



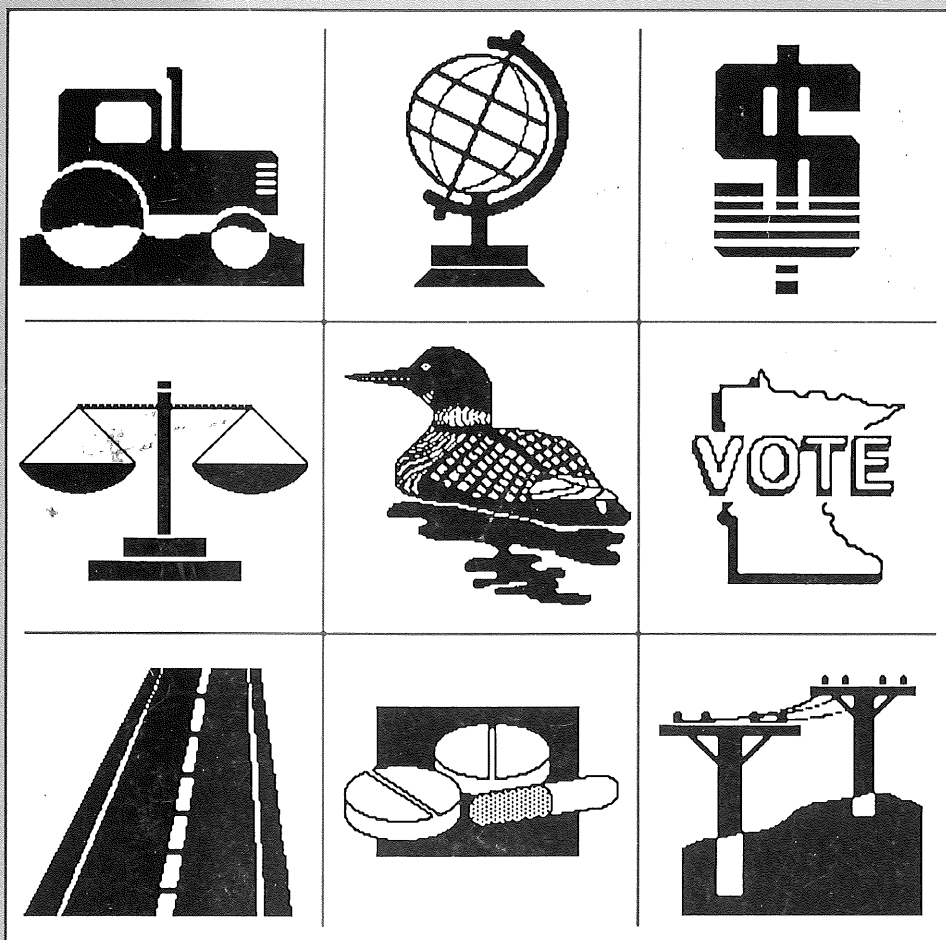
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THE SESSION SUMMARY

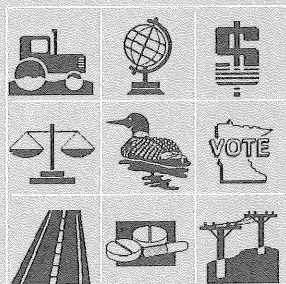
with Special Session

MINNESOTA HOUSE OF REPRESENTATIVES
75th Session, August 1987



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Session Summary

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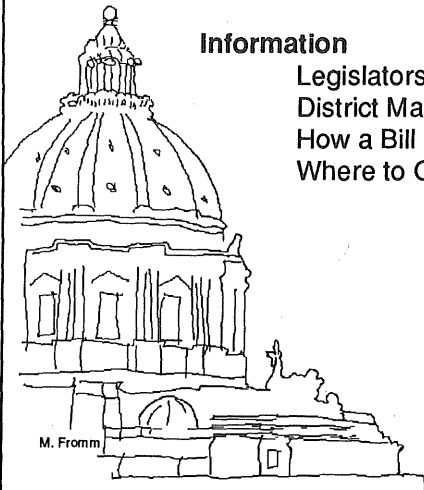
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1987 Regular Session

How to Use the Session Summary

In the 1987 Regular Session, the House of Representatives introduced 1,688 bills; the Senate introduced 1,553. Of these, 405 became law. In the 1987 Special Session, the House introduced six bills; the Senate introduced seven. Of these, five became law. The *Session Summary* reports on all bills and resolutions both the House and Senate passed in the 1987 Regular and Special Sessions.

Each entry in the *Session Summary* includes a subject title, House and Senate File numbers with authors, a chapter number as the new chapter appears in *Laws of Minnesota 1987*, a brief general summary of the bill, an enactment date, and, in most cases, an effective date. Bill summaries are cross-referenced to other topics when appropriate. The term "current law" in the summaries refers to statutes prior to each chapter's effective date.

All bills are in alphabetical order by subject title under the alphabetical listing of major topic categories such as Agriculture, Banking, Commerce/

Consumer Affairs, and others (see table of contents). The Appropriations section is at the end of the alphabetical listing; the Special Session section follows. The Index in the back of the publication lists bills the governor signed by: title, chapter number, House File number, and Senate File number.

Summaries of the spending bills are **general overviews**; they do not include all details. Dollar figures above one million are rounded off to the nearest one hundred thousandth; those below one million are exact figures. A small "m" means **million**; a small "b" means **billion**. Where two dollar figures appear one after the other, the first is for the fiscal year ending in 1988 (FY'88); the second is for the fiscal year ending in 1989 (FY'89). "FY" means fiscal year.

If you would like a copy of a bill in the *Session Summary*, call the Chief Clerk's Office, (612) 296-2314. Ask for the bill by chapter number or by the House or Senate File number, if no chapter number appears.

Key

HF— House File

SF— Senate File

* — Bill the House and Senate passed

CH—Chapter in *Laws of Minnesota 1987*

R — Resolution

Δ — Special Session Bill

enactment—the date the governor signed (approved) the bill.

filed—the date a resolution/chapter was filed with the secretary of state.

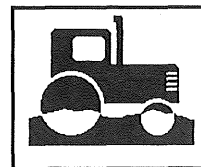
line item veto—the power or action of the governor rejecting a portion or portions of an appropriations bill while approving the rest of the bill.

various dates—different parts of the bill have different effective dates (which are usually included within the bill summary).

upon local approval—effective upon compliance with *Minnesota Statutes*, section 645.021.

Agriculture

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Higher Education--omnibus bill	0401	1635	1515*	198
State Departments--omnibus bill	0404	1315*	1528	200



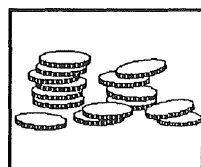
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Commerce/Consumer Affairs

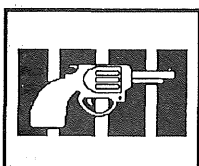
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Plumbers--advertising restrictions	0279	1073*	1219	30
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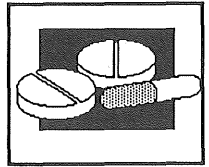
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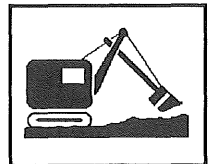
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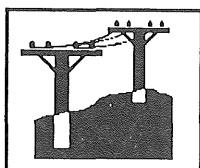
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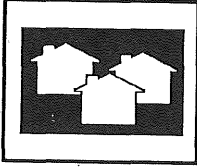
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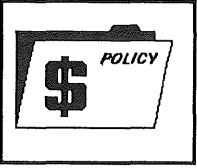
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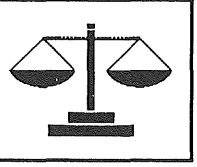
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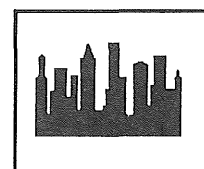


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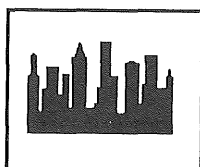
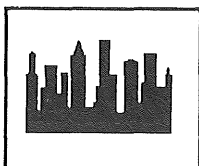
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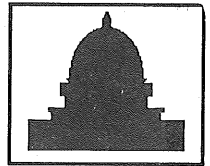
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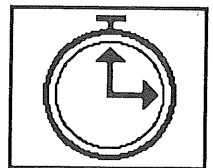
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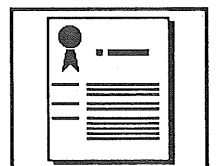
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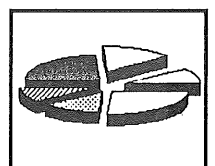
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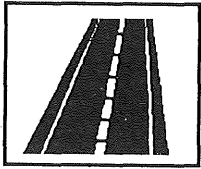
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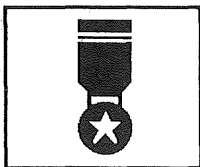




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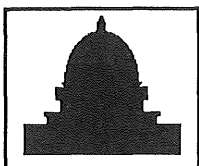
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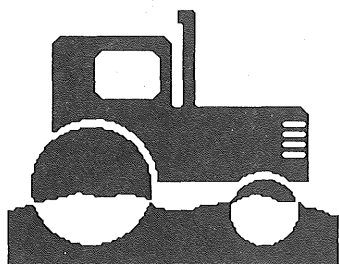
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Agriculture



Adulterated milk

HF0419—Krueger, Uphus, Bauerly, K. Nelson, Redalen
SF0137*—Wegscheid, Bertram, Larson

Chapter 20:

- exempts food prepared under the federal Food, Drug, and Cosmetic Act from the law prohibiting manufacturing food from adulterated milk or cream.

Enactment: April 7, 1987

Effective: Aug. 1, 1987

Agriculture—omnibus bill

HF0303*—C. Nelson, Lieder, Waltman, Redalen, Wenzel
SF0336—Stumpf, Wegscheid, Morse, Bertram, Davis

Chapter 396:

Article 1—Rural Finance Authority

- regulates the functions of the Rural Finance Administration; changes the name of the Rural Finance Administration to the Rural Finance Authority (RFA);
- authorizes a new program of financial assistance for beginning farmers that the RFA will administer;
- amends the Family Farm Security Act (FFSA) to allow the commissioner of agriculture to sell or lease property borrowers forfeited to the state under the beginning farmer program; prohibits the sale of such property to a close relative of the

person who defaulted on the FFSA loan;

- instructs the commissioner to give priority to applicants who:
 - are Minnesota residents;
 - have sufficient education, training, or experience;
 - have a total net worth of less than \$100,000;
 - intend to use the farm land for agricultural purposes;
 - are credit worthy according to standards the commissioner prescribes;
- expands the definition of eligible lenders to include any bank, credit union, savings and loan association the state or federal government charters, a subdivision of the farm credit system, the Federal Deposit Insurance Corporation, and any insurance company, fund, or other financial institution doing business as an agricultural lender within the state;
- clarifies criteria for eligible borrowers and defines other related terms;
- makes changes to borrower eligibility criteria for all RFA programs; establishes additional eligibility criteria for the Beginning Farmer Loan Program; provides that prospective borrowers must:
 - have sufficient education, training, or experience;
 - have a total net worth of less than \$100,000;
 - demonstrate a need for the loan;
 - demonstrate an ability to repay the loan;
 - use the farm land for agricultural purposes;
 - demonstrate that farming will be the borrower's principal occupation;
- authorizes the authority to establish and implement a homestead redemption program; limits the authority's interest in a homestead redemption loan to the lesser of one-half of the loan amount or \$25,000;
- allows the authority to work with federal agricultural lenders to guarantee or insure loans for state farmers;

- authorizes the authority to develop criteria for the beginning farmer program; limits the authority's interest in a new real estate loan to the lesser of one-fourth of the loan principal or \$25,000; specifies that program applicants must agree to implement a soil and water conservation plan and continue participation in a farm management program; requires the authority to refer all program applications to the Family Farm Advisory Council to review and make recommendations to the authority;

- specifies general powers of the authority; makes changes to the debt restructuring loan program that the authority administers; modifies the assignability provision to allow RFA to assign restructured loans to eligible borrowers other than just direct descendants of the original borrower; specifies certain financial information on loan applications as private data; limits bond rating requirements; prohibits borrowers from participating in the restructured loan program more than once;
- allows the commissioner of finance to transfer money and securities from the RFA security account to the state bond fund when no RFA bonds are outstanding; allows the authority to invest monies in the security account in certificates of deposit that certain national banking associations or banks and trust companies issue;
- provides for additional use of general obligation bonds (formerly GO bonds were the security for revenue bonds. RFA can use bond proceeds for RFA participation loans); recodifies statutes relating to the authority;
- effective: June 4, 1987.

Article 2—Right of First Refusal

- amends the right of first refusal law which requires a state or federal agency or corporation when leasing or selling farmland to first offer the land for sale or lease to the former owner at a price not higher than the highest third-party offer; provides

that if a seller or lessor accepts a time-price offer from a third party, the seller or lessor must make the same time-price offer or an equivalent cash offer to the former owner;

- requires sellers or lessors to first offer the land for sale or lease to the former owner each time the property is available for sale or lease, or until the seller actually sells the property or the former owner fails to exercise the right of first refusal;

- requires the former owner to exercise the right to lease farmland within 15 days or exercise the right to buy farmland within 65 days;
- requires a seller or lessor to provide the former owner with a notice of offer to sell or lease; specifies notice content;
- effective: July 1, 1987; applies to certain property with initial offers made after July 1, 1987.

Article 3—Waiver of Debtor's Rights

- voids a farm debtor's waiver of statutory rights in a contract, loan agreement, or security agreement unless the law authorizes the waiver; makes lenders liable to a fine of \$2,500 for obtaining a waiver or attempting to enforce an invalid (void) waiver;
- effective: July 1, 1987 with certain exceptions.

Article 4—Designation of Homesteads and Separate Agricultural Tracts

- provides for a separate redemption of individual parcels of foreclosed property if the farmer has recorded the parcels as separate tracts and the tracts have a legal description;
- requires foreclosing mortgagees to deliver foreclosure notices to persons in possession of the homestead property; eliminates homestead designation notice publication requirement;
- effective: July 1, 1987 and applies to certain foreclosures after July 1, 1987.

Article 5—Agricultural Data Collection Task Force

- reactivates the Agricultural Data Collection Task Force; sets task force expiration date at April 15, 1989 or 15 days after reporting to the Legislature, whichever date comes later, but in no circumstance later than June 1, 1989;
- effective: June 4, 1987.

Article 6—Minnesota Grown

- directs the commissioner of agriculture to establish a "Minnesota grown" logo or labeling statement to identify Minnesota grown, processed, or manufactured agricultural products;
- allows persons to use the logo if at least 80 percent of the products are Minnesota-produced; prohibits the use of the logo without a license from the commissioner of agriculture (makes an exception for wholesalers and retailers); sets a \$5 license fee and a \$10 late renewal fee; sets a civil penalty of up to \$1,000 for persons who use the logo without a license;
- sets up the Minnesota-grown account in the state treasury for license fees and penalties; allows the commissioner to use account funds to promote and enforce the Minnesota-grown logo and labeling;
- establishes the Minnesota-grown matching account to which private sources may contribute; provides for state appropriations to match private funds in a four-to-one ratio;
- effective: June 5, 1987.

Article 7—Agricultural Preserves

- postpones from July 1, to Dec. 31, 1987 the date that each pilot county must submit an agricultural land preservation plan to the commissioner of agriculture and to the Regional Development Commission;
- increases the fee for recording or registering a mortgage from \$3 to \$5 in counties participating in the agricultural preserves program;
- allows the commissioner of finance to appropriate funds from the general

fund if the Minnesota conservation fund is insufficient;

- allows counties to permit certain commercial and industrial activities on land in the agricultural preserve program;
- effective: Aug. 1, 1987.

Article 8—Agricultural Commodities Use

- authorizes the commissioner of agriculture to establish an agricultural diversification program; instructs the commissioner to consult with farm groups and various institutions of higher learning before coordinating state agency efforts to diversify agriculture; requires the commissioner to report to the governor and Legislature annually on agricultural diversification program activities and actions;
- asserts that it is state policy to explore alternative uses for agricultural products and to encourage coordination between public and private interests in disseminating results of the use of agricultural products;
- effective: Aug. 1, 1987.

Article 9—Low Livestock Productivity Research Study

- authorizes the commissioner of agriculture, with the assistance of a newly created advisory board, to set up an interdisciplinary study team to study problems of low livestock productivity and poor animal health;
- establishes a nine-member advisory board of farmers, a member of the Pollution Control Agency Board, a representative from a co-op electric association, a practicing veterinarian, and a representative of the University of Minnesota; requires the advisory board to select farmstead sites for study;
- requires the interdisciplinary study team to report its findings to the commissioner of agriculture who will report the study results to the House and Senate agriculture committees no later than Feb. 1, 1989; requires the study team, if

feasible, to submit its findings for publication to one or more recognized scientific journals;

- effective: June 4, 1987.

Article 10—Agriculture and Trade

- instructs the commissioners of agriculture, trade and economic development, and the director of the Minnesota Trade Office to cooperate to promote beneficial agricultural interests of the state;
- makes the commissioner of trade and economic development and the director of the Minnesota Trade Office responsible for promoting state agricultural interests to international markets; makes the commissioner of agriculture responsible for promoting the agricultural interests of producers and state agricultural markets;
- specifies duties of the commissioner of trade and economic development; instructs the commissioner of agriculture to provide administrative staff and support to the Interstate Agricultural Grain Marketing Commission;
- transfers international trade functions of the Minnesota Trade Office from the Department of Agriculture to the Department of Trade and Economic Development;
- repeals the provision that authorizes the commissioner of agriculture to assess the potential for international investment in Minnesota and promote international investment to create new jobs;
- instructs the revisor of statutes to make coding changes that relate to the transfer of the Minnesota Trade Office to the Department of Trade and Economic Development;
- effective: Aug. 1, 1987.

Article 11—Agriculture Department

- amends the definition of shade tree disease to include any disorder affecting the growth and life of shade trees;
- prohibits the importation of bees or bee equipment from any county or parish where tracheal mites or

Africanized bees have been found, unless the commissioner is satisfied that no risk exists of introduction of either tracheal mites or Africanized bees into the state;

- establishes penalties for unlicensed food handlers and increases certain license fees and penalties for late renewal of licenses;
- updates statutes concerning federal rules for pesticides, food and color additives, and packaging;
- expands Grade A milk classification to include sheep milk and requires processors or marketing organizations to apply for Grade A inspection services from the commissioner of agriculture ;
- changes the annual on-farm inspection fee for Grade A dairy production and processing facilities from \$50 to \$66; sets a \$33 on-farm inspection fee for dairy facilities producing or processing manufacturing-grade milk; provides for a refund when a farm discontinues dairy operations during the license year;
- removes insurance limitations that a soil and water conservation district office may procure;
- requires the commissioner of agriculture to provide grain buyers with application forms and licenses that state the restrictions and authority to purchase and store grain under the license they apply for and receive;
- makes various changes to the cooperative association law; removes language requiring cooperative marketing associations to file certified copies of articles of incorporation with the commissioner of agriculture;
- effective: June 4, 1987.

Article 12—Appropriations

- \$50,000 to fund the activities of the Agricultural Data Collection Task Force;
- \$360,000 over the next two years to the Minnesota-Grown Matching Account;
- amount necessary to pay the Metropolitan Agricultural Preserve

deficiency; requires the county auditor to certify the amount of the deficiency on or before June 1, 1988 along with any lost taxes;

- \$30,000 to the commissioner of agriculture to provide technical assistance for agricultural land preservation and conservation activities;
 - \$50,000 for the Interstate Compact on Grain Marketing;
 - \$75,000 to the University of Minnesota to establish an endowment for a chair in sustainable agriculture (available when private contributions match the amount of the appropriation);
 - \$300,000 for a sweet sorghum research project at the Mankato Vocational Technical Institute;
 - \$38,000 to the University of Minnesota Agricultural Experimental Station for wild rice research;
 - \$1.5m to the State Board of Vocational Technical Education for agricultural programs, workshops, and support staff to assist farm business management instructors;
 - \$300,000 to RFA to administer the beginning farmer loan program;
 - \$270,000 to RFA for the debt service on issued general obligation bonds for the beginning farmer program;
 - \$858,000 to the commissioner of agriculture for agricultural promotion and marketing;
 - \$35,000 for a University of Minnesota dairy sheep demonstration project at the Rosemount Experiment Station;
 - \$185,000 to the Board of Animal Health for a pseudorabies control program;
 - \$50,000 to the commissioner of agriculture for low livestock productivity study;
 - effective: July 1, 1987.
- Enactment:** June 4, 1987
Effective: various dates

Corporations—organization, oper. regulation

- (See Commerce)

Farmer-Lender Mediation Act—changes

HF0210—Schoenfeld, Redalen, Wenzel

SF0089*—Berg, Stumpf, Davis, D.R. Frederickson, Benson

Chapter 292:

- limits the execution of a judgment on real or personal property a farm debtor owns to three years after the day the lender enters the judgment;
- provides that a judgment for the unpaid balance of a debt on agricultural property does not attach to real or personal property the debtor acquires after the date the lender enters the judgment;
- modifies default notification procedures and content;
- establishes a priority lien for the reasonable rental value of seasonal use machinery if the machinery serves as security for a debt; sets conditions for enforcing and extinguishing the lien, and exempts the lien from mediation;
- amends provisions governing a landlord priority lien so that an unperfected landlord lien retains the status of an unperfected security interest;
- allows individual contract-for-deed vendors with a debt subject to mediation to file a landlord priority lien for the reasonable rental value of the property; attaches the lien to present or future crops the property produces and exempts the lien from mediation;
- extends for two years the eight-week published notice requirement before foreclosure sale of a home-stead;
- amends the definition of agricultural property to include structures under lease with an option to purchase; adds a definition for financial analyst; amends the definition of necessary living expense and increases the rate to one-and-one-half times the Aid to Families with Dependent Children (AFDC) entitlement;

- applies the farmer-lender mediation act to creditors to whom farm debtors owe money subject to the Farmer-Lender Mediation Act;
- provides that the mediation act does not apply to debts:
 - subject to bankruptcy;
 - that creditors and debtors have signed a mediation agreement on or where the mediation was unresolved;
 - incurred by a priority landlord lien or priority seasonal use equipment lien;
 - for which the creditor sent a mediation notice to the debtor but the debtor failed to request mediation;
- requires creditors to file proof of date on which they served a mediation notice on a debtor with the director of the Agricultural Extension Service; allows the director to consolidate all mediation notices into a single mediation proceeding;
- requires debtors to state on the mediation request all known creditors with debts secured for agricultural property and any unsecured creditors essential to the farming operation;
- requires: the extension director to provide a financial analyst to the debtor within three business days after receiving a mediation notice;
 - financial analysts to review and, if necessary, prepare the debtor's financial records before the initial mediation meeting;
 - the extension director to supply the debtor with a list of farm advocates that could work with the debtor and financial analyst;
- allows debtors, financial analysts, and mediators to meet in an orientation session to prepare for the first mediation meeting; allows creditors to participate in the session, but does not require them to do so; instructs the extension director to schedule the orientation session at least five days before the first mediation meeting;
- requires the extension director, within 10 days after receiving a mediation request, to send a media-

- tion proceeding notice to the debtor and to all creditors, and a claim form to all secured creditors the debtor listed on the request form;
- requires the mediation proceeding notice to include:
 - the debtor's name and address;
 - that the debtor has requested mediation under the Farmer-Lender Mediation Act;
 - the time and place for the orientation session and the initial mediation meeting;
 - the names of three potential mediators, along with background information;
 - that the debtor and the initiating creditor may each disqualify one potential mediator by notifying the director within three days after receiving the mediation notice;
 - the option of a professional mediator if the debtor and any one of the creditors agree to pay for such services;
 - that the Farmer-Lender Mediation Act prohibits the creditor from beginning or continuing a proceeding to enforce the debt against agricultural property for 90 days after the initiation of mediation unless otherwise allowed;
 - that the creditor must give the debtor, by the orientation session, copies of notes and contracts for debts subject to the Farmer-Lender Mediation Act and a statement of interest rates on the debts, delinquent payments, unpaid principal and interest balances, the creditor's value of the collateral, and available debt restructuring programs;
- allows creditors to enforce a debt upon receiving a mediator's affidavit of the debtor's lack of good faith or five days after the debtor and the creditor sign an agreement to allow enforcement to proceed;
- requires mediators to sign and serve to the parties and the extension director a termination statement at the end of mediation; specifies what the statement must include;
- limits the amount a creditor must

release for necessary living expenses to \$1,600 per month less the debtor's off-farm income;

- allows debtors to file a creditor's lack of good faith affidavit in the county of the debtor's residence;
- provides that a debtor is not mediating in good faith, if the debtor unlawfully sells, leases, removes, or transfers agricultural property on which the debtor knows a security interest exists;
- provides that after a debtor has requested mediation, a creditor taking part in the mediation, may inspect a debtor's collateral during normal business hours on 24-hours' notice to the debtor; failure to permit the creditor's inspection is evidence of debtor's lack of good faith;
- establishes a procedure for a court to review a mediator's affidavit of lack of good faith; allows creditors to proceed with collections for a debt if the secured party can prove in a court that the debtor has fraudulently concealed, removed, or transferred agricultural property;
- provides that if a creditor has a purchase money security interest and renegotiates the debt under the Farmer-Lender Mediation Act to reduce the principal balance or the interest rate or to extend the repayment period, the creditor retains the purchase money security interest for the renegotiated debt;
- transfers mediation rulemaking authority from the state court administrator to the commissioner of agriculture;
- prohibits a waiver of mediation rights except as the Farmer-Lender Mediation Act allows; extends the 1983 law authorizing courts to order a foreclosure moratorium on homestead property for two years; extends the mediation act for one year; repeals the exemption of financial institutions from mediation under a cease and desist order.

Enactment: May 28, 1987

Effective: various dates

Fish farms—commercial raising programs

- (See Environment/Natural Resources)

Grain—grades, tests

HF1120*—Brown, Dille, G. Anderson, C. Nelson, Cooper
SF1484—D.J. Frederickson, Vickerman

Chapter 199:

- provides that if a disagreement arises between a person receiving and a person delivering grain in this state, each person may insist on use of the state grain testing services for an accurate analysis of grain samples;
- requires the Department of Agriculture's Grain Inspection Division to determine grade, dockage, moisture content, protein analysis, or other factors that determine the market price if a grain seller or buyer asks for the analysis;
- specifies that payment for grain involved in a disagreement must be on the basis of the state lab test results.

Enactment: May 21, 1987

Effective: Aug. 1, 1987

Interest buydown--program extension

HF0001*—K. Olson, Schoenfeld, Cooper, C. Nelson, V. Johnson
SF0093—Davis, Vickerman, R.D. Moe, DeCramer, Morse

Chapter 15:

- provides \$14.0m to extend the state-run interest buydown program (Program A) for one additional year;
- provides \$14.0m to fund the 1986 interest buydown program deficit;
- provides \$1.5m in 1987 and 1988 for a state lender/Farmers Home Administration interest rate buydown program (Program B);
- describes operation of Program A and defines:

—“commissioner” as commissioner of commerce;

—“the commissioner's interest index” as a benchmark interest rate found by adding 3.3 percent to the Federal Intermediate Credit Bank interest charges to member production credit associations;

—“eligible borrower” as a qualified farmer who applies for a loan during calendar year 1987;

—“farm operating loan” as a fixed principal loan or an open line of credit. The loan may be new or an extension or renegotiation of an existing loan or line of credit. To be eligible for the program, a farm operating loan must have a maturity date no later than June 30, 1988; and

—“lender” as a bank, credit union, savings and loan association, local members of the Farm Credit System, the Federal Deposit Insurance Corporation (FDIC), and other financial institutions the commissioner of commerce approves;

• makes eligible for the program Minnesota farmers who have a debt-to-asset ratio greater than 50 percent, a reasonably good long-term financial outlook, and who take part in an approved adult farm management course at the request of the lender (schools offering the farm programs must be within 50 miles of the farmer's residence);

• specifies lender eligibility and obligations which include paying one-half of the farm program's enrollment and tuition costs, receiving and evaluating loan applications for the interest buydown, and submitting approved applications to the commissioner;

• describes the commissioner's responsibilities which include adopting guidelines for each program, preparing and distributing lender participation forms and loan applications, establishing a listing of approved adult farm management training programs, reviewing applications for interest payments within five working days, and

making interest payments to participating lenders;

- requires the commissioner to pay participating lenders 2.8 percent of the interest for the first \$60,000 of an approved farm operating loan a lender issues under Program A; limits interest payments to \$2,520 per farm operating loan and requires lenders to reduce the interest on the loans by at least 1.7 percent;
- allows lenders and qualifying farmers to apply to the Farmers Home Administration (FmHA) for a loan guarantee under the federal operating loan program; provides that if FmHA approves the application, the lender must submit a copy of the approval and agreement to the commissioner who will then pay the lender \$50 for preparing the loan application in addition to 2.8 percent of the interest per year for the first \$60,000 of an approved farm operating loan; limits interest payments to \$2,520 per year; requires lenders and FmHA to pay together at least 1.7 percent of the interest on the loans per year;
- defines eligible borrower as a person who applies for a state and FmHA loan during the two-year period between Jan. 1, 1987 and Dec. 31, 1988 and who meets all qualifications for Program A; provides that a farm operating loan includes a loan with a maturity date as late as June 30, 1989;
- provides that if the lender didn't prepare the loan application, the lender must remit the \$50 to the person or entity which actually prepared the application; provides that if FmHA denies the loan application, the commissioner shall automatically consider the application for Program A;
- allows the commissioner to provide a state operating loan subsidy to a farmer whose original application for the 1986 interest buydown program was dated incorrectly.

