibiting oil company franchisors from removing full-service bays from gas stations without the consent of the station operator. Effective date: June 30, 1986. BENNETT, DAHL

Tobacco distribution regulations

Chap. 352-H.F. 1773 Regulates the distribution of tobacco. Prohibits the distribution of a smokeless tobacco product samples. Prohibits anyone from distributing cigarettes, cigars, pipe tobacco or other tobacco sample products suitable for smoking to individuals under the age of 18. Requires the person distributing the smoking tobacco to verify the age by checking a driver's license, Minnesota identification card or passport. Establishes penalties for violations of the new law. Effective date: June 1, 1986. SEABERG, FREEMAN

State bank, credit union IRA's

Chap. 353-H.F. 1806 Permits credit unions to offer self-directed individual retirement accounts and Keogh accounts. Allows state banks to act as trustee or custodian of self-directed retirement plans or IRA's. Removes loans made by Minnesota Energy and Economic Development Authority from a

bank's lending limitations. Effective date: Mar. 20, 1986. REES, PETTY

Mortgage and securities provisions

Chap. 358-H.F. 1984 Makes various changes to the regulation of securities, mortgages and real estate brokers and salespersons. Requires real estate salespersons to successfully complete 90 hours of course work before obtaining a license. Requires real estate brokers and salespersons to complete 15 hours of continuing education courses per year. Allows the Department of Commerce to revoke and suspend licenses of a real estate broker or salesperson for inappropriate behavior. Allows the department to issue a cease and desist order for violations of state law. Extends the amount of time in which a real estate broker can operate without retaking the license exam. Requires mortgage related security to be registered with the state. Requires a lender to notify mortgage holders when it sells the servicing of the mortgage. Effective date: Aug. 1, 1986. MARSH; PETERSON, R.W.

S&L's credit cards

Chap. 376-S.F. 1823 Allows savings and loan associations to offer their customers credit cards at the current 18 percent rate, which is equal to what retailers are allowed for open-end credit. Permits banks to charge up to \$50 per year for a bank credit card. Effective date: Mar. 20, 1986. PETERSON, R.W.; BOO

Lemon law extension

Chap. 422-S.F. 2179 Includes farm tractors and leased vehicles under the provisions of the lemon car law. Requires the manufacturer to refund the total amount actually paid by the customer under any vehicle leased if the vehicle cannot be repaired. Requires manufacturers to pay for towing and rental expenses incurred by the consumer as a result of the vehicle being out of service for warranty repair, and it requires them to refund the trade-in value of a consumer's used motor vehicle. Specifies that the manufacturer must provide a refund if the the warranty period has expired but the problem was reported during the warranty period. Requires findings and decisions of an informal dispute resolution to be in writing, including whether the consumer is entitled to a refund or replacement. Reiterates that the consumer is not required to participate in an informal dispute resolution procedure before filing a court action if that procedure does not comply with lemon law requirements. Extends the statute of limitations to the latest date when the expressed warranty expires, the consumer is eligible to bring an action in district court, or the consumer receives written notice of the final decision of the dispute settlement. Effective date: Farm tractor provisions, Jan. 1, 1987; other provisions, Aug. 1, 1986. DAHL, THORSON

Omnibus insurance bill

Chap. 455-S.F. 2078 Addresses the availability and affordability of liability insurance. Establishes a Joint Underwriting Association to provide insurance to businesses that need coverage but are unable to obtain it in the private sector. Gives the commissioner of commerce the authority to declare insurance rates excessive if less than five companies control over 75 percent of the speciality market. Requires insurance companies to provide more comprehensive information to the Department of Commerce so the department can better monitor the insurance industry. Extends the Fair Plan coverage to rural areas and expands the plan to include liability as well as property insurance.

Provides general tort reform. Prohibits initial filing of punitive damages in lawsuits. Requires that future damages be discounted for their present value. Abolishes the collateral source rule to eliminate double recovery. Places a cap of \$400,000 on "intangible losses," such as embarrassment, emotional distress and loss of consortium. Allows legal costs and fees to be awarded to a party against whom a frivolous suit is brought.

Addresses governmental immunity. Reduces local government liability and expands state and local government immunity for suits based on natural accumulations of ice and snow on sidewalks. Restricts joint and several liability for governmental units so they can only be forced to pay up to twice their percentage of fault if they are found to be less than 35 percent responsible. Reduces liability of local parks and recreational facilities.

Includes medical malpractice provisions. Reduces the statute of limitation for minors by requiring that suits for birth-related injuries be brought by the age of nine rather than eighteen. Prohibits any medical malpractice suit from being filed without a medical expert agreeing it is a valid claim. Provides the defending attorney access to the records of the physician treating the plaintiff. Effective date: Various dates. SOLON (LUTHER), HALBERG

Education

Central School Commission

Chap. 347-H.F. 2236 Authorizes the city of Grand Rapids to create a Central School Commission. Provides for commission membership and appointment. Provides that the commission have full operational

responsibility for the Central School building and grounds. Provides that one of the objectives of the commission is to maximize the participation of community residents and visitors in the events and activities at the Central School, consistent with the historical heritage and cultural theme of the Central School. Effective date: Day after local approval. SOLBERG, LESSARD

Post-secondary enrollment options revision

Chap. 447-H.F. 1919 Includes two-year colleges in the definition of "eligible institution." Eliminates state tuition reimbursement for courses taken for post-secondary credit. Provides that to the extent possible, the school district must provide counseling service to pupils and their parents or guardian before the pupils enroll in post-secondary courses. Requires the pupil and the pupil's parents or guardian to sign a form stating that they have received required information prior to enrolling in a post-secondary course. Requires school districts to provide general information about the program to all pupils in grades 10 and 11 by March 1 of each year. Specifies that pupils who first enroll in grade 11 may not enroll in post-secondary courses for secondary credit for more than the equivalent of two academic years. Specifies that pupils who first enroll in grade 12 may not enroll in post-secondary courses for secondary credit for more than the equivalent of one academic year. Provides that if a pupil enrolls in a post-secondary course for secondary credit during the school year, the time of participation must be reduced accordingly. Provides that a post-secondary institution must give priority to its post-secondary students.

Provides that a pupil may enroll in a post-secondary course for either secondary credit or post-secondary credit. Requires pupils to designate the kind of credit at the time of enrollment. Requires a school district to grant academic credit to a pupil enrolled in a course for secondary credit if the pupil successfully completes the course. Provides that the school district must also grant academic credit to a pupil enrolled in a course for post-secondary credit if secondary credit is requested by the pupil. Provides for post-secondary institutions awarding post-secondary credit upon the enrollment of the pupil after graduation from secondary school. Prohibits a pupil enrolled in a post-secondary course for secondary credit from eligibility for state student financial aid. Requires the development of a clear and uniform policy on awarding post-secondary credit toward a degree for a student who earns an acceptable score on an advanced placement program examination. Requires a report to the appropriate legislative committees evaluating the program. Effective date: Various dates. LEVI, NELSON

ISD #709 civil service

Chap. 466-H.F. 2294 Places educational assistants in the unclassified civil service. Provides for grants for hot lunches in St. Louis County ISD #710. Effective date: Sec. 1, day after local approval; Sec. 2-3, Aug. 1, JAROS SOLON

Department libraries

Chap. 471-H.F. 1677 Provides that the Department of Education may provide library information services considered appropriate and necessary to any state agency, governmental unit, nonprofit organization, or private entity. Allows the department to collect reasonable fees to cover actual costs for providing the information services. Allows mayors to appoint nonresidents to city library boards if the city library is a branch or a member of a regional public library system providing the appointee is a resident of the county and the county is a participant in the regional library system and the majority of board members are city residents. Updates maintenance of effort exceptions. Requires the commissioner of education to cooperatively develop a plan for the automation of state agency libraries. Effective date: Aug. 1, 1986. THORSON, DAVIS

Definition of a school

Chap. 472-H.F. 1744 Makes technical changes to the definition of a school. Provides for limited reporting by a parent providing instruction in a home. Prohibits civil or criminal proceedings against a parent providing instruction in a home as long as the parent complies with reporting procedures. Establishes a task force to make recommendations about compulsory attendance laws. Effective date: Various dates. QUIST, PEHLER

Elections and Ethics

Precinct caucus postponement

Chap. 324-S.F. 2069 Allows the secretary of state to postpone precinct caucuses for a week in counties experiencing bad weather. Requires the notice of postponement to be given to the news media covering the affected counties by 6:00 p.m. Effective date: Mar. 18, 1986. HUGHES, OZMENT

Miscellaneous election provisions

Chap. 362-H.F. 2023 Allows a county auditor to approve the use of an electronic voting system for absentee voting. Requires one judge to demonstrate the use of a voting machine or electronic device at each state

primary or general election in precincts that had 400 votes cast at the last election and are using a voting machine or an electronic system and requires an additional three judges to be in attendance. Changes the official ballots of judicial candidates. Requires vendors of lever voting machines or electronic voting systems to certify that they will not offer for sale any voting machine or system that is not certified for use in Minnesota elections and requires vendors to furnish a \$5,000 bond along with the certification. Requires municipalities to inform the public about the use of a new voting system at least 60 days prior to the election and to provide a demonstration on the use of the new system six weeks before it will be used. Requires the secretary of state to provide standard ballot formats for electronic voting systems. Limits the number of ballots that may be counted at a single counting center to 100,000. Effective date: Various dates. BACKLUND, LUTHER

Optical scan voting systems

Chap. 381-S.F. 2245 Permits the use of an optical scan voting system and provides instruction for both election judges and voters on the use of the system. Effective date: Aug. 1, 1986. PETERSON, D.C.; SHAVER

Recodification of election laws

Chap. 408-S.F. 1839 Clarifies existing language in the state's election laws. Effective date: Aug. 1, 1986. HUGHES, SHAVER

Removal of county officials

Chap. 418-S.F. 2116 Allows any registered voter to petition the county auditor to request a removal election of a county official if the voter can present facts alleging that an elected county official committed malfeasance or nonfeasance in the performance of official duties. Requires a petition for removal to contain signatures equaling at least 25 percent of those who voted in the last election. Allows the supreme court to appoint an active or retired judge, "special master," to conduct a public hearing on the allegations. Requires a special removal election to be held if the public hearing proves that the official committed either malfeasance or nonfeasance. Provides for removing the official from office if removal is supported by a majority vote in the election. Effective date: Mar. 25, 1986. LUTHER, MCKASY

Mpls. election changes

Chap. 433-H.F. 2405 Establishes a uniform election date and extends terms of office for members of the Minneapolis Library Board, Parks and Recreation Board, and Board of Estimate and Taxation. Effective date: Day after local approval. SARNA, KROENING

Election procedure changes

Chap. 475-H.F. 2014 Allows a candidate to transfer debts of a campaign committee to their principal campaign committee for another state office and to terminate the former committee. Prohibits a candidate from including descriptive works along with their names on the ballot, including part of the name of a major political party, except the word "independent." Clarifies language regulating other election procedures. Effective date: Apr. 2, 1986. BACKLUND, HUGHES

Employment

Department of Military Affairs insurance coverage

Chap. 329-S.F. 1742 Allows the adjutant general to purchase insurance coverage to indemnify the Department of Military Affairs for workers' compensation awards paid for state employees employed under federal cooperative funding agreements. Effective date: Aug. 1, 1986. CHMIELEWSKI, HEAP

Computers for sheltered workshop programs

Chap. 369-S.F. 1441 Permits money allocated to the division of vocational rehabilitation for the institution of management information systems to be used to provide grants to match money spent by long-term sheltered workshops for the purchase of computer equipment that will increase worker productivity and train severely disabled people in computer and other high-technology applications. Effective date: Aug. 1, 1986. WEGSCHEID, GRUENES

Electrician licensing provisions

Chap. 373-S.F. 1642 Expands the requirement that the planning, repair, installation of wiring be conducted by a licensed master electrician to require that the work is being done for a licensed electrical contractor and the person is an employee, partner, or officer of the licensed electrical contractor. Removes the new requirement if the work is performed on equipment or facilities for the employer on property which is owned or leased and operated by the employer. Allows a licensed electrical contractor to lay out, install, maintain or repair alarm and communication systems. Effective date: Mar. 20, 1986. WALDORF, DYKE

State fair performers, ski employees

Chap. 390-H.F. 2100 Restores the State Fair Board's authority to place restrictions on when and where a performer may play in order to be eligible to perform at the fair. Ski facilities not bound by union contracts are exempted from paying overtime to seasonal employees. Effective date: Aug. 1, 1986. SVIGGUM, CHMIELEWSKI

Plumber's apprentice regulations

Chap. 402-S.F. 125 Expands the definition of a plumber's apprentice to include a person working under supervision of a plumbing contractor. Requires a plumber's apprentice to be registered with the commissioner of health. Allows a plumber's apprentice, after completing four years of practical plumbing experience, to be eligible to take the journeyman plumbing examination. Permits up to 24 months of practical plumbing experience prior to registration to be applied to the four-year experience requirement on the condition that the person had practical experience within 12 months prior to registration. Allows the commissioner of health to adopt rules to evaluate whether the person's past practical plumbing experience is applicable. Requires the apprentice to gain another four years of experience if the person failed to take the examination within two years after completing the training. Allows the commissioner to extend the two year period in cases of hardship or other appropriate circumstances. Allows the Department of Health to assess fees to pay for the administration of the apprentice registration program. Effective date: Aug. 1, 1986. LANTRY, O'CONNOR

Hazardous substance inspection

Chap. 456-S.F. 2161 Gives the Department of Health the authority to enter the premises of a business or government agency to investigate the suspected release of a hazardous substance that could cause a risk to the community. Requires the commissioner to present a statement to the employers concerning the reason, nature and scope of the investigations. Requires that the commissioner be allowed access to information required under the employee right-to-know act to determine if there are existing or potential health hazards to the community resulting from the release of any hazardous substance originating from the premise.

Permits the commissioner to disclose to the community information, including nonpublic data, relating to potential health hazards being generated from the workplace if evidence exists that a person suffered or could suffer illness or injury from exposure to a hazardous substance or if there is evidence of a community health risk and the employer has been directed to cease the activity that has caused the release of the hazardous substance. Permits nonpublic data to be released to a physician if it provides information required for the diagnosis, treatment or prevention of illness or injury.

Adds registered nurses to the list of employees entitled to receive yearly training in how to handle hazardous substances. Requires hospitals to notify the nurses of the training sessions and allows nurses to attend the training during regular working hours.

Requires funds appropriated for firefighter training programs to be used for tuition subsidy of up to 50 cents per student clock hour of training at AVTI's. Allows AVTI's to offer training programs at any location. Effective date: Aug. 1, 1986. DICKLICH, SVIGGUM

Equitable compensation relationships

Chap. 459-H.F. 418 Requires in interest arbitration concerning equitable compensation that the arbitrator consider both the results of a job evaluation study and any employee objections to the study. Clarifies that it is not an unfair labor practice for a political subdivision to specify an amount of funds to be used solely to correct inequitable compensation relationships. Allows a political subdivision to specify an amount of funds to be used for general salary increases. Effective date: Various dates. DEMPSEY, MERRIAM

Workers compensation revisions

Chap. 461-H.F. 1873 Increases the exemption for domestic workers to \$1,000 in wages per quarter. Requires a dispute concerning medical causation to be first resolved in an administrative conference. Allows people having claims denied due to a medical causation dispute to be eligible for vocational rehabilitation. Requires that reimbursements from the Second Injury Fund be paid only to those registered for coverage before the injury occurred. Clarifies the restriction for out-of-state liability. Effective date: Various dates. SVIGGUM, CHMIELEWSKI

Finance

Shakopee correctional facility sale

Chap. 367-H.F. 2351 Authorizes the commissioner of administration to sell to any local unit of government where the property is located, for the highest

price offered over a minimum price of \$145,000, the current Shakopee women's correctional facility and the 10.9 acre parcel of real estate on which it is located. Effective date: Aug. 1, 1986. DIMLER, SCHMITZ

Children's trust fund

Chap. 423-H.F. 450 Establishes a state children's trust fund for the prevention of child abuse and neglect. Establishes an advisory council to assist the commissioner of public safety in administering the fund. Places a \$2.00 surcharge on certified copies of birth certificates to fund the trust fund. Provides for the acceptance of gifts and disbursement of funds. Effective date: July 1, 1986. BLATZ, HUGHES

Claims against the state

Chap. 434-S.F. 164 Provides for the payment of various claims against the state. Provides for veterans bonus claims. Ratifies the labor agreements between the state of Minnesota and specific employee organizations. Effective date: Mar. 26, 1986. DAHL, VALAN

Governmental Operations

Surplus documents

Chap. 320-S.F. 496 Requires the commissioner of administration to make surplus documents available to educational institution libraries and public libraries. Effective date: Aug. 1, 1986. FREDERICKSON, QUIST

Indian Affairs Council

Chap. 344-H.F. 1980 Authorizes the Indian Affairs Council to enter into contracts and to accept grants and gifts. Effective date: Aug. 1, 1986. MCDONALD, BERGLIN

Fuel purchase contracts/shelter workshops

Chap. 350-H.F. 1664 Provides for the regulation of contracts for the purchase of fuel required for the generation of municipal power by a municipality. Allows municipalities to designate and set aside a percentage of the value of its anticipated total procurement of goods and services to buy sheltered workshop products without getting competitive bids. Effective date: Aug. 1, 1986. REDALEN, SCHMITZ

Supplemental investment funds

Chap. 356-H.F. 1926 Establishes seven accounts within the supplemental investment fund: an income share account, a growth share account, a bond account, a money market account, a guaranteed return account, a bond market account, and a common stock index account. Provides for the administration of the accounts and for the investment and valuation of shares within each account. Provides that Hennepin County has the authority to determine which accounts of the Minnesota Supplemental Investment Fund will be available for participant investment. Effective date: Sec. 1-9, July 1, 1986; Sec. 10, local approval. KNICKERBOCKER; MOE, D.M.