Enactment: April 7, 1987

Effective: day after enactment

Seed potatoes—disease standards
HF0436*—Lieder, E. Olson,
 Wenzel, Tunheim
SF0429—R.D. Moe, Langseth,
 Stumpf

Chapter 124:

- provides that seed potatoes must meet minimum disease standards and prohibits growers from planting seed potatoes in lots of 10 or more acres, unless the seeds meet state minimum disease standards;
- provides for certification of seeds to meet minimum disease standards;
- permits growers to plant uncertified seed potatoes if the seeds have had the required field inspection for certified seed potatoes, have passed field inspection standards of disease tolerance, and are free from ring rot;
- sets penalties for planting and recordkeeping violations;
- allows the commissioner, upon application of one or more growers, to permit growers to plant uncertified seeds for one growing season if a large enough volume of certified seeds is not available, and the seeds don't pose a serious disease threat;
- requires growers to keep and file records of each lot of seed potatoes they plant each growing season;
- requires growers to make all records available for inspection by the commissioner or the commissioner's agents during normal business hours;
- allows the commissioner to issue subpoenas to growers to compel delivery of records (these subpoenas are enforceable by any court of competent jurisdiction).

Enactment: May 14, 1987

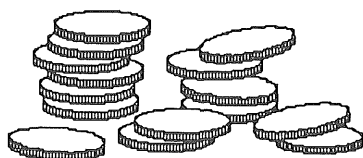
Effective: for potatoes planted after Jan. 1, 1989



Appropriations

See page 181.

Banking



Automatic teller machines—charges

HF0986—Wynia, Voss, Osthoff, McKasy, Knickerbocker
SF0800*—Wegscheid, Belanger, Metzen, Purfeerst, Anderson

Chapter 341:

• authorizes charges for the use of an automated teller machine (ATM) to get certain cash advances through the use of an ATM; provides for certain delinquency and collection charges.

Enactment: June 1, 1987

Effective: Aug. 1, 1987

Banking—omnibus bill

HF0291*—Winter, Skoglund
SF0691—D.C. Peterson, Solon, Luther, Freeman, Dahl

Chapter 349:

Article 1—Supervisory Clarification Act

• allows the commissioner of commerce to dispense with notice and hearing where an application to incorporate a new bank in the same locality coincides with the closing of an existing bank;

• allows the commissioner to furnish information on matters of mutual interest to a federal reserve official or examiner, or the comptroller of the currency;

• provides an interest-bearing penalty for late payment of examination fees;

• transfers assignment of certain securities from the commissioner of commerce to the state treasurer;

• requires the commissioner's prior written approval for certain lease agreements;

- prohibits a financial institution, without the commissioner's prior written approval, from buying or selling real or personal property, improvements, or equipment of a value equal to or greater than \$25,000, if the buyer or seller, other than the financial institution, has a direct or indirect interest in the financial institution;
- requires a lender to notify a mortgagor of a sale no more than 10 days after the actual date of transfer;
- makes a lender liable to a mortgagor for \$500 per occurrence (in addition to actual damages) if the lender's failure to exercise reasonable care results in a violation of laws regulating the mortgage loan assignment or sale, or escrow account administration;
- specifies conditions limiting a financial institution's liability for unauthorized withdrawals;
- requires a deposit holder's written consent before initiating a transfer of one deposit account to another;
- provides that deposits are payable on demand except those in which the 14-day minimum conflicts with federal law or regulation;
- permits a bank or trust company to invest a certain amount in shares or stock in banks or bank holding companies if the stock ownership is restricted to banks or bank holding companies the state has authorized to do business in Minnesota;
- authorizes state banks to make direct investments in certain securities;
- defines "equity capital" as the sum of common stock, preferred stock, paid-in surplus, reserves for loss loans, and undivided profits;
- requires financial institutions an interstate bank holding company owns to report their dollar value and loan volume annually, beginning with the year ending Dec. 31, 1987;
- requires the commissioner to make new bank applications available to the public, notwithstanding the Data Privacy Act;
- specifies special acquisition procedures for failing and closed banks; permits a bank holding company or its subsidiary to acquire a bank in Minnesota if the commissioner has determined that such acquisition:
 - is necessary and in the public interest to prevent a probable bank failure; or
 - incorporates a new bank in the same locality and coincides with closing an existing bank; and
 - doesn't increase the number of banks in the affected community;
- permits the commissioner to:
 - take possession of a financial institution's property and business, including forfeiture of its certificate of authorization, under involuntary liquidation procedures;
 - to borrow from the Federal Deposit Insurance Corporation (FDIC) and furnish a closed or closing banking institution's assets as security for the loan, in certain circumstances;
- permits a claimant in a legal action against the failed banking institution to act against the financial institution and the commissioner, receiver, or liquidator;
- permits a Minnesota-based savings and loan holding company to acquire a savings and loan association or savings bank in any reciprocating state through direct or indirect ownership or voting share control;
- requires the commissioner to issue a certificate of approval for a new credit union after he/she receives a commitment for mandatory share and deposit insurance of the accounts (formerly required the insurance commitment before the commissioner issued a certificate);
- removes language that would permit no payment of interest on deposit accounts of less than \$10 and no declared or paid dividends on share accounts of less than \$10, at the discretion of a credit union's board of directors;

- strikes language stating:
—if a borrower uses the proceeds of a loan made after Aug. 1, 1987, in whole or in part, to satisfy the balance on a contract for deed, the rate of interest on the loan must not exceed a specified rate;
- no certificate of indebtedness shall have a surrender value less than the amount a person paid the company for it;
- requires industrial loan and thrift companies to submit annual reports to the commissioner;
- requires industrial loan and thrift companies which accept accounts to file and publish quarterly reports as state banks must do;
- defines “unauthorized use” for purposes of the law regarding lost or stolen financial transaction cards;
- voids any consumer credit transaction contract provision which waives or attempts to waive any provision of laws restricting deficiency judgments;
- requires the commissioner to examine the records of every licensee and person engaged in debt prorating service at least once every 18 calendar months;
- repeals laws regarding:
—the commissioner’s ability to borrow money for a closing institution;
- a safe deposit company’s enforcement remedies;
- effective: various dates.

Article 2—Regulatory Reduction Act

- permits the commissioner of commerce to examine safe deposit companies and insurance premium finance companies at any time (formerly required yearly examinations);
- provides an exception to the definition of “motor vehicle” for purposes of financing under the Motor Vehicle Retail Installment Sales Act; excepts three-wheel off-road vehicles, boats, snowmobiles, and other utility trailers and devices

- which a buyer may not lawfully operate upon a highway at the time of sale;
- prohibits dealers from including in a motor vehicle cash price more than a \$25 administrative fee for processing documents;
- allows the administrator (commissioner of commerce) to:
—examine a motor vehicle licensee’s affairs, business, office, and records as he/she considers necessary (formerly required an on-site examination at least once every two years);
- assess a fee to cover the examination’s cost;
- authorizes structuring time sale contracts as add-on precompute or interest bearing (which can include variable rate contracts within the lawful maximum rate);
- changes the term “time price differential” to “finance charge”;
- substitutes the equivalent simple interest annual percentage rate for the corresponding add-on rates for each class of motor vehicle; changes rates for motor vehicles:
—in Class 1 from add-on rate of \$10 per \$100 to 18 percent per year;
- in Class 2 from add-on rate of \$11 per \$100 to 19.75 percent per year;
- other than Class 1 or 2 from add-on rate of \$13 per \$100 to 23.25 percent per year;
- changes rates for a Class I manufactured home from \$8 per \$100 to 14.5 percent per year;
- effective: various dates.

Article 3—Application Parity Act

- requires a new bank application file to be public, with the exception of financial data on individuals which is private (formerly required all new bank applicants to publish notice of hearing);
- requires the applicant to publish a notice of filing the application after receiving the commissioner’s notice of acceptance;
- allows the commissioner to consider public comments, and order a hearing, if necessary;

- effective: day after enactment, and applies to pending applications at that time, if any notice of the filing of the application has not had full publication as law requires.
- Enactment:** June 1, 1987
Effective: various dates

Credit unions—membership

HF0792*—Voss, McKasy, Neuenschwander, L. Carlson, Boo
SF0666—Spear, Freeman, Solon, Wegscheid, Belanger

Chapter 181:

- allows any 25 Minnesota residents representing a group or organization to petition for membership in an existing credit union capable of serving the group;
 - requires commissioner to adopt rules to implement petition application.
- Enactment:** May 20, 1987
Effective: Aug. 1, 1987

Detached facilities—expansion

HF0791—Wynia, Skoglund, Frederick, Rodosovich, Otis
SF0743*—Spear, Solon, Wegscheid, Purfeerst, Taylor

Chapter 161:

- increases the number of detached facilities a bank may establish or maintain within 100 miles from its principal office, from two to five;
- allows a state bank to apply to the commissioner of commerce to acquire another state bank and its detached facilities and operate them as detached facilities;
- requires federal or state chartered financial institutions to offer a cost-free savings account to Minnesota residents who maintain a balance of more than \$50;
- allows banks whose main banking office is within the seven-county metro area to acquire another state or

national bank if each resulting detached facility is within the metro area.

Enactment: May 16, 1987

Effective: Aug. 1, 1987

Electronic teller machines

HF0028*—Skoglund, Carruthers, Voss, Clausnitzer, Quinn
SF0148—Cohen

Chapter 41:

- defines electronic financial terminal (EFT) as an electronic information processing device for financial institution business activities;
- prohibits financial institution patrons from opening accounts at EFTs away from the main facility;
- requires financial institutions to make EFTs they locate and maintain at separate locations available for any similar financial institution's customers' use, upon written request;
- allows financial institutions with EFTs at principal, branch, or detached facilities to maintain exclusive use of the machine or provide access to customers of other financial institutions in an equitable manner;
- requires institutions that staff EFTs separate from institution facilities to hire only people who are not employees of any financial institution;
- permits on- or off-site advertising for EFT services.

Enactment: April 28, 1987

Effective: Aug. 1, 1987

Interest rates—advertising regulation

HF0450*—Bertram, Skoglund, Carruthers, Bauerly
SF0542—Reichgott, Pehler, Marty, Dahl, Belanger

Chapter 153:

- defines "advertisement" and other terms as they apply to this chapter;
- requires financial institutions to disclose the effective annual yield,

effective net annual yield, prepayment expense, surrender charge or withdrawal penalty, and the issuer's name and address in equally prominent manner when advertising investment products;

- requires statement in advertisements reflecting variable yields;
- requires ads referring to past product yields to disclose effective net annual yield for most recent quarter (one-year period preceding the recent quarter), excluding individual life insurance policies and annuity contracts;
- establishes commissioner's enforcement powers, fines, and legal prosecution;
- allows commissioner to deny, suspend, or revoke an agent's or issuer's license or to censure the licensee.

Enactment: May 15, 1987

Effective: Aug. 1, 1987

Trust fund deposits

HF0884—Scheid, Osthoff, Wynia, Voss, Boo
SF0751*—Samuelson, Adkins, Solon

Chapter 105:

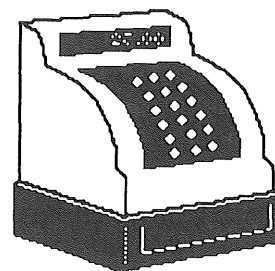
- allows real estate brokers or a broker's salesperson to deposit trust funds in a savings and loan association or credit union.

Enactment: May 13, 1987

Effective: Aug. 1, 1987



Commerce/ Consumer Affairs



Collection agencies—regulation

HF0333—Lasley, O'Connor, Price, Milbert, Jefferson
SF0457*—Luther, Dahl

Chapter 37:

- defines a collector as a person acting under the authority of a legally defined collection agency, to collect an account, bill, or other debts for others;
- requires collectors to get a license from the commissioner of commerce to do business in Minnesota;
- makes collectors who operate without a license or after revocation, suspension, or expiration of a license guilty of a misdemeanor;
- sets a \$100 license and renewal fee for collection agencies and a \$10 license and renewal fee for collectors;
- requires the commissioner to act promptly on applications for collector and collection agency licenses or renewals;
- provides for a temporary license until the commissioner issues a permanent license;
- allows a collection agency to make a cash deposit in an amount the commissioner sets in lieu of a bond that collection agencies must file and maintain;

- prohibits collectors from performing certain unlawful practices;
- prohibits collectors or collection agencies from using automatic dialing announcing devices to contact debtors unless a message by a live operator precedes the recorded message; the operator must give the agency's name, the intent of the message, and get the debtor's consent to hear the recorded message;
- prescribes the commissioner's enforcement powers.

Enactment: April 20, 1987

Effective: Aug. 1, 1987

Consumer education account

HF0943*—Milbert, Sarna, O'Connor, Ogren, Morrison
SF1428—Metzen, Jude, Marty

Chapter 366:

- creates a consumer education account; provides that if a court cannot reasonably distribute awards to victims who have won their court cases because authorities cannot readily locate or identify the proper individuals, the money must go into the consumer education account in the state treasury;
- allows the attorney general to use the funds to:
 - prepare and distribute educational materials to inform the public of consumer protection laws and consumer rights;
 - underwrite educational seminars and other educational projects for the benefit of consumers and businesses;
 - contract for or conduct educational or research projects in the consumer protection field;
 - assist the commissioner of education in establishing curriculum guidelines for elementary and secondary schools in the areas of consumer protection and consumer literacy;
- allows courts to deposit into the consumer education account, civil penalties that come from injunctive proceedings and appoint administra-

tors in actions the attorney general brings to:

—monitor, maintain, or wind up the affairs of a business, or

—collect and distribute judgments the attorney general obtains for the benefit of others;

- appropriates \$20,000 from the consumer education account for this act.

Enactment: June 2, 1987

Effective: July 1, 1987

Corporate takeover law—changes

HF0027*—Simoneau, S. Olsen
SF0272—Luther, R.D. Moe

Chapter 12:

- delays the effective date of amendments to the control share acquisitions section of the corporate takeover law [Section 302A.671, Subdivision 1, Paragraph (a)] to Aug. 1, 1988.

Enactment: March 27, 1987

Effective: day after enactment

Corporations—merger, exchange regulation

HF1393—Carruthers, Greenfield, Orenstein, Seaberg, McKasy
SF0577*—Reichgott, Cohen, Knaak, Luther

Chapter 203:

- modifies corporate statutes regulating corporate mergers and exchanges;
- clarifies that the only shareholders who obtain appraisal rights in a share exchange are the shareholders of the acquiring corporation and then only if they have the right to vote on the share exchange;
- clarifies that the share exchange provisions apply to an acquisition of *all* the outstanding shares of a class, and not to a partial acquisition;
- requires exchange plans to contain the manner and basis to exchange shares of the acquired corporation for shares of the acquiring corporation, or any other corporation or, in whole

or part into money or other property;

- clarifies share exchange provisions don't prevent companies from entering into negotiated agreements with shareholders to exchange shares;

• provides that if the law entitles shareholders holding any class or series of corporate stock to vote on the plan of merger or exchange, written notice must go to every shareholder of the corporation no less than 14 days nor more than 60 days before a meeting;

- requires the articles of merger or exchange, upon receiving shareholders' approval, to contain the merger or exchange plans; requires filing of article of exchange with the secretary of state, and modifies plan abandonment procedures.

Enactment: May 21, 1987

Effective: when the articles of merger or exchange are filed with the secretary of state or on a later date specified in the articles of merger or exchange.

Corporations—organization, operation regulation

HF1392—Carruthers, Greenfield, Orenstein, Seaberg, McKasy
SF0578*—Reichgott, Merriam, Spear, Cohen, Knaak

Chapter 104:

- amends business corporation statutes relating to shareholders voting rights; value, issuance, pledging, and acquisition of shares; organization and operation of business corporations; payment on return of shares; and indemnification of corporate officials and others.

Enactment: May 13, 1987

Effective: various dates

Credit card disclosure

HF0822*—O'Connor, Sarna, Carruthers, Milbert, Bishop
 SF0728—Luther, Solon, Novak, R.D. Moe, Dahl

Chapter 256:

- requires all credit card applications in Minnesota to disclose the following financial terms of the credit card plan:
 - annual percentage rates;
 - membership or participation fees;
 - any minimum, fixed, transaction, or similar charges;
 - any other fees that may be charged to the account including late payment fees and charges for exceeding credit limits; and
 - the date or occasion when the finance charge begins to accrue on a transaction;
 - requires the disclosure form to be clear and conspicuous, in plain language, and prominently set apart from other portions of the application;
 - provides for an optional disclosure chart if the chart consists of contiguous boxes and each required disclosure appears exclusively within one of the boxes;
 - permits creditors to provide applicants with additional disclosures;
 - provides that the disclosure requirement doesn't apply to any advertisement, catalogue, or other written document or material which does not contain a credit card application;
 - subjects violators to civil penalties, and when a violation of the disclosure law causes damages to a person, allows that person to recover any actual damages together with costs and disbursements, including a reasonable attorney's fee and any other equitable relief the court determines;
 - provides for federal pre-emption and requires notification of any annual fees.
- Enactment:** May 27, 1987
Effective: Jan. 1, 1988

Credit card surcharges—prohibited

HF0240*—Sarna, McKasy, Beard, Price, Milbert
 SF0049—Dahl, Frank, Solon, Lantry, Jude

Chapter 172:

- limits the imposition of surcharges on credit card purchases by sellers unless purchasers are informed orally and by signs and the surcharge is not more than five percent of the sales price;
- prohibits sellers from imposing a surcharge on their own customer credit cards;
- provides for a civil penalty of up to \$500.

Enactment: May 26, 1987

Effective: Aug. 1, 1987

Credit discrimination

- (See Legal/Judiciary)

Dept. of Commerce—omnibus securities bill

HF0576—Sparby, Sarna, Bennett, Frerichs
 SF0463*—Luther, Solon

Chapter 336:

- regulates the business of financial planning; provides that a financial planner has fiduciary duty to persons for whom he/she performs services for compensation;
- gives the commissioner of commerce additional powers to administer laws relating to financial institutions, insurance companies, and securities, social and charitable organizations, and trade regulation;
- requires lenders to disclose certain information in-lock in agreements for mortgage rates; requires such agreements in writing; sets penalties, prohibits certain acts and makes this section effective June 1, 1987; restricts certain charges investment advisers and broker-dealers make;

- requires lenders, upon written request, to deliver a satisfaction of mortgage to any party paying the full and final balance of a mortgage debt, within 45 days of receiving the written request; sets a civil penalty of up to \$500 for lenders who fail to comply;
- allows the commissioner to deny, suspend, or revoke the licenses of a broker-dealer or investment adviser if they fail to transfer or deliver to customers or another broker-dealer securities, free credit balances, or customer's account securities positions and balances within 20 business days after receiving written notice from a customer; makes exceptions if the transfer or delivery is between broker-dealers and meets the New York Stock Exchange rules and requirements or the broker-dealer or agent notifies the customer in writing of the inability to deliver the securities within 20 business days;
- removes industrial revenue bonds from registration by notification; requires an issuer to notify any person making a market in the issuer's securities within two business days after receiving the commissioner's order withdrawing, revoking, or suspending the effectiveness of the issuer's registration statement; sets a civil penalty of up to \$2,000;
- clarifies that a security does not include certain stock of a closely-held corporation; exempts certain industrial revenue bond transactions from the registration and filing of sales and advertising literature requirements;
- clarifies that a real estate broker is one who offers or makes more than five real estate loans during any 12-month period;
- removes certain fees paid to the commissioner and sets a \$5 fee for each hour or fraction of an hour of course approval sought;

- requires all broker license applicants, after Jan. 1, 1988, to successfully complete 30 hours of study in the real estate field; requires applicants to complete the courses six months prior to applying for the license;
- clarifies the responsibility of a real estate licensee acting as a principal in a real estate transaction;
- changes the reporting time the commissioner has to report to the governor on activities of the real estate education, research and recovery fund;
- allows cooperative associations in lieu of paying or delivering unclaimed property to the commissioner to distribute the unclaimed property to certain corporations or organizations which are tax-exempt, makes this section effective June 30, 1987;
- excludes from the definition of "professional fund raiser" employees of charitable organizations and certain professionals such as accountants, investment advisers, and bankers;
- exempts from registration and annual reporting requirements, charitable organizations receiving less than \$25,000 per year in total contributions; requires charitable organizations that receive more than \$25,000 per year in total contributions to file a registration statement with the attorney general; sets a \$25 registration fee for those charitable organizations filing their first registration statement; provides that a charitable organization may, but need not, file an annual report if it received less than \$25,000 per year in total contributions;
- requires a charitable organization's financial statement to include a balance sheet, a statement of income and expenses, and to be consistent with forms the attorney general furnishes; requires charitable organizations receiving more than \$100,000 per year in total contributions to submit an audited financial

statement to the attorney general along with a financial statement;

- provides that certain parent organizations or affiliates may file an annual report on behalf of the chapter, branch, area office, or person in addition to or as a part of its own report; calls for separate accounting information for each chapter, branch, area office, or person within the state which raises or spends more than \$25,000;
- requires charitable organizations that raise or spend more than \$25,000 per year to pay a \$25 reregistration fee when they submit their annual financial report;
- requires professional fund raisers to register with the attorney general; sets a \$50 application fee; establishes registration criteria;
- establishes procedures to allow the attorney general to investigate violations of laws governing social and charitable organizations; provides that registration materials are public records, and investigative data is nonpublic;
- allows charitable organizations to sell contributor lists if the contributor consents to the sale; requires fundraisers soliciting contributions to disclose:
 - a description of the charitable programs for which money is sought;
 - a reasonable estimate of the percentage of contributions that will go to the charitable agency;
 - the professional fund raiser's name; and
 - that a professional fund raiser is conducting the solicitation;
- provides for service of process upon any charitable organization which solicits contributions in this state but does not maintain an office in Minnesota; gives the attorney general authority to apply to District Court to remedy violations of laws governing social and charitable organizations; authorizes civil penalties of up to \$25,000 and permits the recovery of fees and costs;

- provides that any profit or sum a cooperative holds or owes for a participating patron of the cooperative is presumed abandoned only if the owner hasn't claimed it for more than seven years after it became payable or distributable;
- requires a person holding an abstract of title to Minnesota real estate to make a written offer to transfer the abstract to the mortgagor or fee owner at no charge (other than postage) within 10 days after receiving a written request from the mortgagor or fee owner;
- provides that if a person holding the abstract of title fails to transfer the abstract, the mortgagor or fee owner has the right to have an abstract of title made at the expense of the person holding the abstract, and is entitled to collect actual civil damages of up to \$500;
- provides that no person may impose a charge or fee to store an abstract unless the person holding an abstract first makes a written offer to transfer the abstract to the mortgagor or fee owner at no charge (other than postage); subjects violators to a penalty of \$100 for each violation;
- requires persons who transfer or offer to transfer an abstract of title to provide certain consumer education information about abstracts of title to the mortgagor or fee owner; subjects violators to a penalty of \$100 for each violation;
- provides that after Aug. 1, 1987, all abstracts of titles to Minnesota real estate must be stored in Minnesota; failure to comply entitles a mortgagor or fee owner to civil damages of up to \$500; provides that this section does not apply if the person holding the abstract is the mortgagor or fee owner of the real estate to which the abstract pertains;
- requires any person holding an abstract of title to Minnesota real estate to make a reasonable effort to contact the mortgagor or fee owner before March 1, 1988 and make a written offer to transfer the abstract;

- requires title companies, lenders, or anyone other than the fee simple owner or county registrar holding a duplicate certificate of title to Minnesota real estate to transfer the duplicate certificate of title to the fee simple owner of the real estate before Aug. 1, 1987; provides that after Aug. 1, 1987, no person other than the fee simple owner or county registrar may hold a duplicate certificate of title except for settlement processing; provides penalties, make section effective day after enactment;
- appropriates \$65,066 to the attorney general for FY'88 and \$34,414 for FY'89; repeals various statutes relating to the commissioner of commerce's duties and responsibilities.

Enactment: May 29, 1987

Effective: various dates

Energy conservation investment loans

HF1326*—Pelowski, Sarna, Otis, Redalen, Burger
SF1267—Marty, Dicklich

Chapter 289:

- authorizes the Minnesota Energy and Economic Development Authority to make loans to municipalities for energy conservation investments (i.e., capital expenditures associated with conservation measures identified in a maxi-audit and have a 10-year or less payback period); defines municipality as any county, statutory or home rule charter city, town, school district, or any combination of those units acting jointly on an energy conservation project;
- defines maxi-audit as a detailed engineering analysis of energy-saving improvements to existing buildings or stationary energy-saving systems, including building modifications, heating, ventilating and air-conditioning systems, operation practices, lighting, and other factors relating to energy use;

- provides that if loan applications exceed available funds, public schools shall receive funding priority;
- authorizes municipalities to accept grants, loans, or advances of money from the state or federal government for energy conservation investments that come from funds state or federal governments received under the Energy Conservation Investment Loan Program or from litigation settlement funds for federal petroleum pricing violations;
- authorizes government subdivisions to levy taxes, which are not subject to levy limitations, to pay the annual principal and interest due on a loan; permits municipalities to issue obligations to repay a loan outside the municipality's net debt; authorizes the commissioner of finance to issue bonds for the purpose of making loans to municipalities.

Enactment: May 28, 1987
Effective: July 1, 1987

Ethanol—development fund, promotion

HF0777*—Cooper, G. Anderson, Brown, V. Johnson, Uphus
SF0729—D.J. Frederickson, Davis, Morse, DeCramer, D.E. Johnson

Chapter 390:

- extends the expiration date of the Ethanol Development Fund to the year 2000;
- appropriates \$100,000 FY'88 and \$100,000 for FY'89 from the ethanol development fund to the commissioner of agriculture to promote ethanol fuel usage.

Enactment: June 3, 1987
Effective: July 1, 1987

Eyeglasses—unregulated sales

HF0466*—Sarna, Seaberg, Scheid, McEachern, Osthoff
SF1372—Kroening, Willet, Adkins

Chapter 125:

- allows the sale of reading spectacles that contain simple lenses having a plus power of up to 3.25, in any establishment;
- requires sellers to prominently display a sign on the counter or rack or other display device where the spectacles are for sale that reads: "If you have experienced a vision loss, the selection of these glasses should not take the place of an eye exam."

Enactment: May 14, 1987
Effective: Aug. 1, 1987

Franchise contract nonrenewal—regulation

HF1404—Gruenes, Bauerly
SF0830*—Pehler, Luther, Spear

Chapter 317:

- provides that no person may terminate or cancel a franchise unless:
 - they give the franchisee a written 90-day termination or cancellation notice stating all the reasons for the termination or cancellation;
 - the franchisee fails to correct the reasons for termination or cancellation within 60 days after receiving the notice;
 - they have good cause to terminate or cancel the franchise; defines good cause;
- provides that a termination notice is immediately effective under certain circumstances such as the franchisee's voluntary abandonment of the franchise relationship;
- provides that unless the failure to renew a franchise is for good cause and the franchisee has failed to correct the reasons for termination or cancellation within 60 days after receiving a termination notice, no person may fail to renew a franchise unless:

—the franchisee has been given a written nonrenewal notice 180 days before the franchise contract expires; and

—the franchisee has had the opportunity to operate the business long enough to recover the fair market value of the franchise;

- provides that franchisors cannot refuse to renew a contract for the purpose of converting the business premises to an operation the franchisor will own for its own account;
- declares that for any person to unreasonably withhold consent to an assignment, transfer, or sale of the franchise is unfair and inequitable practice if the franchisee meets the present qualifications and standards the franchisor requires.

Enactment: May 28, 1987

Effective: day after enactment

Health, dating, buying clubs—registration

HF0949*—Carruthers, Sarna, Solberg, McKasy, Burger
SF0772—Luther, Freeman, McQuaid, Dahl, Spear

Chapter 367:

- defines health club as any corporation, partnership, unincorporated association, or other business enterprise offering one or more facilities to instruct, train, encourage or assist physical fitness in return for a fee entitling the member to use the facilities; provides that the term does not include any nonprofit organizations, private clubs, or state-run facilities;
- requires every buying, health, or social referral club doing business in Minnesota to register with the attorney general; requires registrants to provide the attorney general with the full name and address of each business location selling club memberships and any other registration information the attorney general considers appropriate;

- requires each registrant to pay a \$250 registration fee due at the time of registration; sets a \$150 renewal fee which registrants must pay on Sept. 1 of each year following the initial registration;
- allows the attorney general to bring an action for mandamus (required performance) against clubs that fail to register or maintain a surety bond;
- requires all clubs to maintain a surety bond in an amount not less than the aggregate value of outstanding liabilities to members; requires club owners to file a copy of the bond with the attorney general;
- eliminates the \$25,000 minimum bond requirement and sets a \$200,000 cap on the amount of security that a club must file with the attorney general; prohibits clubs from selling memberships if the club's outstanding liabilities to its members exceeds the amount of the bond;
- allows clubs to file with the attorney general an irrevocable letter of credit or cash deposit in lieu of a surety bond; provides that the surety bond requirement does not apply to clubs that file a declaration with the attorney general that states the club does not receive prepayment for services or merchandise;
- establishes a claims procedure for club members who suffer or sustain any losses because of the closing of a facility or a bankruptcy proceeding;
- requires clubs under construction that sell club memberships to register and file a surety bond, irrevocable letter of credit, or cash deposit with the attorney general in an amount not less than \$25,000 until the value of obligations to consumers exceeds that amount;
- appropriates \$36,000 to the attorney general to set up the registration and filing system and adds one position to the attorney general's staff.

Enactment: June 2, 1987

Effective: July 1, 1987

Hearing aid repairs—itemized billing

HF0456—Bauerly, Bertram, Kelso, Rukavina, Tjornhom
SF0094*—Davis, Morse, D.J. Frederickson, Vickerman, Marty

Chapter 204:

- requires any person or company who agrees to repair a hearing aid to provide customers with an itemized repair bill;
- requires the bill to include the person's or company's name, address and phone number;
- provides that the itemized billing requirement does not apply to:
 - a person or company that repairs a hearing aid pursuant to an express warranty that covers all repair costs;
 - a person or company that repairs a hearing aid and the repair is expressly warranted for a one-year period, the warranty covers all repair costs, and the customer gets a copy of the express warranty.

Enactment: May 26, 1987

Effective: Aug. 1, 1987

Insurance—funeral, burial expenses

- (See Insurance)

Interior designers, decorators task force

HF1366*—Kinkel, Simoneau, Sarna, Bennett, Jacobs
SF1031—Wegscheid, Solon, Luther, Belanger

Chapter 231:

- creates a 13-member task force on interior designers and decorators to study whether the state should license interior designers or decorators to protect the public's health, welfare, and safety;
- allows the commissioner of commerce to appoint 12 task force members and the executive secretary of the State Board of Architecture,

Engineering, Land Surveying, and Landscape Architecture to serve as the 13th member and act as task force chair;

- allows the task force to request assistance from state agencies and specifies task force duties;
- requires the task force to report its findings and recommendations to the commissioner and the Legislature by Jan. 15, 1988.