Police and firefighter relief associations

Chap. 359-H.F. 2035 Provides for the standardization of auditing requirements for police and firefighter relief associations. Clarifies the various duties and responsibilities in the management of local relief associations. Provides for financial reporting. Provides for auditing, financial reporting and state aid for the Winona Police Relief Association. Effective date: Mar. 20, 1986. GUTKNECHT; MOE, D.M.

Department of Administration provisions

Chap. 363-H.F. 2185 Requires sealed bids to be solicited by public notice for expenditures estimated to exceed \$15,000. Requires that all purchases or sales estimated to be \$15,000 or less may be made either upon competitive bids or in the open market; however, so far as practicable, expenditures must be based on a least three competitive bids which are to be permanently recorded. Provides that the commissioner may negotiate a contract for public work to be performed at a state owned institution or installation if the cost does not exceed \$15,000 and if the head of the affected state agency requests the commissioner to do so. Provides that any or all bids may be rejected. Provides for the disposal of surplus state property to state agencies, local governmental units and other institutions and organizations authorized by federal law to accept surplus property. Allows the commissioner of administration to use funds appropriated annually from the general services revolving fund to provide advice and other services to political subdivisions for the management of their records, information, and telecommunications systems in addition to other services. Effective date: Aug. 1, 1986. SVIGGUM, POGEMILLER

Community action agencies/severance pay

Chap. 411-S.F. 1940 Prescribes the powers and duties of community action agencies. Allows community action agencies, the Minnesota Migrant Council, and the Indian reservations to enter into cooperative purchasing agreements and self-insurance programs with local units of government. Regulates payment of severance pay by local units of government. Effective date: Aug. 1, 1986. DICKLICH, SOLBERG

State agency fees/leasing of dam sites

Chap. 436-S.F. 1850 Provides a general policy on agency fees. Specifies that agency fees and fee adjustments shall not exceed amounts established by statute. Specifies the procedure for setting fees not established by statute. Requires the Legislature, in setting or adjusting fees, to try and insure that agency fees and fee adjustments include only those service-related costs that provide a primary benefit to the individual fee payer and that service-related costs that benefit the general community are borne by the agency. Requires a report to the commissioner of revenue and the appropriate legislative committees on fees that will be too high or too low for the service provided and the revenue generated by the fees of each agency. Provides that the contents of the development agreement for the leasing of dams for hydro-electric power from the DNR or local units of government contain provisions to assure the maximum financial return to the local governmental unit or the Department of Natural Resources. Effective date: Various dates. WALDORF, JOHNSON

Public employee retirement

Chap. 458-H.F. 229 Provides that teachers who retired before May 1, 1974, from the basic plan of the Minneapolis Teachers Retirement Fund Association and who are not currently eligible for Medicare are entitled to have health insurance premiums paid and to receive the benefits of a number two qualified plan. Provides that the costs of the health care insurance will be paid by active teachers. Changes the eligibility requirements for surviving spouse benefits by specifying that if an employee or former employee has attained the age of 50 years and has credit for not less than ten years of allowable service or has credit for not less than 30 years of allowable service regardless of age attained, dies before an annuity or disability benefit has become payable, the surviving spouse may apply for the annuity at any time after the date on which the deceased employee would have attained the required age for retirement based on the employee's allowable service. Transfers state university administrators to the MSRS Unclassified Plan. Extends the time for termination of service, until July 1, 1987, for those who qualify for early retirement under the Rule of 85, if they are eligible by Jan. 1, 1987. Provides for a benefit increase for pre-'73 retirees who retired prior to the 1973 benefit increase but did not begin to draw benefits until after the increases. Provides for specific language changes for ISD #281, Buhl police survivor benefits, Eveleth police and firefighters benefit increase, Andover firefighters bylaw amendment, Falls nursing home employees, prior service credit purchases, payment of voluntary assessments, refunds for county historical society employees, Mankato police probationary period, election of coverage and option to choose plan for specific individuals. Effective date: Various dates. DEMPSEY; MOE, D. M.

Metropolitan governance

Chap. 460-H.F. 1860 Specifies that metropolitan agencies mean the Metropolitan Parks and Open Space Commission, Regional Transit Board, Metropolitan Transit Commission, Metropolitan Waste Control Commission, Metropolitan Airports Commission and Metropolitan Council. Provides for appointments, administration, reports, and duties of metropolitan agencies. Provides for improved coordination among metropolitan agencies in financial reporting and management for metropolitan systems and services. Creates a Financial Reporting and Management Advisory Committee. Recodifies language pertaining to metropolitan agencies. Effective date: Aug. 1, 1986, exceptions. FORSYTHE, DIESSNER (WEGSCHEID)

Court administrators salaries

Chap. 464-H.F. 2044 Alters the responsibility for establishing the salary of the state court administrator and district court administrators. Provides that the supreme court shall set the salary of the state court administrator and the district court administrators. Provides that the salary of the state court administrator and district court administrator may not exceed the salary of a district court judge. Provides that the salary supplement authorized for the district administrators of the second, fourth, and sixth judicial district by the appropriate county boards are effective only until Jan. 1, 1988. Provides that the Board of Medical Examiners shall set the salary of its executive secretary and that the salary may not exceed 95 percent of the top of the salary range set for the commissioner of health. Requires the Board of Medical Examiners to submit a proposed salary increase for the executive secretary to the Legislative Commission on Employee Relations. Effective date: Aug. 1, 1986. KNICKERBOCKER, LUTHER

Minnesota Bond Allocation Act/wastewater treatment

Chap. 465-H.F. 2287 Allocates issuance authority for bonds subject to a federal volume limitation act. Sets forth definitions. Authorizes issuance of bonds. Allows cities to establish infrastructure replacement reserve funds. Prescribes certain powers for local units of government.

Provides for wastewater treatment control. Provides for construction grants and loan applications. Provides for private suppliers of public services. Provides for privatization regulation. Effective date: Various dates. SCHREIBER, POGEMILLER

Health and Human Services

Permanent rule deadline extension

Chap. 316-H.F. 1794 Extends the deadline for permanent rules for nursing home reimbursement under the medical assistance program until June 30, 1987. Effective date: Mar. 6, 1986. GRUENESS, BERGLIN

Patients' bill of rights expansion

Chap. 326-S.F. 1919 Expands the patients' bill of rights to cover people receiving out-patient mental health treatment and minors receiving residential chemical dependency or mental health treatment. Requires health care facilities to have a written grievance procedure that, at minimum, sets forth the process to be followed; specifies time limits, including time limits for facility response; provides for the patient or resident to have the assistance of an advocate; requires a written response to written grievances; and provides for a timely decision by an impartial decision maker if the grievance is not otherwise resolved. Provides that the patients' bill of rights include the right of access to protection and advocacy services. Requires an annual report by residential treatment programs for mentally ill, chemically dependent, and emotionally disturbed minors. Effective date: Aug. 1, 1986. BERGLIN, SVIGGUM

Blind and visually handicapped service

Chap. 337-S.F. 2079 Provides for the creation of a distinct organization unit, to be known as services for the blind and visually handicapped, separate from the vocational rehabilitation unit and with its own activity budget, within the Department of Jobs and Training to provide and coordinate services to the blind. Requires the collection of statistics concerning blind persons including medical ophthalmological data, causes of blindness, opportunities for education, rehabilitation, training for employment, and any other information. Provides for appeals from agency action by an applicant or recipient of rehabilitation service who is dissatisfied with the agency's action. Provides for recovery of erroneous payments. Effective date: Aug. 1, 1986. POGEMILLER, BOO

Physical fitness therapies for mentally ill

Chap. 349-H.F. 651 Authorizes the inclusion of physical fitness therapies in grant programs for the mentally ill. Provides for a study, to be conducted by the State Planning Agency, of the administration of mental health services. Requires a report to the Legislature by Dec. 15, 1986. Provides for a study, conducted by the State Planning Agency, of methods of unifying mental health licensing functions. Requires a report to the Legislature by Dec. 15, 1986. Effective date: Aug. 1, 1986. SEGAL, LANTRY

Adoption of the 1985 Life Safety Code

Chap. 371-S.F. 1580 Requires the adoption of the 1985 Life Safety Code Standards for intermediate care facilities for person with mental retardation. Provides for repeal June 30, 1987, or when rules incorporating the 1985 Life Safety code have been adopted, whichever occurs first. Effective date: Mar. 20, 1986. BERGLIN, ZAFFKE

Chemical dependency treatment funding

Chap. 394-S.F. 912 Provides for a regional treatment center revolving fund for chemical dependency. Creates a consolidated fund for payment of chemical dependency treatment. Provides for appropriating money to counties for treatment. Provides for client eligibility, vendor eligibility and state collections. Provides for American Indian special funding. Removes chemical dependency treatment from medical assistance, general assistance medical care and general assistance funding. Effective date: Various dates. BERGLIN, FORSYTHE

Day care rule requirements

Chap. 395-S.F. 1581 Sets forth the legislative direction for child care services. Excludes programs not located in family or group family day care homes and whose primary purpose is to provide activities outside the regular school day for children five and over from licensing requirements. Sets forth definitions. Requires that rules for family day care and group family

day care homes must be adopted in consultation with representatives of counties and with families who reflect the diversity of families who use day care. Authorizes a study. Directs the commissioner of human services to provide information to providers and consumers of day care. Provides that, until July 1, 1987, the commissioner is to adopt no additional rules governing family day care and group family day care except those for which notice was published in the State Register Jan. 27, 1986. Provides that, until July 1, 1987, no provider or applicant is required to spend more than \$100 to meet fire safety rules in excess of those required to meet Group "R" occupancies under the Uniform Building Code, Chapter 12. Provides for conditional licenses. Establishes a task force. Provides for indemnification by the state. Effective date: Mar. 22, 1986. BERGLIN, OZMENT

Long-term health insurance

Chap. 397-S.F. 1782 Regulates long-term care health insurance policies. Allows companies to offer long-term care policies to individuals or groups and sets minimum standards for such policies. Requires coverage for home health care and care in skilled or intermediate nursing facilities. Provides that coverage under a long-term care policy AA, must include a maximum lifetime benefit limit of at least \$100,000 for services, requires that nursing facility and home care coverages not be subject to separate lifetime maximums, and allows a requirement of prior hospitalization for up to one day to be imposed for long-term care in a nursing facility. Provides that coverage under a long-term care policy A must include a maximum lifetime benefit limit of at least \$50,000 for services, requires that nursing facility and home care coverages not be subject to separate lifetime maximum and allows a requirement of prior hospitalization for up to three days to be imposed for long-term care in a nursing facility or home care services. Provides that coverage under either policy designation may include a waiting period of up to 90 days before benefits are paid. Requires the policy to include a provision that the insurance will not be cancelled or refused renewal except for non-payment of premium. Provides that benefits may be provided on a per diem basis or on an expense incurred basis. Prohibits the use of graphic seals or emblems on policies or promotional materials that may reasonably convey to the purchaser that the policy form is approved, endorsed or certified by any governmental unit. Requires disclosures to be delivered to the policy applicant. Provides for health insurance maternity benefits for unmarried women. Effective date: Sec. 1, Aug. 1, 1985 (retroactive); Sec. 2-8, June 1, 1986. PETTY, GRUENES

Child care resource/food assistance programs

Chap. 404-S.F. 1721 Establishes a child care resource and referral program to provide information to parents, parent education, technical assistance for providers, staff development programs, referrals to social services and the coordination of community child care resources. Authorizes grants to public or private nonprofit agencies for the planning, establishment, expansion, improvement, or operation of child care resource and referral programs.

Requires the commissioner of education to request a waiver to allow pilot school breakfast programs to be implemented in school districts where no program currently exists. Authorizes the commissioner to provide a cash incentive to schools to increase participation in school breakfast programs or to initiate school breakfast programs. Requires the commissioner of health to develop and coordinate a reporting system to improve the state's ability to document inadequate nutrient and food intake of children and adults and to determine the most appropriate strategies for improving inadequate nutritional status. Provides for strengthening oversight of the food stamp program. Provides for outreach programs to seek out eligible persons not currently participating in programs and requires the expenditure of all available federal and private funds. Requires monitoring of the Women, Infants and Children program (WIC) for participation and provides for selection of different agency to deliver services if participation does not increase.

Requires child support obligors to name the minor child as beneficiary on any health and dental insurance plan that is available to the obligor on a group basis or through an employer or union unless the obligee has group dependent health insurance coverage available at a more reasonable cost. Provides that the spouse also have access to the insurance if it is available at no additional cost. Provides that if the obligor fails to maintain medical or dental insurance for the benefit of the children as ordered by the court, the obligor shall be liable to the obligee for any medical or dental expenses incurred from the date of the court order. Provides for the priority of withholding orders on an employees income. Effective date: Aug. 1, 1986. BERGLIN, CLAUSNITZER

Community social service act revision

Chap. 413-S.F. 1965 Revises the community social service act. Clarifies the allocation of funds. Expands the responsibilities of county boards. Requires the county boards to publish biennial plans relating to community social services. Effective date: Mar. 25, 1986 SAMUELSON, SVIGGUM

Adoption subsidy clarification

Chap. 414-S.F. 1980 Provides for the exhaustion of benefits from other programs before payment of adoption subsidies. Establishes a family subsidy program for families with children with developmental disabilities. Effective date: Aug. 1, 1986. PETERSON, R.W.; STANIUS

Nursing home provisions

Chap. 420-S.F. 2147 Requires the commissioner of health to monitor transitional care. Authorizes the use of swing beds by patients transferred from hospitals. Requires transportation services involving the use of a stretcher to meet life support transportation licensing standards. Changes the computation of inpatient hospital rates. Provides that, except for long-term patients, bills are not to be submitted for Medical Assistance patients receiving acute care until after the patient is discharged. Provides that pre-admission screening may be done by one member of a screening team when the patient is a private-pay patient being transferred from a hospital to a nursing home. Provides an exemption from screening for private-pay nursing home residents who will be in a facility 30 days or less and veterans with lifetime contracts with the Veterans Administration. Provides that the allocation formula for alternative care grants is to be based on the total number of county residents over age 65 and the number of county residents over age 65 enrolled in the Medical Assistance program. Provides for assessment of alternative care clients every six months. Requires clients to be advised of all services provided by private providers. Provides for refunds to be made by nursing homes that charged excessive rates for case-mix classifications. Establishes a task force on long-term health care planning. Authorizes the Oak Terrace Nursing Home to lease space to provide food and shelter for the homeless. Effective date: Various dates. BENSON, FRERICHS

Air ambulance services

Chap. 421-S.F. 2171 Provides exemptions for certain air ambulance services. Allows first responders to drive life support transportation service vehicles provided a siren and flashing lights are not used and the vehicle is driven within legal speed limits. Effective date: Aug. 1, 1986. BENSON, FRERICHS

Mental health service system

Chap. 428-H.F. 2081 Directs the commissioner of human service to create a mental health service system. Sets forth a mission statement. Provides requirements of a mental health service system. Requires a report to the Legislature. Effective date: Aug. 1, 1986. SVIGGUM, PETTY

Judiciary

Name change procedures

Chap. 317-S.F. 1600 Reduces the statutory time of residency, to six months, required for a change of name. Alters the responsibility to be followed when filing a change of name with the county recorder from the clerk to the applicant. Eliminates the limits on the amount of bond to be deposited by the clerk of court. Prohibits employees of the clerk's office from practicing law in the court in which they are employed. Effective date: Mar. 12, 1986. SIELOFF, DEMPSEY

Juvenile Justice Advisory Committee

Chap. 319-H.F. 2265 Provides for membership terms, removal and filling of vacancies on the Juvenile Justice Advisory Committee by providing a cross reference in statutes. Effective date: Aug. 1, 1986. LEVI, MERRIAM