Enactment: May 26, 1987

Effective: day after enactment

Lemon law—changes

HF0845—Begich, Sarna, Jaros, O'Connor, Tompkins
SF0793*—Dahl, Freeman, Willet, Solon, R.D. Moe

Chapter 52:

- extends the duty of a manufacturer to repair a defective vehicle from one to two years;
- provides that if a manufacturer offers a consumer a replacement vehicle, the consumer has the option to reject the replacement vehicle and require the manufacturer to give a refund;
- allows consumers to get a refund or replacement vehicle if reasonable number of attempts to correct the problem occur within three years following the date of original delivery of the new motor vehicle, provided the consumer first reported the problem to the manufacturer or its authorized dealer during the term applicable to the express warranty;
- requires manufacturers to give consumers written notification, upon purchase or lease, of the right to a replacement or refund of purchase price or lease payments and the right to submit a case to the manufacturer's consumer arbitration program;
- gives consumers who lease new motor vehicles the same rights against the manufacturer as a consumers who buy new motor

vehicles, except that lessees are entitled to a refund only;

- provides if a manufacturer buys back a leased vehicle, the motor vehicle lessor must terminate the consumer's written lease;
- requires manufacturers to give consumers a full refund of the amount the consumer actually paid on the written lease, including any sales taxes, license or registration fees, and towing or rental expenses the consumer paid;
- requires manufacturers to pay lessors the amount of the original purchase price of the vehicle, less the amount the consumer paid on the written lease, plus any early termination costs; places a 15 percent limit on those costs;
- requires manufacturers doing business in Minnesota to operate or participate in an informal dispute settlement mechanism in this state;
- describes settlement mechanism procedures and allows each party to make oral presentations or arguments during the arbitration process;
- allows consumers, who are present during the informal dispute settlement mechanism, to postpone the settlement mechanism to review any documents the dealer or manufacturer presents at the hearing, which the dealer or manufacturer did not present to the consumer before the hearing;
- prohibits manufacturers or dealer representatives from participating in arbitration discussions or decisions if consumers submit the dispute for decision on the basis of documents alone;
- allows manufacturers to charge consumers a fee to participate in an informal dispute settlement mechanism, provided that the fee does not exceed the Conciliation Court filing fee in the county where the arbitration takes place;
- gives all parties the right to legal representation in the settlement mechanism;

- provides that an informal dispute settlement mechanism has all the evidence-gathering powers the law grants an arbitrator;
 - provides that the decision in an informal dispute settlement mechanism is nonbinding on the parties, unless they agree otherwise; allows any party to remove the decision to District Court for a trial de novo (a new trial); provides that if a party does not file application to remove a decision within 30 days after the date of the decision, the District Court shall, upon application of a party, issue an order confirming the decision;
 - provides for treble damages of bad faith appeal of disputes and authorizes the attorney general, in addition to the civil remedies the law provides, to bring an action against any manufacturer for violation of this law;
 - sets time limits on civil actions parties bring under this act; allows the attorney general to inspect the records of an informal dispute settlement mechanism during regular business hours;
 - provides that this act applies to all motor vehicles the consumer received original delivery on during the previous one-year period and that are still under an applicable express manufacturer's warranty.
- Enactment:** May 5, 1987
Effective: Aug. 1, 1987

Membership camping regulation

HF0487*—Peterson, O'Connor, C. Nelson, Kinkel, McDonald
SF0710—Novak, Solon, Luther, Metzen, Taylor

Chapter 154:

- removes language that says a sports court or minor facility is not an amenity;
- reduces the time period from three years to one year that a membership camping contract must be in effect to be under regulations of the Membership Camping Practices Act;

- amends the definition of salespersons to exclude existing members who refer people without receiving compensation of more than \$150 per year, do not make more than 15 referrals per year, and have entered into a referral agreement with the membership camping operator that prohibits discussing camping memberships terms or prices;
- prohibits the practice of subcontracting referral services where another person splits or shares referral fees;
- requires the campground's name on the registration application;
- defines the following devices or sales presentations as deceptive or misleading and prohibits advertisements that:
 - offer travel and other benefits to encourage individuals to visit a campground or attend a sales presentation that doesn't provide detailed information relating to the conditions of receiving the benefits or the retail value of those benefits;
 - do not prominently disclose the name and address of the membership camping operator;
 - may confuse the reader because the advertisements are on stationery of someone other than the operator;
- limits to three business days the time period that a person may unconditionally rescind a membership camping contract;
- requires brokers, membership camping operators, or salespersons to deposit all funds connected with the sale of a membership camping contract in an escrow account until the rescission period expires;
- requires membership camping operators or an operator's salesperson to deposit all membership dues in an escrow account and allows the operator to use the funds in the account for maintenance purposes;
- prohibits brokers, membership camping operators, or salespersons from commingling personal funds in the escrow account, except for amounts up to \$100 to pay the

- escrow account service charges;
- requires each broker or membership camping operator to keep records of all escrow accounts and funds and to provide the commissioner of commerce with a list of financial institutions holding the escrow accounts;
- requires brokers or operators to give the commissioner a 10-day notice prior to closing an escrow account;
- removes the exemption that loan and real estate agreements and building plans and specifications on file with the commissioner are not open for public inspection;
- defines the following devices or sales presentations as deceptive or misleading, and prohibits advertisements for the purposes of selling subdivided lands that:
 - offer travel and other benefits to encourage individuals to visit a subdivision or attend a sales presentation that doesn't provide detailed information relating to the conditions of receiving the benefits or the retail value of those benefits;
 - do not prominently disclose the name and address of the subdivider;
 - may confuse the reader because the advertisements are on the stationery of someone other than the subdivider.

Enactment: May 15, 1987
Effective: Aug. 1, 1987

Mortgage redemption periods
HF1207*—Lasley, Peterson, Jennings, Jensen
 no companion

Chapter 230:

- limits the 12-month redemption period to premises over 40 acres or to property over 10 acres that has a mortgage execution date prior to July 1, 1987 and is used primarily for farming;
- provides for affidavit of agricultural use.

Enactment: May 26, 1987
Effective: Aug. 1, 1987

Motor vehicle franchise regulations

HF0492—Sparby, Sarna, Kinkel, O'Connor, Bennett
SF0406*—Dahl, Metzen, Solon, Belanger

Chapter 150:

- limits relocation of existing new car dealers;
- modifies standards to determine good cause for new or relocated franchises;
- repeals statutory provisions governing nonrenewals of motor vehicle dealer's franchise.

Enactment: May 15, 1987
Effective: Aug. 1, 1987

Plumbers—advertising restrictions
HF1073*—O'Connor, Sarna, Begich, Tjornhom
SF1219—Kroening

Chapter 279:

- authorizes journeyman plumbers to advertise for plumbing services;
- requires advertisements by a journeyman plumber to include the person's master or journeyman plumber license number;
- applies advertising restrictions to plumbing services in a city of 5,000 or more population or in a city of less than 5,000 population that requires journeyman plumbers to have licenses;
- sets penalties for violations of advertising restrictions of fines up to \$100 for the first offense, up to \$1,000 for the second offense, and up to \$1,000 and/or imprisonment of up to 30 days for the third and subsequent offenses;
- permits existing contractors to contract on electrical alarm or communication systems if they've filed with the electrical board by Sept. 1, 1987 (formerly July 1, 1986).

Enactment: May 28, 1987
Effective: Jan. 1, 1988 for section on advertising restrictions; day after enactment for section on existing contractors

Retail sales—cash refunds for returned goods

HF0065—Lasley, Murphy, Trimble, A. Johnson

SF0153*—Lantry, Adkins, Belanger, Luther, Solon

Chapter 205:

- requires retail sellers to give cash refunds to consumers for acceptable returned goods, unless the sellers display, on the premises, a clear and conspicuous written notice of their cash refund policy;
- exempts home solicitation sales, custom made or special ordered goods, a licensed motor vehicle seller, or sales subject to a written agreement or contract under the Uniform Commercial Code;
- provides for a civil penalty of up to \$500 per violation.

Enactment: May 26, 1987

Effective: Aug. 1, 1987

Steam turbines—regulation

HF1343—Jaros, Munger, Murphy, Sarna, Rukavina

SF1232*—Solon, Chmielewski, Gustafson, Novak, Dicklich

Chapter 382:

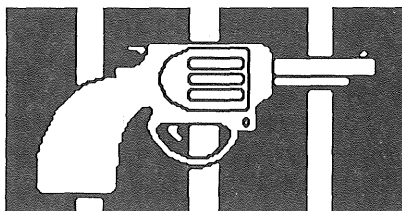
- exempts from laws governing boiler inspections and regulations, steam-powered turbines at paper-making plants which get steam from remote municipal facilities.

Enactment: June 2, 1987

Effective: Aug. 1, 1987



Crime/Corrections



Amateur radio operators

- (See Miscellaneous)

Boating-while-intoxicated laws—enforcement

HF1015*—Rest, Blatz, Kludt

SF0992—D.C. Peterson, Cohen

Chapter 368:

- extends prohibitions, testing procedures, and criminal penalties that currently apply to boating-while-intoxicated (BWI) violators, and the BWI enforcement procedures (below), to persons who operate snowmobiles or all-terrain vehicles while under the influence of alcohol or controlled substances;
- specifies a procedure for law enforcement officials to enforce current sanctions against motorboat operators who refuse to take an "implied consent" test under the BWI law;
- requires the commissioner of natural resources to impose a \$500 civil penalty and prohibit a person from operating any motorboat on Minnesota waters for one year, if an officer has probable cause to believe the person had been operating or was in physical control of a motorboat while under the influence of alcohol or a controlled substance, and the person refused to take a blood, breath, or urine test;
- provides that the prohibition and revocation, if any, shall take effect 10 days after the violator receives

notice of sanction imposition;

- imposes the civil penalty when the violator receives notice, and requires him/her to pay the penalty within 30 days;
- permits the violator to request, at any time during the prohibition or revocation period, that the commissioner conduct an administrative review of any sanctions the commissioner imposes; if the violator requests a review within 30 days following receipt of a notice and order imposing sanctions, the request shall stay imposition of the civil penalty;
- requires the commissioner to conduct the review and issue an order within 15 days after receiving the request;
- permits the violator to petition for judicial review of sanctions the commissioner imposes within 30 days after receiving notice;
- provides that filing a petition doesn't stay revocation of operating privileges, but does stay imposition of the civil penalty;
- establishes procedures for a judicial hearing;
- amends a related BWI statute to change the civil penalty from \$700 to \$500;
- sets guidelines for those who must pay civil penalties;
- sets procedures to enforce payment of civil penalties.

Enactment: June 2, 1987

Effective: Aug. 1, 1987 for sections on snowmobiles and all-terrain vehicles; day after enactment for all proceedings begun on or after that date for sections on BWI enforcement procedures

Child Abuse Reporting Act—changes

- (See Families/Juveniles)

**Child Abuse Reporting Act—
required reports**

- (See Families/Juveniles)

**Child Abuse Reporting Act—
source disclosure**

- (See Families/Juveniles)

**Controlled substances—
penalties, measurement**

HF0391*—Marsh, Clausnitzer,
Kelly, Solberg, Clark
SF0458—Jude, Wegscheid, Luther,
D.C. Peterson, Knaak

Chapter 330:

- amends the crime of selling or distributing specified amounts (seven or more grams or 10 or more dosage units) of certain Schedule I or II controlled substances (narcotic drugs, phencyclidine, or any hallucinogen other than marijuana or THC) as follows:
 - extends the crime to cover sales of three or more grams of cocaine base ("crack");
 - limits the crime to sales of 10 or more grams of other drugs, regardless of purity;
 - limits the crime to sales of 50 or more dosage units of narcotics (PCP and hallucinogens remain at 10 dosage units);
 - extends the crime to cover sales of any amount of these controlled substances when a person sells the drugs to a minor or uses a minor to sell the drugs; and
 - provides selling other types of drugs to a minor or using a minor to sell them, doubles the maximum prison penalty normally applicable to the crime (this change clarifies and broadens existing law);
- amends the definitions of "dealer" and "measurement" in the law requiring payment of taxes on certain

amounts of illegal controlled substances ("grass tax" law); provides that a quantity of marijuana or other controlled substance is measured by weight whether pure, impure, or dilute, or by dosage units in the dealers possession when the substance is not sold by weight.

Enactment: May 29, 1987

Effective: Aug. 1, 1987; applies to crimes committed on or after that date

**Corrections authority,
inmate restitution**

HF0375*—Kludt, Bauerly, Bertram,
Kelly, Marsh
SF0586—Marty, D.C. Peterson

Chapter 252:

- clarifies the commissioner of correction's authority to adopt rules relating to prison inmates paying restitution;
- permits the commissioner or the inmate to disburse:
 - work release wages in the inmate's account to pay restitution a hearing officer orders for property damage the inmate causes;
 - any funds in the inmate's account (up to 20 percent of the inmate's gross wages) for family support, victim compensation, court-ordered restitution, and restitution a hearing officer orders for property damage the inmate causes;
- allows the institution head or his/her designee to:
 - seize money or property an inmate receives or possesses which the institution head, after holding an institutional disciplinary hearing, determines to be contraband;
 - sell or destroy any such seized property if the rightful owner doesn't claim it within 30 days; requires that sale proceeds or money authorities seize must go into the inmate social welfare fund for the benefit of the facility's inmates;
- clarifies and simplifies the process counties use to reimburse the state

for probation services the state provides;

- provides that anyone who assaults a correctional facility employee and inflicts demonstrable bodily harm while the employee is performing a legally imposed duty, is guilty of a gross misdemeanor, and may be sentenced to up to one year in prison and/or fined up to \$3,000;
- allows counties to apportion a regional jail's operating and maintenance costs according to a formula on which all counties involved mutually agree.

Enactment: May 27, 1987

Effective: Aug. 1, 1987; applies to crimes committed on or after that date

Crime victims reparations

HF0151*—Kelly, Vellenga, Rest,
Blatz, McKasy
SF0372—D.C. Peterson, Marty,
Merriam, Novak, Pogemiller

Chapter 244:

- strikes language in current law which requires a convicted person to prove he/she is unable to pay a court-assessed fine or surcharge; prohibits the court from waiving payment unless it finds, in writing, that the convicted person is indigent or that the assessment or surcharge creates hardship;
- allows the Crime Victims Reparations Board to file a reparations claim with the court administrator to request restitution for a crime victim;
- allows an offender to pay court-ordered restitution directly to the victim if the board hasn't paid the victim, or if the victim has received payment from the board, requires the offender to pay restitution directly to the board;
- excludes from reparations reimbursement, the first \$50 of lost income (current law has no minimum loss requirement for this type of economic loss);
- excludes from reparations payment,

any claimant injured while committing a crime;

- includes being a minor (person not of majority age) in the list of circumstances that do not render a claimant unable to file within certain time limits (current law requires filing of reparations claims within one year of the victim's injury or death; if claimant is unable to file within that period, the law allows a one-year extension from when the claim could have been filed);

- changes the timing of the one-year filing period for domestic child abuse victims so it begins with the report of the crime to police (current law exempts domestic child abuse victims from the one-year filing requirement); provides that the board can't pay a claim for domestic child abuse if the claimant is 19 or older at the time he/she files;
- changes the board's investigation and ruling procedures for reparations claims to:

- allow the board chair to assign a claim to a board member at the time the claimant files;

- require the board member to investigate the claim's validity to the extent investigation is necessary;

- permit board members to discuss a claim at board meetings and vote whether to deny, approve, or further investigate the claim without first conducting a hearing on it;

- require the board member, to whom the board assigns the claim, to issue, in writing, a decision granting or denying the claim, and provide copies to the board and claimant; and
- allow the claimant, within 30 days, to request that the entire board reconsider an adverse decision; if, after reconsideration, the board denies reparations, the claimant may ask for a contested case hearing under the Administrative Procedures Act;

- requires law enforcement agencies to provide requested reports to the board within 10 days;

- provides that all data a law enforce-

ment agency releases to the board retains the classification it had within the agency;

- defines ombudsman's files as confidential data during the course of an investigation or while the files are active; defines the files as private data when the investigation is complete or when the files are in an inactive status.

Enactment: May 26, 1987

Effective: Aug. 1, 1987

Crimes against children—parent's testimony

HF0730*—Wagenius, Swenson, Solberg, Kludt, Bishop
SF0764—Reichgott, Spear

Chapter 134:

- provides that spousal privilege (where the court can't require a person to testify against his or her spouse without the spouse's consent except in certain situations) doesn't apply to a civil or criminal proceeding that concerns a crime one spouse commits against a child under the care of either spouse.

Enactment: May 14, 1987

Effective: Aug. 1, 1987

Criminal sexual conduct—definitions

HF1071*—Wagenius, Rest, Greenfield, Blatz, Clark
SF1019—D.C. Peterson, Reichgott, Pogemiller, Marty, Spear

Chapter 198:

- clarifies the definition of:
 - “mentally incapacitated” to include persons who lack the judgment to give reasoned consent to sexual conduct because they are under the influence of alcohol, a narcotic, an anesthetic, or any other substance someone administered without the person's agreement;
 - “sexual contact” to include touching of clothing covering the immediate area of a body's intimate parts;

- “coercion” to provide that proof of coercion doesn't require proof of a specific act or threat;

- amends the definitions of “sexual contact” and “sexual penetration” to require that the involved activity is “committed with sexual or aggressive intent” (replaces definition “for the purpose of satisfying the actor's sexual or aggressive impulses”).

Enactment: May 21, 1987

Effective: Aug. 1, 1987; applies to crimes committed on or after that date

Controlled substances—homicide crimes

- (See Drugs/Alcohol)

Domestic abuse—protection orders

HF0643*—Vellenga, Wagenius, Skoglund, McLaughlin, Blatz
SF0539—Reichgott, Spear, Cohen, Ramstad, Pogemiller

Chapter 237:

- amends the marriage dissolution law to prohibit a court handling a marriage dissolution from vacating or modifying a domestic abuse protection order;

- allows a court to hear, concurrently, a motion to modify or vacate an order for protection with a marriage dissolution proceeding, upon notice of motion and hearing;

- prohibits waiving notice that court rules require;

- requires the court to issue a separate order for modification of an order for protection if the court consolidates the proceedings and the judge grants the motion to modify or vacate;

- requires the court to:

- advise a petitioner requesting a domestic abuse protection order of the petitioner's right to serve the respondent through published notice if the respondent is avoiding personal service;

—help the petitioner write and file the required affidavit when seeking published notice;

- provides that if the person asking for a protection order admits the respondent into the dwelling from which the order excludes that person, that action does not void nor violate the protection order;
- requires a protection order to contain conspicuous notice to the respondent or person the order restrains that:
 - violation of an order for protection is a misdemeanor subject to penalties of up to 90 days in prison and/or up to a \$700 fine;
 - the order forbids the respondent to enter or stay at the petitioner's residence, even if the petitioner or any other person invites him/her to do so, and in no event will that invitation void the order;
 - a peace officer must arrest without a warrant and take into custody a person whom the officer has probable cause to believe violated an order for protection.

Enactment: May 26, 1987
Effective: Aug. 1, 1987

Domestic assault law—changes
HF1129—Kludt, Wagenius, Vellenga, Seaberg, Bishop
SF1097*—D.C. Peterson, Marty, Spear, Cohen, Knaak

Chapter 115:

- changes provisions of the domestic assault law that relate to the release of a person law enforcement officials arrest for the crime;
- clarifies that a judge may deny the release of a person under arrest for domestic assault if the judge determines that the release would create a threat of bodily harm to the victim of the alleged assault;
- requires the judge who imposes conditions on the arrested person's release to issue a written order for conditional release;
- requires the court administrator to:

- immediately distribute a copy of the order to the agency having custody of the arrested person; and
- provide the agency with any available information on the victim's location in a manner that protects the victim's safety;
- requires the court or the designated custodial agency to serve the defendant with a copy of the order for conditional release;
- provides that failure to serve the arrested person with a copy of the order doesn't invalidate the release conditions;
- requires the judge who released the arrested person to issue an arrest warrant if the judge receives an application alleging the person on conditional release has violated the release conditions, or has probable cause to believe that to be true;
- requires the custodial agency to make reasonable and good faith efforts to immediately notify the alleged victim orally of:
 - the conditions and time of the release;
 - the time, date, and place of the arrested person's next scheduled court appearance and the victim's right to be present at the court hearing; and
 - the location and telephone number of the area battered women's shelter which the Department of Corrections designates;
- requires the custodial agency to deliver or mail a copy of the written order and notice of the above information to the victim as soon as practicable.

Enactment: May 14, 1987
Effective: Aug. 1, 1987; applies to crimes committed on or after that date

DWI—chemical use assessment
HF0705—Kelly, Rest, Orenstein, Jennings
SF1472*—Spear, Ramstad, Marty

Chapter 315:

- requires the court to:
 - order a person the court convicts of a second offense of driving while intoxicated (DWI) once within five years, or two or more times within 10 years, after the first conviction, to submit to the level of care a chemical use assessment (CUA) recommends;
 - state on the record, when sentencing a first-time DWI offender, the court's reasons for not following the assessment report recommendation if the court doesn't follow the recommendations, as a condition of a stay of imposition or execution;
 - impose a \$75 chemical dependency assessment charge when the court sentences a person it convicts of DWI; prohibits the court from waiving payment or authorizing installment payments of the assessment charge unless it makes written findings that the convicted person is indigent or the assessment charge would create undue hardship for the convicted person or the person's immediate family;
 - collect and forward to the commissioner of finance the total amount of the chemical dependency assessment charge, and requires the commissioner to credit the money to the "Drinking and Driving Repeat Offense Prevention Account";
- requires all Minnesota counties (not just those with a population greater than 10,000) to administer a preliminary alcohol problem screening and chemical use assessment to all people courts convict of DWI or a DWI-related offense;
- requires the court to order a defendant to undergo a comprehensive CUA with a qualified assessor when an alcohol problem screening shows that the defendant has an identifiable chemical use problem;

- requires the:
 - court to make an appointment for the defendant to undergo the CUA no later than one week after the defendant's court appearance;
 - assessor to complete the comprehensive CUA no later than two weeks after the appointment date;
 - CUA to include a recommended level of care for the defendant;
 - state to reimburse counties for the entire cost of each CUA and report up to a maximum of \$100 in each case;
- establishes the "Drinking and Driving Repeat Offense Prevention Account" as a special account in the state treasury; appropriates continuously to the commissioner of public safety any money credited to the account and requires the commissioner to reimburse counties for the entire cost of each CUA completed within the time limit, up to \$100 in each case;
- requires the commissioner, with assistance from the Department of Human Services and the State Planning Agency, to monitor and evaluate the alcohol safety program's implementation and effects, and to submit findings and recommendations in writing to the Legislature by Jan. 1, 1989;
- requires the court to order an alcohol problem screening if the court finds that a juvenile committed a DWI offense;
- provides that the court shall require the juvenile to undergo a comprehensive CUA if the alcohol problem screening shows the child has an identifiable chemical use problem;
- allows the court to require:
 - in its dispositional order, a level of care the CUA recommends for the juvenile;
 - any juvenile whom the court orders to undergo a CUA to pay a \$75 chemical dependency assessment;
- requires the court to forward the assessment charge to the commissioner of finance and the commis-

sioner to reimburse counties for the total cost of a court-ordered CUA.
Enactment: May 28, 1987
Effective: July 1, 1987

DWI—conviction information

HF0816*—Schreiber, Clausnitzer, Carruthers, Quinn, Dempsey
SF0265—Jude, D.M. Moe, Marty, Knaak, Spear

Chapter 136:

- requires a court to furnish a defendant's criminal history of driving-while-intoxicated (DWI) convictions to a prosecutor at no charge if the prosecutor asks for the information;
 - provides that a person who violates any condition or limitation of a limited license is guilty of a misdemeanor.
- Enactment:** May 14, 1987
Effective: day after enactment

DWI—driver's license revocation

HF0427*—Rest, Vellenga, Clausnitzer, Dempsey, Kelly
SF0390—Spear, Reichgott

Chapter 123:

- requires the commissioner of public safety to revoke, for certain periods of time, the driver's license of a person the courts convict of violating a local ordinance that conforms with state driving-while-intoxicated (DWI) laws;
 - requires the Juvenile Court to report all formal determinations of juvenile traffic law violations, other than parking violations, to the commissioner on a form the commissioner provides.
- Enactment:** May 14, 1987
Effective: Aug. 1, 1987

DWI—highway workers

HF0515—Carruthers, Vellenga, Welle, Blatz, Clausnitzer
SF0324*—Cohen, Pogemiller, Knaak, Ramstad, D.C. Peterson

Chapter 63:

- clarifies that prohibitions against driving while under the influence of alcohol or controlled substances apply to persons while actually engaged in work upon the highway.
- Enactment:** May 6, 1987
Effective: Aug. 1, 1987

DWI—sentence stay extension

HF0590*—Rest, Vellenga, Rivenness, Marsh
SF0391—Spear, Pogemiller, Marty, D.C. Peterson, Morse

Chapter 220:

- permits a sentencing court to stay (suspend) imposition or execution (carrying out) of a sentence for up to two years for a person the court convicts of a driving-while-intoxicated (DWI) misdemeanor offense;
 - requires the court to provide for unsupervised probation for the stay's second year unless the court finds the offender needs supervised probation for all or part of the second year;
 - requires a stay up to one year for a person the court convicts of a non-DWI misdemeanor offense;
 - requires the court to discharge the offender when the stay expires, unless the court has revoked the stay or already discharged the person.
- Enactment:** May 26, 1987
Effective: Aug. 1, 1987; applies to crimes committed on or after that date

DWI—testing options

HF0690*—Swenson, Kelly, Blatz, Kludt, Carruthers
SF0690—Reichgott, D.C. Peterson, Spear, Ramstad, Pogemiller

Chapter 225:

- allows a peace officer to revoke a driver's license if the officer has

probable cause to believe the person is driving or operating a motor vehicle:

—under the influence of alcohol, and the person refuses to take a blood or urine test after the officer offers an alternative test as an option; or
—under the influence of a controlled substance (not likely to show up under a breath test), and the person refuses to take a blood or urine test when the officer offers both tests as options;

- requires the commissioner of public safety to study the need to require persons suspected of driving while intoxicated (DWI), and those involved in motor vehicle accidents, to submit to blood or urine tests for controlled substances in addition to breath tests;

- requires the commissioner to report the study results to the Legislature by Dec. 1, 1987;

- requires the study to evaluate whether requiring testing for controlled substances would:
—improve the department's statistical accuracy on the number of accidents and DWI cases that involve controlled substances; and
—increase the likelihood of convicting persons driving under the influence of controlled substances.

Enactment: May 26, 1987

Effective: Aug. 1, 1987

False identification—arrest
HF0555*—Carruthers, Marsh, Orenstein, Milbert, Dempsey
SF0572—Jude, Reichgott, Belanger, Laidig, Marty

Chapter 127:

- makes it a misdemeanor for any person who, with intent to obstruct justice, gives a false or fictitious name other than a nickname, or gives a false date of birth, or false or fraudulently altered identification card to a peace officer who makes a lawful investigatory stop, lawful

arrest, or who makes inquiries while executing any other official duty.

Enactment: May 14, 1987

Effective: Aug. 1, 1987; applies to crimes committed on or after that date

Financial assets— attachment for restitution

HF0388*—Riveness, Carruthers, Seaberg, Kludt, Rest

SF0421—Merriam, D.C. Peterson, Knaak, Reichgott, Pogemiller

Chapter 217:

- permits prosecutors in felony cases to seek an attachment order from a court to freeze all or part of the defendant's funds or assets on deposit with or held by a financial institution;

- requires the prosecutor's application for an attachment order to include:

—a copy of a criminal complaint that alleges the account holder committed a felony;

—a statement of the actual financial loss; and

—the account holder's name and financial institution account number;

- allows the court to order the financial institution to freeze all or part of the account holder's deposited funds or assets so that no one can withdraw or dispose of them until further court order if:

—the court finds probable cause that the account holder was involved in committing a felony offense;

—the account holder's accounts are specifically identified;

—the loss as a result of the alleged felony is \$10,000 or more; and

—freezing the account holder's funds or assets is necessary to ensure eventual restitution to victims of the alleged offense;

- prohibits a financial institution, upon receiving an attachment order, from permitting anyone to withdraw or dispose of any frozen funds or assets without another court order;

- allows the account holder, upon notice and motion, to schedule a hearing to contest the freezing of funds or assets and to seek release of all or part of them;

- entitles the account holder to an order releasing the freeze if:

—the holder has posted a bond or other adequate surety, guaranteeing that, upon conviction, adequate funds or assets will be available to pay complete restitution to victims;

—the court finds no probable cause to believe that the account holder was involved in the alleged offense;

—the amount of frozen funds or assets is more than necessary to pay complete restitution to all victims;

—a joint account holder, not involved in the alleged criminal activity, has deposited all or part of the funds or assets; or

—return of the funds or assets would serve the interests of justice;

- provides that the fact that funds and assets in particular frozen accounts were not used in, or do not include proceeds from the alleged offense, is not grounds for their release;

- permits use of funds or assets to pay complete restitution to victims of the offense if a court convicts the defendant of a felony or a lesser offense;

- requires the court to issue an order releasing the funds or assets if the court finds the defendant not guilty or dismisses the charges;

- provides that the freeze shall expire 24 months after the date of the court's initial attachment order unless the court, in writing, extends the time limit upon the prosecution's showing of good cause;

- requires the prosecutor to send a copy of the order to the account holder's last known address or attorney, if known, within 10 days after a court issues an attachment order;

- expands the current crime prohibiting persons from damaging insured property with the intent to injure or defraud an insurer to include the

removal or concealment of insured property;

- updates and corrects references to criminal offenses in the wiretap authorization law.

Enactment: May 26, 1987

Effective: Aug. 1, 1987; applies to crimes committed on or after that date

Firearms—convicted felons

HF0990*—Segal, Greenfield,

Vellenga, Bishop, Pappas

SF1321—Luther, Marty, Pogemiller

Chapter 276:

- requires an order of discharge or an order setting aside a conviction for a crime of violence to provide that: --a person a court convicts of a crime of violence isn't entitled to ship, transport, possess, or receive a firearm until 10 years have elapsed since the court restored the person's civil rights; and

- during that time, a court did not convict the person of any other crime of violence;

- provides that a person who has received such a discharge and relief of disability under certain federal procedures shall not be subject to the above restrictions;

- updates references to "crimes of violence";

- requires a pardon extraordinary, which the Board of Pardons grants to a person the court convicted of a crime of violence, to provide (unless the board, on unanimous vote and in writing, provides otherwise) that the pardon doesn't entitle the person to ship, transport, possess, or receive a firearm until 10 years have elapsed since a court discharged the sentence and during that time a court did not convict the person of any other crime of violence.

Enactment: May 28, 1987

Effective: day after enactment

Harassment on private property—prohibition

HF1115—Pappas, Stanius, Vellenga, Blatz, Kludt

SF0915*—Reichgott, Ramstad, Jude, Wegscheid

Chapter 307:

- defines "harass" as "to interfere with another person so as to persecute or oppress that person";

- defines "threaten" as "to express a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act";

- amends the trespass law to make it a misdemeanor for anyone to return to another's property with the intent to harass, abuse, or threaten, after being told to leave the property and not to return, if the actor has no claim of right to the property and no consent of someone with authority to give the consent;

- amends the crime of "interference with privacy" to make it a misdemeanor for anyone to repeatedly follow or pursue another with the intent to harass, abuse, or threaten after the person the individual is following or pursuing has told the pursuer to stop;

- amends current law which makes it a misdemeanor to make a telephone call with the intent to harass, annoy, abuse, or threaten any person if the caller doesn't disclose his/her identity, by:

- striking the requirement that such calls be anonymous;

- striking the word "annoy" from the crime's intent element; and

- limiting the crime to situations of repeated calls;

- makes it a misdemeanor to repeatedly use the mail or deliver letters, packages, or telegrams with the intent to harass, abuse, or threaten.

Enactment: May 28, 1987

Effective: Aug. 1, 1987; applies to crimes committed on or after that date

Hazardous waste—criminal penalties

- (See Environment/Natural Resources)

Health care professionals—impersonation

HF0318*—Orenstein, Greenfield, Blatz, Kelly, Vellenga

SF0301—Spear, D.C. Peterson, Marty, Ramstad, Wegscheid

Chapter 94:

- broadens the crimes of criminal sexual conduct in the third and fourth degree to cover persons who engage in sexual penetration by falsely representing themselves as health care professionals and the sexual contact as having a bona fide medical purpose;

- provides that the complainant's consent isn't a defense to the crime.

Enactment: May 13, 1987

Effective: Aug. 1, 1987; applies to crimes committed on or after that date

Juvenile Court Act—changes

HF0706*—Kelly, Clark

SF1065—Cohen

Chapter 331:

- clarifies that when a juvenile delinquency adjudicatory hearing is open to the public because of the juvenile's age and the seriousness of the offense, the disposition hearing is also open to the public;

- clarifies Juvenile Court procedures to determine whether a child's grandparents have a right to participate in court's proceedings concerning the child;

- adds mentally impaired children who are exactly 10 years old to the juvenile code provision that allows, as evidence, the hearsay statements by children under 10, or mentally impaired children over 10; allows such evidence in "neglect and in foster care" and "domestic abuse" proceedings in Juvenile Court;

- amends the juvenile code records section to clarify that:
 - when the U.S. or Minnesota Constitution so requires, Juvenile Courts may disclose records;
 - only the written appellate decision relating to a nonpublic Juvenile Court proceeding is public;
 - public juvenile delinquency proceeding records are not confidential;
 - Juvenile Court proceedings involving criminal prosecutions of adult defendants under the “contributing to the delinquency or neglect of a minor” statutes are public;
 - the crime victim who has sustained loss or harm may inspect traffic investigation reports;
 - law enforcement officials may take photographs of a child they take into custody for driving-while-intoxicated (DWI) or DWI-related offenses; and
 - prosecutors who are prosecuting persons for aggravated DWI may obtain Juvenile Court records concerning the person’s prior DWI adjudications;
- requires a child’s probation officer to file a petition for probation violation or ask the court to hold a hearing to determine whether probation conditions should change if a child fails to pay court-ordered restitution, that is a condition of probation, within 60 days before the probation term expires;
- permits the court administrator to docket unpaid amounts of court-ordered reimbursement for cost of care, examination, and treatment of a child under certain prescribed conditions;
- allows attorneys for those parties with a right to participate in a child protection, dissolution, or custody proceeding to be present when a court takes a child abuse victim’s testimony outside the courtroom or on closed circuit television or videotape;
- limits to certain specific felonies, the current law which requires

- prosecutors to try to seek victims’ input before referring an alleged offender into a diversion program;
- permits the court to order victim-witnesses to state their home or business address in open court if the court finds the testimony is relevant evidence;
- requires a presentence investigation (PSI) report to include the following information on victims:
 - a summary of the damages or harm and any other problems the criminal occurrence may generate;
 - a concise statement of what disposition the victim deems appropriate for the defendant or Juvenile Court respondent, including reasons supporting the victim’s opinion; and
 - an attachment to the report of the victim’s written objections, if any, to the proposed disposition if the victim gives the written material to the officer conducting the PSI within a reasonable time prior to disposition;
- requires the officer conducting a PSI or predispositional investigation to make reasonable and good faith efforts to contact the crime victim and to provide the victim with the following information:
 - the charge or Juvenile Court petition for which the court has convicted the defendant, or to which the defendant has pleaded guilty, or to which the juvenile respondent has admitted in court, or the Juvenile Court has found that the defendant committed the offense;
 - any plea agreement between the prosecution and defense counsel;
 - the victim’s right to request restitution;
 - the time and place of the sentencing or Juvenile Court disposition and the victim’s right to be present; and
 - the victim’s right to object, in writing, to the court, prior to the time of sentencing or Juvenile Court disposition, to the proposed sentence or juvenile dispositional alternative, or to the terms of the proposed plea agreement;

- requires the investigating officer to provide the victim with information about the court’s options for sentencing and other dispositions to assist the victim in making a recommendation;
 - repeals current law requiring judges to close the courtroom to the public in criminal cases involving defendants who are minors.
- Enactment:** May 29, 1987
Effective: Aug. 1, 1987

**Marijuana possession—
conviction records**

- (See Drugs/Alcohol)

**Minors—harmful
live performances**

- (See Families/Juveniles)

**Motor vehicle theft—
insurance information release**
 HF0593*—Jefferson, McLaughlin
 SF0613—Jude, Pogemiller, Laidig,
 Reichgott, D.C. Peterson

Chapter 254:

- defines “authorized person” as the prosecuting attorney responsible for prosecutions in the county where a motor vehicle theft occurred, the superintendent of the Bureau of Criminal Apprehension, and the sheriff or chief of police responsible for investigation in the county where the motor vehicle theft occurred;
- defines “relevant information” or evidence as information having a tendency to make the existence of any fact that is of consequence to the investigation or determination of the issue more or less probable than it would be without the evidence;
- requires an insurance company to release to an authorized person, after receiving written request, any relevant information in the company’s possession that relates to a motor vehicle theft; limits relevant information to:

- pertinent insurance policy information;
- available policy premium payment records;
- a history of the insured person's previous claims; and
- material relating to the theft investigation;
- requires an insurance company to notify an authorized person, in writing, if the company has reason to believe that a motor vehicle theft in which the company has an interest may be a fraudulent claim;
- provides that an insurance company that provides information to an authorized person may request relevant information in writing from the authorized person, who must provide it within 30 days;
- provides that an insurance company or an authorized person who releases oral or written information, acting in good faith, is immune from civil or criminal liability;
- classifies as confidential, any data an authorized person or insurance company receives under these provisions until a court requires its release for a criminal or civil proceeding;
- prohibits an insurance company or officer from intentionally refusing to release any information authorized persons request;
- provides a misdemeanor penalty for any violator;
- creates a penalty of up to 20 years in prison and/or a fine up to \$100,000 for thefts of more than \$35,000;
- adds motor vehicle theft to the list of stolen items which subject the offender to a penalty up to five years in prison and/or a fine up to \$10,000;
- amends the definition of "victim" in crime victim restitution statutes to include corporations that incur loss or harm as a result of crime;
- permits a court, upon notice and hearing, to issue or change a restitution order when the defendant is on probation or supervised release if the victim or prosecution makes such a

motion and if the true extent of the victim's loss is unknown at the time of sentencing;

- extends the statute of limitations from three to five years after a theft occurs.

Enactment: May 27, 1987

Effective: Aug. 1, 1987; applies to crimes under sections on penalties for thefts over \$35,000 and motor vehicles, victim redefinition, and restitution order changes committed on or after that date

MTC—employment of off-duty police

- (See Local Bills—Metro)

Peace officers— licensure, authority

HF1312*—Kelly, Vellenga, Marsh, McKasy, Orenstein

SF1199—Spear, D.C. Peterson, Marty, D.M. Moe, Wegscheid

Chapter 334:

- permits only those persons the Peace Officers Standards and Training (POST) Board licenses as peace officers, constables, or part-time peace officers to use a marked motor vehicle to stop another vehicle and to operate a police or patrol vehicle except when another driver uses the vehicle for:
 - maintenance purposes;
 - a board-approved skills course;
 - to transport prisoners or equipment; or
- when a reserve officer provides transportation to and from a location for supplementary assistance at an event, or for traffic or crowd control;
- provides that a constable a political subdivision employs on or after March 23, 1982 is not eligible for permanent appointment without board licensure;
- includes a licensed, elected or appointed official of a political subdivision or law enforcement agency, whom the board licenses, in

the definition of "peace officer";

- changes the term "reserve peace officer" to "reserve officer" and limits the term to persons who perform only those functions listed in statutes; eliminates the term's application to persons who receive no compensation or to those to whom a law enforcement agency gives a different title when using their services;

- defines "law enforcement agency" to mean a unit of state or local government the law authorizes to:
 - grant full powers of arrest; and
 - charge a person with the duties of preventing and detecting crime and enforcing the state's general criminal laws;

- provides that only a peace officer, constable, and part-time officer may:
 - issue a citation in lieu of arrest or continued detention unless an ordinance specifically so authorizes;
 - ask a person receiving a citation to give a written promise to appear in court; or

- take a person into custody;
- provides misdemeanor penalties for a person who is not a peace officer, constable, or part-time peace officer and acts as or represents himself/herself as such; requires the board to designate the appropriate law enforcement agency to investigate such violations and the attorney general to prosecute violators.

Enactment: May 29, 1987

Effective: Aug. 1, 1987

Police dogs—penalties for killing, injuring

HF0941*—Carruthers, Rest, Seaberg, Bennett, Milbert

SF1028—Spear, Marty, Dahl

Chapter 167:

- imposes felony penalties on persons who intentionally and without justification cause the death of a police dog involved in law enforcement investigation or apprehension, or in the custody or under the control of a peace officer;

- provides a penalty of up to two years in prison and/or a fine up to \$4,000;
- imposes gross misdemeanor penalties on persons who intentionally and without justification cause substantial or great bodily harm to a police dog involved in law enforcement investigation or apprehension, or in the custody or under the control of a peace officer.

Enactment: May 16, 1987

Effective: Aug. 1, 1987; applies to crimes committed on or after that date

Police radios—criminal use

HF1619—Bertram, Bauerly, Kludt, C. Nelson, Cooper

SF0605*—Bertram, Pogemiller

Chapter 111:

- makes it a felony for anyone to use or possess a radio or device capable of receiving or transmitting a police radio signal while committing or attempting to commit a criminal act;
- provides that a person the courts convict of this crime may receive a sentence of up to three years in prison and/or a fine up to \$5,000;
- provides that prosecution for or conviction of the crime of using or possessing a police radio is not a bar to conviction for any other crime a person may commit while possessing or using the police radio;
- provides that the person would have to forfeit the radio or device as contraband under the criminal forfeiture law.

Enactment: May 14, 1987

Effective: Aug. 1, 1987; applies to all crimes committed on or after that date

Private detectives, protective agents

- (See Governmental Operations)

Property crimes—reclassification

HF0384*—Greenfield, Pauly,

Forsythe, Carruthers

SF0286—Spear, D.C. Peterson, Ramstad, Luther, Knaak

Chapter 329:

- permits law enforcement agencies investigating and prosecuting offenses under the check forgery, financial transaction card fraud, and false tax statement laws, to use photos which the Bureau of Public Safety takes for driver's license and Minnesota ID card purposes;
- grants prosecutorial authority to city attorneys in cities of the first, second, and third class to prosecute gross misdemeanor violations of theft, criminal damage to property, check forgery, and financial transaction card laws; provides that all other gross misdemeanors must be prosecuted by the county attorney of the county in which the alleged violation occurred;
- increases from \$100 to \$200, the maximum penalty for a petty misdemeanor;
- retains the \$100 maximum fine for petty misdemeanor violations of traffic and motor vehicle laws and for possession of a small amount of marijuana, unless authorities originally charge the traffic or motor vehicle law violation as a misdemeanor and later certify it a petty misdemeanor;
- permits local units of government to impose a \$200 maximum fine for petty misdemeanor violations of local ordinances except for:
 - local traffic and motor vehicle ordinance violations, and
 - ordinances prohibiting possessing a small amount of marijuana;
- allows prosecutors to certify a misdemeanor violation as a petty

misdemeanor if the prosecutor believes it's in the interest of justice to not send the defendant to prison, if the court convicts him/her;

- does not require the defendant's consent to certification, with certain exceptions; requires the court to evaluate the defendant's eligibility for court-appointed counsel as though the offense were a misdemeanor, when an offense is certified a petty misdemeanor under this section;
- prohibits using a misdemeanor violation that has been certified a petty misdemeanor to enhance a subsequent violation as a gross misdemeanor;
- adds fourth-degree assault to the law providing a gross misdemeanor penalty for anyone who commits fifth-degree assault against the same victim within five years of a previous conviction for first-, second-, third-, or fifth-degree assault;
- imposes a gross misdemeanor penalty on anyone who commits fifth-degree assault against any person within two years of a prior conviction for any degree of assault;
- amends the sentencing provisions of the crime of theft to:
 - provide a misdemeanor penalty for anyone who steals an amount of \$200 or less (formerly \$250);
 - create a new gross misdemeanor penalty for anyone who steals more than \$200 but less than \$500;
 - provide felony penalties for anyone who steals \$500 or more;
 - provide a five-year felony penalty to anyone the court convicts of a subsequent theft involving more than \$200 but less than \$500 if the court convicted the defendant previously of theft, forgery, credit card fraud, robbery, receiving stolen property, or burglary in the first, second, or third degree within the past five years and the defendant received a felony or gross misdemeanor sentence for the offense;
- provides felony penalties for anyone who commits criminal

damage to property in the first degree if the person:

- reduces the damaged property's value more than \$500; and
- reduces the damaged property's value more than \$250 and a court previously convicted him/her of first- or second-degree violations of the offense within the preceding three years;

- imposes gross misdemeanor penalties on people who commit criminal damage to property in the second degree which reduces the value of damaged property more than \$250 but less than \$500;

- allows claimants to aggregate the value of property the defendant damages within a six-month period for charging purposes;

- permits one county to prosecute all offenses aggregated under this provision when authorities accuse a person of committing two or more offenses in two or more counties;

- imposes misdemeanor penalties on people who commit criminal damage to property in the third degree which damages property under any other circumstances;

- creates a new crime of check forgery, and amends the current crime of aggravated forgery to exclude forged checks;

- provides penalties for the crime of check forgery, based on the value of property or services the offender obtains using the forged check, as follows:

- up to 10 years in prison and/or a fine up to \$20,000, if the forged check's value exceeds \$2,500 or is used to obtain property or services of more than \$2,500;

- up to five years in prison and/or a fine up to \$10,000, if:

- 1) the forged check's value is more than \$200 but less than \$2,500 or the offender used it to obtain property or services of more than \$200 but less than \$2,500, or;

- 2) the forged check's value is \$200 or less, or the offender used it to obtain property or services of \$200

or less, and the courts have convicted the offender for certain other offenses within the preceding five years;

- up to one year in prison and/or a fine up to \$3,000, if the forged check's value is \$200 or less or the offender used it to obtain property or services of \$200 or less;

- moves the crime of "theft by credit card" out of the theft statute and into the financial transaction card fraud statute; makes the financial transaction card fraud statute's sentencing provisions identical to those in the new check forgery statute;

- extends the wiretap statute to cover investigations of violations of check forgery and financial transaction card fraud statutes;

- imposes a \$6,000 limit on the amount of cash bail a court may require of a person whom law enforcement officials charge with a gross misdemeanor;

- continues the current \$1,400 limit on cash bail for a person whom law enforcement officials charge with a misdemeanor;

- provides that persons whom law enforcement officials charge with misdemeanor or gross misdemeanor violations may be subject to a maximum cash bail of \$2,800 and \$12,000 respectively;

- provides that persons whom law enforcement officials charge with misdemeanor or gross misdemeanor violations of certain laws governing traffic, domestic abuse, assault, fleeing a peace officer, or transporting stolen goods, may be subject to a maximum cash bail of \$5,600 and \$24,000 respectively.

Enactment: May 29, 1987

Effective: Aug. 1, 1987; applies to crimes committed on or after that date

Public nuisances—definition

HF1209*—Wagenius, Orenstein, Norton, Tjornhom, Kludt

SF1156—D.C. Peterson, Laidig, Frank, Pogemiller

Chapter 283:

- defines actions that constitute a nuisance to include prostitution, gambling, or keeping a disorderly house;

- provides the building owner, for purposes of a nuisance action, is the person in whose name the building is on record for property tax purposes;
- provides a nuisance exists if there have been:

- three or more misdemeanor convictions, or two or more convictions, of which at least one is a gross misdemeanor or felony, within the previous two years, for acts of prostitution or prostitution-related offenses, or gambling or gambling-related offenses, within the building;
- or
- two or more convictions within the previous two years for keeping or permitting a disorderly house within the building;

- requires the court administrator to mail notice of a nuisance conviction to the owner of the building where the offense occurred and all other interested parties, and to file it with the county recorder's office;

- provides that such notice is sufficient to inform all interested parties that the building, or a portion of it, is in use for purposes that are a public nuisance;

- allows a city or county attorney, or the attorney general to seek a temporary injunction when there's cause to believe a nuisance exists;

- requires notice and a hearing before the court issues a temporary injunction; requires the injunction to describe the conduct that is to stop;

- requires the court to enter a permanent injunction against specified conduct and enter an abatement order to close the building

for one year if the prosecution proves nuisance;

- allows the court-appointed receiver to sell furniture and fixtures used in conducting or maintaining the nuisance in the same manner as at a sheriff's execution sale; permits the receiver to use the sale proceeds to pay for the sale and any receivership costs if the court allows a third party to use the building;
- allows the building owner to file a motion to cancel the lease, if a tenant commits acts constituting a nuisance; requires the court to cancel the lease and restore the premises to the owner if the court finds the tenant is responsible for the nuisance;
- provides that anyone who violates a temporary or permanent injunction or abatement order is subject to punishment as contempt of court;
- allows the court to order the building's release from an abatement order if the court is convinced of the owner's good faith, and the owner posts a bond, not to exceed \$50,000;
- provides if the court releases the premises, the owner will forfeit daily \$1,000 under the bond for every day that the owner knowingly allows acts to occur that the abatement order has noted; provides the owner is also subject to prosecution for contempt;
- repeals current nuisance abatement procedures.

Enactment: May 28, 1987

Effective: Aug. 1, 1987

'Rape shield' law—changes

HF1069—Greenfield, Rest, Wagenius, Blatz, Orenstein
SF0948*—Berglin, D.C. Peterson, Spear, Reichgott, Pogemiller

Chapter 114:

- makes changes to the "rape shield" law (which provides that evidence of an alleged rape victim's prior sexual conduct is inadmissible except under certain circumstances);
- allows admission of evidence of a victim's (complainant's) prior sexual

conduct into court to establish the defense of consent if the evidence tends to establish that the alleged victim is predisposed to fabricating (making false claims) of sexual assault;

- puts the burden of proof on the accused (defendant) to establish by a preponderance of evidence that the prior allegations were fabricated;
- eliminates the accused's ability to introduce the victim's prior sexual conduct as evidence to prove a defense of fabrication of current charges, which conforms to the existing Rule of Evidence;
- requires the accused to give three days notice if he/she plans to admit prior sexual conduct as evidence;
- makes other changes to conform the current law to the Rules of Evidence.

Enactment: May 14, 1987

Effective: Aug. 1, 1987; applies to proceedings commenced on or after that date

Restitution—

Revenue Recapture Act

HF1274*—D. Nelson, A. Johnson, Simoneau, Quinn, Voss
SF1117—Merriam

Chapter 261:

- authorizes the Department of Revenue to cooperate with any public agency responsible for collecting court-ordered restitution on behalf of crime victims to identify individuals who owe restitution and are due to receive a tax refund, and collect the amount of unpaid restitution from the tax refund;
- includes any public agency responsible for the collection of court-ordered criminal restitution in the definition of "claimant agency" in the Revenue Recapture Act;
- includes restitution in the definition of "debt" in the same law; defines "restitution" as money due to a crime victim under an order of restitution a court issues as part of a sentence or probation condition;

- places child support debts second in order of priority for collections under the act;

- repeals the Revenue Recapture Act statement of purpose.

Enactment: May 27, 1987

Effective: Aug. 1, 1987

**Sex abuse offenders—
stayed sentences**

HF0674*—Blatz, Greenfield, Solberg, Kelly
SF0947—Berglin, D.C. Peterson, Spear, Pogemiller, Marty

Chapter 224:

- allows a stay court to stay (suspend) execution of sentence for a person the court convicts of a second or subsequent criminal sexual conduct offense within 15 years of a prior conviction only if:
 --the court finds a professional assessment indicates that an approved, long-term inpatient program for the exclusive treatment of sexual offenders has accepted the person; and

--the person can respond to such treatment;

- requires the court, if it stays the execution of sentence, to provide as conditions of probation:
 —incarceration of the individual in a local jail or workhouse; and
 —requirement that the offender successfully complete the treatment program and aftercare as the court directs;
- classifies as private data and makes accessible only to the victim, all identifying information regarding the victim, including the victim's request for notice, and notice of the offender's release that the commissioner of corrections or custodial authority provides.

Enactment: May 26, 1987

Effective: Aug. 1, 1987; applies to crimes committed on or after that date

Witness tampering

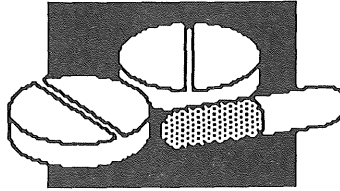
HF0147*—Kelly, McKasy, Bishop, Brown, Welle
 SF0935—Dahl, Morse, Frank, McQuaid, Wegscheid

Chapter 194:

- expands the crime of witness tampering to include:
 - intentionally coercing or attempting to coerce witnesses to provide false information at a trial or to law enforcement authorities;
 - retaliation against a witness within one year following the witness' testimony or police report, or the year following the retaliator's release from incarceration, whichever is later.

Enactment: May 21, 1987

Effective: Aug. 1, 1987; applies to crimes committed on or after that date

**Drugs/Alcohol****Alfentanil—controlled substance**

HF0688*—Kelly
 SF0659—Spear, Pogemiller

Chapter 14:

- classifies the substance Alfentanil as a schedule II controlled substance. (The U.S. Food and Drug Administration recently approved Alfentanil for clinical use as a general anesthetic for surgery.)

Enactment: March 27, 1987

Effective: day after enactment

American Swedish Institute—on-sale liquor license

HF1562—Schreiber, Long, Clark
 SF1183*—Jude

Chapter 116:

- allows the city of Minneapolis to issue an on-sale intoxicating liquor license to the American Swedish Institute.

Enactment: May 14, 1987

Effective: upon local approval

Boating-while-intoxicated laws—enforcement

- (See Crime/Corrections)

Boating while intoxicated—prosecution

HF0598—Beard, Price
 SF0059*—Diessner

Chapter 59:

- provides that a prosecutor in the jurisdiction where a boating-while-intoxicated violation occurs is responsible for prosecuting both misdemeanor and gross misdemeanor violations of that law.

Enactment: May 7, 1987

Effective: Aug. 1, 1987

Bowling liquor license

HF0255—Jacobs, Bennett, Minne, Jennings, Stanius
 SF0211*—Adkins, Solon, Freeman, Benson, D.R. Frederickson

Chapter 5:

- allows a city to issue an on-sale intoxicating liquor license to bowling centers.

Enactment: March 17, 1987

Effective: day after enactment; on-sale liquor licenses in effect on that date are validated retroactively to their date of issuance

Chemical abuse procedures

- (See Education)

Chemical dependency professional standards

- (See Health/Human Services)

Controlled substances—homicide crimes

HF0350*—Bishop, Swenson, Greenfield, Vellenga, Kelly
 SF1259—Marty, D.C. Peterson, Jude

Chapter 176:

- extends the crime of murder in the third degree to include persons who directly or indirectly, unlawfully sell, give away, barter, deliver, exchange, distribute, or administer a schedule I or II controlled substance, without

intent to cause death, and proximately cause the death of another;

- extends the crime of manslaughter in the first degree to include persons who commit any of the above stated actions with a schedule III, IV, or V controlled substance, without intent to cause death, and proximately cause the death of another;
- provides a prison sentence up to 10 years and/or a fine up to \$20,000 for persons who commit any of those actions with a schedule I or II controlled substance, and cause great bodily harm to another;
- provides a sentence of up to 25 years in prison and/or a fine up to \$40,000 for the third-degree murder charge.

Enactment: May 26, 1987

Effective: Aug. 1, 1987; applies to crimes committed on or after that date

**Controlled substances—
penalties, measurement**
• (See Crime/Corrections)

**County liquor licenses/
Fire protection**
• (See Local Bills—Counties)

Dram Shop Act—amendments
HF0285*—Orenstein, O'Connor,
Poppenhagen, Milbert, McKasy
SF0261—Samuelson, Jude, Solon,
Metzen, Knaak

Chapter 152:

- re-enacts the Liquor Act in *Minnesota Statutes 1986*;
- provides that no state or local professional health care association or organization from a particular area shall be liable for damages or other relief in any action a person under review brings against the association's or organization's review organization, unless malice towards the person under review motivated the association or organization;

- eliminates vicarious criminal liability the law currently imposes on liquor licensees whose employees violate liquor laws;
- amends the Liquor Act to permit recovery for pecuniary (monetary) loss in a dram shop action;
- repeals the presumption that a wrongful death action under the Dram Shop Act results in a minimum of \$30,000 damage suffered.

Enactment: May 15, 1987

Effective: day after enactment for section on health care organization liability; Aug. 1, 1987 for other sections

Drug testing—workplace
HF0042*—Pappas, Simoneau,
Begich, Swenson
no companion

Chapter 388:

Definitions

- defines terms including: "confirmatory test," "positive test result," and "safety-sensitive position."

**Authorized Drug
and Alcohol Testing**

- authorizes drug and alcohol testing with limitations:
 - requires testing to adhere to a written policy;
 - prohibits arbitrary or capricious (without an apparent reason) testing;
- allows employers to request or require job applicants to undergo drug and alcohol testing if the employer has conditionally offered a job and the employer makes the same request or requires testing of all applicants for that position; if the employer withdraws the job offer, the employer must give the applicant the reason for doing so;
- allows an employer to request or require drug and alcohol tests as part of a routine physical exam, no more than once each year, with at least two weeks' written notice;
- permits random testing of employees in "safety-sensitive" positions;
- permits testing if an employer

suspects an employee is under the influence of drugs, or:

- has violated work rules on possession, use or sale of drugs or alcohol;

- has sustained or has caused a personal injury; or

- has caused a work-related accident;

- provides that, if an employer has referred an employee for chemical dependency treatment, the employer may require that employee to undergo testing without prior notice during the evaluation or treatment period, and for up to two years thereafter;

- provides that an employer has no legal duty to test employees or applicants.

Policy Contents;

Prior Written Notice

- provides that an employer's written drug and alcohol testing policy must cover specific information including:
 - employees or job applicants subject to testing under the policy;
 - the circumstances under which the employer can request or require testing;
 - the rights of employees and job applicants, including the rights to refuse a test, or explain a positive test result;
 - the consequences of refusing to submit to a drug test; and
 - any other appeal procedures;
- provides that an employer must give written notice of its policy to all employees and applicants and make copies available.

**Reliability and
Fairness Safeguards**

- requires employers to use the services of a licensed testing laboratory;
- provides for the licensing of testing laboratories pursuant to Department of Health rules including:
 - standards for licensing;
 - samples and procedures for taking samples;
 - threshold detection levels for drugs and alcohol;

- licenses to laboratories in another state; and
- annual license fees;
- establishes requirements that are in effect until the commissioner issues rules;
- requires testing laboratories to conduct a confirmatory test on all samples that produce a positive test result on an initial screening test, requires labs to retain all positive test samples for six months;
- prohibits employers from:
 - conducting drug or alcohol tests of employees in a lab the employer owns or operates; except that one agency of the state may test employees of another agency;
 - charging employees or applicants for the tests, except for a retest;
- establishes employees and applicants rights including the right to:
 - explain a positive test result;
 - an employer's written notification of test results;
 - a copy of the test report upon request;
 - request a confirmatory retest of the original sample, at the employee's or applicant's expense;
 - freedom from adverse personnel action on the basis of the original confirmatory test when the confirmatory retest is negative;
- provides that an employer may not take adverse action against an employee or applicant unless a confirmatory test verifies the initial screening test;
- prohibits an employer from discharging an employee after the first positive confirmatory test unless the employer gives the employee an opportunity to participate in counseling or rehabilitation and the employee does not complete the program;
- requires an employer to give an employee access to information in the employee's personnel file relating to positive test results;
- prohibits an employer from withdrawing a job offer because of a

positive initial screening test result that has not been verified by a confirmatory test.