Drinking age increase

Chap. 330-S.F. 5 Increases the age for licensing, consumption, furnishing, purchasing, or possessing liquor or entering a licensed establishment to purchase or have served alcoholic beverages to the age of 21. Requires an information pamphlet containing relevant facts relating to the effects of alcohol on driving and the laws relating to the operation of a motor vehicle under the influence of alcohol to accompany drivers license application forms. Requires the inclusion in each edition of the driver's manual of a chapter relating to the effect of alcohol consumption on highway safety and a summary of laws on operating a motor vehicle while under the influence of alcohol or controlled substance. Provides that 25 percent of the drivers license reinstatement fee is credited to the alcohol impaired driver education account. Provides that records of liquor-related convictions of 18, 19, and 20-year-olds are confidential. Provides that persons under 21 may enter liquor establishments to perform work for the establishment, consume meals, and attend social functions that are held in a portion the establishment where liquor is not sold. Prohibits on-campus events sponsored by manufacturers, wholesalers, and retailers of alcoholic beverages. Provides that persons born on or before September 1, 1967, are treated as 21-year-olds for purposes of liquor laws. Effective date: Various dates. DIESSNER, SCHAFFER

Foreign corporation agent resignation

Chap. 331-H.F. 2317 Provides for the resignation of registered agents of foreign corporations by filing a signed notice of resignation with the secretary of state. Effective date: Aug. 1, 1986. ZAFFKE, ANDERSON

Judgment lien law clarification

Chap. 335-S.F. 1939 Clarifies the filing procedures for general judgment liens. Effective date: Aug. 1, 1986. SPEAR, BACKLUND

Lutheran church merger

Chap. 338-S.F. 2094 Clarifies the authority for separate entities to hold church employee benefit plans. Defines "church benefits board" as an organization, described in the federal Internal Revenue Code, of which the principal purpose or function is the administration or funding of a plan for the provisions or retirement or welfare benefits for the employees of a church or association of churches, if the organization is controlled by or associated with a church. Provides for succession of fiduciary capacity in mergers and consolidation of nonprofit corporations. Effective date: Mar. 20, 1986. PETTY, MCKASY

Technical corrections to criminal sexual conduct laws

Chap. 351-H.F. 1730 Corrects erroneous, omitted and obsolete references in and to the criminal sexual conduct statutes. Clarifies the requirements in investigations of child abuse by facility employees. Effective date: Various dates. BLATZ, REICHGOTT

Admissibility of videotaped statements

Chap. 361-H.F. 2017 Expands the admissibility of out-of-court statements made by children under 10 in cases of child sexual abuse, physical abuse or neglect to include statements on videotape or audiotape. Provides that testimony by a child under 10 may be made via closed circuit television if the court determines that the presence of the defendant would so psychologically traumatize the witness as to render the witness unavailable to testify. Provides that the court may determine that the testimony be taken in a manner that the defendant can see and hear the testimony of the child in person and communicate with counsel, but the child cannot see or hear the defendant or that the defendant and child can view each other by video or television monitor from separate rooms. Provides that juvenile court hearings be open to the public in delinquency proceedings where the child is alleged to have committed an offense that would be a felony if committed by an adult and the child was at least 16 years of age at the time of the hearing. Effective date: Aug. 1, 1986. NELSON, K.; PETTY

Civil suits against psychotherapists

Chap. 372-S.F. 1619 Provides for civil suits against psychotherapists for the sexual exploitation of patients or former patients if the sexual contact occurred during the period the patient was receiving psychotherapy from the psychotherapist or after the period the patient received psychotherapy from the psychotherapist if the former patient was emotionally dependent on the psychotherapist or the contact occurred by means of therapeutic deception. Provides for liability of employer if the employer fails or refuses to take reasonable action when the employer knows or has reason to know that the psychotherapist engaged in sexual contact with the plaintiff or the employer fails or refuses to make inquiries of an employer or former employer concerning the occurrence of sexual contacts by the psychotherapist with the patients. Provides for scope of discovery of evidence and admission of evidence. Provides procedures for enforcing restitution orders. Prescribes that an action for sexual exploitation must be commenced within five years after the cause of action arises. Provides definitions of terms. Effective date: Aug. 1, 1986. SPEAR, MCKASY

Equal access to justice

Chap. 377-S.F. 1848 Provides for recovery of costs and attorney fees by small businesses prevailing in civil actions and contested case proceedings involving the state. Sets forth definitions. Requires a report to the Legislature. Provides procedures for awarding fees and expenses. Effective date: Aug. 1, 1986. WILLET, HALBERG

Aggregation of theft of service crimes

Chap. 378-S.F. 1914 Provides that violations involving the theft of services may be aggregated for purposes of criminal prosecution. Effective date: Aug. 1, 1986. PETTY, HARTINGER

Liability for acts of patients limits

Chap. 380-S.F. 2135 Limits the civil liability of practitioners for the violent acts of patients. Provides that no monetary liability and no cause of action may arise against a practitioner for failure to predict, warn of, or take reasonable precautions to provide protection from, a patient's violent behavior, unless the patient or other person has communicated to the practitioner a specific, serious threat of physical violence against a specific, clearly identified or identifiable potential victim. Provides that no monetary liability and no cause of action, or disciplinary action by the state board of psychology or board of nursing may arise against a practitioner for disclosing

confidences to third parties in a good faith effort to discharge a "duty to warn." Provides a limitation on liability against a practitioner for disclosure of confidences to third parties, for failure to disclose confidences to third parties, or for erroneous disclosure of confidences to third parties in a good-faith effort to warn against or take precautions against a patient's violent behavior for which a duty to warn does not arise. Provides an exception for a threat to commit suicide or other threats by a patient to harm the patient, or to a threat by a patient who is adjudicated mentally ill and dangerous. Provides immunity from civil and criminal liability to any social worker or supervisor employed by a local welfare agency complying with the child abuse reporting law. Effective date: Various dates. REICHGOTT, STANIUS

Venue of actions

Chap. 382-S.F. 1975 Provides that actions to recover the possession of personal property wrongfully taken shall be tried in the county in which the property is located. Effective date: Aug. 1, 1986. REICHGOTT, BISHOP

Mental patient escape prohibition

Chap. 385-H.F. 839 Prohibits escapes while in a facility pursuant to a court commitment order after a finding of not guilty by reason of mental illness or mental deficiency of a crime against the person. Provides that a felony charge must be dismissed if the person charged voluntarily returns to the facility within 30 days after a reasonable effort has been made to provide written notice to the person that failure to return within 30 days may result in felony charges being filed. Provides a penalty of not more than one year and one day imprisonment or payment of a fine of not more than \$3,000, or both. Effective date: Mar. 21, 1986. MCKASY, MERRIAM

Prohibiting crimes against an unborn child

Chap. 388-H.F. 1844 Prohibits acts that cause the death of or injury to an unborn child. Imposes penalties of life imprisonment for first degree murder; up to 40 years imprisonment for second degree murder; up to 25 years imprisonment for third degree murder; up to 15 years imprisonment and/or \$30,000 fine for first degree manslaughter; up to seven years imprisonment and/or \$14,000 fine for second degree manslaughter; up to 10 years imprisonment and/or \$20,000 fine for first degree assault; up to 5 years imprisonment and/or \$10,000 fine for second degree assault; up to 90 days imprisonment and/or \$700 fine for third degree assault; up to 5 years imprisonment and/or \$10,000 fine for criminal vehicular negligence resulting in death; up to three years imprisonment and/or \$5,000 fine for criminal vehicular negligence resulting in injury; up to 15 years imprisonment and/or \$30,000 for causing the death of an unborn child during the commission of a felony or assault; and up to 10 years imprisonment and/or \$20,000 for causing injury of an unborn child during the commission of a felony or assault. Specifies that the law does not apply to legally performed abortions or to acts performed by the mother. Effective date: Aug. 1, 1986. DEMPSEY, JUDE

Motorboat DWI

Chap. 401-S.F. 31 Strengthens prohibitions and penalties regarding the operation of a motorboat while under the influence of alcohol or a controlled substance. Provides that sheriff's deputies and conservation officers may require alcohol breath tests. Provides a penalty of up to \$700 and loss of boat license for one year for refusal to take the breath test. Provides a misdemeanor penalty of up to 90 days imprisonment or up to \$700 fine, or both upon conviction of boating while intoxicated. Provides that a second offense within five years or a third offense within ten years is a gross misdemeanor punishable by up to one year imprisonment or up to \$3,000 fine, or both. Provides for 90 day license suspension between May 1 and October 31, extending over two consecutive years if necessary, upon conviction. Provides for arrest without warrant upon probable cause if the violation is committed in the officer's presence. Provides for arrest without warrant if the person was involved in a motorboat accident resulting in death, personal injury, or property damage. Effective date: May 15, 1986. DIESSNER, BLATZ

Shoplifting suspect detention

Chap. 405-S.F. 1730 Modifies circumstances justifying detention of suspects in business establishments. Provides that a merchant or an employee may detain a person to require the person to provide identification or verify identification; to inquire if the person possesses unpurchased merchandise and, if so, to receive the merchandise; to inform a peace officer; or to institute criminal proceedings against the person. Provides that a person may not be detained for more than one hour unless the merchant is waiting to surrender the person to a peace officer or the person being detained is a minor and the merchant is waiting to surrender the minor to a peace officer or the minor's parent. Requires that a peace officer be notified immediately if at any time the person detained requests a peace officer be summoned. Provides immunity from criminal or civil liability for merchants, employees or peace officers for authorized actions if the arresting person's action is based upon reasonable cause. Effective date:

Aug. 1, 1986. SPEAR, BENNETT

Child custody and support

Chap. 406-S.F. 1732 Provides for a rebuttable presumption that joint legal custody is in the best interest of the child. Specifies that an award of joint legal custody is not a reason for departure from the child support guidelines. Provides for compensatory visitation if the court finds the noncustodial parent has been wrongfully deprived of the duly established right to visitation. Regulates support determinations. Provides for determining net income for child support purposes. Specifies factors for courts to take into consideration in setting or modifying child support. Requires the court to establish the annual support of an obligor with a seasonal income so that the obligor makes either the same monthly payments throughout the year or monthly payments that reflect variations in income. Sets procedure for termination of income withholding orders. Provides for custody mediation. Provides an exception to mediation if the court determines that there is probable cause that one of the parties, or a child of a party, has been physically or sexually abused by the other party. Provides for mediator appointment and sets forth mediator qualifications. Clarifies that the court shall not consider the financial circumstance of each party's spouse when considering a modification of support motion. Effective date: Various dates. MERRIAM, DEMPSEY

Uniform Limited Partnership Act changes

Chap. 430-H.F. 2256 Revising the Uniform Limited Partnership Act. States the duties and powers of limited partners and partnerships. Specifies records to be kept. Sets forth definitions. Effective date: Aug. 1, 1986. HALBERG; PETERSON, R.W.

Corporations control share acquisitions

Chap. 431-H.F. 2263 Regulates control share acquisition. Provides for solicitations of proxies. Provides for meetings of shareholders. Sets forth conditions for judicial intervention and sets forth corporation dissolution provisions. Effective date: Aug. 1, 1986. HEAP, LUTHER

Misdemeanor prosecutions

Chap. 435-S.F. 1014 Provides that city attorneys, rather than county attorneys, shall prosecute certain misdemeanors. Defines escape from a juvenile correctional facility as a delinquent act. Reinstates the sheriff's contingent fund for drug and alcohol-violation investigation. Permits six-member juries in gross misdemeanor cases. Permits the imposition of fines and a minimum probation period of three years on persons convicted of a felony and placed on probation. Expands the crime of theft to cover diversions of corporate property and unlawful distributions. Clarifies that it is not required to furnish a defendant with a videotape, audiotape, or transcript of a tape at the time the defendant makes a statement, confession, or admission, or within a reasonable time thereafter, provided that the videotape or audiotape is available to the defendant or the defendant's attorney for review within a reasonable time of the defendant's arrest, as well as in discovery pursuant to the rules of criminal procedure. Provides that a victim has the right to request that the prosecutor make demand under the rules of criminal procedure that the trial be commenced within 60 days of the demand. Requires the prosecutor to make reasonable efforts to provide advance notice of any change in the schedule of the court proceeding to a victim who has been subpoenaed or requested to testify. Requires courts to provide a waiting area for victims during court proceedings that are separate from the area used by the defendant, the defendant's relatives and defense witnesses, if practicable. Requires that if separate waiting areas are not available or practical, the court must provide other safeguards to minimize contact between victim and defendant. Effective date: Aug. 1, 1986. PETTY, MARSH

Contract for deed cancellation

Chap. 438-S.F. 1930 Provides for cancellation of real estate contract for deed depending upon when the contract was executed. Provides for the determination of purchase price. Specifies information required in the notice that the seller has begun proceedings to terminate a contract. Appropriates money from the real estate education, research, and recovery account in the special revenue fund to the commissioner of commerce. Effective date: July 1, 1986. LUTHER, BISHOP

Prosecuting attorneys

Chap. 440-S.F. 2087 Provides for county attorney prosecution of municipal ordinances, charter, rule or regulation violations. Effective date: Aug. 1, 1986. PETERSON, R.W.; DEMPSEY

Court fee increases

Chap. 442-H.F. 1772 Increases fees collected by court administrators. Clarifies existing fee statutes. Increases the penalty assessment imposed on persons convicted of crimes and clarifies the purposes for which the fees may be used. Provides for a "prudent person" standard of care of trustees. Authorizes certain investments of trust property. Outlines the powers of

trustees. Effective date: Aug. 1, 1986. DEMPSEY, SOLON

Gender neutral statute revision

Chap. 444-H.F. 1824 Adopts a gender neutral revision of Minnesota statutes and eliminates gender specific terms. Provides that no substantive change be made in the statute by amending with gender neutral terms. Grants editorial authority to the Office of the Revisor in order to correct typographical errors and replace gender specific words with gender neutral words. Effective date: Aug. 1, 1986. BISHOP, REICHGOTT

Prohibiting solicitation of children

Chap. 445-H.F. 1835 Prohibits a person 18 years of age or older from soliciting a child under the age of 15 to engage in sexual conduct or with intent to engage in sexual conduct. Provides a felony penalty of up to three years imprisonment, or payment of a fine of up to \$5,000, or both. Specifies that mistake as to age is not a defense to prosecution. Prohibits dismissal of a felony charge if a person returns a child, taken in violation of a court order, as a result of being located by law enforcement authorities within 14 days of having taken the child. Requires a good faith effort to notify a crime victim that an offender is to be released from imprisonment or incarceration, including release on extended furlough and for work release, or release from a facility in which the offender was confined due to incompetency, mental illness, mental deficiency, or commitment as mentally ill and dangerous. Effective date: Aug. 1, 1986. BISHOP, REICHGOTT

Juvenile proceedings participation

Chap. 446-H.F. 1863 Provides that a child who is the subject of a petition, and the parents, guardian, or custodian of the child, and any grandparent of the child with whom the child has resided within the past two years, have the right to participate in all proceedings on a petition. Requires that waiver of a child's right to be represented by counsel provided under the juvenile court rules must be an express waiver voluntarily and intelligently made by the child after the child has been fully and effectively informed of the right being waived. Provides that if the court accepts the child's waiver, the court must state on the record the findings and conclusions that form the basis for the decision to accept the waiver. Clarifies the crime of failing to file a tax return by including "willfully failing to withhold the tax" and "willfully preparing or filing a false return." Creates a presumption that property acquired during the course of certain crimes are "proceeds" of the crime for purposes of the forfeiture law. Effective date: Aug. 1, 1986. SEABERG, FREEMAN

Juvenile prostitution penalty increase

Chap. 448-H.F. 2012 Increases the penalty, to up to 20 years imprisonment or payment of a fine of up to \$40,000, or both, for soliciting or inducing an individual under the age of 13 to practice prostitution or promoting the prostitution of an individual under the age of 13. Increases the penalty, to up to 10 years imprisonment or payment of a fine of up to \$20,000, or both, for soliciting or inducing an individual over the age of 13 but less than 16 years of age to practice prostitution. Imposes a penalty of up to 10 years imprisonment or a fine of up to \$20,000 or both, on persons who intentionally receive profit from the prostitution of an individual under the age of 13. Imposes a criminal penalty on persons who allow juvenile prostitutes to reside in their dwelling. Provides that any parent or guardian who knows or has reason to believe that a person, while acting as other than a prostitute or patron, is inducing, coercing, soliciting, or promoting the prostitution of the parent or guardian's child may seek an order for protection from the juvenile court. Provides that in any county that has established a multi-disciplinary child protection team, the court shall impose an assessment of \$250 on adults convicted under the juvenile prostitution laws for purposes of funding a juvenile prostitution outreach program. Imposes a duty on the juvenile court to insure family reunification at the earliest possible time, consistent with the safety of the child and the public. Effective date: Aug. 1, 1986. MARSH, REICHGOTT

Burial site procedures/Crime victims rights

Chap. 463-H.F. 1958 Provides that a person who intentionally, willfully, and knowingly destroys, mutilates, injures, or removes human skeletal remains or human burials is guilty of a felony. Provides that protective posting of Indian burials is at the discretion of the Indian Affairs Council and that protective posting of non-Indian burials is at the discretion of the state archaeologist. Provides that the state archaeologist may enter property for the purpose of authenticating burial sites. Requires descendants of persons buried in burial sites to obtain written permission from the property owner or lessee before entering the burial sites for the purpose of conducting religious ceremonies. Requires the state to retain the services of a qualified professional archaeologist, approved by the state archaeologist and the Indian Affairs Council, for the purpose of gathering information to authenticate or identify Indian burial grounds. Provides that in cases of unidentified human remains or burials determined to be Indian but whose tribal identity cannot be determined, the remains will be dealt with in

accordance with provisions established by the state archaeologist and the Indian Affairs Council.