Privacy, Confidentiality, and Privilege Safeguards

- provides that a laboratory may disclose test results only as they pertain to the presence or absence of drugs or alcohol;
- provides that test result information is private and confidential and that an employer or laboratory may not disclose it without the written consent of the employee or applicant; provides exceptions for arbitration, administrative or court proceedings, federal agencies, or as part of rehabilitation programs.

Construction

- provides that nothing in the bill interferes with the right of employee organizations to collectively bargain a drug testing policy that meets or exceeds the standards in this act.

Remedies

- allows an employee or applicant to bring action under this act, and provides for award of reasonable attorneys' fees if the court finds that the employer knowingly or recklessly violated this law;
- provides for injunctive relief;
- prohibits employers from retaliating against an employee for bringing an action under this law.

Federal Preemption

- exempts employees who work under federal rules or contracts from those provisions which conflict with federal law or contract.

Appropriation

- appropriates \$47,000 (available until June 30, 1988) to the commissioner of health to administer this law;
- requires the commissioner to set license fees to recover the administrative expenses.

Enactment: June 3, 1987

Effective: Sept. 1, 1987

DWI—chemical use assessment
• (See Crime/Corrections)

DWI—driver's license revocation
• (See Crime/Corrections)

DWI—sentence stay extension
• (See Crime/Corrections)

DWI—testing options
• (See Crime/Corrections)

Lake County—liquor license
HF1281*—Battaglia
SF0873—D.J. Johnson

Chapter 262:

- allows the Lake County Board to issue seasonal on-sale intoxicating liquor licenses of not more than one per premise during any consecutive 12-month period;
- allows St. Louis County to set the compensation of certain board and commission members at up to \$50 per day, but not to exceed \$1,500 per year.

Enactment: May 27, 1987

Effective: upon local approval

Liquor laws—various changes
HF1148—Jacobs, Bennett
SF1114*—Solon

Chapter 381:

- prohibits the commissioner of public safety from making rules requiring:
 - the use of new containers to age whiskey; or
 - cordials or liqueurs to contain in excess of 2.5 percent by weight of sugar or dextrose or both;
- allows exclusive liquor stores to sell cork extraction devices, and cookbooks and cooking videos instructing wine use;

- imposes a restriction on issuing off-sale liquor licenses in Carver County;
 - prohibits establishments holding an off-sale license, and municipal liquor stores selling intoxicating liquor only at off-sale, from making coin-operated amusement devices available;
 - restricts coin-operated amusement devices to the on-sale area of establishments holding a combination on/off-sale license or a municipal liquor store which sells at on-sale and off-sale;
 - provides that certain Sunday liquor licenses which Douglas County issued may continue in effect and be renewed:
 - until the date of the next town meeting, and
 - after that date if voters at the town meeting so approve;
 - repeals current law governing fermented malt beverages.
- Enactment:** June 2, 1987
Effective: upon local approval for section on Douglas County; Aug. 1, 1987 for other sections

Liquor license—strong beer sales
HF0447—Jaros, Heap, Jennings, Jensen, Gruenes
SF0128*—Spear, Solon, Cohen

Chapter 27:

- allows a municipality to grant on-sale wine licensees the right to sell non-intoxicating malt liquor.
- Enactment:** April 16, 1987
Effective: Aug. 1, 1987

Liquor licenses—seasonal
HF0603—Tunheim
SF0291*—Stumpf, Lessard, Samuelson, D.J. Johnson

Chapter 29:

- allows a county board to issue an annual on-sale intoxicating liquor license to a restaurant or club in an unorganized or unincorporated part of the county;

- allows a county board to issue up to 10 seasonal on-sale intoxicating liquor licenses, valid for up to six months, within a part of the county that is unorganized or unincorporated; boards may not issue more than one to the same premises during any consecutive 12-month period.
- Enactment:** April 16, 1987
Effective: day after enactment

Liquor retailers—changes
HF1375—Jacobs, Bennett
SF1152*—Solon, Dicklich, Purfeerst, Kroening

Chapter 310:

- provides that only a licensed manufacturer, wholesaler, or importer may bring alcoholic beverages into the state in excess of the amounts which individuals may bring in (one liter spirits or wine, nine quarts beer);
- allows brewers and beer wholesalers to enter into cooperative advertising agreements with retailers in connection with nonalcoholic beverages;
- specifies that the maximum amount a wholesaler can offer on a volume price is 25 cases (currently 300 one-liter or less bottles);
- requires distillers, manufacturers' or wholesalers who send lists of credit-delinquent retailers to the commissioner of public safety each week to also include the names and addresses of retailers who pay by postdated or dishonored checks;
- allows a county to issue seasonal on-sale intoxicating liquor licenses for up to six months (nine months in Lake County), with not more than one license going to a premises in a 12-month period;
- adds Carlton and Red Lake counties to exceptions that require a county board to refuse an off-sale intoxicating liquor license for a premises that is less than three miles from a city boundary;
- allows the governing body of a city

- to issue a temporary license for the off-sale of wine at an auction;
 - prohibits the employment of anyone under 18 years of age to serve or sell intoxicating liquor in a retail intoxicating liquor establishment;
 - allows the commissioner of public safety to revoke or suspend the license (or impose a civil fine) on a retailer who knowingly sells alcoholic beverages to another retail licensee for the purpose of resale, or who buys from another retailer for resale;
 - repeals law setting a minimum malt barley requirement for beer;
 - repeals price affirmation law and wholesale price filing law.
- Enactment:** May 28, 1987
Effective: Aug. 1, 1987

Liquor—temporary on, off-sale licenses
HF0294*—Bishop, Jacobs, O'Connor, Battaglia
SF0358—Solon, Stumpf, Brataas

Chapter 328:

- permits brewers or malt liquor manufacturers or wholesalers to engage in cooperative advertising agreements with a retailer to sell nonalcoholic beverages only;
 - allows a municipality's governing body to issue temporary licenses for the on-sale of intoxicating liquor;
 - allows a city's governing body to issue a temporary license for the off-sale of wine at an auction with the public safety commissioner's approval;
 - provides that such a license authorizes:
 - the sale of only vintage wine of a brand and vintage that Minnesota wholesalers do not commonly offer for sale;
 - the off-sale of wine for not more than three consecutive days provided no more than 600 cases of wine are sold at any auction.
- Enactment:** May 29, 1987
Effective: day after enactment

Little Canada—on-sale liquor licenses

HF1365*—Valento
SF1290—Hughes

Chapter 240:

- allows the city of Little Canada to issue two additional on-sale intoxicating liquor licenses.

Enactment: May 26, 1987

Effective: upon local approval

Little Falls—liquor license

HF1495*—Wenzel
SF0990—Samuelson

Chapter 193:

- allows the city of Little Falls to issue a temporary on-sale intoxicating liquor license to permit the sale of intoxicating liquor at Little Falls High School in conjunction with the observance of Lindbergh Days in June 1987.

Enactment: May 20, 1987

Effective: upon local approval

Low-volume brewers—licensing

HF1265—S. Olsen, Scheid, McLaughlin, Redalen, Ogren
SF1053*—McQuaid, Luther, Solon, Wegscheid

Chapter 249:

- allows for retail on-sale licensing of low-volume brewers who manufacture fewer than 2,000 barrels of malt liquor in a year solely for consumption on tap on the licensed premises;
- provides that a municipality may issue an on-sale intoxicating liquor or nonintoxicating liquor license for the above premises for a \$250 fee.

Enactment: May 26, 1987

Effective: day after enactment

Marijuana possession—conviction records

HF1034*—Kludt, Vellenga, Wagenius
SF0455—Spear

Chapter 78:

- repeals current law which requires the Department of Public Safety to keep a record of all first convictions for the crime of possessing a small amount of marijuana.

Enactment: May 11, 1987

Effective: Aug. 1, 1987

Marijuana—metric measurement

HF0875—Carruthers, Rest, Brown, Seaberg, Forsythe
SF0456*—Spear

Chapter 298:

- amends the definition in the controlled substance law of "small amount" of marijuana to express the amount in metric terms (42.5 grams or less);
- clarifies references in the controlled substances law Schedule II to cocaine and ecogonine.

Enactment: May 28, 1987

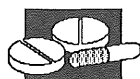
Effective: Aug. 1, 1987

Moorhead—liquor license

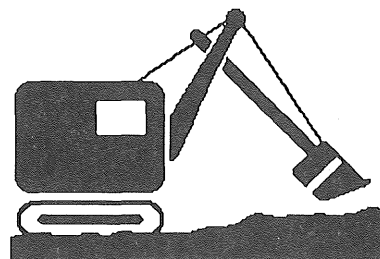
- (See Local Bills—Cities/Towns)

St. Louis County—liquor license

- (See Local Bills—Counties)



Economic Development



DEED—employment data access

HF0609*—Kelso, Wagenius, Otis
SF0854—Cohen, Bernhagen, Frank, Marty, Spear

Chapter 165:

- provides the Department of Energy and Economic Development (re-named the Department of Trade and Economic Development as of July 1, 1987) access (for internal use only) to unemployment insurance reporting system data;
- states that the department shall use the information for analysis, evaluation, and promotion of economic development.

Enactment: May 16, 1987

Effective: Aug. 1, 1987

Economic development laws—recodification

HF0795—Rest, Voss, Long, Schreiber
SF0170*—Pogemiller, Reichgott

Chapter 291:

- recodifies provisions governing housing and redevelopment authorities, port authorities, economic development authorities, area redevelopment, municipal development districts, mined underground space development, rural development finance authorities, public development debt, enterprise zones, tax increment financing, and other local economic development tools;
- extends and revises the Bond Allocation Act;

- removes certain service persons' preference provisions from the Housing and Redevelopment Authority (HRA) law; modifies requirements for developers' tax abatements under HRA law;
 - removes a sunset on certain St. Paul Port Authority provisions.
- Enactment:** May 28, 1987
Effective: Aug. 1, 1987

Eminent domain—relocation benefits

- (See Miscellaneous)

Fish farms—commercial raising programs

- (See Environment/Natural Resources)

Minnesota House Finance Agency

- (See Housing/Real Estate)

Rural Development Act

HF0002—Schoenfeld, Vanasek, Otis, Kinkel, D. Carlson
 SF0001*—R.D. Moe, D.J. Johnson, Beckman, Dahl

Chapter 386:

Article 1—Rural Development Board

- creates the Rural Development Board to:
 - investigate and evaluate new ways to enhance rural development;
 - review and make recommendations of any state program relating to rural development;
 - establish the Rural Rehabilitation Pilot Project program to provide grants for farm-related rural development projects;
 - provide businesses with technical assistance and information;
 - prepare and adopt a rural investment guide for state agencies in creating and implementing rural development programs;
 - adopt an annual budget; and
 - submit an annual report to the Legislature;
- specifies that the Rural Development Board will consist of:
 - the commissioners of jobs and training, agriculture, and trade and economic development (as chair); [the Legislature renamed the Department of Economic Development the Department of Trade and Economic Development (DTED) effective July 1, 1987];
 - the President of the Greater Minnesota Corporation;
 - the heads of the University of Minnesota, state universities, community colleges, and vocational education;
 - the chair of the Regional Advisory Committee;
 - six members of the public the governor appoints, including two members of farm organizations, one representing business, and one representing labor;
- allows the Rural Development Board to establish advisory task forces;
- abolishes the Governor's Council on Rural Development and creates the Regional Advisory Council to:
 - administer Rural Rehabilitation Pilot Grants;
 - develop priorities for state rural development activities;
 - advise the Rural Development Board;
 - coordinate the plans of the Regional Development Commissions for rural development;
 - provide a plan to coordinate and allocate public and private resources in rural Minnesota;
- creates a Challenge Grant Program to provide grants to regional organizations to encourage private investment in rural areas; requires organizations to provide loans to new and expanding businesses in greater Minnesota and provide loans to local governments for the creation of local revolving funds; appropriates \$6.0m from the Rural Rehabilitation Revolving Fund to finance the state's share of financing and repayments; and states that the state's share of the

principal and interest returns to the fund for further loans;

- requires each organization administering a revolving loan program to submit an annual report to the Rural Development Board and Legislature, and provide for an annual audit;
- effective: July 1, 1987.

Article 2—Greater Minnesota Corporation

- creates the Greater Minnesota Corporation (GMC) as a public corporation that an 11-member governor-appointed board will initially administer; provides the GMC will make subsequent appointments with the advice and consent of the Senate;
- Gives the GMC two areas of focus:
 - research: authorizes the GMC to create up to four regional research institutes near public colleges, universities, and vo-techs to provide research and development services and product development grants to businesses; dedicates one regional research institute as an agricultural utilization research institute to promote new products and product uses, and to expand existing markets for the state's agricultural products; authorizes the board to make matching applied research grants to public and private postsecondary education institutes;
 - financial assistance: authorizes the GMC to provide, as of July 1988, loans, loan guaranties, grants, interest buydowns, and equity financing to businesses; allows the GMC to offer grants for applied research before July 1988;
- provides that the GMC has power to:
 - acquire and dispose of real and personal property;
 - enter into contracts with public and private entities;
 - sell notes, mortgages, or other obligations;
 - borrow money and issue bonds;
 - provide consulting and technical services;
 - receive payments in the form of

royalties, dividends, or other proceeds in connection with an investment in a business;

- accept and dispose of gifts, grants, and bequests;
- solicit and obtain private capital (but may not issue stock); and
- provide financial assistance through direct loans, loan guaranties, and grants;

- allows the GMC to establish the Greater Minnesota Finance Authority to administer the GMC's financial assistance functions; the Authority consists of one GMC Board member, the GMC president, and five members the GMC board appoints who have experience in finance, banking, or venture capital;
- authorizes the GMC to construct, acquire, lease, own, or operate on-site research facilities in Minnesota;
- establishes a seven-member Research Advisory Board of GMC board appointees to assist in the development of Regional Research Institutes; comment on research grants the GMC makes; identify areas that need research, development, and financial assistance to enhance greater Minnesota's economy, and establish a peer review process for scientific or technologically related projects;
- creates the Greater Minnesota Fund as a separate account in the state treasury composed of appropriations, investment income, gifts, fees, charges and revenue from loans, royalties, and other proceeds the GMC collects;
- creates the Agricultural Project Utilization Fund that the GMC may use for the Agricultural Utilization Research Institute and Agricultural Research Grants;
- requires the GMC to get an annual audit from a certified public accounting firm, and authorizes the legislative auditor to audit the books and records of the GMC and its subsidiaries without notice;
- requires the GMC to provide the Legislature and governor with an

annual report of the corporation's activities;

- requires the GMC to study the effect, structure, and feasibility of a publicly owned venture capital corporation;
- requires the GMC board to prepare and submit an operational plan to the governor and Legislature by Nov. 15, 1987 that includes proposed procedures relating to financial assistance programs, identification of private sources of nongovernmental funds, personnel procedures, a budget proposal, and a five-year plan;
- effective: various dates.

Article 3—Minnesota Public Facilities Authority

- creates the Public Facilities Authority to provide financial administration of the State Independent Wastewater Treatment Grant Program (transferred from the Pollution Control Agency), the Health Care Equipment Loan Program [transferred from the Minnesota Energy and Economic Development Authority (MEEDA)], three energy programs (also transferred from MEEDA), and the wastewater treatment loans that recently passed in federal legislation;
- effective: various dates.

Article 4—Community Development

- creates a Community Development Division in the DTED to administer and coordinate community development and assistance programs including Economic Recovery Grants, Community Development Corporations, the enterprise zone program, Public Facilities Authority, Urban Revitalization program, small cities component of the federal Community Development Block Grant, and Rural Development Board; requires the division to provide community development technical assistance to rural communities in cooperation with regional development commissions;
- establishes a Main Street Program in the DTED to provide assistance in

the revitalization of business districts;

- effective: July 1, 1987.

Article 5—Minnesota Energy and Economic Development Agency

- provides for the transfer of any programs from the MEEDA that did not transfer elsewhere in this law to the commissioner of trade and economic development;
- abolishes MEEDA, and terminates many of its financial assistance programs;
- transfers the waste tire recycling loan program from MEEDA to the Pollution Control Agency;
- effective: July 1, 1987.

Article 6—Urban Revitalization Programs

- establishes the revitalization program for targeted Minneapolis and St. Paul neighborhoods to match state funds with local funds for grants and loans to businesses, individuals, and organizations for construction or rehabilitation of residential and commercial/industrial property;
- reduces the period of redemption for homestead property in targeted neighborhoods from five years to two, and for all other property in targeted neighborhoods from three years to one;
- requires the city to provide an equal amount of matching funds so the city can get state money for neighborhood programs; provides that matching funds may include:
 - funds from the city's general fund or a special fund;
 - funds the city receives from a federal or state grant, or proceeds of a grant repayment to the city;
 - eligible tax increments;
 - an amount equal to the market value cost of property the city acquires, or grants or loans to a city in connection with the revitalization program;
 - city funds to improve infrastructure in the target neighborhood;
 - costs the city pays in connection

with bonds the city issued for the program; and

- fees the city receives associated with implementing the program;
- provides for the designation of targeted neighborhoods as one or more census tracts that meet two of the following requirements:
 - in the 1980 census, the area had an unemployment rate twice that of the rate for the Minneapolis/St. Paul Standard Metropolitan Statistical Area;
 - household median income equal to or less than 50 percent of that same statistical area; or
 - at least 25 percent of the area's residential units were substandard, or at least 70 percent of the residential units were pre-1940 structures;
- provides that, in addition to the above areas, the qualifying area may include the area within four continuous blocks of its boundaries as part of a designated target neighborhood;
- requires the city to prepare a comprehensive revitalization and financing program for each targeted neighborhood prior to receiving state funds; the plan must include:
 - objectives for the program;
 - specific activities the city plans to undertake;
 - the extent to which these activities will benefit low income families;
 - a financing program and budget with specific activity costs, the amount of state funds this neighborhood will require, and the source of city matching funds;
 - a statement regarding intended outcome and how the city plans to measure outcomes;
- outlines that targeted neighborhood funds may go to provide loans and grants to individuals, for-profit and nonprofit corporations, and other organizations;
- outlines powers that a city may exercise in a targeted neighborhood including port authority, housing and redevelopment authority, and specific construction and ownership powers relating to residential

property, which generally relate only to commercial property;

- effective: upon local approval.

Article 7—Natural Resources

- funds a Mineral Resources program to accelerate geological mapping and evaluation activities relating to minerals, and creates a mineral coordinating committee to develop long-term mineral diversification policies;
- provides a state policy for mineral development;
- establishes a mineral coordinating committee to prepare, adopt, and submit to the Legislature by Dec. 31, 1987, a 10-year mineral diversification plan; members include directors of the Minerals Division of the Department of Natural Resources, the Minnesota Geological Survey, the U of M's Mineral Resources Research Center, and the Natural Resource Research Center;
- effective: day of enactment.

Article 8—Iron Range Resources and Rehabilitation

- provides the Iron Range Resources and Rehabilitation Board (IRRRB) \$4.0m for financial assistance to businesses in the region, and authorizes the IRRRB to use the 2002 Fund to invest in venture capital funds and use the fund's investment earnings to invest in a venture capital fund or enterprise that will provide capital to businesses;
- requires the IRRRB to annually prepare a list of projects including a description, expected employment, and cost estimates; requires that the commissioner and eight members of the IRRRB, the Legislative Advisory Commission, the governor, and a technical advisory committee review and approve each project;
- effective: various dates.

Article 9—Minnesota Agricultural and Economic Development Board

- renames the Agricultural Resource Loan Guaranty Board the Minnesota Agricultural and Economic Develop-

ment Board, and expands the eligible projects it may assist in financing to include revenue producing enterprises, and facilities that commercially produce or process turkey or fish; allows the corporation to purchase portions of loans lenders make to eligible projects, and transfers the Small Business Development Loan program from the MEEDA to the board;

- removes the commissioner of commerce from the Agricultural Resource Loan Board, and adds to the board the GMC president and two other GMC board appointees who have experience in finance;
- effective: various dates.

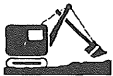
Article 10—Education and Training Program

- transfers the Job Skills Partnership program to the Higher Education Coordinating Board (HECB); reduces the partnership board's size from 21 to 11; establishes a preference to rural businesses in the partnership program; and extends its sunset date by two years;
- provides state supplemental education grants to pay the cost for displaced rural workers to enroll at public postsecondary education units in farm management programs or programs that train people for employment;
- establishes the state supplemental education grant program the HECB will administer to pay the costs of attending a postsecondary educational institution for eligible displaced workers in rural Minnesota; allows only those who enroll in adult farm management programs or employment training programs to be eligible for grants;
- effective: July 1, 1987.

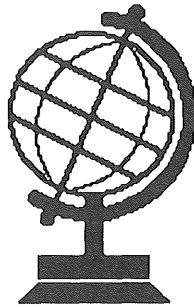
Appropriations

- appropriates a total of \$35.5m from the general fund, Rural Rehabilitation Revolving Fund, and Economic Development Fund for the biennium to:

—Rural Development Board, \$600,000;
 —Challenge Grant Program, \$6.2m; (\$200,000 for technical assistance);
 —Greater Minnesota Corporation, \$6.5m;
 —Agricultural Utilization Research Institution, \$3.5m;
 —Minnesota Public Facilities Authority, \$800,000;
 —Urban Revitalization Program, \$9.0m;
 —Mineral Program, \$1.0m;
 —County Forestry Assistance programs, \$1.8m;
 —Forestry Management Plan, \$250,000;
 —Iron Range Resources and Rehabilitation Board, \$4.0m;
 —Minnesota Agricultural and Economic Development Board, \$400,000;
 —Dislocated Rural Worker Education Grants, \$500,000;
 —Job Skills Partnership, \$1.0m;
Enactment: June 3, 1987
Effective: various dates



Education



AVTI directors—appointment
HF1590*—Dorn
SF0649—Stumpf, Langseth, R.W. Peterson, Bernhagen

Chapter 160:

- provides that an individual does not have the right to employment as an AVTI director on the basis of seniority in the district.

Enactment: May 15, 1987
Effective: day after enactment.

AVTI—housekeeping
HF0983*—Rukavina, Larsen, Trimble, Dorn, Heap
SF0929—Morse, Vickerman, D.J. Fredrickson, D.E. Johnson, Lantry

Chapter 258:

- replaces one representative from school districts with a person the state director appoints on the advisory council on uniform financial accounting and reporting standards;
- prohibits the State Board of Vocational Technical Education and the State Board of Education from delegating management information system powers to the Minnesota Educational Computing Consortium;
- changes membership on the governor-appointed state board advisory council;
- allows school boards to authorize technical institute director to lease,

purchase, and contract for goods and services;

- exempts technical institutes from state law that makes Saturday a school holiday;
- brings technical institute courses under state board jurisdiction;
- allows state board to receive gifts, endowments, and bequests for uses and conditions of technical education;
- requires full payment of all taxes and special assessments on real property before transfer of title;
- strikes language which requires repair and betterment expenditures over \$5,000 to have the state director's approval;
- repeals current law governing length of school year and day for technical institutes;
- changes the name "Area Vocational Technical Institute" to "Technical Institute."

Enactment: May 27, 1987
Effective: Aug. 1, 1987

Braille—local instruction
HF0967—Rukavina, Otis, Pappas, S. Olsen, Onnen
SF0911*—Hughes, D.C. Peterson, Brandl, Pehler, Brataas

Chapter 247:

- requires school districts to make Braille instruction available to school-aged blind students;
- requires reading and writing assessment of defined blind student at least once every three years, recommending whether a student should have Braille reading and writing instruction;
- requires the commissioner of education to develop statewide rules governing Braille education;
- outlines specifics of child's individual education plan;
- defines Braille instruction and services as a special education service.

Enactment: May 26, 1987
Effective: Aug. 1, 1987

Bus driver training

- (See Transportation)

Chemical abuse procedures

HF0246—Kelly, McEachern, K. Nelson, Schafer, Vellenga
SF0300*—Cohen, Pehler, Reichgott, Jude, Belanger

Chapter 295:

- defines "chemical abuse" and establishes required school pre-assessment procedures for all schools;
 - establishes a chemical abuse pre-assessment team and a school and community advisory team to address problems and make recommendations;
 - requires teachers to notify school chemical abuse teams of knowledge or belief of student possession, transfer, or use of controlled substance on school premises or during school activities;
 - requires school chemical abuse policy to include procedures to detect and address chemical abuse problems while on school premises.
- Enactment:** May 28, 1987
Effective: Aug. 1, 1987

Compulsory education—changes

HF0432*—McEachern, K. Nelson, S. Olsen, Kostohryz, Kelso
SF0425—Pehler, Olson, Davis, Mehrkens, Reichgott

Chapter 178:

- defines parent as primary custodian to assure education for children ages 7 to 16;
- states that persons providing instruction must meet at least one of the following requirements:
 - hold a valid Minnesota teaching license in the field and for the grade level they teach (anyone providing instruction in a public school must meet this requirement);
 - be under direct supervision of a person who has a valid Minnesota teaching license;

- successfully complete a teacher competency examination;
 - provide instruction in a school that an accrediting agency, the Advisory Committee on Nonpublic Schools, or the State Board of Education recognizes;
 - hold a baccalaureate degree; or
 - be the parent of a child assessed according to procedures in this law;
 - requires yearly reporting of educational information to the local superintendent, testing of non-public or home-school students in required subject areas and additional evaluation if a child performs below the prescribed age or grade level;
 - exempts accredited schools from certain reporting requirements;
 - requires district superintendents to make annual reports to the commissioner of education detailing number of children in non-public schools in compliance with the law, and names, ages, and addresses of children not in compliance;
 - describes and authorizes enforcement methods.
- Enactment:** May 20, 1987
Effective: Aug. 1, 1987

Education Finance—omnibus bill

- (See Appropriations)

Fond du Lac—higher education center

HF0899*—Ogren, D. Carlson, Murphy, Munger, Jaros
SF0899—Chmielewski, Dicklich, Solon, DeCramer

Chapter 274:

- establishes the Fond du Lac Higher Education Center as a pilot project under the administration of Arrowhead Community College;
- funds a task force to oversee pilot development and study the feasibility of establishing an Arrowhead Community College coordinate campus at Fond du Lac;

- appropriates \$200,000 in FY'88 and \$200,000 in FY'89 to establish and operate the center;
- requires report to the Higher Education Coordinating Board and the Legislature.

Enactment: May 28, 1987

Effective: July 1, 1987

Higher Education—omnibus bill

- (See Appropriations)

Intermediate School District No. 916—bonding

HF0978—Kostohryz, L. Carlson, Rose, McEachern, Price
SF0698*—Hughes, Knaak, Novak, Marty, Dahl

Chapter 66:

- authorizes Intermediate School District No. 916 of Ramsey, Washington, and Anoka counties to issue building bonds to acquire and improve a separate secondary vocational and special education facility on the existing AVTI campus;
 - limits project costs to \$1.6m;
 - requires State Board of Education approval.
- Enactment:** May 6, 1987
Effective: upon local approval

Permanent school fund land—sale

HF1412*—Battaglia
SF1276—D.J. Johnson, Novak

Chapter 158:

- authorizes the commissioner of natural resources to offer for sale certain lakeshore cabin site lots on permanent school fund land not later than Oct. 31, 1987, or at the next sale following that date.
- Enactment:** May 15, 1987
Effective: day after enactment

Rainy River arbitration award

- (See Special Session)

**Revisor's changes/
Miscellaneous funding**
• (See Special Session)

School district fund—transfers
HF1185*—Cooper, McEachern,
Bauerly
SF0371—D.R. Fredrickson

Chapter 143:

- allows the State Board of Education to authorize transfers from any fund, except the debt redemption fund, to any operating fund if the resources are not adequate for approved expenditures; allows permanent transfers from the general fund to clear up deficits in a discontinued fund.

Enactment: May 14, 1987

Effective: Aug. 1, 1987

School districts—mail info
HF0235*—Hartle, Rodosovich,
Vanasek, Sviggum, Schoenfeld
SF0024—Frederick

Chapter 42:

- allows a school district to mail school board minutes if:
--the district doesn't have a newspaper within its boundaries or has a newspaper that goes to fewer than one-third of district residences; and
--the district determines mailing is more economical than publication cost.

Enactment: April 30, 1987

Effective: Aug. 1, 1987

**School Trust Fund—
reimbursement**
HF0379—Neuenschwander,
R. Johnson, Solberg, Battaglia,
Kinkel
SF0905*—Lessard, Stumpf,
D.J. Johnson, R.D. Moe

Chapter 323:

- appropriates \$95,000 from the general fund to the commissioner of natural resources to replace income the Department of Natural Resources lost to state trust funds when the 1985 Legislature cancelled certain permits to cut timber on state trust fund lands;

- requires the commissioner to:
—release from the trust, the timber on state trust fund lands that the permits cover for a period of five years beginning when the permanent school fund receives the appropriation;

- attempt to sell, recycle, or otherwise dispose of the timber as the law provides during that five-year period and return to the general fund any income the timber generates during the five-year period.

Enactment: May 29, 1987

Effective: day after enactment



Elections



Absentee ballots

HF0376—Price, Kostohryz, Scheid,
Kludt, Shaver

SF0248*—D.C. Peterson

Chapter 62:

- requires the secretary of the soil and water conservation district to immediately submit candidate names and terms of nomination to the county auditor;
- requires applicants for school board elections to file not more than 10 or less than eight weeks before the election, if the elections are on the same day as state, county, or municipal elections within district boundaries;
- applies current law to application, preparation, and delivery procedures for absentee school board election ballots, if the elections are concurrent with statewide elections or county or municipal elections within district boundaries;
- increases to three months the deadline for a second, third, or fourth class city, or a town containing a statutory city, to adopt an ordinance or resolution calling for a primary election;
- requires a town to hold municipal primary elections at least six weeks before the general election; eight weeks for a city.