Prohibits courts from waiving surcharges on fines and assessments unless the court makes written findings, on the record, that the convicted person is indigent or that the assessment or surcharge would create undue hardship for the convicted person or that person's immediate family. Provides for failure to pay restitution as a condition of probation by requiring a hearing to determine whether or not the conditions of probation should be changed or probation be revoked. Requires a prosecutor to make every reasonable effort to notify and seek input from the victim prior to the referral into a pretrial diversion program in lieu of prosecution. Requires a prosecutor to make reasonable efforts to provide advance notice of any change in the schedule of the court proceedings to a victim who has been subpoenaed or requested to testify. Provides for confidentiality of victim's addresses. Prohibits employer retaliation against an employee because the employee is a victim subpoenaed or requested by the prosecutor to attend court to give testimony. Provides for records of restitution ordered in each case. Makes changes in the crime victims' reparation act. Authorizes the presence of a support person for minor prosecuting witnesses and authorizes presence of a support person for prosecuting witness in any case involving criminal sexual conduct at the omnibus or other pretrial hearing. Effective date: Aug. 1, 1986 KELLY; PETERSON, D.C.

Guardian ad litem

Chap. 469-S.F. 2102 Requires the appointment of a guardian ad litem in all proceedings for child custody or for marriage dissolution or legal separation in which custody or visitation of a minor child is an issue, if the court has reason to believe that the minor child is a victim of domestic child abuse or neglect. Specifies that the guardian ad litem is to represent the interests of the child and to advise the court with respect to custody, support and visitation. Provides for payment of fees. Effective date: Jan. 1, 1987. PETTY, CLAUSNITZER

Omnibus drug bill

Chap. 470-H.F. 654 Increases penalties for selling seven or more grams or ten or more dosage units of any Schedule I or II controlled substance which is a narcotic drug, or of phencyclidine or hallucinogens listed in statute except marijuana or tetrahydrocannabinols, to up to 20 years imprisonment or a fine of up to \$60,000, or both for a first offense. Establishes a penalty for a second conviction of imprisonment for not less than two years nor more than 30 years or a fine of up to \$100,000, or both. Imposes a tax on marijuana and controlled substances. Makes it a crime to force or use threat of force to obstruct any employee of the Department of Revenue while the employee is lawfully engaged in the performance of official duties with the intent of deterring or interfering with the performance of those duties. Establishes a mandatory minimum sentence of up to six months imprisonment for a person convicted of committing burglary of an occupied dwelling. Effective date: Aug. 1, 1986. MARSH, JUDE

Local and Urban Government

Optional county building commissions

Chap. 312-S.F. 1574 Permits, rather than requires, county boards of counties with a population of over 100,000, in which the building used for courthouse purposes is not owned jointly or in common with any city for city hall purposes, to create a county building commission. Effective date: Aug. 1, 1986. DIESSNER, MCPHERSON

City and town warning system debt

Chap. 314-S.F. 1587 Allows towns and home rule charter and statutory cities to issue bonds or other obligations for the acquisition or improvement of warning systems. Effective date: Aug. 1, 1986. DIESSNER, MCPHERSON

County improvements

Chap. 315-S.F. 1575 Allows counties to make improvements, such as curbs, gutters, and storm sewers, anywhere within county territory. Requires city adoption of a resolution providing for assessment or cost allocation before proceeding with assessment for improvements within a city. Effective date: Aug. 1, 1986. DIESSNER, MCPHERSON

Town powers

Chap. 327-S.F. 1797 Authorizes towns to purchase or build a town hall or other building for the use of the town and to determine the amount of money to be raised. Authorizes town boards to provide for the collection and disposal of household waste and other refuse. Permits the sale of town

property. Provides conditions for contractor's bonds. Effective date: Aug. 1, 1986. ADKINS, FREDERICKSON

Sale of Washington County social service building

Chap. 328-S.F. 1794 Permits Washington County to negotiate the sale of the county's social service building and land to Lakeview Memorial Hospital in Stillwater. Effective date: Day after local approval. LAIDIG, MCPHERSON

Town cemetery maintenance

Chap. 333-S.F. 1701 Authorizes town boards to establish perpetual care programs for the administration and maintenance of any cemetery located in the town. Requires the board to determine that sufficient funds are available. Allows towns to accept gifts to establish perpetual care programs for cemeteries. Effective date: Aug. 1, 1986. WEGSCHEID, OZMENT

Moorhead and Clay county development authorities

Chap. 341-H.F. 1807 Increases the coordination of industrial and economic development in the city of Moorhead. Enables the city to establish a single agency, accountable to the mayor and the city council, to be responsible for promoting and assisting industrial and economic development and redevelopment. Allows the city to grant powers to the Moorhead Housing and Redevelopment Authority. Requires a public hearing. Requires the enabling resolution to establish the terms and numbers of the commissioner of the Moorhead housing and redevelopment authority and provides for a change in the name of the authority. Allows the enabling resolution to impose limitations upon the actions of the housing and redevelopment authority. Allows the establishment of a public housing agency. Provides for the structure of the Moorhead-Clay County Area Redevelopment Authority. Exempts the chief and deputy chief of police from the Moorhead police civil service system. Effective date: Various dates. CARLSON, J.; LANGSETH

Condominium plats

Chap. 342-H.F. 1821 Requires condominium plats after July 31, 1986. Requires certification by a registered land surveyor only, that the condominium plat accurately depicts all required information. Changes terminology from "condominium floor plan" to "condominium plat." Effective date: Aug. 1, 1986. MCPHERSON, DIESSNER

Medina gas transmission facility

Chap. 345-H.F. 2111 Allows the city of Medina to pay a public utility company \$39,762 to finance the construction, by the company of natural gas transmission facilities to be located in the city. Effective date: Day after local approval. CLAUSNITZER, JUDE

Washington County water system

Chap. 348-H.F. 2418 Permits Washington County to finance water systems on behalf of cities and towns in the county by the issuance of county general obligation bonds. Effective date: Day after local approval. PRICE, DIESSNER

Stearns county local registrar

Chap. 357-H.F. 1940 Allows the county board of Stearns County to designate the county auditor as the local registrar in the county, with the approval of the court administrator and allows the county board of Stearns County to authorize the county auditor to perform the functions and duties of the court administrator for marriage license purposes, with the approval of the court administrator. Effective date: Aug. 1, 1986. GRUENES, BERTRAM

Litchfield municipal power agency funds

Chap. 360-H.F. 2068 Provides that subject to any agreement with bondholders or noteholders, the commission or board charged with the operation of the Litchfield city municipal power agency may, with the approval of the Litchfield governing body, loan not more than \$750,000 from the agency's public utility fund to a public or private body for the development or redevelopment of industrial property. The authority is in addition to any other provided by law and expires January 1, 1988. Effective date: Day after local approval. KVAM, BERNHAGEN

McIntosh bond limits

Chap. 364-H.F. 2195 Authorizes the city of McIntosh to issue bonds in excess of its net debt limitations. Effective date: Day after local approval. OLSON, E.; MOE, R.D.

County land surveying

Chap. 365-H.F. 2216 Provides for the surveying of lands by a county board. Provides for the establishment of an office of county surveyor or the assignment of the duties of a surveyor. Provides for petitions requesting a survey and outlines the duties of the surveyor. Provides for expenses of surveying. Authorizes the county board of Olmsted County to appropriate a sum, not to exceed \$3,500, as a contingent fund for use by the chair of the county board to pay for incidental costs and expenses incurred in expediting the business of Olmsted County. Effective date: Surveying provisions, Aug. 1, 1986; Olmsted County provision, day after local approval. JOHNSON, SCHMITZ

St. Louis County appointive offices

Chap. 366-H.F. 2344 Permits the St. Louis County Board to appoint a county administrator and, in 1991, a county recorder. Provides for unclassified civil service classifications. Provides for the conveyance of a specific piece tax-forfeited land in St. Louis County. Effective date: Various dates. BOO, DICKLICH

Bowlus firehall costs

Chap. 368-H.F. 2464 Permits the city of Bowlus to exceed its debt limit, in the amount of \$20,000, for the costs of a firehall and related public facilities. Effective date: Day after local approval. OMANN, BERTRAM

Ramsey County library bonds

Chap. 370-S.F. 1515 Authorizes Ramsey County to issue bonds, in the amount of \$15 million, for the construction of library buildings. Provides for an annual levy for debt retirement. Provides for the appointment of the county abstract clerk. Effective date: Day after local approval. NOVAK, KNUTH

Anoka County park ordinances

Chap. 374-S.F. 1680 Provides that Anoka County park ordinances supersede local ordinances. Designates Anoka County as an "operating agency" in addition to the Hennepin County Park Reserve District and the Minneapolis Park and Recreation Board, in the administration and expenditure of funds appropriated for the Mississippi Regional Park. Effective date: Sec. 1, day after local approval; Sec. 2, Mar. 20, 1986. MERRIAM, BACKLUND

St. Cloud convention center

Chap. 379-S.F. 1966 Authorizes the city of St. Cloud to impose an additional one percent sales tax on retail on-sale liquor or a one percent sales tax on the retail sale of food and beverages, not subject to the liquor tax, sold by a restaurant or place of refreshment located within St. Cloud's geographic boundaries, or both, for purposes of the construction of a convention center facility or related facilities. Provides for the establishment of a convention center taxing district by the governing body of the city. Provides that the authority to impose a liquor and food tax shall expire when the principal and interest on any bonds or other obligations issued to finance the construction of a convention center facility have been paid, or at an earlier time as determined by city ordinance. Provides that the city of St. Cloud may impose a two percent lodging tax on the gross receipts of hotels, motels, rooming houses, tourist courts or resorts. Provides that the lodging tax be used to promote, operate, and maintain the convention center facility. Provides for the enforcement, collection and administration of taxes. Effective date: Day after local approval. PEHLER, GRUENES

State land exchange

Chap. 384-H.F. 2427 Authorizes the exchange of Duluth Junction Trail property for Minnesota Transportation Museum property. Effective date: Mar. 21, 1986. NORTON, LAIDIG

Metropolitan stadium development

Chap. 391-H.F. 2123 Authorizes the city of Bloomington to impose an additional sales tax, of up to one percent, on retail sales made in the area included in the development project. Authorizes the imposition of a lodging tax of up to five percent and a sales tax of up to five percent on the gross receipts of retail on-sale liquor establishments. Increases the distribution levy from the metropolitan revenue distribution for the city from 1988 to 1999. Permits the city to establish a special taxing district. Authorizes the port authority of the city to pledge the retail, lodging and liquor sales taxes for the payment of principal, premium and interest on the issuance and sale of revenue bonds and permits the port authority to develop leased land. Authorizes development in accordance with the Generic EIS and Generic Indirect Source Permit. Effective date: Mar. 22, 1986. HIMLE, FREEMAN

Dakota County library buildings

Chap. 392-H.F. 2329 Authorizes the issuance of general obligation bonds, in the amount of \$15 million for the construction of library buildings in Dakota County. Provides for an annual levy for debt retirement. Effective date: Day after local approval. TOMPKINS, WEGSCHEID

Minneapolis convention center

Chap. 396-S.F. 1671 Authorizes the city of Minneapolis to construct and own a convention center and related facilities. Authorizes the city to impose an additional liquor sales tax on retail on-sale establishments in the downtown taxing area of up to three percent on gross receipts, and an additional lodging sales tax of up to three percent and an additional restaurant sales tax of up to three percent. Authorizes an additional sales tax of up to one-half of one percent on sales that occur within the city and an additional compensating use tax of up to one-half of one percent on uses of property within the city, the sale of which would be subject to the additional sales tax but for the fact the property was sold outside the city. Authorizes the city to issue bonds and expend funds, including taxes, to finance the

acquisition and betterment of a convention center and related facilities. Provides that a reasonable estimate for demolition and construction costs under construction contracts, not including costs for construction managers, architectural, engineering, and other professional fees, insurance, performance bonds, permits, licenses, taxes and the cost of issuing bonds, acquisition of real and personal property, expenditures for replacement housing, and similar costs for constructing or improving the convention center may not require more than \$118 million in public funds. Effective date: Various dates. BERGLIN, GREENFIELD

Economic development authorities

Chap. 399-S.F. 1793 Authorizes home rule charter cities or statutory cities to establish economic development districts. Permits Aitkin County to levy a tax of not more than one and one third mills on taxable property in the county for development purposes. Permits the city of Breezy Point to increase its levy to \$175,000. Provides for a refund of taxes paid to the rural electric cooperative association in Aitkin County on electricity used in agricultural production that is exempt from taxation. Permits the establishment and provides for the powers and duties of economic development authorities. Permits an agreement to finance library construction in the city of McGregor. Permits a land exchange of state-owned land located within Carlton County with the city Thomson. Permits the establishment of special service districts in the cities of Cambridge and Lindstrom. Prohibits county commissioners from holding another elected office during tenure as commissioner. Provides for county board transfer of any surplus in any county fund to any other county fund to supply a deficiency in it. Allows counties to make advance deposits or payments for software development or maintenance services for county-owned or leased electronic data processing equipment, for newspaper, magazine and other subscription fees and for documents to be purchased from federal agencies. Allows counties to market software products and provides for data classification. Provides that if the office of county auditor or treasurer becomes vacant, the county board may initiate a referendum by resolution to consolidate the two offices into one elected office. Details procedure for referenda. Provides for procedures for payment of severance pay by local units of government. Effective date: Various dates. CHMIELEWSKI, OGREN

Economic development districts

Chap. 400-S.F. 1725 Authorizing home rule charter or statutory cities to establish economic development districts. Grants powers to cities and economic development authorities. Outlines duties, limits, and powers. Prohibits use of state appropriations or the credit of the state for payment or the guarantee of payment of the debt of a port authority. Effective date: Mar. 25, 1986. MOE, R.D.; LIEDER

Mendota Heights special service district

Chap. 415-S.F. 2067 Permits the establishment of special service districts in the city of Mendota Heights. Provides taxing and other financial authority for the city. Effective date: Mar. 25, 1986. KNUTSON, SEABERG

County commissioners

Chap. 416-S.F. 2090 Prohibits county commissioners from holding another elected office during tenure as commissioner and prohibits employment by the county in which he is a commissioner. Clarifies conflict of interest provisions. Authorizes counties to develop and market computer software products and provides for data classification. Provides that if the office of county auditor or treasurer becomes vacant, the county board may initiate a referendum by resolution to consolidate the two offices into one elected office. Permits each county board to transfer, by a majority vote, any surplus in any county fund to any other county fund to supply a deficiency in it. Provides procedures for referenda to adopt optional forms of county government. Exempts other departments or agencies of the same county from having to be billed by the county recorder for recording transactions. Effective date: Aug. 1, 1986; Sec. 1 does not become effective for any county commissioner currently holding two elected offices until the term of one of the offices expires. ADKINS, JENNINGS, L.