Enacted: May 6, 1987

Effective: Aug. 1, 1987

Contested elections—appeals

HF1515*—Scheid, Osthoff

SF1433—Morse

Chapter 200:

- exempts parties appealing a District Court's decision on a statewide or state legislative election contest from notice requirements for the appeal;
 - applies current law relating to the appeal process for state legislative contests to contests for statewide office, a constitutional amendment, or other question that requires a statewide vote;
 - requires a written, signed resignation from office which is effective when the officer, body, or board receives it;
 - prohibits contingent resignations;
 - permits withdrawal of a prospective resignation with a written statement before proper body or board has accepted the resignation;
 - restricts Court of Appeals' jurisdiction over final decisions of trial courts for statewide election contests.
- Enactment:** May 21, 1987
Effective: day after enactment

**Election judges—
voter information**

HF0638*—Minne, Osthoff, Scheid

SF0550—Dicklich, Hughes,
Samuelson**Chapter 222:**

- directs election judges to explain to voters the effect of attempting to vote on more than one party's primary ballot;
- requires automatic rejection of all votes on ballots in partisan primary elections when a voter crosses party lines and hasn't indicated a party preference;
- counts only votes cast for candidates of voter's indicated party preference in a primary election;
- requires:
 - partisan primary ballots to include a party indicator that enables voters to choose in which party's primary they intend to vote;

—punch card electronic voting systems in primary elections to permit voters to select party choice, and tabulate only votes for the selected party;

—requires color coded partisan primary ballot booklets to distinguish party; provides political party chairs will choose their party's permanently assigned color from choices of purple, orange, and buff in a random drawing the secretary of state will conduct.

Enactment: May 26, 1987**Effective:** Aug. 1, 1987**Elections—candidate names**

HF0312*—Scheid, Minne,

Kostohryz, Segal, Morrison

SF0438—Samuelson, D.C. Peterson,
Berglin, Benson, Laidig**Chapter 39:**

- repeals current law that permits a woman to use her husband's first name when filing an affidavit of candidacy or a nominating petition to designate the candidate on the official ballot.

Enactment: April 20, 1987**Effective:** Aug. 1, 1987**Elections—dates, district
reapportionment**HF0651—Scheid, Osthoff, Long,
Shaver, KnickerbockerSF0397*—D.C. Peterson, Luther,
Laidig**Chapter 297:**

- prevents reapportioning of city wards and other election districts in certain years until after the legislative district reapportionment;
- sets deadlines for redistricting;
- directs precinct arrangement so that no precinct lies in more than one legislative district.

Enactment: May 28, 1987**Effective:** Aug. 1, 1987**Elections—municipal combination**

HF0230*—Tunheim, C. Nelson,

Battaglia, Uphus

SF0260—Stumpf, Adkins, Schmitz,
Chmielewski**Chapter 212:**

- exempts a municipal clerk or county auditor from the 30-day notification period to affected registered voters before an election when precinct boundaries change as a result of combination or separation of municipalities for election purposes;
- requires a designated municipal clerk to prepare precinct boundary maps;
- authorizes a county auditor to allow a maximum of four contiguous municipalities outside the metropolitan area with a total of 1,000 inhabitants in the same legislative, congressional, and county commissioner district to combine for state and county election purposes;
- requires a three-week notice to affected voters of the proposed agreement before the second Tuesday in March;
- allows municipalities to withdraw from the combined precinct by a resolution of the governing body;
- outlines election judge requirements;
- allows non-metro towns with fewer than 400 registered voters or unorganized territories to apply to the county auditor to provide mail balloting for county or state elections;
- outlines procedures and election laws that apply.

Enactment: May 26, 1987**Effective:** Aug. 1, 1987

Elections—school districts

HF0239*—Minne, Scheid, Brown,
Kostohryz, Gutknecht
SF0381—Dicklich

Chapter 266:

- applies Minnesota election laws to school district elections, including voter registration, absentee voting, election judges, ballot questions, and candidate applications;
- allows school boards to require eligible voters to maintain residence in that school district for 30 days prior to a school district election;
- requires school districts to assist county auditors in determining voter districts;
- includes the clerk of a school district in the definition of municipal clerk;
- requires the governing body of municipalities and counties to designate polling places and distribute ballots so no one has to go to more than one polling place to vote when school district and municipal elections are on the same day;
- requires a clearly marked, separate ballot box for each separate school district accepting ballots at that polling place;
- requires the local school board to set compensation levels for election judges and to pay election judges at least the prevailing Minnesota minimum wage;
- requires school districts to pay expenses associated with a school board election;
- requires the county auditor or municipal clerk to deliver summary statements of election returns, all unused and spoiled ballots, and the envelope containing ballots to the appropriate school district within 48 hours after polls close in an election held in conjunction with a state election;
- allows local school boards to decide to choose nominees for school district elective office with a primary election, if adopted in resolution at least 12 weeks before the general election; lays forth rules for primary;

- sets general school board elections on the third Tuesday in May, unless board resolution moves election to November;
- allows school boards to call a special election;
- sets candidate filing procedure and dates; sets fee at \$2;
- requires buff colored, goldenrod ballots for ballot questions;
- allocates use of separate electronic voting devices for school board elections on the basis of district voter count;
- appropriates \$25,000 from the special revenue fund to the secretary of state for implementation;
- repeals current law for school board use of voter registration system;
- allows the school board to appoint a person to fill a vacancy of less than two years; provides for a special election in other cases.

Enactment: May 28, 1987

Effective: July 1, 1988

Elections—voter registration

HF0523*—Ogren, Norton, Scheid,
Osthoft, Knickerbocker
SF0487—Luther, R.D. Moe,
Pogemiller, Hughes, Cohen

Chapter 361:

- allows the secretary of state to develop and implement a statewide computerized voter registration system accessible to all county auditors;
- permits individuals to register to vote by submitting a voter registration card from a state income tax form/booklet or by filling out the voter registration portion of a driver's license application;
- requires county auditors to change the registration information for voters who register in a new district, die, are ineligible to vote, or failed to vote during the past years;
- requires the commissioner or child administrative officer of each state agency or community-based public agency or nonprofit corporation that contracts with a state agency to

provide voter registration services for employees and the public;

- appropriates money to implement and administer the computerized system and registration form changes.

Enactment: June 2, 1987

Effective: July 1, 1987

Ethical Practices Board—changes

HF0283*—A. Johnson, Osthoft,
Knickerbocker, Scheid
SF0100—Frank

Chapter 214:

- strikes current law prohibiting certain individuals from disclosing information to or from the Ethical Practices Board about a complaint or investigation;
- directs political fund treasurers to disclose the name of any members whose total dues, fees, and contributions in the fund exceed \$100;
- requires campaign reports to include the name, address, and employer of each individual, political committee, or political fund that has contributed more than \$100 in a year for legislative candidates;
- requires treasurers to report of contributions totaling more than \$400 from any one source in any legislative election;
- sets campaign spending limits for statewide election candidates;
- strikes required population estimate prior to elections and statewide candidate expenditure limits based on those figures;
- requires adjustment of campaign expenditure limits before June 1 of a general election year (based on consumer price index from December to December of the preceding year), and readjusting all spending limits for 1990 except for office of state representative;
- requires written statement from candidates who receive money from state elections campaign fund that aggregate contributions and approved expenditures won't exceed \$15,000;

- exempts candidates for county office from reporting name, address, and employer of each individual, political committee, or political fund that contributes less than \$50;
- requires reporting of name, address, and employer of each individual, political committee, or political fund that contributes more than \$100 (formerly \$50) to a political committee, fund, or campaign.

Enactment: May 26, 1987

Effective: Aug. 1, 1987

Mail-in elections—establishment

HF0281*—Steensma, Kostohryz, Scheid, Dille, DeBlieck
SF0415—Hughes, Pogemiller, Morse, Samuelson, D.E. Johnson

Chapter 213:

- allows the secretary of state to authorize experimental mail elections between Aug. 1, 1987 and March 30, 1989;
- allows authorized counties or municipalities which submit up to two ballot questions to voters in a special election, on a day other than general election day to use mail-in ballots (no candidates for office may be on the ballot);
- outlines ballots administration and voter registration procedures;
- requires the secretary of state to report to the Legislature on implementation.

Enactment: May 26, 1987

Effective: Aug. 1, 1987

Precinct caucus—date change

HF1327*—Skoglund, Scheid, Knickerbocker, Orenstein, Steensma
SF1243—Cohen, R.D. Moe, Luther, Novak, Brataas

Chapter 263:

- changes precinct caucus time and date to 7:30 p.m. on the fourth Tuesday in February;

- requires nominations for election of delegates and officers to remain open for the first quarter hour of the caucus;
- requires election of delegates and alternates to begin within one hour of convening a caucus; may begin after the first half hour.

Enactment: May 27, 1987

Effective: Jan. 1, 1988

Secretary of State—housekeeping

HF0334*—Orenstein, Kostohryz, Scheid, Kludt, Sviggum
SF0416—Hughes, D.C. Peterson, Morse, Samuelson, D.E. Johnson

Chapter 175:

- requires a person to show proper identification before inspecting voter registration files or obtaining lists;
- allows county auditors and municipal clerks to mail only one set of absentee ballots to applicants for any election;
- allows election officials to remove a candidate from election ballots if filing fee check is insufficient, and holds the candidate responsible for cost of reprinting ballots if he/she fails to produce sufficient funds within five days of written notice;
- requires county auditors and municipal clerks to retain voted ballots in sealed envelopes in a secure location;
- requires election judges to deliver validated ballots to municipal clerks or county auditors as soon as possible after vote counting is complete, up to 24 hours;
- prohibits candidates for public office from being a canvassing board designee;
- decreases a ballot printer's bond to \$1,000;
- allows election officials to place all candidates for soil and water conservation district supervisor offices on gray election ballots;

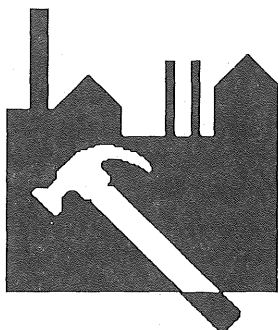
- allows a county auditor to substitute ballot cards for paper ballots in state or county elections where an optical scan voting system is in use;
- allows appropriate authorities to prepare for special elections as soon as a vacancy is certain to fill the vacancy at the earliest possible time.

Enactment: May 20, 1987

Effective: Aug. 1, 1987



Employment/ Labor



Bankruptcy—notifying employees
HF0134*—Price, Begich, Beard,
 Solberg, Quinn
SF0182—Lantry, Beckman, Piper,
 Frank, Brataas

Chapter 38:

- requires an employer to immediately notify employees or job applicants, in writing, if the employer files for bankruptcy or if someone files an involuntary bankruptcy petition against the employer;
 - states that violation of this provision is a misdemeanor.
- Enactment:** April 20, 1987
Effective: Aug. 1, 1987

Boiler operating regulations
HF1155—Begich
SF1015*—Lantry, Chmielewski,
 Frank

Chapter 70:

- requires a chief or deputy chief of the Division of Boiler Inspection to have at least 10 years of operation experience and five years of boiler inspection experience, in addition to already existing qualification requirements;
- requires inspection every two years of steam farm traction engines, portable and stationary show

engines, and show boilers used only for display and demonstration;

- changes regulations for boilers or show engines of lap seam construction and hobby boiler or show engines;
- requires sealing a vessel, and prohibits its use in Minnesota, if it has longitudinal cracks in riveted longitudinal seams;
- allows the commissioner of Labor and Industry to set fees to inspect traction engines, show boilers, and show engines;
- levies a penalty for inspection costs up to \$1,000 for failure to have the required inspection;
- requires the commissioner to set examination fees for traction engineers' and pilots' licenses;
- exempts from regulation, pressure vessels that operate full of water or other liquid not materially more hazardous than water, if contents' temperature does not exceed 140 degrees fahrenheit or a pressure of 200 p.s.i.g.

Enactment: May 7, 1987
Effective: Aug. 1, 1987

**Council on Productivity
 and Quality**
HF1109—Otis, Winter, Morrison
SF1479*—Luther, Pehler, Dahl,
 Freeman

Chapter 316:

- establishes a nine-member Minnesota Council on Productivity and Quality;
- provides for council membership, staff, and activities including research, and education programs;
- requires council to:
 - seek money or in-kind services from the private sector to match state-appropriated funds;
 - compile a list of consultants and, on request, provide names of consultants to business and labor organizations;
 - contract with the commissioner of energy and economic development

(trade and economic development, as of July 1, 1987) for research and monitoring services;

- report to the governor and Legislature by Jan. 15 of each odd-numbered year on council activities, specifies report contents;
- requires the governor to make initial appointments to the council as follows:
 - two four-year term members;
 - two two-year term members;
- repeals this law June 30, 1989.

Enactment: May 28, 1987
Effective: Aug. 1, 1987

Drug testing—workplace
 • (See Drugs/Alcohol)

Employee dismissal
HF0823*—Gutknecht, Wenzel,
 Heap, Scheid, Miller
SF0701—Wegscheid, Freeman,
 Marty

Chapter 76:

- prohibits an employer from discriminating against or penalizing employees if the employee:
 - reports in good faith, to an employer, government body, or law enforcement official, a violation or suspected violation of any federal or state law or regulation ;
 - receives a request to participate in a public investigation or hearing; or
 - refuses to participate in an activity that the employee believes is illegal;
- prohibits public officials from disclosing the identity of employees who report illegal activity, unless an investigation requires disclosure; provides that if disclosure is necessary for prosecution, officials must notify an employee before making a disclosure;
- provides no protection for employees who make disclosures that are knowingly false or in reckless disregard of the truth;
- provides that this law does not diminish or impair any rights under

any collective bargaining agreement or permit disclosure that would violate the law or impair the rights of any individual to common law protection of confidentiality of communications;

- allows an employee to request, in writing, the reason for termination, and requires an employer, within five days of receiving the request, to answer such a request in writing;
- provides that the statement to the employee may not be the subject of a defamation action by the employee;
- requires employers to inform employees of their rights;
- establishes a cause of action for injuries from violations of the bill; allows recovery of damages, court costs, attorney's fees, and equitable relief.

Enactment: May 11, 1987

Effective: Aug. 1, 1987

Federal Reed Act money—appropriation
• (See Appropriations)

Human Rights Act—disabled employees
HF0580*—Greenfield, Bishop, Vellenga, Welle, Kelly
SF0491—Spear, Cohen, Chmielewski, Berglin, Storm

Chapter 129:

- changes certain legal requirements relating to employing disabled persons;
- removes language in current law allowing an employer to require a disabled prospective employee to undergo a physical examination to determine whether the employee's disability would prevent him/her from performing the job; clarifies that an employer could request a physical examination to comply with workers' compensation laws;
- specifies that a disability that threatens the health or safety of a disabled person or others is a defense

to an employment discrimination claim;

- provides that failure to make reasonable accommodation to a "job applicant" is unfair practice; removes language in current law that excuses an employer from making an accommodation for a job applicant that costs more than \$50;
- provides that if an individual brings a charge under a local anti-discrimination ordinance and the Human Rights Act provides protections and remedies not available under the ordinance, the local commission must advise the individual of the option to file under the Human Rights Act.

Enactment: May 14, 1987

Effective: Aug. 1, 1987

Human rights—employee redefinition
HF1200*—Riveness, Rest, Welle, Wagenius, McKasy
SF0979—Freeman, Spear, Merriam, Luther, R.W. Peterson

Chapter 282:

- includes a commission salesperson (a person paid on the basis of commission for sales) who resides or works in Minnesota in the definition of "employee" as it relates to human rights legislation.

Enactment: May 28, 1987

Effective: Aug. 1, 1987

Jobs and Training Law—changes
HF1542*—O'Connor, Murphy, Begich, Himle, Heap
SF1412—Chmielewski

Chapter 385:

- provides that the term "agency" refers to any private or nonprofit organization or government agency;
- makes technical changes to the definition of "employment":
—clarifies and limits the rehabilitation program exemption from unemployment insurance coverage to programs the Department of Jobs and

Training (DJT) certifies;

—clarifies that a domestic worker must earn \$1,000 in a single quarter to be eligible for unemployment insurance;

—expands the unemployment insurance coverage exemption for those in medical training to include residents and interns who are training to become doctors or dentists;

expands the training place to include medical or dental offices and clinics;

• expands the definition of "wages" to include sickness or accident disability payments, except:

—sickness or accident disability payments an employer makes to an individual six months after the last calendar month the individual worked for the employer;

—workers' compensation benefits;

—sickness or accident disability a third party pays;

—payments to a fund or to buy sickness or accident insurance or annuities;

• provides that "wages," for the purpose of determining the tax base, include:

—wages a predecessor employer paid during the year; and

—payments into deferred compensation or cafeteria benefit plans;

• limits credit for employment in another state to that state's taxable wage base;

• defines:

—"wages paid" as wages an employer has actually paid or credited to an employee; considers wages having a definite pay date as paid on that date even if payment is delayed; considers wages earned but not paid with no scheduled pay date as paid on the last day the employee performed services before separation from employment;

—"contribution report" as a summary report of wages and employment;

—"wage detail report" as an itemized report of wages and employment;

- refers to the *Standard Industrial Classification Manual* to clarify the definition of "construction industry";
- prohibits DJT from charging part-time employers for unemployment compensation benefits if the employer provided regularly scheduled part-time employment during a base period, and continues to provide regularly scheduled employment, equal to about 90 percent of the base period employment during the benefit year, as long as the employment continues;
- strikes language that:
 - determined new employer rate based on the state's three- and four-year benefit cost rate; provides that only the five-year rate will apply;
 - determined experience ratios on three or four years of benefit charges before 1985;
 - limits annual changes in tax rates (held to be out of conformity with federal law);
- allows the commissioner of jobs and training to correct clerical errors relating to assigning tax rates;
- strikes language which provides a time limit to apply for a predecessor employer's experience rating after a partial succession or acquisition;
- allows rate recalculation on succession or acquisition, unless the rates have become final before the rate transfer request;
- provides that DJT will make voluntary payment refunds only if, at the time of payment, the employer requests a refund if the payment doesn't result in a lower rate;
- clarifies language describing when benefits are available to business owners;
- provides that DJT:
 - will pay benefits due but unpaid on a claimant's death to the claimant's estate or heirs;
 - won't be liable to any other individual if DJT pays benefits under an affidavit pursuant to this section;
- requires deducting holiday pay in excess of \$25 from benefits in the week in which a person received payment;
- requires an employer to pay to the unemployment insurance fund, within 30 days, an amount equal to the amount that unemployment benefits reduce an employee's backpay awards;
- prohibits disqualifying an individual who loses part-time employment for a disqualifying condition, if the employee qualifies based on full-time employment;
- prohibits charging an employer for benefits to an individual who refuses reemployment because he/she is in an approved training program;
- specifies the types of records the commissioner or his/her representative may examine to determine compliance with this chapter;
- requires:
 - wage detail reports to include the employee's name, social security number, and total wages paid; and
 - the employer to file the report at the time of the contribution report according to DJT rules;
- strikes language requiring the commissioner of finance's and/or governor's approval for contingent account expenditures;
- provides that judgments for past due contributions or reimbursements shall bear the same interest rate as interest on past due contributions and reimbursements (1.5 percent per month);
- strikes the general penalty provision for an employer who fails to submit a report, and establishes new penalties as follows:
 - failure to file wage detail report, one-half of one percent of total wages after providing 30-day notice;
 - providing incomplete or erroneous information in the report, \$25 for each individual; or
 - failure to file other reports, \$50 per report;
- makes a lien effective the date report or payment was due (rather than the filing date); provides certain liens are not enforceable until the commissioner files a notice of lien against the property;
- allows enforcing a lien against a homestead upon the homestead's sale or transfer, as defined under the tax law;
- establishes a priority for DJT levies over credit union liens;
- provides that a corporate director/owner may be personally liable for willfully failing to file reports or make required payments;
- creates a new section governing liability of successor; provides:
 - a successor is liable for the seller's unpaid contributions, up to the acquisition's reasonable value;
 - the commissioner's representative will determine reasonable value, with a right to appeal;
 - the commissioner will provide a written statement of amounts the predecessor owes, only if the successor so requests in writing and the predecessor provides a written release;
- remedies in this section are in addition to other remedies the commissioner may select;
- creates a new section governing third party liability to assure that contractors, subcontractors, and employee leasing firms pay amounts they owe; provides:
 - contractors will be liable for subcontractor's unpaid obligations, unless the contractor requires a bond;
 - contractors will be liable for an employee leasing firm's unpaid obligations if the leasing firm provides more than 50 percent of the contractor's workers, unless the contractor requires the employee leasing firm to provide a sufficient bond;
 - the commissioner will designate an individual to determine amounts due under this section, subject to the right of appeal;
- creates a new section governing unemployment tax clearances and license issuance:
 - prohibits a licensing authority from issuing or renewing a license after the commissioner gives notice that the applicant owes delinquent

contributions, reimbursements, or benefit overpayments;
 —provides that the commissioner can't send a notification unless the amount exceeds \$500; allows the commissioner to issue a clearance after the applicant pays, or agrees to pay, the amount owed;
 —requires the commissioner to give the applicant a notice and demand for payment 30 days before notifying a licensing authority; requires the commissioner to provide for a hearing if the applicant so requests, and a right to appeal;
 —requires licensing authorities to provide the DJT with applicants' names and other information;
 —allows the commissioner to act under this section without forfeiting other remedies against the person or company;
 • creates a new section governing withholding of benefits for unpaid contributions:
 —permits the commissioner to withhold from an individual who owes unpaid contributions, up to 50 percent of each unemployment payment the DJT owes the individual;
 —considers withheld amounts as paid benefits to the individual, which the individual then pays to the DJT;
 —provides that deducted and withheld amounts under this section have priority over other liens, except those related to benefit overpayments;
 • allows the commissioner to cancel as uncollectable, amounts unpaid after six years; permits the commissioner to collect amounts that liens or judgments secure after six years;
 • limits deductions to 50 percent of the benefit, when the DJT reduces benefits to recover overpayments; this limitation doesn't apply to cases of fraud;
 • expands laws governing an individual's liability for wrongfully obtaining (or abetting those who obtain) benefits;

- classifies the crime of fraudulent receipt of overpayments as theft; provides increased penalties of:
 —up to 10 years in prison and/or up to a \$10,000 fine for theft of more than \$2,500; and
 —up to five years in prison and/or up to a \$5,000 fine for theft of less than \$2,500;
- increases a crime to a felony if an employer makes a false statement to deny or reduce a benefit or to avoid a contribution, if the amount exceeds \$250;
- requires the commissioner to cancel benefit overpayments if the DJT has not recovered the money in six years;
- permits the commissioner to cancel benefit overpayments which he/she determines are uncollectable due to death or bankruptcy;
- provides that:
 —penalties the commissioner assesses for improper terminations under the job training program are in addition to any other penalties;
 —the commissioner will deposit penalties in the job search and relocation fund; and
 —the commissioner may waive penalties;
- requires a hearing when a debtor contests a DJT setoff claim against an income tax refund;
- provides that DJT liens, as well as tax liens, continue in force against registered titled property.

Enactment: June 2, 1987
Effective: Aug. 1, 1987

Labor—Bureau of Mediation Services changes

HF1028*—Simoneau, Gutknecht, Rukavina, Clark
SF1110—Piper, Marty, Lantry, Vickerman

Chapter 45:

- transfers certain powers from the governor to the director of mediation services, including authority to appoint special mediators and fact finding commissions, set rules to govern proceedings, issue subpoenas, administer oaths and affirmations, examine witnesses, and appoint labor referees;
- establishes that a party to a labor dispute, or a party the dispute affects, may appear at a hearing before the labor referee in person, by attorney, or other representative;
- provides that a labor organization may apply to the director and submit proof of corrective action to remove the basis for charges or suspension.

Enactment: April 30, 1987
Effective: Aug. 1, 1987

Minimum wage increase

HF0003*—Kelly, Norton, Vanasek, Begich, D. Carlson
SF0010—Lantry, Frank, Kroening, Pehler, Marty

Chapter 324:

- establishes "federal-covered employers" as those employers the Federal Fair Labor Standards Act of 1938, as amended, covers;
- establishes "state-covered employers" as those employers the Federal Fair Labor Standards Act of 1938, as amended does not cover;
- requires every federal-covered employer to pay each employee 18 years or older, an hourly wage of at least \$3.55 beginning Jan. 1, 1988, \$3.85 beginning Jan. 1, 1989, and \$3.95 beginning Jan. 1, 1990;
- requires every state-covered employer to pay each employee 18 years or older, an hourly wage of at least \$3.50 beginning Jan. 1, 1988,

\$3.65 beginning Jan. 1, 1989, and \$3.80 beginning Jan. 1, 1990;

- requires every federal-covered employer to pay each employee under age 18 an hourly wage of at least \$3.20 beginning Jan. 1, 1988, \$3.47 beginning Jan. 1, 1989, and \$3.56 beginning Jan. 1, 1990;
- requires every state-covered employer to pay each employee under age 18 an hourly wage of at least \$3.15 beginning Jan. 1, 1988, \$3.29 beginning Jan. 1, 1989, and \$3.42 beginning Jan. 1, 1990;
- states that until Jan. 1, 1989, the minimum hourly wage for federal- or state-covered employees who receive \$35 or more in gratuities per month is \$3.35 an hour for employees 18 years or older and \$3.02 an hour for employees under age 18.

Enactment: May 29, 1987
Effective: Jan. 1, 1988

Occupational Safety and Health Act

HF1049*—A. Johnson, Begich, Solberg, Beard, Murphy
SF1074—Piper, Chmielewski, Vickerman, Adkins

Chapter 46:

- changes Occupational Safety and Health Act regulations;
- clarifies employee rights to sue;
- includes an owner's, operator's, or agents anticipated refusal, based on an employer's refusal to permit entrance on a prior occasion, as cause for the commissioner of labor and industry to apply to District Court for an order compelling the employer to permit the commissioner to enter and inspect the workplace;
- provides that Department of Health employees who provide services to the Department of Labor and Industry are not subject to subpoena for purposes of inquiry into any occupational safety and health inspection, except in enforcement proceedings;

- requires a contesting employer, employee, or employee representative to prominently post, at or near each place of violation, notice of intent to contest a citation, proposed assessment of penalty, or period of time fixed for correction of the violation;
- allows the Occupational Safety and Health Review Board to render a default judgment in favor of the commissioner for failure to post a notice;
- provides that only the commissioner shall have authority to assess proposed fines;
- allows an employee to bring private action in District Court for losses due to discrimination.

Enactment: April 30, 1987

Effective: Aug. 1, 1987

Parental leave

HF0234*—McLaughlin, Rest, Begich, A. Johnson
SF0246—D.C. Peterson, Berglin, Frank, Piper, Pogemiller

Chapter 359:

- establishes unpaid leaves of absences for new parents;
- defines:
 - “employee” as a person who performs services for hire for an employer an average of 20 or more hours per week, and includes all individuals an employer employs at any site he/she owns or operates; doesn't include an independent contractor; and
 - “employer” as a person or entity that employs 21 or more people at least one site and includes an individual, corporation, partnership, association, nonprofit organization, group of persons, state, county, town, city, school district, or other governmental subdivision;
- requires an employer to grant an unpaid leave of absence, in conjunction with a child's birth or adoption, to an employee whom the employer has employed for at least 12 months

and who is a natural or adoptive parent;

- requires the employee to determine:
 - the length of the leave; provides that the leave may not exceed six weeks, unless the employer agrees to a longer time;
 - when the leave will begin; allows the employer to adopt reasonable policies governing timing of unpaid leave requests;
- provides the leave may not begin more than six weeks after the birth or adoption;
- prohibits an employer from retaliating against an employee who requests or obtains a leave of absence under these provisions;
- requires an employer to continue to make available to the employee, while on leave of absence, coverage under any group insurance policy, group subscriber contract, or health care plan for the employee and his/her dependents;
- states that nothing in these provisions requires an employer to pay the insurance or health care costs while the employee is on leave of absence;
- entitles an employee returning from a leave of absence to return to employment in his/her former position or a position of comparable duties, number of hours, and pay;
- requires an employee returning from a leave of absence longer than one month to notify a supervisor at least two weeks prior to his/her return;
- provides that an employee:
 - is not entitled to reinstatement in his/her former or a comparable position if, during the leave, the employer experiences a layoff and the employee would have lost a position had he/she not been on leave;
 - retains all rights under the layoff and recall system, including a system under a collective bargaining agreement, as if the employee hadn't taken the leave;
- provides that an employee returning from a leave of absence shall:

—return to work at the same pay rate he/she had been receiving when the leave began, plus any automatic adjustments in his/her pay scale that occurred during the leave period;
 —retain all accrued preleave benefits of employment and seniority, as if no interruption in service had occurred;

- allows an employee to return to work part-time during the leave period without forfeiting the right to return to employment at the end of the leave period, if the employer agrees;
- allows any period of employer-provided paid parental or disability leave to reduce the length of leave this act provides, so that the total leave doesn't exceed six weeks, unless the employer agrees;
- states that nothing in these provisions prevents any employer from providing parental leave benefits in addition to those this act provides, and nothing in these provisions otherwise affects an employee's rights with respect to any other employment benefit;
- provides that, in addition to other legal remedies, any person receiving injury due to a violation of the provisions above may:

—bring a civil action to recover any damages recoverable at law, together with costs and disbursements, including reasonable attorney's fees;
 —receive injunctive and other equitable relief as a court determines.

Enactment: June 2, 1987

Effective: Aug. 1, 1987

Piping, pipefitting— pressure regulation

HF0656*—O'Connor, Beard,
 Begich, A. Johnson, Sarna
SF0736—Kroening, Lantry

Chapter 132:

- regulates high pressure piping and pipefitting;
- provides penalties;
- eliminates the temporary license to construct or install a high pressure piping system.