Cologne fire station

Chap. 419-S.F. 2127 Allows the city of Cologne, upon authorization by the electors of the city, to issue general obligation bonds, not to exceed \$350,000, to finance the acquisition and betterment of a fire station and city hall. Effective date: Day after local approval. RENNEKE, MCDONALD

Dakota County state land

Chap. 426-H.F. 1970 Requires that the appraisal for the conveyance of surplus state farm land at the Minnesota Veterans Home in Hastings in Dakota County be based on the property being agricultural property and being continued in agricultural use rather than being used for industrial development. Effective date: Mar. 25, 1986. OZMENT, WEGSCHEID

Litchfield tax increment financing

Chap. 451-H.F. 2210 Permits the city of Litchfield to require the Meeker

County auditor to reduce the original assessed value of a tax increment financing district, improvements to which were substantially destroyed by a fire, within 30 days of the January 2, 1986, assessment date. Alters unemployment compensation liability that is directly caused by a fire, flood, or act of God where 70 percent or more of the employees employed in the affected location become unemployed as a result and the employer substantially reopens within 360 days of the fire, flood or act of God. Effective date: Sec. 1, retroactive to Jan. 1, 1986; Sec. 2, Mar. 26, 1986. KHAM, BERNHAGEN

St. Paul-Ramsey Medical Center governance

Chap. 462-H.F. 1875 Provides for the governance of the St. Paul Ramsey Medical Center. Creates a public corporation to provide health care services, education and research. Creates a physicians and dentists subsidiary. Provides for the redesign, reconstruction, and widening of Lexington Avenue south of Larpenteur Avenue. Authorizes the imposition of a three percent hotel-motel tax, 25 percent of which is to be used for the Lexington Avenue improvements. Provides that the remaining 75 percent of the revenue from the hotel-motel tax be deposited in the city's general fund. Effective date: Various dates. KELLY, LANTRY

Vital statistics office merger

Chap. 473-H.F. 1886 Provides for the merger of the Minneapolis and Hennepin County vital statistics registration districts. Regulates certain property tax assessment appeals. Prohibits a utility from recovering or attempting to recover payment for a tenant's outstanding bill from a landlord property owner or manager, or manufactured home park owner who has not contracted for the service. Changes notice requirements for special assessments. Provides for local government unit investment agreements. Clarifies city of Minneapolis unclassified civil service positions. Effective date: Various dates. FREDERICKSON, JUDE

Public Utilities and State Regulated Industries

Energy cost adjustments

Chap. 346-H.F. 2143 Allows the Public Utilities Commission to permit a public utility to file rate schedules containing provisions for the automatic adjustment of charges in direct relation to changes in direct costs for natural gas delivered. Effective date: Day after local approval. POPPENHAGEN, FRANK

PUC provisions

Chap. 409-S.F. 1869 Restricts the conduct and administration of the Public Utilities Commission. Prohibits a person who has been employed by a utility company that is subject to rate regulation from being appointed to the commission if the person is still employed one year prior to the term. Prohibits a commissioner from accepting employment with a utility company or receiving compensation within one year after serving on the commission. Prohibits a utility company from offering employment or compensation to a commissioner within a year after the commissioner's term ends. Prohibits a commissioner from discussing with any person who is party to a case potential benefits or compensation to be received from that person or party. Requires the appointment of at least one commissioner who is living outside the metropolitan area.

Requires a commission employee to disclose any communication concerning future benefits or compensation with a person who is party to a pending case. Requires the commission to adopt rules prescribing a code of conduct for commissioners and employees of the commission as well as permissible and impermissible ex parte communications. Limits the commission's restriction on ex parte communications to those concerning disputed cases or compensation. Extends the employment restriction to the director and the deputy director of the Department of Public Service. Effective date: Various dates. DIETERICH, REDALEN

Local liquor licenses

Chap. 437-S.F. 1912 Allows Vadenais Heights to issue five more on-sale liquor licenses. Removes the limit on the amount of seasonal on-sale liquor licenses that St. Louis County may issue. Increases by one the number of on-sale liquor licenses Little Falls may issue. Permits Crow Wing County to issue two on-sale licenses for boats or watercraft and requires that the liquor be sold only while the boat is away from shore. Allows the Rochester City Council to issue an on-sale intoxicating liquor license to a person, firm or

corporation that holds a contract for concession services at the Mayo Civic Center. Gives the Lake Minnetonka Conservation District the jurisdiction over the sale and possession of liquor on Lake Minnetonka and limits licenses granted by the district to be for the sale of liquor in boats that are away from shore. Allows Pope County to issue one seasonal on-sale liquor license to a resort located on Lake Minnewaska. Permits Sibley County to issue and on-sale wine license to a restaurant located in the unincorporated area of the county. Effective date: Day after local approval. KNAAK, FREDERICK

Charitable gambling/ horse racing regulations

Chap. 467-H.F. 2331 Prohibits anyone from charging or accepting a fee for betting a person's money at the track. Requires persons appointed to the Charitable Gambling Board to be approved by the Senate. Grants the board authority to impose civil penalties up to \$500 on organizations, distributors and manufacturers that violate charitable gamble laws or rules.

Exempts charitable organizations conducting up to five events a year and awarding less than \$50,000 in prizes from taxation and regulation, but requires organizations to notify local governments and the Charitable Gambling Control Board when events are held. Requires organizations to use at least 50 percent of the bingo profits and 60 percent of the profits from other forms of gambling for charitable purposes. Allows local governments to impose an investigation fee on organizations applying for or renewing a license. Limits the investigation fees to \$500 in cities of the first class; \$250 in cities of the second class; \$100 in other cities and counties.

Establishes a new procedure for collecting taxes on pull-tabs by requiring the distributors of the tabs to pay the tax, which is set at 10 percent of the face retail value of the pull-tab less the total prizes paid out. Requires licensed distributors to provide the board the names and business addresses of all employees and requires that each person eligible to conduct sales on behalf of a distributor to have a picture identification card approved by the board. Assures that the distributor is entitled to a refund for unused stamps and replacement for stamps that are defective or cancelled. Requires a distributor to retain an invoice for each sale made for at least a year after the sale is complete and to deliver a copy of the invoice to the board.

Requires manufacturers of gambling equipment to register with the board and prohibits them from selling gambling equipment to any person not licensed as a distributor unless the manufacturer is also a licensed distributor.

Prohibits an organization from posting a sign on the premise stating that all of the receipts from the lawful gambling are used for charitable purposes. Allows a licensed organization to report to the board quarterly if it does not report more than \$1,000 in gross receipts from lawful gambling in any calendar quarter. Limits the maximum prize for any single pull-tab to \$250 and forbids any organization from selling any pull-tab for more than \$2.

Establishes a tax amnesty program until Jan. 1, 1987, to allow organizations to clear their liability by paying 50 percent of their taxes due from Mar. 1, 1982 through June 30, 1985, plus interest incurred. Effective date: Various dates. SHAVER, DIETERICH

Resolutions

MIA resolution

Res. 6-H.F. 1826 Memorializes the governments of the United States and the Socialist Republic of Vietnam to take all possible actions to determine the fate of persons missing in action in Southeast Asia and joins the families of those missing in the hope that their long wait will soon be over. FJOSLIEN, LAIDIG

Mississippi River Corridor

Res. 7-H.F. 1971 Memorializes the President and the Congress of the United States to enact the Mississippi River National Heritage Corridor Act of 1986. FRERICHS, BERNHAGEN

Taxes and Tax Laws

Aggregate material removal

Chap. 403-S.F. 1193 Removes time requirement for notifying operator of unpaid tax. Imposes a misdemeanor penalty for an operator or importer filing a false report with intent to evade tax payments for the removal or import of aggregate material. Effective date: Mar. 25, 1986. STUMPF, TUNHEIM

Golf club discrimination

Chap. 412-S.F. 1950 Discourages golf clubs from discriminating against women by removing the club's property tax benefits provided under the "Open Space Property Tax Law" if the club restricts women from using the

course or becoming a member. Allows clubs to limit playing time on the basis of sex one weekend each month and two weekdays each week. Effective date: Effective for taxes levied in 1986. MERRIAM, BISHOP

St. Paul special service district

Chap. 427-H.F. 2051 Allows St. Paul to establish special service districts in the area of Grand Avenue between Oakland and Cretin Avenues; in the area of Cleveland Avenue between Bayard and Bohland Avenues and Ford Parkway between Howell Street and East Mississippi River Boulevard; in the area of University Avenue and Snelling Avenue between Summit Avenue and Como Avenue. Requires a public hearing when owners of 35 percent or more of the assessed value of the proposed district file a petition with the city clerk requesting the hearing. Allows any person owning property in a proposed district or an interested party to be heard in respect to the proposed district. Allows the ordinance establishing a district to be adopted at any time within six months after the hearing concludes. Prevents the ordinance from becoming effective if owners of 25 percent of the land area subject to the special service tax in the district and owners of 25 percent of the assessed value in the district file a written objection to the ordinance adopted by the city concerning the creation of a special taxing district. Permits any affected landowner to file a written objection with the city clerk on or before the adoption of the ordinance if the landowner objects to the inclusion of the landowner's property in the district; the levy of the tax on the landowner's property; or the fact that the use of the landowner's property is not substantially benefited by the proposed special service and that a tax should not be levied. Requires the city to hold a public hearing on the objection within 30 days of the filing and requires the city to make a determination on the objection. Allows a person to appeal to district court within 30 days after the adoption of the ordinance.

Requires that a notice be given before the levy of a special service tax. Requires a hearing on the tax if owners of 35 percent or more of the land area subject to the proposed tax file a petition with the city clerk requesting the hearing. Allows the city to adopt a resolution levying a special service tax within a district that does not exceed the amount or rate stated in the notice. Forbids the resolution from becoming effective if owners of 25 percent of the assessed value subject to the tax and owners of 25 percent of the assessed value subject to the tax file an objection to the resolution. Establishes procedures for the enlargement of a special service district.

Prevents a resolution levying a special service tax from exceeding three years and prevents the adoption of the resolution if the public notice and the notice of the resolution do not include the maximum rate or amount of the special service tax to be levied in any year and the maximum number of years the tax will be levied. Allows the resolution to provide for the increase or decrease of the maximum amount from the the preceding year when based on a statistical indicator, increased cost, or a percentage established by the resolution.

Allows the city to create and appoint an advisory board for each special service district in the city. Allows the board to advise the city in connection with the special service district and to review and comment on any proposal concerning a district service or tax. Effective date: Day after local approval. VELLENGA, LANTRY

Taconite tax

Chap. 441-S.F. 2280 Grants the taconite industry about \$36 million in tax cuts over the next three years. Reduces the production tax from \$2.04 to \$1.90 per ton. Keeps the production tax break in place as long as companies meet certain production levels. Permits companies to claim the production tax as a deduction in computing their occupation tax. Increases the deduction for rail transportation costs. Effective date: Various dates. JOHNSON, D.J.; BEGICH

Transportation

Mandatory seat belts

Chap. 310-S.F. 40 Requires drivers and front seat passengers and children under eleven to wear seat belts. Exempts farmers driving a pick-up truck while engaged in farm work; a worker who makes frequent stops or deliveries and does not exceed 25 miles per hour while working; a person with a written medical exemption approved by a doctor; persons driving or riding in a passenger vehicle manufactured before Jan. 1, 1965; a rural mail carrier of the United States Postal Service while performing duties; a person riding in a seat in which all the position having seat belts are occupied. Limits the penalty to a warning ticket. Effective date: Aug. 1, 1986. FRANK, FORSYTHE

Lessors liability for unpaid citations

Chap. 332-S.F. 1319 Removes the lessors liability for unpaid traffic citations for violations committed by a lessee when the lessor conveys to the

issuing authority information regarding the driver's name, home address, local address, license number, employer's name and address and form of payment. Requires the lessor to submit the information within 15 days of learning of the citation. Effective date: Mar. 20, 1986. LANTRY, DEMPSEY

Collector military vehicle registration

Chap. 336-S.F. 2035 Creates a different registration category for collector military vehicles. Requires a collector military vehicle to meet the following conditions: be at least 20 years old; be owned first by a branch of the armed forces and presently conforming to the vehicle specifications required during the time of military ownership or having been restored to conform to those specifications; be owned by a nonprofit organization and be operated solely as a collector's vehicle. Requires a registration tax of \$25 and makes the issued plates valid without renewal requirements as long as the vehicle is in existence. Allows owner to operate vehicle without displaying registration plates on the vehicle's exterior if the vehicle has an exterior number identification that conforms to the system for military vehicles in effect when the vehicles was last owned by the armed forces or it conforms to the year that the vehicle has been restored; however, requires that the registration plates by carried in or on the vehicle at all times.

Permits the owner of a registered collector military vehicle to tow a registered trailer behind it. Allows the trailer not to bear license plates if it does not exceed a gross weight of 15,000 pounds; otherwise conforms to registration, licensing and safety laws; conforms to military specifications for appearance and identification; represents a military trailer; and carries registration plates on or in the trailer or the vehicle towing the trailer. Effective date: Aug. 1, 1986. LAIDIG, NOVAK

Telephone booth advertising/ Highway 15

Chap. 387-H.F. 1185 Allows a city or town to grant permission to the owner of an outdoor telephone booth located within the right of way of a public highway or street to place advertising on the booth. Assures that the new provision does not preclude requirements for obtaining permits from the appropriate road authority having jurisdiction over the highway.

Prohibits the commissioner of transportation from selling, disposing or certifying as surplus property any real property owned by the department that adjoins or lies within the right-of-way of trunk highway 15 in St. Cloud. Exempts from this provision a sale or disposal of the property that occurs after a date that is two years before the date established by the commissioner for the letting of bids for the construction or expansion of the Mississippi bridge on trunk highway 15. Effective date: Aug. 1, 1986. JACOBS, JUDE

All-Terrain recreational vehicles

Chap. 452-S.F. 1065 Regulates all-terrain recreational vehicles and increases the registration fees. Establishes a registration fee for the vehicles of \$18 for three years; \$50 a year for dealers and \$150 for manufacturers. Exempts from registration requirements vehicles owned by a governmental unit; vehicles used in racing or exclusively on agricultural land or on private land with permission of the landowner. Prohibits minors from registering an all-terrain vehicle.

Requires the commissioner of natural resources to adopt rules regulating the vehicles to insure protection of the environment and to assure that uniform signs are used by the different levels of government to better control, direct and regulate the operation of the vehicles. Allows the commissioner of public safety to adopt rules regulating the use of the vehicles on streets and highways. Requires the operator of an all-terrain vehicle involved in an accident resulting in injury or damages exceeding \$100 to promptly submit a written report of the accident to the commissioner of natural resources.

Establishes an all-terrain vehicle environmental and safety education and training program. Prohibits persons under the age of 14 from operating the vehicle on public land or water if not accompanied by an adult who is also riding on the vehicle or driving an accompanying all-terrain vehicle; however, permits a person over 12 years of age to operate a vehicle on public land if the person has in possession a valid all-terrain vehicle safety certificate. Makes it unlawful for an operator of a vehicle to ignore an enforcement officer's order or signal to stop. Prohibits a person under 16 years of age from operating an all-terrain vehicle on public land unless wearing a safety helmet. Places additional restrictions on youthful operators concerning the off-road use, highway use, and highway crossing use of the vehicle. Places further restrictions on the operation of all-terrain vehicles on streets and highways and allows local governments to enact more restrictive ordinances. Permits the vehicles to be driven in the ditches in the northern counties but forbids the use of the machine in the southern part of the state in order to protect pheasant habitat.

Appropriates \$475,000 from the all-terrain vehicle account to counties and municipalities as grants for the construction and maintenance of all-terrain vehicle trails and for educational and safety programs. Places into the account registration fees and a percentage of the gas tax equal to 0.15 of one percent.

Makes changes to the state's trunk highway system. Effective date: Various dates. PETERSON, R.W.; CARLSON, D.

Fleet vehicle registration

Chap. 453-S.F. 1641 Establishes a registration category for vehicles and trailers of a fleet. Requires vehicles registered in the fleet to be issued a distinctive license plate and gives the commissioner of public safety authority to design the plate. Allows a person to register a fleet on an annual basis, and gives the commissioner the authority to determine the period for the annual registration. Requires the applicant to provide all information necessary to qualify as a fleet registrant by Jan. 1. Requires the commissioner to issue a registration card for each qualified vehicle in the fleet and requires the card to be carried in the vehicle at all times. Requires validation stickers to be issued to vehicles registered by gross weight.

Requires, on the renewal of a fleet registration, that the registrant pay full licensing fees for every vehicle registered in the preceding year unless the vehicle has been deleted from the fleet. Establishes an administrative fee for each vehicle in the fleet. Appropriates \$10,350 from the highway user tax distribution fund to the commissioner to operate a system for fleet registration. Effective date: July 1, 1986. DECRAMER, FRERICHS

Omnibus Public Safety Bill

Chap. 454-S.F. 1910 Prohibits the Department of Public Safety from maintaining on a person's driving record speeding violations that do not exceed 65 miles per hour, but maintains the fine for exceeding the 55 m.p.h. speed limit. Requires every driver to have in his immediate possession when driving evidence that insurance covering the vehicle is in effect. Allows a person seven days to provide the required proof of insurance to avoid being in violation of the law. Allows the commissioner of public safety to suspend a person's license for violating the law.

Requires the commissioner of transportation and the commissioner of natural resources to establish standards for trunk highway segments located in areas of unusual scenic interest. Requires the commissioners to prescribe standards for right-of-way, shoulders and parking areas for trunk highway segments in those areas; and to prescribe standards for scenic overlooks, parking areas, tourist information facilities, public water access points and other facilities designed to expand the recreation use of trunk highway segments in the areas. Allows for the construction of new recreational facilities. Phases out the funding of tourist information centers from the trunk highway fund.