Enactment: May 14, 1987

Effective: day after enactment

State employees— mandated absences

- (See Governmental Operations)

Unemployment insurance— qualification changes

HF0715*—Riveness, Murphy,
 Begich, Norton, Vanasek
SF1161—Chmielewski, Pehler

Chapter 362:

- redefines "base period" as the first four of the last five completed calendar quarters preceding the benefit year; extends the base period for up to four additional calendar quarters if the employee received benefits for a temporary disability under workers' compensation or for some other serious illness; prohibits individuals from using the base period, extended base period, or alternate base period wage credits more than once to establish a claim for benefits;
- defines:
 - "wages paid" as wages actually paid or credited to an employee;
 - "wage credit" as wages paid within the base period for insured work;
 - "contribution report" as the summary report of wages and employment the claimant uses to determine the amount of contributions an employer owes on a calendar quarter basis;
 - "high quarter" as the calendar quarter during the base period in which an employee earns the most money;
- eliminates the split wage base for employer taxes;
- subjects new construction employers to maximum contribution rates;
- sets the minimum tax rate for all employers as follows:

—eight-tenths of one percent for 1988;

—seven-tenths of one percent for 1989;

—six-tenths of one percent for 1990;

—six-tenths of one percent in 1991 and thereafter, except that if the unemployment compensation fund balance:

a) exceeds \$200.0m but is less than \$225.0m, the rate is five-tenths of one percent;

b) exceeds \$225.0m but is less than \$250.0m, the rate is four-tenths of one percent;

c) exceeds \$250.0m but is less than \$275.0m the rate is three-tenths of one percent;

d) exceeds \$275.0m but is less than \$300.0m, the rate is two-tenths of one percent;

e) is \$300.0m or more the rate is one-tenth of one percent;

- changes the maximum rate for all employers as follows:

—8 percent in 1988;

—8.5 percent in 1989;

—9 percent in 1990 and thereafter;

- requires employers to pay a solvency assessment equal to 10 percent of their annual tax if the unemployment fund balance is greater than \$75.0m but less than \$150.0m on June 30 of any year; provides that if the unemployment fund balance is less than \$75.0m on June 30 of any year, employers must pay a solvency assessment equal to 15 percent of their annual tax;
- establishes the following qualifications for benefits under the quarterly system:

—wage credits in two or more calendar quarters;

—total wage credits of 1.25 times high quarter wages;

—high-quarter wages of at least \$1,000; and

—wage credits in at least 15 weeks during the base period;

- sets the weekly benefit amount at 1/26 of the high-quarter earnings;
- establishes a formula for determining the maximum weekly benefit as follows:

—66-2/3 percent of the statewide average weekly wage (SAWW) if the unemployment fund balance is less than \$70.0m;

—66 percent of SAWW, if the fund balance is between \$70.0m and \$100.0m;

—65 percent of SAWW, if the fund balance is between \$100.0m and \$150.0m;

—64 percent of SAWW, if the fund balance is between \$150.0m and \$200.0m;

—63 percent of SAWW, if the fund balance is between \$200.0m and \$250.0m;

—62 percent of SAWW, if the fund balance is between \$250.0m and \$300.0m;

—61 percent of SAWW, if the fund balance is between \$300.0m and \$350.0m;

—60 percent of SAWW, if the fund balance is more than \$350.0m;

- sets the total amount of benefits equal to one-third of the total base period wage credits not to exceed 26 times the weekly benefit amount;
- provides that to qualify for a second benefit year, the employee must have enough wage credits and weeks of employment to establish a claim for benefits and must have performed services after establishing of the expired benefit year and earned 10 times the weekly benefit amount of the second benefit year;
- prohibits charging an employer on a second claim that results from a transition to a quarterly system;
- provides up to six weeks of extended benefits to certain workers who lose their jobs because of a plant closing; makes this section retroactive to July 1, 1985;
- provides for a waiting week payment of not more than \$20;
- changes the requalification requirements for individuals who voluntarily quit a job or who fail to accept suitable work (these individuals are ineligible for benefits for four calendar weeks and must earn eight times their weekly benefit amount in insured work);

- requires the commissioner to give notice to an employer upon establishing a benefit year; gives the employer seven days after receiving notice from the commissioner to file a protest to monetary entitlement, or eligibility of a claim under the wage recording system;

- requires the commissioner to accept the claimant's wage statement, if the employer fails to provide wage information; allows an employer to correct any late or erroneous reports, which would affect benefits subsequent to the correction;

- establishes a wage reporting system; requires the quarterly report to include the employee's name, social security number, and total wages;

- changes penalty provisions to conform to the quarterly system; provides penalties for:

- failing to file a wage detail report;

- incomplete or erroneous information;

- failure to file other reports;

- repeals certain definitions of terms that no longer exist under the quarterly system.

Enactment: June 2, 1987

Effective: various dates

Unemployment insurance—volunteer firefighters

HF0014*—Begich, Minne, Solberg, Rukavina, Scheid

SF0393—Reichgott, D.J. Johnson, Chmielewski, Ramstad

Chapter 242:

- provides that a fire department, firefighting corporation, or life support transportation service won't have to pay unemployment benefits for a volunteer firefighter or volunteer ambulance service worker;
- prohibits unemployment deductions from the weekly benefit earnings of volunteer firefighter or volunteer ambulance service worker.

Enactment: May 26, 1987

Effective: Aug. 1, 1987

Workers' compensation—delivery system

HF0913*—Simoneau, Murphy, Begich

no companion

Chapter 332:

Office of Administrative Hearings

- permits the chief administrative law judge to hear cases.

Self-Insurers; Deposit of Securities

- requires self-insurers, except the state and its political subdivisions, and others the law already exempts, to deposit securities or surety bonds with the commissioner of commerce.

Definitions

- defines "control," with respect to self-insurers, to mean:
 - ownership of, directly or indirectly, or acting through one or more other persons, control of or the power to vote, 25 percent or more of any class of voting securities; and
 - control in any manner over the election of a majority of the directors;
- provides that the definition of child includes a stepchild;
- strikes definition of "referee" and defines "compensation judge" as a workers' compensation judge at the Office of Administrative Hearings; "calendar judge" as a workers' compensation judge at the same office;
- defines "settlement judge" as a compensation judge at the Department of Labor and Industry and specifies authority of a compensation judge;
- includes an executive officer in the definition of employee;
- adds chairpersons of the Rehabilitation Review Panel and the Medical Services Review Board to the Advisory Council on Workers' Compensation;
- removes the Workers' Compensation Court of Appeals as one of the required recipients of notices and other documents.

Administrative Conference

- defines "administrative conference" as a meeting the commissioner's designee conducts for parties to discuss disputes relating to medical care, rehabilitation, treatment, and other related issues; requires the commissioner's designee to issue an administrative decision if the parties cannot resolve a dispute.

Excluded Employments

- includes a sole proprietor, or his/her spouse, parent, and child, regardless of age, in the list of excluded employments.

Election of Coverage

- permits coverage of an employee who meets other conditions in the law on out-of-state employments, provided that:
 - the special compensation fund (SCF) is not liable for payment of benefits if the employer does not have coverage for workers' compensation liabilities as Minnesota law provides;
 - the employee is not a resident of Minnesota on the date of the personal injury;
- allows applications for attorney fees to go to the commissioner of labor and industry and allows for appeal of the commissioner's decision.

Review Panel Determinations

- changes the duties of the Rehabilitation Review Panel as follows:
 - the panel will no longer hear appeals regarding eligibility for rehab services, plans and benefits, and other rehab issues;
 - the panel will hear appeals of the commissioner's orders regarding certification of qualified rehabilitation consultants (QRCs) and vendors.

Disciplinary Actions

- gives the panel authority to discipline qualified rehabilitation consultants and vendors and to impose a penalty of up to \$1,000 per violation, and to suspend or revoke certification;
- requires complaints against registered QRCs to go to the

- commissioner; requires the commissioner to investigate all complaints;
- permits the commissioner to initiate a contested case proceeding if the investigation indicates a violation; requires the review panel to make the final decision in these cases following receipt of the report of an administrative law judge;
- states that the panel's decision is appealable to the Workers' Compensation Court of Appeals;
- requires the panel to help the commissioner educate the public.

Rehab Plan; Development

- requires a QRC an employer or insurer appoints to disclose, in writing, at the first meeting or written communication with the employee, any ownership interest or affiliation, between the firm which employs the QRC, and the employer, insurer, adjusting, or servicing company; requires disclosure to include the nature and extent of the affiliation or interest;
- requires consultant to disclose to all parties any affiliation, business referral, or other arrangement between the consultant or the firm employing the consultant and any other party to the case, including any attorneys, doctors, or chiropractors;
- strikes language stating the commissioner may schedule an administrative conference to choose a mutually acceptable consultant; strikes language that the employee has the final decision after the conference;
- clarifies when an employee may choose a different QRC.

Plan, Eligibility for Rehab., Approval and Appeal

- permits compensation judges the same authority as the commissioner in certain rehabilitation plan requirements that relate to decisions on consultant and rehab services and determination of eligibility for rehab, approval, and appeal;
- strikes language that allowed appeal of the commissioner's decision to the Rehabilitation

Review Panel and the Workers' Compensation Court of Appeals.

Plan Modification

- allows the compensation judge the same powers as the commissioner in plan modification;
- allows suspension, termination, or alteration of a rehab plan if an employee is not likely to benefit from further rehabilitation services;
- strikes language that permitted appeal of a commissioner's decision regarding change of a plan;
- permits the Division of Rehabilitation Services and the Department of Jobs and Training to be consultants;
- requires the commissioner to approve rehabilitation vendors that satisfy rules of the commissioner;
- allows a compensation judge the same authority as the commissioner in discontinuance proceedings.

Medical Services

- requires the commissioner and the chief administrative law judge to provide continuing education and training for workers' compensation judges;
- eliminates the commissioner's power to penalize or disqualify a medical provider;
- requires the commissioner to report medical services monitoring to the review board; allows the commissioner to initiate a complaint and contested case proceedings; requires the Medical Services Review Board to make the final decision;
- eliminates the commissioner's authority to make the initial determination of primary liability, except as part of a summary decision of a settlement judge;
- eliminates provisions that prohibit medical determinations by the compensation judge.

Medical Services Review Board; Selection; Powers

- removes restriction on the Medical Services Review Board committee appointments and allows the board to appoint from its members whatever subcommittees it deems appropriate;

- transfers requirement for review of clinical results from the clinical quality subcommittee to the board;
- requires the board to assist the commissioner with public education and strikes language requiring the subcommittees to make regular reports to the board and requiring the commissioner to evaluate the reports to determine qualifications for payment of a particular health care provider, and determine if an employee has been off work longer than necessary;
- strikes language that required the board to use subcommittee recommendations, information, and data in considering clinical consequences of services from a health care provider, and language requiring the board to submit its written recommendation to the commissioner;
- strikes language requiring the board to appoint a three-member board to hear appeals, and describes the board's duties;
- allows the Board to issue a penalty of \$100 per violation, disqualify, or suspend a provider from receiving payment for services if a provider has violated the workers' compensation law or rules under the law, upon petition from the commissioner and after a hearing;
- states that the board shall make the final decision and that the decision is appealable.

Administrative Conference

- provides procedures for administrative conferences on rehab or medical issues:
 - allows any party to request a conference by filing a form the commissioner prescribes;
 - requires the commissioner to schedule the conference within 60 days of the request and send notice 14 days before the conference;
 - allows the commissioner to hold a conference without a request and to refuse to hold a conference and send the matter to a settlement judge or a compensation judge;

- permits appearance in person, by telephone, by representative, or by written submission, with the decision coming from what is available at the conference;
- requires a decision that will determine all issues within 30 days of a hearing or 60 days of a request if no hearing occurs;
- provides that evidence determines disputed issues of fact;
- requires provision of a notice of the right to request a hearing;
- allows any party aggrieved by the commissioner's decision to file a request for a hearing before a compensation judge within 30 days of a decision and for a de novo hearing of the issues the conference considered; requires the commissioner to refer files to the Office of Administrative Hearings within five days of a request.
- prohibits the commissioner from making medical or rehab decisions where a genuine dispute exists as to whether the injury arose of and in the course of employment, except as part of a settlement judge's summary decision;
- provides that the commissioner may make a causation determination, subject to de novo hearing by a compensation judge with a right to review by the Court of Appeals, in causation disputes over an already admitted or established initial liability for an injury.

Partial Dependents

- permits the commissioner, compensation judge, or Court of Appeals to decide the amount of support a deceased employee provided to a dependent.

Powers of Special Compensation Fund (SCF)

- permits the SCF to contract with a private auditing firm to conduct a financial audit of indemnity claim payments and assessments parties have reported to the fund.

Administrative Provisions

- requires crediting to the SCF all sums or payments the fund recovers as a result of action under the law.

Employer Reports

- requires additional disability and supplementary benefit reports from insurers; prohibits employers and insurers from receiving reimbursement from the SCF for any periods for which they have not submitted properly filed reports, and if they have not made all payments due the fund;
- sets forth conditions for payments for a subsequent personal injury affecting a pre-existing physical impairment; prohibits the SCF from reimbursing permanent partial disability, medical expenses, or rehabilitation expenses if the subsequent personal injury results in permanent partial disability to a scheduled member;
- further defines cardiac disease as a physical impairment, requiring that objective medical evidence substantiate at least the minimum permanent partial disability in the worker's compensation permanent partial disability schedule.

Attorney's Fees, Supplementary Benefits

- permits the commissioner to approve attorneys' fees, in addition to a compensation judge and the Court of Appeals.

Medical, Chiropractic, Podiatric, Surgical, Hospital

- requires employers to pay costs an employee incurs in making required health care/provider reports if the employer has failed to do so; requires the commissioner to adopt a schedule of reasonable charges; states that attorneys' fees will be paid on an hourly basis;
- strikes language permitting certain boards and the Court of Appeals to review certain orders, petitions, and determinations;

- provides that both the commissioner and the compensation judges have authority to make determinations for petitions to the Workers' Compensation Division.

Nonemergency Surgery; Second Surgical Opinion

- eliminates the requirement for a second surgical opinion; clarifies that no one may compel an employee to undergo surgery; requires the employer to pay for a second opinion on necessity of surgery; except in cases of emergency surgery, the employer or insurer may require the employee to get a second opinion;
- states that failure to get a second opinion shall not be reason for nonpayment of the cost of surgery;
- permits a compensation judge to determine if requiring surgery is unreasonable.

Limitation of Liability

- provides that a compensation judge, in addition to the commissioner, rather than the Medical Services Review Board (MSRB) or the Court of Appeals may determine the employer's liability for the reasonable value of medical services; the Court of Appeals would still review these determinations on appeal.

Commencement of Payment

- requires the employer or insurer to pay medical bills within 30 days or to deny the charge and provide the basis for denial within that time.

Medical Bills and Records

- requires health care providers to submit itemized statements; requires providers other than hospitals to submit medical records or reports that substantiate the charge when hospitals must also submit reports under the commencement of payment provision; permits a charge for copies, records, or reports; requires the commissioner to adopt a schedule of reasonable charges;
- prohibits providers from charging for copies and prohibits action for collection until the provider has furnished all the required information.

Excessive Fees

- provides that a health care provider can't collect fees that the employer or insurer has deemed excessive, unless the provider takes action to recover the fees; the insurer or employer must prove excessiveness;
- provides that a compensation judge, rather than the MSRB and the commissioner have the authority to determine whether a fee is excessive.

Testimony of Providers

- permits the commissioner, a compensation judge, and the Court of Appeals to request discipline for false testimony and provides that the MSRB will hear these cases.

Notice of Rights

- requires all employers, required, or electing to carry workers' compensation coverage in Minnesota, to post and display, in a conspicuous location, a notice in the form the commissioner approves; the notice must:

—include the name and address of the workers' comp carrier who insures the employer, or the fact that the employer is self-insured;

—be on display at all locations where the employer engages in business;

- provides that the commissioner, after notice, may fine an employer \$300 for failing to post the notice.

Employer's Physician

- requires the employer to pay reasonable travel expenses, including mileage, parking, lodging and meals, and lost wages that result from the employee's compliance with a required examination by the employer's physician (adverse examination);
- requires the employer or insurer to schedule any necessary adverse examinations;
- requires the examination to be complete and the employer to serve and file the report within 120 days of filing a claim petition, unless the commissioner or a compensation judge grants an extension;

- provides that, to grant an extension, the commissioner or judge must find the extension is not for the purpose of delay, and the petitioner can show good cause, and has made a good faith effort to comply with requirements;

- provides that good cause includes:
 - the extension is necessary because of the limited number of physicians or health care providers available who have particular expertise;
 - the extension is necessary to gather additional information the petition did not include;
- prohibits considering of evidence relating to the exam if the exam and report are not completed on time, unless the petitioner has received an extension;

- effective: Oct. 1, 1987.

Testimony of Health Care Provider

- limits using a health care provider's live testimony to cases that involve occupational disease, injuries resulting from cumulative trauma, issues of apportioning liability, and mental disorders, or upon a compensation judge's order;
- requires, upon request of the adverse party, post-hearing depositions, in addition to testimony at a hearing, if the health care provider was not available before the hearing;
- limits receipt of evidence to 30 days following the hearing unless the chief administrative law judge orders otherwise;
- requires submission of all existing medical reports with a claim petition or answer;
- requires all reports to substantially conform to rules of the chief administrative law judge:
 - allows reports as evidence without establishing foundational testimony;
 - provides for the consideration of reports as prima facie evidence (evidence adequate to establish a fact or raise a presumption of a fact) of the opinions in the report;
- effective: Oct. 1, 1987.

Payments of Compensation Received in Good Faith

- prohibits applying a credit for a worker's comp overpayment against medical expenses.

Failure to Insure; Penalty

- increases penalties on any employer who fails to secure payment of compensation as the law requires:
 - for five or fewer uninsured employees from \$100 to \$750;
 - for five or more from \$400 to \$1,500;

- provides that if the commissioner determines that failure to comply with the law was willful and deliberate, the employer shall be liable for these penalties:

—\$2,500 (\$500 in current law)

for fewer than five uninsured employees;

—\$5,000 (\$2,000 in current law) for five or more uninsured employees;

- permits the attorney general, upon request of the commissioner, to take court action for an order compelling the employer to comply with the appropriate law.

Business Licenses or Permits; Coverage Required

- requires local licensing agencies to withhold the issuance and renewal of a business's license or permit to operate in Minnesota until the applicant presents acceptable evidence of compliance with Minnesota's workers' compensation insurance coverage requirements (in addition to state agencies);
- requires the commissioner to assess a penalty of \$1,000 payable to the SCF, if the employer does not report or falsely reports the information;
- requires the commissioner to deposit all recovered proceeds in the SCF rather than the general fund;
- states that if the SCF assumes the obligation of a self-insured employer, the fund shall have the right to direct reimbursement under the same conditions and in the same amounts from the Workers' Compensation Insurers Reinsurance Association and from any other

agreement, contract, or insurance policies which would have reimbursed or indemnified the self-insured employer;

- changes percentage of assessment for compensation the general fund does not reimburse and that is, therefore, a liability of the SCF.

Inspections; Enforcement at Place of Employment

- clarifies that the commissioner of labor and industry may request proof of authority to self-insure workers' compensation liability or proof of insurance coverage within seven working days of mailing the request;
- authorizes the commissioner, upon presenting appropriate credentials, to enter without delay, at reasonable times, any place of employment to inspect and investigate all relevant records and documents during regular working hours, and at other reasonable times within reasonable limits and manner.

Powers; Commissioner and District Court

- empowers the commissioner to administer oaths, certify official acts, take and order depositions of witnesses, issue subpoenas, and compel attendances of witnesses, and production of papers, books, documents, records, and testimony;
- requires the District Court, upon application of the commissioner, to compel obedience in proceedings for contempt.

Rights of Employer and Employee Representative

- requires an employer's representative and an authorized employees to have an opportunity to participate in any conference or discussion before, during, or after any inspection;
- requires the commissioner to consult with a reasonable number of employees if the employees have no authorized representative;
- prohibits loss of any privilege or payment that the employee would otherwise earn as a consequence of aiding an inspection.

Request for Investigation by Employee

- permits any employee or representative of an employee, who believes that an employer is uninsured, to confidentially request an inspection by giving notice to the commissioner and presenting grounds for the belief;
- requires the commissioner to:
 - give written notice to the employee or representative of employees upon determining that reasonable grounds of violation do not exist;
 - permits the employee or representative to ask the commissioner to reconsider the determination;
 - review the determination upon receiving the request;
 - initiate a preliminary investigation to determine if reasonable grounds exist to believe the employer is uninsured against worker's comp liability, upon receipt of a report of violation of the mandatory insurance provisions, or verification of a violation by review of the department's insurance registration records and other relevant information;
 - make an inspection on certification of reasonable belief that the employer is uninsured.

Order Permitting Entry

- allows the commissioner to apply in the District Court in the county where an owner, operator, or agent in charge refuses to allow entry for inspection for an order to compel the employer to permit entry and inspection of the place of employment.

Advance Notice

- states that the commissioner may not authorize advance notice of inspection except in limited circumstances.

Penalty for Improper Withholding

- states that an employer who illegally withholds compensation from an employee is subject to a penalty of 200 percent of the amount the employer withheld from, or charged the employee;

- specifies that 50 percent of this penalty is payable to the SCF and 50 percent to the employee;
- allows issuance of a temporary order in cases where two or more employers or insurers dispute liability for payment, whether or not the employers or insurers agree to pay under the order;
- requires a compensation judge or the commissioner (current law requires only the commissioner to take this action) to order, instead of authorize, the SCF to make payment, in certain dispute cases pending a determination of liability; includes a compensation judge with the commissioner in this requirement in personal injury cases, also.

Prohibited Practices

- states that this section of the law applies to insurers, self-insurers, group self-insurers, political subdivisions of the state, and the administrator of state employees' claims, and adjusters and third-party administrators who act on behalf of insurers and assigned risk plan;
- specifies that the commissioner of labor and industry is the only enforcing authority, and that violations under the prohibited practices section are not admissible in any civil action;
- specifies that this section does not replace existing requirements which govern the same or similar conduct, and that these requirements and penalties are in addition to any other provided in law;
- effective: Oct. 1, 1987.

Prohibited Conduct

- describes prohibited conduct as failure to:
 - reply to all written communication about a claim, within 30 calendar days after receipt, from a claimant who requests a response;
 - commence benefits or advise the claimant of the insurer's acceptance or denial of the claim within 45 days after receipt of a written request;

- pay or deny medical bills within 45 days after the receipt of all information from medical providers;
- regularly pay weekly benefits in a timely manner as the commissioner's rules direct, once weekly benefits have begun; states that failure to regularly pay weekly benefits means failure to pay an employee on more than three occasions in any 12-month period within three business days of when payment was due;
- respond to the Department of Labor and Industry within 30 calendar days after receipt of a written inquiry from the department about a claim;
- pay pursuant to an order of the department, compensation judge, Court of Appeals, or the Supreme Court, within 45 days from the filing of the order unless the order is under appeal also includes as prohibited conduct:
 - filing a denial of liability for workers' compensation benefits without conducting an investigation;
 - advising a claimant not to obtain the services of an attorney or indicating that hiring an attorney would cause delay of payment;
- sets penalties for specific violations from a written warning to \$5,000 per violation; allows a party to object to the penalty and request a formal hearing;
- specifies that if an entity has more than 30 violations within any 12-month period, in addition to fines, the commissioner may refer the matter to the commissioner of commerce with a recommendation for suspension or revocation of the entity's:
 - license to write workers' compensation insurance and administer claims on behalf of a self-insured, the assigned risk plan, or the Minnesota Insurance Guaranty Association;
 - authority to self-insure, or license to adjust claims.

Rules

- allows the commissioner to specify which additional misleading, deceptive, or fraudulent practices or conduct are subject to penalties.
- Complaint; Answer; Hearing**
- requires that a complaint against an insurer that could result in suspension or revocation of license must include a notice and order for hearing in writing;
 - requires the insurer to file a written answer to a complaint within 20 days of service of the complaint.

Penalty

- provides that a penalty shall be a percentage of the amount of compensation the employee is entitled to (current law specifies up to 100 percent) for violations of the "prohibited conduct" section of this law;
- assesses interest charges on penalties as well as on overdue payments of compensation or charges of treatment;
- sets the amount of penalties:
 - 1-15 days late, 25 percent of compensation due, not to exceed \$375;
 - 16-30 days late, 50 percent of compensation due, not to exceed \$1,140;
 - 31-60 days late, 75 percent of compensation due, not to exceed \$2,878;
 - 61 or more days late, 100 percent of compensation due, not to exceed \$3,838;
- specifies that any penalties are in addition to any other penalty that statutes provide;
- provides that permanent partial disability payment is due 14 days after receipt of the first medical report which contains a disability rating, if such payment is otherwise due under this chapter; makes charges for treatment under provisions of the law on treatment, appliances, and supplies due 30 calendar days after receipt of the bill and necessary medical data;

- provides that the decision of the judge or commissioner in contested compensation claims shall provide for payment of unpaid interest on all awards, including interest accruing before and after the filing of the decision.

Examination of Books and Records

- provides that the right of the Workers' Compensation Division to review the records of an employer or insurer includes the right of the SCF to examine records;
- prohibits the SCF from reviewing records of employer or insurer relating to claims under section of law on "subsequent disability, special fund," until the SPCF has accepted liability, or upon a final determination of liability under that section;
- allows the SPCF to withhold reimbursement to the employer or insurer under "subsequent disability, special fund" and "supplementary benefits" sections of the law if the employer or insurer denies access to requested records as the law requires.

Hearing Before Commissioner of Commerce

- provides that, upon receipt of a complaint, the commissioner of commerce shall hear and determine the matter under the Administrative Procedures Act;
- allows the commissioner to revoke as well as suspend, the insurer's license on finding that a charge is true; allows the insurer to appeal revocation of license as the law provides.

Initial Report; Written Report

- requires the original report of an injury to go to the commissioner, one copy to the insurer, and one copy to the employee (current law requires reports in quadruplicate);
- adds insurer to list of health providers who are subject to fine for failure to file a required report;
- effective: Oct. 1, 1987.

Failure to File Required Report; Substitute Filing

- requires the insurer to file a report within 10 days of request from the division if the employer is unable to, or refuses to file the report;
- requires the commissioner to file the report, if both the employer and the insurer fail to do so within 30 days of notice of injury; states that: —the commissioner's filing of the report does not subject an employee or dependents to three-year limitations under the law; —a substitute filing shall not be a defense to a penalty;
- effective: Oct. 1, 1987.

Notice of Discontinuance

- clarifies that an employer who has started paying benefits may not stop payments without written notice to the employee unless the employee has returned to work; state that the: —employer must file discontinuance notice with the division; —notice to the employee and copy to the division must give the date of intended discontinuance and clearly state reasons for the action; —employer must attach to the notices, copies of medical or other written reports which support the action.

Return to Work Discontinuance

- allows discontinuing compensation effective the day the employee returns to work;
- requires written notice to the employee and the division within 14 days of the date the insurer or self-insured employer has notice of the employee's return to work.

Discontinuance for Other Reasons

- requires employer to pay compensation until the employer has filed notice and reports of intention to discontinue compensation payments with the division when the discontinuance is for reasons other than the employee's return to work;
- suspends the employer's duty to pay compensation when the division has received a copy of the discontinuance notice, statement of facts,

and available medical reports except where an employee requests an administrative discontinuance conference and files an objection to discontinuance;

- states that a discontinuance is also subject to the conditions including: —the right of an employer to file a petition to discontinue payments instead of a discontinuance notice, which the employer may also use if the employer disagrees with a commissioner's decision; —an expedited hearing before a compensation judge; —required service of notice on attorneys of record; —fines of up to \$500 for each violation by an employer, payable to the SCF; —exemption of employees who have been declared to be permanently, totally disabled.

Administrative Decision;

Discontinuance of Compensation

- provides a procedure for parties to get a quicker interim administrative decision in disputes over discontinuance of temporary total, temporary partial, or permanent total compensation which includes: —the employee's right to request an administrative conference; —the employer's rights and duties when an employee requests a conference; —employer and employee rights to request a continuance of a scheduled administrative conference; —the scope of the commissioner's administrative decision; —employer and employee rights to file a disagreement with an administrative decision; —stipulation that an administrative decision is binding on parties in a dispute, governs their rights and obligations, and remains in effect pending determinations by a compensation judge in cases of objection to the commissioner's decision; —the employer's payment obligations when a commissioner has denied discontinuance or otherwise

ordered payment of benefits and the employer's right to recover payments if authorities rule that discontinuance was proper, or that the employer did not otherwise owe payments to an employee;

- amends section of current law that governs initiation of procedures; strikes certain language and requires that all claim petitions shall include information the law requires to permit an employee of the commissioner to act for and advise a party to a proceeding.

Filing of Papers; Proof of Service

- states that filing a document is complete when the division, department, office, or the Court of Appeals receives it instead of the office of the commissioner of the Department of Labor and Industry;

- requires the receiving agency to note the date of receipt and forward documents to the proper agency within two working days following receipt, if required documents go to the wrong agency;

- states that proof of service on a document, in a form acceptable by the state District Courts or that the commissioner approves, satisfies the proof of service requirement;

- effective: Oct. 1, 1987.

Disputes; Petitions; Procedure

- states that petitions must include names, residence or business address of parties (current law does not require business address);

- removes some petition requirements; adds others which include:
 - copies of written medical reports or other supportive information;
 - names, addresses of all known witnesses claimant intends to call;
 - desired hearing location and estimated needed time;
 - any requests for prehearing settlement conference;

- a list of all known third parties including state agencies who may have paid benefits with a list of amounts each paid;

- the nature and extent of the claim and a request for an expedited hearing which must include an affidavit of significant financial hardship which complies with present law;

- allows striking an incomplete petition from the calendar;
- requires that within 30 days of a request by a party, an employee who has filed a claim petition must furnish a list of physicians and health care providers from whom the employee received treatment for same or similar condition and authorizations to release relevant information, data, and records;
- allows striking the petition from the calendar if a party makes such a motion for failure to provide the required list of health care providers or authorizations on time;
- effective: Oct. 1, 1987.

Trial by Court; Reference to Chief Administrative Law Judge

- allows a District Court to try a workers' comp issue or refer the Matter to the Chief administrative law judge (formerly the commissioner of labor and industry).

Hearings on Petitions

- strikes language that requires the commissioner to refer any petition a party has filed with the Workers' Compensation Division to a settlement judge and instead requires the commissioner to present the petition for a settlement conference or an administrative conference, whichever applies under sections of present law.