Allows a person 15 years of age to operate a motorized bike if the person has an instruction permit, but restricts them from driving the bike more than a mile from their home. Permits minors to donate vital organs under the Anatomical Gift Act with the written consent of their parents. Effective date: Various dates. JOHNSON, D.E.; OZMENT

Railroad transportation/ Carrier rate change

Chap. 468-H.F. 2364 Clarifies procedures in contested matters brought before the Transportation Regulation Board. Permits the Transportation Regulation Board to grant clearance variances without evidentiary hearings. Permits the board to approve rate changes and applications for track abandonment or discontinuance of service without a public hearing in certain cases. Allows a motor carrier in violation of laws regulating the transportation of hazardous materials to be fined up to the maximum fine that may be imposed for a misdemeanor for each violation. Effective date: Aug. 1, 1986. JOHNSON, DECRAMER

Citation quotas

Chap. 474-H.F. 1930 Prohibits the setting of ticket and arrest quotas for the State Patrol and conservation officers. Effective date: Aug. 1, 1986. CARLSON, D.; TAYLOR

Veterans and General Legislation

Indian archaeological sites

Chap. 323-S.F. 1851 Requires that the state archaeologist be appointed by the Minnesota Historical Society Board in consultation with the Indian Affairs Council. Requires when significant archaeological or historic sites are known or suspected to exist on public lands or waters, the agency or department controlling the property submit any construction or development plans to the state archaeologist before the bids are advertised. Requires that the Indian Affairs Council be afforded the opportunity to review and recommend action concerning the development of sites related to Indian history. Effective date: Aug. 1, 1986. DECRAMER, MILLER

Battle Point Site clarification

Chap. 325-S.F. 2018 Renames Sugar Point in Cass County to Battle Point Site and clarifies its boundaries. Effective date: Aug. 1, 1986. WILLET, ZAFFKE

Veterans patient and resident compensation

Chap. 355-H.F. 1871 Allows commissioner of veterans affairs to pay patients or residents of state institutions for on-campus work performed. Effective date: Aug. 1, 1986. FJOSLIEN, BERTRAM

POW-MIA flag/ Facilities rental

Chap. 393-H.F. 2394 Requires an official flag representing persons who are prisoners of war or are missing in action to be flown at most times on the north portico of the state capitol. Allows the commissioner of veterans affairs to permit public or private use of the department's facilities for a fee. Requires revenue from the rental to be credited to the veterans affairs resources fund. Effective date: Mar. 22, 1986. FJOSLIEN, CHMIELEWSKI

Veterans cemetery

Chap. 410-S.F. 1880 Requires the Department of Veterans Affairs to acquire a site for a cemetery for the interment of veterans and qualified family members. Requires the approval of the county government in which the site is to be located before the acquisition of land. Requires the department to control and supervise the cemetery. Allows veterans to be eligible for burial in the cemetery without charge, but requires funds available from the social security burial allowance to be paid. Requires veterans and qualified family members to apply for a burial site and requires the cemetery director to allot plots on a first come, first served basis. Requires the commissioner of veterans affairs to set fees for the burial of family members. Effective date: Aug. 1, 1986. SAMUELSON, FJOSLIEN

Special Session

Omnibus budget bill

Special Session Chap. 1-H.F. 1

Article 1-income tax update Updates references in the Minnesota Income Tax Act to federal law changes made during 1985, which relate to the imputed interest rules and depreciation rules for real estate. Requires that if the real estate transaction is worth less than \$2,800,000, the minimum interest rate cannot exceed nine percent compounded semi-annually. Reduces from seven to six percent the interest rate on land sales between family members where the sale is less than \$500,000.

Article 2-income tax administration Requires that the basis of property for purposes of depreciation and determining gain or loss will be that property's basis for federal income tax purposes. Exempts income earned in Minnesota from taxation of a nonresident salaried entertainer if employed by an entertainment organization based in another state that does not have an income tax or provides a similar exclusion to Minnesota entertainers. Reinstates an allocation of the dividend deduction stricken in 1984 by allowing eighty-five percent of the dividends to remain as a deduction. Clarifies that all the normal provisions of the corporate income tax law apply to investment companies. Requires a person involved in a federal audit to report changes to Minnesota within 90 days following the completion date. Allows the commissioner of revenue an additional year to make any needed adjustments in the return assuming that this is additional time beyond the statute of limitations. Gives the commissioner six years to make adjustments if the person under audit fails to amend their return in light of the IRS adjustments.

Article 3-technical changes Establishes in Minnesota law the penalty for substantial understatement of tax liability. Eliminates an ambiguity relating to how personal credits are indexed. Eliminates an unnecessary restriction on the child care credit since federal law already requires the filing of a joint return for dependent care credit purposes. Adjusts Minnesota's statute of limitations for filing a net operating loss carryback, capital loss and research and experimental credit carrybacks to conform to federal law. Clarifies the calculation of indexing for the standard deduction. Clarifies changes in the alternative minimum tax on preference items. Assures that nonassignable income and losses only apply to estates and trusts for carryback or carryover adjustments. Eliminates Minnesota's special basis rules, which were identical to those of the Internal Revenue Code, and provides that the basis for assets for Minnesota income tax purposes will be the same as the federal basis.

Provides for Minnesota's tax treatment of FSC's. Eliminates unnecessary signature statements. Eliminates the requirement that the withholding tables allow for a federal income tax deduction because the new withholding tables do not contain the deduction. Applies for state withholding tax purposes the employers option for federal purposes not to withhold on an employee vehicle fringe benefit. Changes the computation of the

underpayment of estimated tax liability for individuals; provides an exception to the reduction of household income for disabled or elderly persons for property tax refund purposes.

Article 4-property tax Allows the commissioner of revenue to distribute aids for police or fire pension funds directly to the local units for tax aids payable in 1986 and following years. Subjects certain owner-occupied resort properties to provisions requiring utilities to acquire fee interest in property crossed by specified high voltage utility lines. Clarifies that all iron ore properties qualify for the adjustments in EARC values due to reductions in mineral assessed values. Requires the state board of equalization to use a sales ratio study based upon a 12 month sale period. Allows any city or town lying partially within a county to provide for property assessment by the county assessor. Replaces a federal definition of low income for limited equity cooperatives with an equivalent definition contained in law. Makes changes in references to property tax classes to correspond with the property tax recodification effective with taxes payable in 1987. Requires the homestead credit payment to the taxing districts to be made in two equal installments—50 percent by July 15 and 50 percent by December 15.

Reinstates the 28 percent classification ratio for manufactured homes not falling into other classifications. Allows dwelling units leased by low income individuals to be recognized in determining the percentage of units necessary to receive a preferential assessment classification for property owned by a neighborhood real estate trust. Makes technical changes in the assessment of class 9a iron ore property. Requires supplementary homestead credit payments to be made by May 15 and October 15 annually, and requires the county treasurer to distribute the funds as part of the May and October property tax settlements. Permits certain owner-occupied resort properties to qualify for the powerline credit. Clarifies that specific provisions for the assessment and payment of taxes on certain mobile homes apply only to mobile homes assessed as personal property. Clarifies that those manufactured homes located on leased real estate will be assessed as personal property and corrects an erroneous citation. Deletes references to the October property tax settlement because section only refers to the March and May settlements. Establishes a new year-end settlement in January and specifies the various tax distributions that need to be made by the treasurer in advances to the taxing districts. Modifies the dates when the property tax payments need to be made on agricultural property when a tax petition has been filed on that property. Prohibits penalties from being imposed on the second half property taxes on agricultural homestead and non-homestead property until November 15, thus establishing a 30-day grace period on the payment. Reinstates penalties if taxes are not paid by November 15. Allows consolidated property tax statements reflecting tax on both agricultural and non-agricultural property to be due November 15 if at least 50 percent of the market value of the property is agricultural.

Requires that proceeds of mortgage registration and deed tax revenues actually be credited to the county welfare funds. Changes the reference for manufactured housing to a definition contained in tax statute rather than statutes related to motor vehicles. Requires Minnesota-based registered motor vehicles to be licensed under the fuel tax compact in Minnesota, and extends to the commissioner of public safety the power to collect and issue licenses, collect the fuel tax due and to issue refunds. Requires the Department of Revenue to administer fuel taxes and license fees paid by motor vehicles based in a non-participating state. Clarifies that the implicit price deflator for the gross national product will be used for inflating the taconite production tax. Keeps a prohibition upon the expenditure of taconite production tax distributions outside the taconite tax relief area that already exist for purposes of the Taconite Environmental Protection Fund, the Northeastern Minnesota Economic Protection Trust and the three cent distribution to the Iron Range Resources and Rehabilitation Board. Requires the Department of Revenue to study the alternative methods of calculating the sales/assessment ratio in communities where few sales occur and to report the finding by January 15, 1987. Requires a referendum for Clearwater County to be held prior to October 1 of the year in which the tax is proposed to be levied.

Article 5-budget reserve and cash flow Makes a technical revision to recognize the change from a separate budget reserve and cash flow account to a restricted reserve amount within the general fund. Authorizes the commissioner of finance to restrict all or part of a budgetary balance for use as the budget and cash flow reserve. Establishes a revised order of priority for allocating unrestricted general fund balance while reflecting the creation of the restricted budget and cash flow reserve. Makes technical changes in the language relating to reductions in the current levy recognition percentage. Updates the aid categories that are subject to adjustment under the levy recognition percentage. Revises the metered payment schedule for school district revenue to relieve the state's spring cash flow problem, and establishes an appeal process in which the commissioner of finance may revise the payment dates and percentages of the payment if an emergency or

serious cash flow problem exists in a district. Requires that if an unrestricted general fund balance is forecast for the current biennium, the funds must be allocated as follows: the first \$100 million must be restricted for use as the budget and cash flow reserve; one-half of any excess over \$100 million must be used to restore the post-secondary appropriation reductions; and one-half of any excess over \$100 million must be used to restore the budget and cash flow reserve to \$450 million. Permits the commissioner of finance to require modifications in the payment schedule if it is necessary to avoid short-term borrowing. Allows the changes to be in effect no earlier than September 1, 1986, and no later than May 30, 1987. Allows payments to be reduced that have a net cash balance in excess of \$150 per pupil unit and more than \$350 per pupil unit in fund balance. Prohibits allotment reductions to be made before August 15, 1986, to appropriations for state aids or payments to school districts, local government aid payments, or property tax relief payments. Permits the commissioner of finance to delay payment of state aids to local government, except those for schools, if it is necessary to avoid short-term borrowing. Prohibits delays from extending past the end of the recipient's fiscal year. Repeals the current process by which school districts can request advances on aid payments.

Article 6-local government aid Establishes the maximum city aid increase at 104 percent of the previous year aid amount for cities whose previous year per capita aid amount exceeded \$200. Provides a different maximum aid increase for cities that received less than \$200 per capita in previous year aid to be the lesser of the following: 105.8 percent of the previous year aid; \$208 multiplied by the population used in computing the previous year aid. Revises the computation of the local effort mill rate resulting in decreased local effort mill rates and increased unlimited aid amounts and retains the two tier formula and the eight mill minimum local effort mill rate. Assures that counties will receive a 1987 aid amount equal to 104 percent of the 1986 aid received. Provides counties containing a city of the first class with an amount equal to their population multiplied by the 1987 average county per capita increase over the 1986 average per capita for counties. Provides that towns will receive a 1987 aid amount equal to 104 percent of the 1986 aid received under either the town or city formula. Limits the amount available for distribution to cities for calendar year 1987 to \$297,440,000 for calendar year 1987. Changes the local government aid payment schedule from six monthly payments, July through December, to two payments made on July 15 and December 15. Allows the commissioner of revenue to pay all or part of the December 15 payment any time after August 15 at the request of a city for cash flow purposes.

Article 7-compliance Requires domestic mutual insurance companies to make three payments of estimated tax on April 15, June 15, and December 15, rather than the quarterly payments currently in the law. Requires that certain professional license holders that have a delinquent tax liability of \$500 or more obtain a tax clearance certificate from the commissioner of revenue prior to receiving or renewing a license. Permits the taxpayer to contest the liability and requires a contested case hearing to be held at the request of the license holder. Assures that insurance agents and real estate brokers and salespersons do not have to be re-examined if their license was not renewed due to a tax delinquency. Includes in the law insurance agents and agencies, real estate brokers and salesperson, physicians, surgeons, osteopaths, chiropractors, dentists, certified public accountants and licensed public accountants. Requires fire insurance companies to pay the gross premiums surcharge in three payments on March 15, May 15, and November 15, rather than semi-annually. Removes the restriction that collection agencies may be employed only for collection from taxpayers who do not reside in Minnesota. Exempts the Department of Revenue from payment of filing fees at the time the lien is recorded and requires the fee to be paid at the time the lien is released, and increases the filing fee from \$10 to \$15 per lien.

Allows the Department of Revenue to file tax liens against homestead property. Allows tax liens to be renewed for an additional 10 years. Prohibits foreclosure of a lien against homestead property. Amends the business license clearance provisions by clarifying that a transfer of a license is subject to clearance provisions. Decreases the amount of delinquency requiring a clearance certificate from \$1,000 to \$500. Includes in the definition of "applicant" officers of corporations and members of partnerships that are liable for the delinquent tax. Allows applicants for licenses to contest tax liability. Removes the requirement that hearings be held under the procedures for the Revenue Recapture Act. Requires interest paid on refunds to be at the same rate as interest charged on delinquent taxes. Requires Social Security numbers or taxpayer ID numbers to be included with homestead classification applications. Establishes a penalty for claiming more than one homestead. Extends the penalties for late filed income tax returns to include returns claiming a refund. Increases the penalty for returns filed 60 or more days after the due date from \$50 to \$100. Allows the commissioner to release information on uncontested delinquent income

and withholding taxes owed by attorneys to the Minnesota Supreme Court and Board of Professional Responsibility. Changes the payment dates for the cigarette and tobacco taxes from the eighteenth to the twenty-fifth of the month. Requires that cigarette and tobacco distributors having a tax liability of \$1,500 or more in May of each year to pay one-half of their estimated June liability in addition to their May liability in June of each year. Requires that revenue collected from the acceleration of the cigarette and tobacco tax collections be deposited into the general fund. Requires that the commissioner of revenue by the 15th of each month provide the commissioner of public safety a list of all liquor retailers who are more than 30 days delinquent in filing a sales tax return or paying the sales tax. Prohibits any liquor wholesaler, manufacturer or brewer from delivering any product to a retailer included on the list. Requires liquor retailers to file a distinct sales tax return in a form prescribed by the commissioner of revenue.

Allows the commissioner to release information on uncontested delinquent sales taxes owed by attorneys to the Minnesota Supreme Court and Board of Professional Responsibility. Changes the payment dates for the excise tax on wine, distilled spirits and malt liquor. Requires that liquor manufacturers or wholesalers with a tax liability of at least \$1,500 in May of each year to pay one-half of their estimated June liability in addition to their May liability in June of each year. Requires fire insurance companies to make three tax payments instead of an annual payment. Requires a certified public accountant or licensed public accountant who owes \$500 or more in delinquent taxes to receive a tax clearance certificate before receiving or renewing a license. Extends the business license tax clearance law. Appropriates \$300,000 in fiscal 1986 and \$2,974,500 in fiscal 1987 to the Department of Revenue for the compliance initiatives program.

Article 8-miscellaneous Creates an Ethanol Development Fund. Defines "ethanol" as agriculturally derived fermentation ethyl alcohol, produced from specified agricultural products, which is at least 99 percent pure. Provides the following direct payments from the fund to ethanol producers in Minnesota: 15 cents per gallon from July 1, 1986, to June 30, 1987; 20 cents per gallon from July 1, 1987, to June 30, 1992. Offers payments to producers of agricultural grade alcohol of a purity of at least 50 percent but less than 90 percent during July 1, 1987, to June 30, 1992, at a rate of 11 cents per gallon. Limits total payments from the fund to \$200,000 from July 1, 1986, through June 30, 1987, and \$10 million for each succeeding fiscal year through fiscal year 1992. Prevents a producer from receiving more than \$3 million from the fund in any fiscal year. Requires the commissioner of transportation to adjust the distributions from the county state-aid highway fund and the municipal state-aid street fund for the difference between the estimate of receipts used in making the previous year's distribution and the actual receipts accrued to the fund. Revises language relating to medical assistance eligibility and to the administration of food stamp and AFDC programs that bring the state into compliance with federal law. Requires local governments to agree that all direct and indirect costs of collection will be deducted from the proceeds of the tax if the commissioner of revenue agrees to collect a local tax.

Changes the revenue recapture rules to conform to the 1985 repeal of the low income credit. Allows the town of White to be included in an enterprise zone and requires that any additional local contribution necessary for the town portion of the zone will be provided by the town. Reduces the tax credit allowed to distributors of agricultural alcohol gasoline from 40 cent per gallon to 25 cents from July 1, 1986, through June 30, 1987. Reduces the credit further to 20 cents per gallon from July 1, 1987, through June 30, 1992. Permits gasoline-ethanol blends to be identified as "ethanol enriched." Eliminates the transfer of the motor vehicle excise tax from the general fund to the Highway User Tax Distribution Fund and Transit Assistance Fund for fiscal years 1986 and 1987. States that funding for the ethanol development fund will be from the highway user tax distribution fund portion of the motor vehicle excise tax transfer after June 30, 1987. Reinstates a one-cent tax per bottle of distilled spirits and wine. Authorizes the state auditor to make a legal compliance examination of any port authority. Appropriates \$120,000 to the Department of Revenue to contract for the creation of a sample of state and federal income tax data for use in policy research. Appropriates \$11.3 million in fiscal 1986 and \$10.3 million in fiscal 1987 to the Department of Transportation for transit assistance. Repeals the suspension of indexing required in the event of a revenue shortfall.

Article 9-elementary and secondary education Reduces elementary and secondary funding by \$11.5 million, which consists of the following cuts: \$4.2 million from summer program; \$1.9 million from transportation aid; \$8,000 from transition services; \$3,500 from early childhood family education assistance; \$10,000 from arts planning programs; \$133,000 from the Arts School and Resource Center; \$1,700 from gifted study program; \$1.5 million from secondary vocational aid; \$100,000 from Venture Fund; \$6,000 from secondary vocational student organizations; \$90,700 from Educational Effectiveness; \$8,600 from Academic Excellence Foundation; \$5,000 from

management assistance; \$30,000 from Assessment Item Bank; \$12,000 from PER Assistance; \$64,900 from technology services; \$72,500 from Mastery Learning; \$2,600 from management assessment; \$2,500 from Programs of Excellence; \$1,500 from industrial technology; \$9,000 from teacher exams; \$15,000 from teacher education programs; \$25,000 from summer program scholarships; \$498,500 from Library Basic Grants; \$20,900 from Multi-County Libraries; and \$2.6 million from TRA-FICA Aid.

Changes the date by which school boards are required to publish their budgets from September 1 to October 1. Changes the date used for the AFDC pupil unit count from October 1 of the current school year to October 1 of the previous school year. Changes the FICA aid inflation factor for FY 1987 from 1.1806 to 1.1599. Requires that TRA and FICA aid be recognized in the appropriate funds of the district, in proportion to the related expenses in each fund. Changes the transportation aid inflation factor for FY 1987 from 6.7 to 6 percent. Increases capital expenditure aid allowance and combines the basic and special purpose capital expenditure aids. Sets the new formula at \$130 per public unit minus nine mills. Sets the levy and aid formula for community education for the levy to be certified in fall 1986 for fiscal year 1988. Sets the formula at \$5.50 per capita with a minimum guarantee of \$7,340 per district. Allows the commissioner to withhold secondary vocational aid or program approval if the program does not comply with the rules or conform to the approved program. Sets the foundation aid formula allowance at \$1,700 per pupil unit for fiscal year 1988. Sets the basic maintenance levy for taxes payable in 1987 at a mill rate that raises \$692 million. Eliminates the aid for purchase of high-quality courseware after the 1985-1986 school year. Clarifies that the 1985-86 aid is 50 cents per pupil.

Sets the community education levy that will be certified in October 1986 at .8 mill, but no more than the greater of \$5.50 per capita or \$7,340 for a district. Permits a new levy of up to .1 mill for adult basic and continuing education programs. Authorizes a levy of 1.5 mill for districts that had a deficit in their general fund as of June 30, 1985, but prohibits it from exceeding the amount of the deficit. Authorizes a levy of \$130 per pupil unit, but not to exceed nine mills, for basic and special purpose capital expenditures, and allows use of the proceeds for all purposes. Requires that any amount levied above \$125 per pupil unit be used for industrial arts or secondary vocational equipment. Requires that TRA and FICA payments be made from the appropriate fund. Exempts eligibility for school bus driver licenses from the provisions of Chapter 364, concerning rehabilitation and employment of criminal offenders. Extends the task force on academic high school league to December 31, 1986. Changes the date for the Academic Excellence Foundation report to December 15, 1986. Permits an unexpended balance from the FY 1986 appropriation for the Academic Excellence Foundation to carry over to the next fiscal year. Increases the FY 1987 appropriations for technology services by \$286,100, and sets the amount that must be used to purchase courseware duplication rights.

Reduces the 1986 summer program aid entitlement in proportion to the levy increase required by changing the equalizing factor. Requires recalculation of the 1985 levy for 1986 summer programs using 60 percent of the equalizing factor instead of 100 percent. Permits Cold Spring School District to increase its debt service levy in 1986 and 1987 to provide an equal levy in each year to pay the required obligations for the next five years. Permits Mahtomedi School District to make an additional levy in 1986 of up to \$250,000 for capital expenditures for renovating a school. Permits Moose Lake School District to make additional capital expenditure levies of up to \$75,000 in 1986 and \$70,000 in 1987.

Article 10-higher education Reduces appropriations for post-secondary education and the Department of Education by \$35.9 million. Cuts the Department of Education appropriation by \$2.5 million. Suspends the Council on Quality Education and the ESV Computer Council. Allows basic skills services to be provided by contract between the education service units and individual school districts. Requires regional management information centers to be included in the education aids budget rather than the Department of Education budget. Cuts the Higher Education Coordinating Board by \$3.1 million. Delays implementation of the four-year eligibility component of the state grant and scholarships program. Requires a study of the need for a loan forgiveness program for career teachers under improved learning programs. Allows the HECB to transfer funds between programs. Permits up to \$500,000 of any unobligated balance for the biennium to be used for supplemental grants of additional work study for students in economically depressed area. Cuts \$6 million from Vocational Technical Education. Cuts \$2.9 million from Community Colleges. Cuts \$5.8 million from the State University System. Cuts \$15.8 million from the University of Minnesota. Cuts \$50,500 from the Mayo Medical Foundation. Appropriates \$50,000 for a feasibility study of a coordinate campus of Arrowhead Community College on the Fond du Lac Indian Reservation.

Allows the commissioner of finance to permit appropriation cuts to be transferred between fiscal years. Sets the appropriation base level for the

1987-89 biennium at the amount appropriated before any cuts were made. Requires each system to submit a plan to the finance and appropriation committees before cuts are made. Permits the State University Board to buy insurance to protect buildings. Allows the post-secondary education boards to set expense allowances for executive administrators. Eliminates compensation for the UFARS Council. Allows the Director of Vocational Technical Education to authorize certificates of indebtedness. Exempts the State University Board from the Administrative Procedures Act and allows the board to select the location for its central offices. Requires the Director of Vocational Technical Education to approve capital improvements. Allows AVTIs to hold regularly scheduled classes on Saturdays. Requires employers to submit information to local fire departments concerning hazardous substances present in the workplace during normal operations. Allows Mankato State University to accept a building from the Mankato State University Foundation. Requests the Legislative Audit Commission to evaluate the activities and programs of the Department of Education. Repeals basic skills statutes and expense allowance limitations.

Article 11-Department of Natural Resources States that decentralization of the Department of Natural Resources is the intent of the Legislature. Requires that half of the full-time approved complement positions in the St. Paul central office that are vacant as of March 1, 1986, be transferred to the field by May 1, 1986, and requires a minimum of 20 positions to be transferred. Appropriates up to \$200,000 to the LCMR from the Minnesota Resources Fund for a consultant study of the management and organization of the department and requires a report to the Legislature by January 15, 1987.

Effective date: Various dates. SCHREIBER

Family farm loan guarantee bonds

Chap. 2-H.F. 2 Article I Authorizes the issuance of general obligation bonds under the family farm security program to pay lenders for defaulted loans for guarantee purposes and to purchase the rights of first lienholders at mortgage foreclosure sales. Provides that the principal bond amount not exceed \$20 million. Provides for the maintenance of the state family farm security program bond account. Provides for the transfer, from the general fund to the state family farm security program bond account, on December 1, in each year, a sum of money sufficient in amount, when added to the balance then on hand in that account, to pay all bonds issued under the this law and the interest on them due and to become due July 1, in the second ensuing year. Provides for property tax levy authority. Provides for the deposit of defaulted farm property sale proceeds into the bond account. Requires the commissioner of agriculture to pay to qualified holders of seller sponsored loans, financed by the family farm security loan, an amount approximately equal to the additional state income tax paid as a result of the inclusion in gross income of the interest and payment adjustment earned on a seller sponsored family farm security loan.

Article II Amends provisions of the mediation article of the Omnibus Farm Bill of 1986. Provides definitions for "necessary farm operating expenses" and "necessary living expenses." Removes "an owner of an agriculturally related business" from mediation applicability. Provides for the exemption of a financial institution from the farmer-lender mediation act if the institution is subject to a cease and desist order issued under specific sections of the law and if the commissioner determines that exemption is essential to the financial survival of the institution. Alters good faith requirement provisions. Provides that the state court administrator, in consultation with the director of the bureau of mediation services and the director of the University of Minnesota Agricultural Extension Service set rules under Chap. 14, to implement the farmer-lender mediation act. Authorizes the state court administrator to adopt emergency rules. Provides for data classification. Provides that the farm business management training tuition supplement be appropriated to independent school districts and area vocational technical institutes, and the University of Minnesota two-year technical colleges. Clarifies requirements relating to the right of first refusal in agency or corporate disposal of agricultural land and changes the time limits for response to ten days after receiving an offer to lease and to 60 days after receiving an offer to buy. Provides that an offer to sell of lease to the former owner does not apply if the former owner is a bankruptcy estate.

Article III Makes technical and statutory reference changes to the Omnibus Farm Bill relating to seller sponsored loan payments, deficiency judgments

and the interest buydown program. Effective date: Apr. 12, 1986. VALAN

Revisor's bill

Chap. 3-S.F. 1 Article I Corrects erroneous, ambiguous, omitted and obsolete references and text in Minnesota statutes. Eliminates redundant, conflicting and superseded provisions. Provides instructions to the revisor.

Article II Corrects various legislative enactments. Provides for the effect of amendments and repeals. Changes taconite tax levy and proceed distribution provisions. Provides for the filing of candidates for judgeships in the fourth judicial district prior to the implementation of a reorganization plan. Provides that the Joint Underwriting Association shall not offer coverage for activities that are conducted substantially outside the state of Minnesota unless the insurance is required by statute, ordinance, or otherwise required by law. Corrects a drafting error in the contents of the homestead designation notice. Provides for the continuation of four workers' compensation fund positions in the Department of Labor and Industry for fiscal year 1987. Limits provisions relating to rental of interests in real estate to single family residential property. Authorizes the Iron Range Resources and Rehabilitation Board to purchase insurance to protect property. Corrects a drafting error in the Omnibus Farm Bill of 1986 relating to the effect of mediation meeting notice to remove the word "conclusion" and insert the word "initiation" of mediation.

Article III Amends the definition of "child" to include "a person is the child of the person's parents regardless of the marital status of the parents and the parent and child relationship may be established under the parentage act." Excludes homestead and includes proceeds from life insurance attributable to premiums paid by the decedent, and retirement benefits, except social security, in the definition of an augmented estate for probate purposes. Provides for elective share filing and probate court proceedings. Establishes a standard for best interests of wards or conservatees in nominating or appointing guardians and conservators and outlines factors to be considered. Provides that kinship is not a conclusive factor in determining the best interests of the ward or conservatee but should be considered to the extent that it is relevant to the other factors. Requires the court to make findings relating to the best interests of the wards or conservatees and to the best available guardians or conservators. Provides for restoration of capacity and modification of guardianship or conservatorship. Provides for appointment of new guardians or conservators on a motion to remove existing guardians or conservators if the existing guardian or conservator has failed to perform the duties or to provide for the best interest of the ward or conservatee and the best interest will be better served by the appointment of a new guardian or conservator.

Article IV Exempts investment earnings resulting from the master lease program from the requirement for crediting to the general fund except that the amount credited to another fund or account may not exceed the amount of the additional expense incurred by that fund or account through participation in the master lease program. Prohibits the state building and uniform fire codes from requiring the enclosure of stairways in existing multiple dwelling buildings of two stories or less. Changes the terms of members of the World Trade Center Board to specify that the terms of five members shall expire the first Monday in January 1987 and the terms of the remaining four members shall expire the first Monday in January 1989. Changes the title "executive director" to "president" of the World Trade Center Board. Authorizes the Board to expend World Trade Center fund money for promotional purposes and to adjust fees. Provides for data classification. Provides for the establishment of a labor interpretative center as a part of the Minnesota historical society's state history center within the state capitol complex. Provides for a task force and, subsequently, an advisory council. Provides for the administration, operation and funding of the labor interpretative center. Permits school buses to be equipped with a driver-activated student control warning system which includes a high-intensity red flashing signal, an audible warning signal and a green all-clear signal, and to activate such a system whenever the use of the stop signal and flashing red signals is required. Extends the availability of a previous appropriation for construction or alteration of the Cloquet water system. Extends a previous appropriation to the Crime Victims Reparations Board. Repeals changes relating to the maximum allowable weights of pneumatic tired vehicles. Effective date: Various dates. JUDE

Chapter Index

Chap.	S.F.	H.F.	Topic	Chap.	S.F.	H.F.	Topic
310	40	119	Transportation	386	1526	1652	Agriculture & Natural Resources
311	1562	1699	Agriculture & Natural Resources	387	1473	1185	Transportation
312	1574	1819	Local & Urban Government	388	1681	1844	Judiciary
313	1612	1900	Economic Development & Commerce	389	1948	1911	Agriculture & Natural Resources
314	1587	1853	Local & Urban Government	390	1792	2100	Employment
315	1575	1820	Local & Urban Government	391	1968	2123	Local & Urban Government
316	1579	1794	Health & Human Services	392	2150	2329	Local & Urban Government
317	1600	1757	Judiciary	393	2235	2394	Veterans & General Legislation
318	1578	1727	Agriculture & Natural Resources	394	912	943	Health & Human Services
319	2085	2265	Judiciary	395	1581	1765	Health & Human Services
320	496	720	Governmental Operations	396	1671	1755	Local & Urban Government
321	1349	1330	Economic Development & Commerce	397	1782	1953	Health & Human Services
322	1597	1842	Agriculture & Natural Resources	398	1672	1599	Agriculture & Natural Resources
323	1851	2168	Veterans & General Legislation	399	1793	2105	Local & Urban Government
324	2069	2064	Elections	400	1725	1931	Local & Urban Government
325	2018	2165	Veterans & General Legislation	401	31	456	Judiciary
326	1919	2082	Health & Human Services	402	125	324	Employment
327	1797	1912	Local & Urban Government	403	1193	1091	Taxes & Tax Laws
328	1794	2202	Local & Urban Government	404	1721	2391	Health & Human Services
329	1742	None	Employment	405	1730	2050	Judiciary
330	5	102	Judiciary	406	1732	948	Judiciary
331	2184	2317	Judiciary	407	1745	2200	Agriculture & Natural Resources
332	1319	1454	Transportation	408	1839	2075	Elections & Ethics
333	1701	1801	Local & Urban Government	409	1869	2221	Public Utilities & State Regulated Industries
334	1886	2032	Economic Development & Commerce	410	1880	2030	Veterans & General Legislation
335	1939	2079	Judiciary	411	1940	2071	Governmental Operations
336	2035	2393	Transportation	412	1950	2077	Taxes & Tax Laws
337	2079	2134	Health & Human Services	413	1965	1951	Health & Human Services
338	2094	2388	Judiciary	414	1980	2490	Health & Human Services
339	607	671	Economic Development & Commerce	415	2067	2131	Local & Urban Government
340	1767	1800	Agriculture & Natural Resources	416	2090	2292	Local & Urban Government
341	1760	1807	Local & Urban Government	417	2101	2315	Agriculture & Natural Resources
342	1682	1821	Local & Urban Government	418	2116	2422	Elections & Ethics
343	1806	1897	Economic Development & Commerce	419	2127	2328	Local & Urban Government
344	1853	1980	Governmental Operations	420	2147	2297	Health & Human Services
345	1994	2111	Local & Urban Government	421	2171	2350	Health & Human Services
346	1989	2143	Public Utilities & State Regulated Industries	422	2179	2411	Economic Development & Commerce
347	2052	2236	Education	423	942	450	Finance
348	2205	2418	Local & Urban Government	424	1659	1793	Agriculture & Natural Resources
349	1395	651	Health & Human Services	425	1952	1968	Agriculture & Natural Resources
350	1547	1664	Governmental Operations	426	1935	1970	Local & Urban Government
351	1751	1730	Judiciary	427	1883	2051	Taxes & Tax Laws
352	1705	1773	Economic Development & Commerce	428	1969	2081	Health & Human Services
353	1718	1806	Economic Development & Commerce	429	2015	2138	Agriculture & Natural Resources
354	1834	1838	Agriculture & Natural Resources	430	2081	2256	Judiciary
355	1992	1871	Veterans & General Legislation	431	2122	2263	Judiciary
356	1796	1926	Governmental Operations	432	2217	2466	Agriculture & Natural Resources
357	1860	1940	Local & Urban Government	433	1985	2405	Elections & Ethics
358	1854	1984	Economic Development & Commerce	434	164	1459	Finance
359	2112	2035	Governmental Operations	435	1014	851	Judiciary
360	1922	2068	Local & Urban Government	436	1850	1979	Governmental Operations
361	1862	2017	Judiciary	437	1912	2229	Public Utilities & State Regulated Industries
362	2032	2023	Elections	438	1930	2078	Judiciary
363	2137	2185	Governmental Operations	439	1949	2146	Agriculture & Natural Resources
364	1998	2195	Local & Urban Government	440	2087	2239	Judiciary
365	2252	2216	Local & Urban Government	441	2280	2520	Taxes & Tax Laws
366	2163	2344	Local & Urban Government	442	1857	1772	Judiciary
367	2115	2351	Finance	443	1599	1782	Agriculture & Natural Resources
368	2223	2464	Local & Urban Government	444	1752	1824	Judiciary
369	1441	2072	Employment	445	1592	1835	Judiciary
370	1515	1611	Local & Urban Government	446	1770	1863	Judiciary
371	1580	1774	Health & Human Services	447	1771	1919	Education
372	1619	1851	Judiciary	448	2007	2012	Judiciary
373	1642	2233	Employment	449	2023	2169	Agriculture & Natural Resources
374	1680	1785	Local & Urban Government	450	1925	2170	Agriculture & Natural Resources
375	1703	1852	Agriculture & Natural Resources	451	2040	2210	Local & Urban Government
376	1823	1956	Economic Development & Commerce	452	1065	1015	Transportation
377	1848	1962	Judiciary	453	1641	1746	Transportation
378	1914	2250	Judiciary	454	1910	None	Transportation
379	1966	2126	Local & Urban Government	455	2078	2268	Economic Development & Commerce
380	2135	2392	Judiciary	456	2161	2338	Employment
381	2245	2423	Elections & Ethics	457	2271	2407	Agriculture & Natural Resources
382	1975	2497	Judiciary	458	312	229	Governmental Operations
383	723	628	Agriculture & Natural Resources	459	438	418	Employment
384	2173	2427	Local & Urban Government	460	1588	1860	Governmental Operations
385	810	839	Judiciary				

Chap.	S.F.	H.F.	Topic	Chap.	S.F.	H.F.	Topic
461	1903	1873	Employment	472	1798	1744	Education
462	1710	1875	Local & Urban Government	473	1955	1886	Local & Urban Government
463	1953	1958	Judiciary	474	1818	1930	Transportation
464	1946	2044	Governmental Operations	475	1838	2014	Elections & Ethics
465	1847	2287	Governmental Operations	Resolutions			
466	2130	2294	Education	Res6	1716	1826	Resolutions
467	2026	2331	Public Utilities & State Regulated Industries	Res7	1829	1971	Resolutions
468	2144	2364	Transportation	Special Session			
469	2102	2243	Judiciary	1	None	1	
470	663	654	Judiciary	2	None	2	
471	1540	1677	Education	3	1	3	

Senate File Index

S.F.	H.F.	Chap.	Topic	S.F.	H.F.	Chap.	Topic
5	102	330	Judiciary	1718	1806	353	Economic Development & Commerce
31	456	401	Judiciary	1721	2391	404	Health & Human Services
40	119	310	Transportation	1725	1931	400	Local & Urban Government
125	324	402	Employment	1730	2050	405	Judiciary
164	1459	434	Finance	1732	948	406	Judiciary
312	229	458	Governmental Operations	1742	None	329	Employment
438	418	459	Employment	1745	2200	407	Agriculture & Natural Resources
496	720	320	Governmental Operations	1751	1730	351	Judiciary
607	671	339	Economic Development & Commerce	1752	1824	444	Judiciary
663	654	470	Judiciary	1760	1807	341	Local & Urban Government
723	628	383	Agriculture & Natural Resources	1767	1800	340	Agriculture & Natural Resources
810	839	385	Judiciary	1770	1863	446	Judiciary
912	943	394	Health & Human Services	1771	1919	447	Education
942	450	423	Finance	1782	1953	397	Health & Human Services
1014	851	435	Judiciary	1792	2100	390	Employment
1065	1015	452	Transportation	1793	2105	399	Local & Urban Government
1193	1091	403	Taxes & Tax Laws	1794	2202	328	Local & Urban Government
1319	1454	332	Transportation	1796	1926	356	Governmental Operations
1349	1330	321	Economic Development & Commerce	1797	1912	327	Local & Urban Government
1395	651	349	Health & Human Services	1798	1744	472	Education
1441	2072	369	Employment	1806	1897	343	Economic Development & Commerce
1473	1185	387	Transportation	1818	1930	474	Transportation
1515	1611	370	Local & Urban Government	1823	1956	376	Economic Development & Commerce
1526	1652	386	Agriculture & Natural Resources	1829	1971	Res7	Resolutions
1540	1677	471	Education	1834	1838	354	Agriculture & Natural Resources
1547	1664	350	Governmental Operations	1838	2014	475	Elections & Ethics
1562	1699	311	Agriculture & Natural Resources	1839	2075	408	Elections & Ethics
1574	1819	312	Local & Urban Government	1847	2287	465	Governmental Operations
1575	1820	315	Local & Urban Government	1848	1962	377	Judiciary
1578	1727	318	Agriculture & Natural Resources	1850	1979	436	Governmental Operations
1579	1794	316	Health & Human Services	1851	2168	323	Veterans & General Legislation
1580	1774	371	Health & Human Services	1853	1980	344	Governmental Operations
1581	1765	395	Health & Human Services	1854	1984	358	Economic Development & Commerce
1587	1853	314	Local & Urban Government	1857	1772	442	Judiciary
1588	1860	460	Governmental Operations	1860	1940	357	Local & Urban Government
1592	1835	445	Judiciary	1862	2017	361	Judiciary
1597	1842	322	Agriculture & Natural Resources	1869	2221	409	Public Utilities & State Regulated Industries
1599	1782	443	Agriculture & Natural Resources	1880	2030	410	Veterans & General Legislation
1600	1757	317	Judiciary	1883	2051	427	Taxes & Tax Laws
1612	1900	313	Economic Development & Commerce	1886	2032	334	Economic Development & Commerce
1619	1851	372	Judiciary	1903	1873	461	Employment
1641	1746	453	Transportation	1910	None	454	Transportation
1642	2233	373	Employment	1912	2229	437	Public Utilities & State Regulated Industries
1659	1793	424	Agriculture & Natural Resources	1914	2250	378	Judiciary
1671	1755	396	Local & Urban Government	1919	2082	326	Health & Human Services
1672	1599	398	Agriculture & Natural Resources	1922	2068	360	Local & Urban Government
1680	1785	374	Local & Urban Government	1925	2170	450	Agriculture & Natural Resources
1681	1844	388	Judiciary	1930	2078	438	Judiciary
1682	1821	342	Local & Urban Government	1935	1970	426	Local & Urban Government
1701	1801	333	Local & Urban Government	1939	2079	335	Judiciary
1703	1852	375	Agriculture & Natural Resources	1940	2071	411	Governmental Operations
1705	1773	352	Economic Development & Commerce	1946	2044	464	Governmental Operations
1710	1875	462	Local & Urban Government				
1716	1826	Res6	Resolutions				

S.F.	H.F.	Chap.	Topic	S.F.	H.F.	Chap.	Topic
1948	1911	389	Agriculture & Natural Resources	2087	2239	440	Judiciary
1949	2146	439	Agriculture & Natural Resources	2090	2292	416	Local & Urban Government
1950	2077	412	Taxes & Tax Laws	2094	2388	338	Judiciary
1952	1968	425	Agriculture & Natural Resources	2101	2315	417	Agriculture & Natural Resources
1953	1958	463	Judiciary	2102	2243	469	Judiciary
1955	1886	473	Local & Urban Government	2112	2035	359	Governmental Operations
1965	1951	413	Health & Human Services	2115	2351	367	Finance
1966	2126	379	Local & Urban Government	2116	2422	418	Elections & Ethics
1968	2123	391	Local & Urban Government	2122	2263	431	Judiciary
1969	2081	428	Health & Human Services	2127	2328	419	Local & Urban Government
1975	2497	382	Judiciary	2130	2294	466	Education
1980	2490	414	Health & Human Services	2135	2392	380	Judiciary
1985	2405	433	Elections & Ethics	2137	2185	363	Governmental Operations
1989	2143	346	Public Utilities & State Regulated Industries	2144	2364	468	Transportation
1992	1871	355	Veterans & General Legislation	2147	2297	420	Health & Human Services
1994	2111	345	Local & Urban Government	2150	2329	392	Local & Urban Government
1998	2195	364	Local & Urban Government	2161	2338	456	Employment
2007	2012	448	Judiciary	2163	2344	366	Local & Urban Government
2015	2138	429	Agriculture & Natural Resources	2171	2350	421	Health & Human Services
2018	2165	325	Veterans & General Legislation	2173	2427	384	Local & Urban Government
2023	2169	449	Agriculture & Natural Resources	2179	2411	422	Economic Development & Commerce
2026	2331	467	Public Utilities & State Regulated Industries	2184	2317	331	Judiciary
2032	2023	362	Elections	2205	2418	348	Local & Urban Government
2035	2393	336	Transportation	2217	2466	432	Agriculture & Natural Resources
2040	2210	451	Local & Urban Government	2223	2464	368	Local & Urban Government
2052	2236	347	Education	2235	2394	393	Veterans & General Legislation
2067	2131	415	Local & Urban Government	2245	2423	381	Elections & Ethics
2069	2064	324	Elections & Ethics	2252	2216	365	Local & Urban Government
2078	2268	455	Economic Development & Commerce	2271	2407	457	Agriculture & Natural Resources
2079	2134	337	Health & Human Services	2280	2520	441	Taxes & Tax Laws
2081	2256	430	Judiciary				
2085	2265	319	Judiciary				
				Special Session			
				1	3	3	

House File Index

H.F.	S.F.	Chap.	Topic	H.F.	S.F.	Chap.	Topic
102	5	330	Judiciary	1757	1600	317	Judiciary
119	40	310	Transportation	1765	1581	395	Health & Human Services
229	312	458	Governmental Operations	1772	1857	442	Judiciary
324	125	402	Employment	1773	1705	352	Economic Development & Commerce
418	438	459	Employment	1774	1580	371	Health & Human Services
450	942	423	Finance	1782	1599	443	Agriculture & Natural Resources
456	31	401	Judiciary	1785	1680	374	Local & Urban Government
628	723	383	Agriculture & Natural Resources	1793	1659	424	Agriculture & Natural Resources
651	1395	349	Health & Human Services	1794	1579	316	Health & Human Services
654	663	470	Judiciary	1800	1767	340	Agriculture & Natural Resources
671	607	339	Economic Development & Commerce	1801	1701	333	Local & Urban Government
720	496	320	Governmental Operations	1806	1718	353	Economic Development & Commerce
839	810	385	Judiciary	1807	1760	341	Local & Urban Government
851	1014	435	Judiciary	1819	1574	312	Local & Urban Government
943	912	394	Health & Human Services	1820	1575	315	Local & Urban Government
948	1732	406	Judiciary	1821	1682	342	Local & Urban Government
1015	1065	452	Transportation	1824	1752	444	Judiciary
1091	1193	403	Taxes & Tax Laws	1826	1716	Res6	Resolutions
1185	1473	387	Transportation	1835	1592	445	Judiciary
1330	1349	321	Economic Development & Commerce	1838	1834	354	Agriculture & Natural Resources
1454	1319	332	Transportation	1842	1597	322	Agriculture & Natural Resources
1459	164	434	Finance	1844	1681	388	Judiciary
1599	1672	398	Agriculture & Natural Resources	1851	1619	372	Judiciary
1611	1515	370	Local & Urban Government	1852	1703	375	Agriculture & Natural Resources
1652	1526	386	Agriculture & Natural Resources	1853	1587	314	Local & Urban Government
1664	1547	350	Governmental Operations	1860	1588	460	Governmental Operations
1677	1540	471	Education	1863	1770	446	Judiciary
1699	1562	311	Agriculture & Natural Resources	1871	1992	355	Veterans & General Legislation
1727	1578	318	Agriculture & Natural Resources	1873	1903	461	Employment
1730	1751	351	Judiciary	1875	1710	462	Local & Urban Government
1744	1798	472	Education	1886	1955	473	Local & Urban Government
1746	1641	453	Transportation	1897	1806	343	Economic Development & Commerce
1755	1671	396	Local & Urban Government	1900	1612	313	Economic Development & Commerce

H.F.	S.F.	Chap.	Topic	H.F.	S.F.	Chap.	Topic
1911	1948	389	Agriculture & Natural Resources	2195	1998	364	Local & Urban Government
1912	1797	327	Local & Urban Government	2200	1745	407	Agriculture & Natural Resources
1919	1771	447	Education	2202	1794	328	Local & Urban Government
1926	1796	356	Governmental Operations	2210	2040	451	Local & Urban Government
1930	1818	474	Transportation	2216	2252	365	Local & Urban Government
1931	1725	400	Local & Urban Government	2221	1869	409	Public Utilities & State Regulated Industries
1940	1860	357	Local & Urban Government	2229	1912	437	Public Utilities & State Regulated Industries
1951	1965	413	Health & Human Services	2233	1642	373	Employment
1953	1782	397	Health & Human Services	2236	2052	347	Education
1956	1823	376	Economic Development & Commerce	2239	2087	440	Judiciary
1958	1953	463	Judiciary	2243	2102	469	Judiciary
1962	1848	377	Judiciary	2250	1914	378	Judiciary
1968	1952	425	Agriculture & Natural Resources	2256	2081	430	Judiciary
1970	1935	426	Local & Urban Government	2263	2122	431	Judiciary
1971	1829	Res7	Resolutions	2265	2085	319	Judiciary
1979	1850	436	Governmental Operations	2268	2078	455	Economic Development & Commerce
1980	1853	344	Governmental Operations	2287	1847	465	Governmental Operations
1984	1854	358	Economic Development & Commerce	2292	2090	416	Local & Urban Government
2012	2007	448	Judiciary	2294	2130	466	Education
2014	1838	475	Elections & Ethics	2297	2147	420	Health & Human Services
2017	1862	361	Judiciary	2315	2101	417	Agriculture & Natural Resources
2023	2032	362	Elections & Ethics	2317	2184	331	Judiciary
2030	1880	410	Veterans & General Legislation	2328	2127	419	Local & Urban Government
2032	1886	334	Economic Development & Commerce	2329	2150	392	Local & Urban Government
2035	2112	359	Governmental Operations	2331	2026	467	Public Utilities & State Regulated Industries
2044	1946	464	Governmental Operations	2338	2161	456	Employment
2050	1730	405	Judiciary	2344	2163	366	Local & Urban Government
2051	1883	427	Taxes & Tax Laws	2350	2171	421	Health & Human Services
2064	2069	324	Elections & Ethics	2351	2115	367	Finance
2068	1922	360	Local & Urban Government	2364	2144	468	Transportation
2071	1940	411	Governmental Operations	2388	2094	338	Judiciary
2072	1441	369	Employment	2391	1721	404	Health & Human Services
2075	1839	408	Elections & Ethics	2392	2135	380	Judiciary
2077	1950	412	Taxes & Tax Laws	2393	2035	336	Transportation
2078	1930	438	Judiciary	2394	2235	393	Veterans & General Legislation
2079	1939	335	Judiciary	2405	1985	433	Elections & Ethics
2081	1969	428	Health & Human Services	2407	2271	457	Agriculture & Natural Resources
2082	1919	326	Health & Human Services	2411	2179	422	Economic Development & Commerce
2100	1792	390	Employment	2418	2205	348	Local & Urban Government
2105	1793	399	Local & Urban Government	2422	2116	418	Elections & Ethics
2111	1994	345	Local & Urban Government	2423	2245	381	Elections & Ethics
2123	1968	391	Local & Urban Government	2427	2173	384	Local & Urban Government
2126	1966	379	Local & Urban Government	2464	2223	368	Local & Urban Government
2131	2067	415	Local & Urban Government	2466	2217	432	Agriculture & Natural Resources
2134	2079	337	Health & Human Services	2490	1980	414	Health & Human Services
2138	2015	429	Agriculture & Natural Resources	2497	1975	382	Judiciary
2143	1989	346	Public Utilities & State Regulated Industries	2520	2280	441	Taxes & Tax Laws
2146	1949	439	Agriculture & Natural Resources				
2165	2018	325	Veterans & General Legislation				
2168	1851	323	Veterans & General Legislation				
2169	2023	449	Agriculture & Natural Resources				
2170	1925	450	Agriculture & Natural Resources				
2185	2137	363	Governmental Operations				
				Special Session			
				1	None	1	
				2	None	2	
				3	1	3	

Briefly

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