Settlement and Pretrial

Conferences; Summary Decision

- requires the commissioner to schedule a settlement conference, if appropriate, within 60 days after receiving a petition; stipulates that:
 - all parties appear at the conference, personally or by representative;
 - parties or representatives be ready to discuss all settlement issues and present information the joint rules of the division and the office require;
 - representatives must have full authority to settle the matter;

- parties present evidence they didn't file before and a summary of evidence they will present at a formal hearing, if the conference doesn't reach a settlement;

- a written summary decision be issued within 10 days after the conference stating issues and their determination;

- a determination may be made against a party who fails to appear at the conference, provided the party who does appear presents a prima facie case;

- a summary decision is final unless a party serves a written request on all parties for a formal hearing and files the request with the commissioner within 30 days after service and filing of the summary decision;
- the commissioner certify the matter to the office for a de novo hearing within 10 days after receipt of the request;

- strikes language that requires a hearing before a compensation judge.

Striking From Calendar

- allows a compensation judge or the commissioner to strike a case from the active trial calendar after receiving a properly served motion, and after an employee has had 30 days to correct a deficiency in information on or with a petition;
- prohibits reinstating a case until the employee has given the missing information to the adverse parties and filed it with the commissioner or compensation judge;

- allows the commissioner or a compensation judge to dismiss a stricken case when it has been off the calendar for a year or more and the party has taken no corrective action; allows such a dismissal on motion from the commissioner or the compensation judge, or a party which has properly served notice on all parties;

- requires notice to the petitioner of the proposed dismissal at least 30 days before it is effective.

Scheduling Matters

- allows continuance of a workers' compensation hearing date that the chief administrative law judge schedules only under certain conditions and procedures the law prescribes;
- permits a compensation judge to schedule a pretrial or settlement conference whether or not a party requests a conference.

Affidavits of Prejudice and Petitions for Reassignment

- requires filing an affidavit of prejudice to be according to the rules of the chief administrative law judge;
- strikes language that required filing of a claim to be pursuant to law or rule of District Court;
- allows each party to the claim to file one petition for case reassignment to a different compensation judge within 10 days after the filing party has received notice of the assigned judge;
- requires the chief administrative law judge to assign the case to another judge on receipt of a timely petition for reassignment;
- requires filing an affidavit of prejudice or a petition for reassignment with the chief administrative law judge;
- states that the filing shall not result in the continuance or delay of a scheduled hearing.

Answer Contents

- strikes language that allowed the Workers' Compensation Court of Appeals and the commissioner to require proof of fact in answers to a petition;
- requires the answer to include names and addresses of all known witnesses, and:
 - whether the employer intends to schedule adverse examination;
 - if known, the date, time, and place of adverse examinations;
 - desired hearing location, any prehearing or settlement conference request;
 - estimated time needed to present

evidence, and any objection the employer may have to an affidavit of significant financial hardship, and request for an expedited hearing if the employee includes them with the petition;

- requires that if the date, time, and place of all adverse examinations is unknown at the time of filing the answer, the employer must give the commissioner that information in writing within 50 days of the filing of the claim petition;
- effective: Oct. 1, 1987.

Extension of Time to File Answer

- requires the employer to give the commissioner notice, in writing, of having reached an agreement with the employee no later than five days beyond the required time for filing of the answer, including the length of an extension of time;
- strikes language requiring treatment of failure to file an answer as a default in cases where an employer does not file an answer or the employer has not received an extension by order of, or agreement with, the commissioner;
- requires the chief administrative law judge to schedule a hearing at the first available date in any case the office receives that does not include an answer, written extension order, or written notification of the extension agreement;
- effective: Oct. 1, 1987.

Decisions: Stipulated Facts

- allows the commissioner or compensation judge to determine a matter without a hearing if the parties agree to a stipulated set of facts and only legal issues remain, and if the determination is appealable to the Court of Appeals under present law;
- requires the chief administrative law judge to immediately assign the case to a compensation judge on receipt of the file or the stipulated facts;
- requires the judge to issue a determination within 60 days after receipt of the stipulated facts.

Proceedings: Answer not Filed

- requires the commissioner to refer a case to the chief administrative law judge for an immediate hearing if an adverse party fails to file and serve an answer or get an extension from the commissioner or the petitioner; excepts cases involving multiple employers or multiple insurers;
- strikes language that:
 - required the petitioner to present proof of no answer from the adverse party and that allowed the commissioner or compensation judge to enter an award or order for whatever the petitioner was entitled to on the basis of alleged facts in the petition;
 - allowed the compensation judge to require proof of an alleged fact;
 - required the commissioner, if the commissioner required proof, to assign the matter to a compensation judge;
- permits a party who failed to file an answer to appear at the hearing, present evidence, and question witnesses, but prohibits granting the party a continuance for any reason;
- provides that when an adverse party who fails to serve and file an answer and is neither insured for worker's compensation liability nor is a licensed self-insured, and the SCF is a party to the proceeding, the commissioner or compensation judge may enter an order awarding benefits to the petitioning party without a hearing if the SCF so requests.

Notice

- requires the chief administrative law judge to mail a notice of the time and place of hearing to each interested party, except in cases where the employee has filed a request for an expedited hearing because of significant financial hardship.

Continuances

- clarifies that only the chief administrative law judge or designee may grant a continuance of a hearing at the office;
- requires that both the party and the attorney seeking continuance must sign the request for that action,

except in cases of emergency or other good cause;

- allows a continuance of a hearing only upon showing of good cause;
- defines circumstances that make up a good cause:

—when the underlying eventuality is unforeseen;

—when the continuance is not due to lack of preparation, is relevant, and a party brings the reason for requesting the continuance to the chief administrative law judge's attention in a timely manner and does not prejudice the adversary;

- prohibits continuances because an attorney for one of the parties has scheduled a vacation for the date of the hearing, unless the attorney has notified the office of unavailable dates;
- clarifies that same standards apply to:

—continuances during the course of a hearing, but allows the assigned compensation judge to grant or deny a request;

—continuances of prehearing or settlement conferences at the department or the office, but allows settlement judge, the calendar judge, compensation judge, or other assigned presiding officer to grant or deny a request.

Evidence

- requires the parties to submit all evidence at the hearing, except in the case of a clear showing of a surprise witness, or if a crucial witness is unexpectedly unavailable;
- permits the compensation judge to grant a 30-day extension for good cause.

Significant Financial Hardship; Expedited Hearings

- requires granting an expedited hearing to an employee who files and who proves significant financial hardship;
- requires consideration of certain factors in deciding if financial hardship exists and defines those;
- requires a sworn affidavit of facts to prove hardship;

- permits the employee to request the hearing at the time of filing the claim petition or any time thereafter;
- accepts the affidavit as sufficient showing of significant hardship, unless the employer objects to the request in the answer to the claim petition, or within 20 calendar days of filing a request after filing the petition;

• requires the commissioner or compensation judge to issue an order denying or granting the request, except when parties agree that hardship exists or the employer doesn't file a timely objection; states that request approval is then automatic, and the judge or commissioner need not issue an order;

- states that, on denial of a request, the matter will return to the regular calendar and the employee may renew the request at a settlement conference;
- requires the commissioner, on approval of the request, and in absence of any filed objection, to immediately refer the matter to the office to begin prehearing conferences;

• requires the calendar judge to issue a prehearing order and notice of time, place, and date of a prehearing conference which shall be no later than 45 days after the filing of the hardship affidavit;

- states that the prehearing order requires the parties to serve and file statements no later than five working days before the set conference date;
- requires the commissioner or compensation judge to establish deadlines for the parties to complete preparation for the hearing, consult with the calendar judge and establish the date, time, and place for a hearing, after any prehearing conference and in absence of an agreement or stipulation from the parties.

Conduct of Hearings and Investigations

- states that reliable hearsay evidence is admissible;
- requires basing findings of fact on relevant and material (strikes "competent" from present law) evidence only, from competent witnesses;

• permits the respondent to cross-appeal within the 30-day period for taking an appeal, or within 15 days after service of the notice of appeal, whichever is later;

- allows the chief administrative law judge to require payment for transcription costs in advance of transcript preparation.

Attorney's Fee; Allowance

- permits the commissioner or compensation judge to order the employer or insurer to pay the employee's attorney fees in cases where the employer or insurer files a notice of discontinuance of benefits, and the employer fails to attend the administrative conference.

Transfer of Responsibilities; State Claims Unit

- transfers the responsibilities of the commissioner of labor and industry relating to the administration and payment of worker's comp benefits to state employees, the administration of the peace officers benefits fund, and staff to administer these responsibilities, to the Department of Employee Relations.

Specificity of Notice or Statement

- allows the commissioner or compensation judge to impose a \$300 penalty for each violation of the law specifying notice of discontinuance and denials of liability;
- delays effective date of this section until the commissioner adopts rules specifying required contents of notices.

Premium Reduction Recommendations

- requires the commissioner of labor and industry to:
—make detailed recommendations to the Legislature proposing changes in

the workers' compensation system, before Jan. 1, 1988, which will reduce employers' workers' compensation insurance premiums;

—design the proposal to reduce the high rate of litigation and to increase the equity of the system;

- requires the proposal to consider the level of wage replacement of benefits;
- repeals certain provisions of current law governing workers' compensation.

Enactment: May 29, 1987

Effective: July 1, 1987; Oct. 1, 1987 for sections on employer's physician; testimony of health care provider; prohibited practices; initial report, written report; failure to file initial report; failure to file required report; filing of papers, proof of service; disputes, petitions, procedure; contents; and extension of time to file answer

Workers' compensation—smell, taste loss

HF0979—Blatz, Murphy, Simoneau, Sviggum, Begich

SF0916*—Belanger, Chmielewski, Adkins, Kroening, Gustafson

Chapter 87:

- provides that for injuries occurring between Dec. 31, 1983 and Nov. 12, 1985, the permanent partial disability rating for total loss of taste or smell shall be three percent of the whole body.

Enactment: May 11, 1987

Effective: day after enactment

Workers' compensation—town officials

HF0774—Murphy, Battaglia,

Sviggum, Dille, Begich

SF0641*—Chmielewski, Schmitz,

D.R. Frederickson, D.E. Johnson,

Piper

Chapter 301:

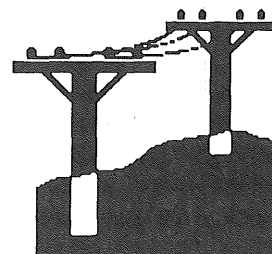
- requires an insurer to compute the workers' compensation premium for a town official on the actual wage the official receives from the town.

Enactment: May 28, 1987

Effective: Aug. 1, 1987



Energy/Utilities



Acid deposition control—assessment

- (See Environment/Natural Resources)

Gas meter tampering

HF0841*—Carruthers, Kalis,

Vellenga, Seaberg, Kelly

SF0705—Jude, Ramstad, Cohen,

Marty, Spear

Chapter 272:

- allows a utility to recover damages from persons who bypass or tamper with a meter or provide unauthorized metering services, or from persons who received unauthorized service and knew or should have known that tampering took place;
- allows a utility to bring court action to recover double the cost of service it provided, costs and expenses for investigation, disconnection, reconnection, service calls, equipment, and employees, trial costs, and witness fees.

Enactment: May 28, 1987

Effective: Aug. 1, 1987

Gas utility—flexible rates

HF1127*—Osthoff, Jacobs, Redalen, Jensen, Ogren
SF0880—Freeman, Dicklich, Novak, Frank, Olson

Chapter 371:

- defines “effective competition” as a gas utility customer’s ability to receive energy supplies at comparable prices from unregulated suppliers;
 - defines “flexible tariff” as a utility’s ability to set its own rates within a range the Public Utilities Commission (PUC) sets;
 - authorizes the PUC to set a rate range within which the utility may set its rates, where effective competition exists;
 - sets the minimum rate as the variable cost of energy to serve that class of customers; provides no upward maximum rate;
 - requires:
 - the PUC to permit a proposed rate to take effect, on an interim basis, no later than 30 days after a utility files with the PUC to establish or change the rate;
 - the utility to give customers 10 days written notice of an interim rate increase;
 - the PUC to make a final determination on the rate within 180 days of filing;
 - the Department of Public Service (DPS) to review the operation and effect of all PUC-approved rates, and report to the Legislature by Feb. 1, 1990;
 - the DPS to assess gas utilities using PUC-approved rates for the actual cost of conducting the study, not to exceed \$10,000, and to assess the cost equally among the utilities;
 - appropriates \$10,000 from the general fund to the DPS to conduct the study.
- Enactment:** June 2, 1987
Effective: day after enactment; repealed as of July 1, 1990

Intrastate gas pipeline

HF0420—Jacobs, Quinn, McLaughlin, Jennings, Scheid
SF0258*—Jude, Dicklich, Merriam, Wegscheid, Storm

Chapter 9:

- defines “intrastate pipeline” as a pipeline completely within the state which transports or delivers natural gas to Minnesota consumers;
- requires every intrastate pipeline owner or operator to offer intrastate pipeline transportation services by contract on an open access, nondiscriminatory basis;
- requires filing all contracts with the Public Utilities Commission (PUC) and requires the PUC to approve rates, terms, and conditions of service and facilities before a contract is effective;
- allows an intrastate pipeline customer, potential customer, the Department of Public Services, or the PUC, to complain to the PUC about rates, contracts, terms, conditions, and types of proposed or provided services, including a pipeline owner’s or operator’s failure to offer a reasonably demanded service;
- allows the PUC to declare a natural gas supply emergency if the commissioner finds that a severe natural gas shortage exists or is imminent, and will endanger the health or safety of citizens.

Enactment: March 25, 1987

Effective: day after enactment

**Phone equipment—
hearing impaired**

- (See Health/Human Services)

Phone service deregulation

HF0701—Jacobs, Quinn, Ogren, Redalen, Minne
SF0677*—Dicklich, Marty, Frank, Waldorf

Chapter 340:

- defines “competitive service” as a service subject to effective competition or emerging competition, based on the following factors:
 - the number and size of alternative providers of service and affiliation to other providers;
 - the extent to which services are available from alternative providers in the relevant market;
 - the ability of alternative providers to make functionally equivalent or substitute services readily available at competitive rates, terms, and conditions of service;
 - the market share, the ability of the market to hold prices close to cost, and other economic measures of market power; and
 - the necessity of the service to the customer’s well-being;
- requires that alternative services must be available to over 50 percent of the company’s customers for that service before the PUC can find the service to be subject to effective competition; and available to 20 percent of the company’s customers for a service before the PUC can find the service to be subject to emerging competition;
- defines “noncompetitive service” as a service that the PUC has not classified as competitive;
- provides that a telephone company may not discontinue any noncompetitive services without the PUC’s approval;
- classifies the following services as subject to emerging competition unless and until the services reclassifies noncompetitive or subject to effective competition:
 - apartment door answering services;
 - automatic call distribution;
 - billing and collection services;

- call waiting, call forwarding, and three-way calling services for businesses with three or more lines;
- central office-based pricing packages providing switched business access lines which substitute for private branch exchange systems that may or may not share intelligence with customer premises equipment;
- command link-type services for network reconfiguring to rearrange cross-connections between channel services;
- custom network services and special assemblies;
- digicom switchnet services for full duplex, synchronous, information transport;
- direct customer access services for telephone number information services video display;
- group access bridge services;
- inter-LATA and intra-LATA message toll services, private line services, and wide area telephone service;
- mobile radio services;
- operator-handled intercept services;
- public pay telephone services, excluding charges for access to the central office;
- seminars;
- services not offered before Aug. 1, 1987;
- services which generate an annual revenue equal to or less than one-tenth of one percent of a telephone company's annual revenues in the year the company elects coverage under emerging competitive services;
- special construction of facilities;
- studies;
- systems for automatic dialing; and
- versanet-type service access line involving continuous monitoring and transmission of data from customer's premises to the central office;
- allows a person or the PUC to petition to have a telephone company service classified as subject to effective competition or emerging competition; requires at least the

following information:

- a list of the known alternative service providers available to the company's customers;
- an estimate of the company's current market share;
- identification of barriers to entry or exit from the service market; and
- a description of affiliate relationships with any other service provider in the company's market;
- allows a person filing a petition to request that the PUC determine the service classification through an expedited proceeding or a contested case hearing; requires that if the PUC uses an expedited hearing, it must allow interested persons an opportunity to comment on the process and merits of the petition to reclassify a service;
- requires a person who files a petition to have a service classified as emerging or effective competitive, to prove that competition exists and will serve the public interest;
- allows a phone company that has a petition pending before the PUC to declare a service competitive to decrease its service price without notice while the PUC considers the petition;
- exempts a telephone company that offers only competitive services from the accounting and reporting requirements unless the PUC orders otherwise;
- exempts a telephone company that offers both competitive and noncompetitive services from the reporting requirements regarding effective competition services unless the PUC orders otherwise;
- allows the PUC to reclassify a service as noncompetitive or as subject to emerging competition and reinstate, in whole or in part, rate regulation of the service if, after notice and hearing, the PUC finds that:
 - unreasonable discrimination has occurred between different areas of the state; and

—that the competitive market for the service has failed so that rate regulation is needed to protect public interest;

- allows a company whose service is subject to effective competition to decrease the rate for the service without notice to customers or the PUC, and may increase the rate after giving customers at least 30 days advance notice;
- requires a company whose service is subject to emerging competition to file a price list with the PUC and the Department of Public Service (DPS); the price list must contain the rates, tolls, and charges for the service together with the rules, regulations, and classifications used in providing the service;
- allows a company to decrease the rate in the price list for a service subject to emerging competition effective 10 days after filing a new price list with the PUC, and allows a company to increase the rate for a service subject to emerging competition effective 30 days after giving notice to affected customers, the PUC, and the DPS;
- prohibits telephone companies from:
 - offering telecommunications service within the state on terms or rates that are unreasonably discriminatory;
 - limiting service to certain locations unless necessary facilities are not available at a reasonable cost;
- requires a telephone company's rates to be the same throughout the state unless the PUC approves different rates;
- requires a company that offers long-distance services to charge uniform rates and charges throughout the state;
- prohibits a company from cross-subsidizing its noncompetitive services to its competitive services;
- requires a person, firm, or corporation that seeks to offer a competitive telephone service to register with the DPS and the PUC 30 days before

beginning operation in the state; exempts a company authorized to provide services in the state prior to Aug. 1, 1987;

- requires a company offering a competitive service to maintain a bond if the company requires advance payments or deposits from its customers, unless the PUC waives the bond;

- requires telephone companies, other than those providing competitive services, to maintain records for three years that document transactions in excess of \$50,000 with an affiliated company;

- allows a tenant of a premises with a private shared telecommunications service to request direct service from the local telephone company and the owner or manager of the premises to make facilities or space available for separate connection at a reasonable rate and on reasonable terms and conditions;

- requires the PUC to develop a statewide telephone assistance plan to apply to telephone companies that provide local exchange service in Minnesota, effective Jan. 1, 1988, or upon Federal Communications Commission approval;

- requires the Department of Human Services to participate in the plan implementation and administration;

- defines eligibility standards to receive telephone assistance credit for a Minnesota residential household that:

- does not receive aid for telephone service under any program, other than the federal matching plan or the telephone assistance plan;

- has a household member who is 65 years old or older who subscribes to local exchange telephone service;

- has a maximum total annual household income level that does not exceed:

- \$7,862 for a household of one;
- \$10,281 for a household of two;
- \$12,699 for a household of three;
- \$15,118 for a household of four;
- \$15,118 for a household of more

than four, and \$2,419 for each additional member over four;

- prohibits available telephone assistance plan credits from exceeding more than 50 percent of the local exchange rate the local company charges;

- requires the PUC to assess a uniform, recurring monthly surcharge on all phone lines in the state to provide funding of the telephone assistance plan; provides the revenue the surcharge raises must not exceed \$2.5m and must be apportioned between telephone companies;

- requires telephone companies providing long-distance telephone services to compensate local telephone companies for a fair and reasonable portion of the cost of local exchange facilities they use to connect long-distance services, including facilities to connect a customer to local switching facilities, and the common costs of companies providing local services;

- adds property a telephone company uses for noncompetitive services to property accounts that must conform to PUC rates and depreciation and amortization methods;

- repeals current law referring to telegraph companies common carriers.

Enactment: June 1, 1987

Effective: Aug. 1, 1987 for sections on competitive and noncompetitive services and private shared telecommunications systems, and repeals these sections as of Aug. 1, 1992.

Phone service—emergency 9-1-1

HF0839*—Rukavina, Battaglia, Boo, Jaros

SF0783—Solon, Dicklich, Gustafson

Chapter 56:

- extends definition of minimum 9-1-1 service to include automatic location identification if the public safety answering point has the capability to provide the service;

- defines automatic location identification as the process of electronically identifying and displaying on a special viewing screen the caller's name and address to a person answering a 9-1-1 emergency call.

Enactment: May 6, 1987

Effective: Aug. 1, 1987

Telephone calling devices—restrictions

HF0124—Quinn, Sarna, O'Connor

SF0184*—Spear, Ramstad, Jude, Solon, Dahl

Chapter 294:

- defines "automatic dialing-announcing device" as a device that selects and dials phone numbers, and alone or with another instrument, plays a prerecorded or synthesized voice message to the called number;

- prohibits using an automatic dialing-announcing device unless:

- the party the device calls has knowingly or voluntarily requested, consented to, permitted, or authorized receipt of the message; or
- a live operator immediately precedes the message and obtains the subscriber's consent before the machine delivers the message;

- does not prohibit:

- messages from school districts to parents, students or employees,

- messages to subscribers with whom the caller has a current business or personal relationship; or

- messages advising employees of work schedules;

- requires an automatic dialing-announcing device to disconnect within 10 seconds after the person receiving the call hangs up the phone;

- requires that, when a live operator's message precedes the automatic device call, the operator must:

- state the name of the business, firm, organization, association, partnership, or entity making the automatic call;

—the purpose of the message;
 —the identity or kinds of goods or services the message is promoting;
 and if applicable, the fact that the message intends to solicit payment or commitment of funds;

- prohibits using an automatic dialing-announcing device or any commercial phone solicitation before 9 a.m. or after 9 p.m.

Enactment: May 28, 1987

Effective: Aug. 1, 1987

Utility protection—small business

HF1390*—Ogren, Beard, Osthoff, Otis, Sarna

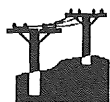
SF1367—Dicklich, Marty

Chapter 241:

- requires the attorney general to represent the interests of and intervene on behalf of small business utility consumers in state and federal utility regulation proceedings.

Enactment: May 26, 1987

Effective: Aug. 1, 1987



Environment/ Natural Resources



Acid deposition control—assessment

HF0915—Trimble, Rukavina,

Munger, R. Johnson

SF0865*—Dahl, Willet, Luther, Merriam

Chapter 304:

- authorizes the Environmental Quality Board to assess public utilities to finance the Pollution Control Agency (PCA) costs of:
 —achieving, maintaining, and monitoring compliance with the state's acid deposition control standard;

- reprinting informational booklets on acid rain; and

- additional research on the impact of acid deposition on sensitive areas;

- requires the PCA director to prepare a work plan and budget, and submit them annually by June 30 to the PCA;

- requires the board to:

- take public testimony on the budget and work plan;

- submit the budget and plan, after approving them, to the Legislative Commission on Minnesota Resources for review and recommendation before levying an assessment.

Enactment: May 28, 1987

Effective: day after enactment

Aeration operations—liability

HF0909*—Brown, Welle, K. Olson, C. Nelson, Miller

SF0801—Berg, Wegscheid, D.R. Frederickson, Renneke, Vickerman

Chapter 184:

- provides that the state and its employees aren't liable for any loss due to authorized operation of an aeration, bubbler, water circulation, or similar system to increase dissolved oxygen or maintain open water on the ice of public waters;
- requires the commissioner of natural resources to adopt rules relating to the permit issuance for such systems;

- requires the permittee who uses an aeration system on the ice of public waters to:

- post signs at least every 100 feet around the area;

- publish advance public notice of the beginning of any aeration system in a general circulation newspaper in the area of operation at least twice between five and 60 days before starting the aeration operation.

Enactment: May 20, 1987

Effective: Aug. 1, 1987

Arrowheads requirement—big game hunting

HF0809*—A. Johnson, Sparby, Stanius, Neuenschwander, Milbert

SF1265—Marty, Lessard

Chapter 183:

- changes design requirements for arrowheads hunters use in big game hunting.

Enactment: May 20, 1987

Effective: Aug. 1, 1987

Asbestos regulations

- (See Health/Human Services)

Boating-while-intoxicated law—enforcement

- (See Crime/Corrections)

Bowhunting—mechanical release

HF0102*—Stanius, Rose,
D. Carlson, Neuenschwander,
Jennings
SF0961—Laidig, Bernhagen,
Lessard, Wegscheid,
D.R. Frederickson

Chapter 170:

- allows a person to use a mechanical device on a bowstring if the person's own strength draws, holds, and releases the bowstring.

Enactment: May 20, 1987

Effective: Aug. 1, 1987

Chlordane—use prohibition

HF0844—D. Nelson
SF0345*—Jude, Marty, Ramstad,
Dahl, Wegscheid

Chapter 82:

- prohibits the state, a state agency, a political subdivision of the state, a person, or other legal entity from selling, using, or applying the pesticide chlordane or its derivative heptachlor within Minnesota;
- provides a misdemeanor penalty for any violation;
- provides that each day of violation is a separate offense.

Enactment: May 11, 1987

Effective: Aug. 1, 1987

Clean Water Partnership Act

HF0887*—Knuth, Munger, Rose,
A. Johnson, Brown
SF0867—Willet, Dahl,
D.J. Frederickson, Davis, Marty

Chapter 392:

- establishes a clean water partnership program with local units of

government for projects that protect and improve surface and ground water from nonpoint water pollution sources;

- requires the Pollution Control Agency (PCA) and the Metropolitan Council, before July 1, 1988, to conduct assessments of waters that nonpoint sources pollute;
- allows the PCA to provide grant assistance to local governments for up to 50 percent of the costs of a nonpoint study and plan implementation;
- requires local governments to provide certain documents to receive financial and technical assistance, including certain types of statutory water plans or a local plan demonstrating a local commitment to water quality protection;
- requires the PCA to rank applications for assistance in order of priority and grant applications having the highest priority; specifies criteria;
- requires local governments receiving PCA technical and/or financial assistance to carry out approved implementation plans;
- allows the PCA to audit financial assistance fund expenditures and sue in District Court for financial assistance use violations;
- requires the PCA to:
 - adopt permanent rules for procedures, requirements, and criteria for program participants;
 - develop a state plan for nonpoint source water pollution control, coordinate the nonpoint activities and programs of other governmental agencies, and evaluate program effectiveness;
- requires the PCA director to establish and chair a project coordination team to prepare rules, evaluate project applications, and recommend appropriate assistance;
- appropriates to the PCA:
 - \$299,500 in FY'88 and \$348,000 in FY'89 for administration and contractual services;

—\$1.3m for grants to local government units to conduct nonpoint source pollution assessments;

- adds four positions to the PCA staff.

Enactment: June 3, 1987

Effective: July 1, 1987

Deer hunting limit

HF0400*—D. Nelson, D. Carlson,
R. Johnson, Larsen, Rukavina
SF0334—Merriam, Morse,
Wegscheid, Novak

Chapter 35:

- permits the commissioner of natural resources to let hunters take two deer during a season.

Enactment: April 16, 1987

Effective: Aug. 1, 1987

Dept. of Natural Resources—Forest Mgmt. Fund

HF0834*—Solberg, D. Carlson,
Kinkel, Poppenhagen, R. Johnson
SF0879—Willet, Samuelson,
DeCramer, Stumpf, Wegscheid

Chapter 226:

- creates a Forest Management Fund in the state treasury for private forest management technical assistance use;
- requires Department of Natural Resources (DNR) to deposit in the account any fees the DNR collects for private forest management services;
- appropriates \$16,800 for FY'88, and \$16,900 for FY'89 to the commissioner of natural resources for private forest management services; reduces the DNR's general fund appropriations by the same amounts.

Enactment: May 26, 1987

Effective: July 1, 1987

Drainage law—amendments

HF1078*—Jennings, Dille, Dauner,
V. Johnson, Kalis
SF0956—DeCramer

Chapter 239:

- clarifies that the director of the Department of Natural Resources (DNR) Division of Water may adopt permanent rules to standardize drainage forms;
- requires maps to show permanent grass strips; requires the director to maintain an inventory of all permanent grass strips;
- clarifies that factors the drainage authority must consider before beginning any drainage work include flooding characteristics of property downstream of the drainage project;
- specifies procedures which the drainage authority can use to secure compliance for properties violating the grass strip requirement on the drainage system;
- specifies expense collection procedures to achieve compliance with the grass strip requirements;
- allows the ditch authority to conduct informal meetings relating to drainage projects;
- directs the court in awarding attorneys fees when the DNR appeals on drainage projects;
- clarifies the counting procedure for signatures on a petition for drainage project or repair;
- designates required signatures to validate the petition; specifies petition contents;
- allows the drainage authority to delay drainage proceedings and drainage project construction if:
 - a majority of the petitioners petition for a delay; and
 - the drainage authority holds a hearing on the petition;
- requires the county attorney to review each petition and bond petitioners file with the county;
- removes county residency requirements for viewers whom the drainage authority appoints to assess benefits and damages;

- allows ditch authorities to establish viewers' qualifications;
 - provides an assessment procedure for all benefited and damaged property within the municipality;
 - clarifies procedures and criteria to ditch authorities to determine:
 - benefits, in general;
 - benefits for outlet projects;
 - benefits due to watershed wide land use changes that increase runoff;
 - provides damage criteria;
 - specifies requirements for viewers' reports;
 - requires the county auditor to report to property owners specific information on drainage project construction damages and benefits to their property;
 - authorizes the ditch authority to:
 - address illegal and unauthorized outlets into the drainage system; and
 - collect expenses associated with bringing the outlet into compliance;
 - establishes a process for resolving repair depth disagreements, including cost sharing;
 - requires drainage authorities to inspect drainage systems for grass strip violations;
 - provides a specific grass strip compliance notice to property owners in violation of the grass strip provisions;
 - increases the allowable repair cost and an annual repair levy limit from \$20,000 to \$50,000, or \$1,000 per mile, whichever is greater;
 - clarifies that installing erosion control measures is a repair;
 - allows the ditch authority to charge additional assessments against properties violating the grass strip requirements;
 - requires DNR cooperation with other state and local organizations to prepare a report to the Legislature and governor on assuming certain federal permitting authority.
- Enactment: May 26, 1987
Effective: Aug 1, 1987 with some exceptions

Elk breeding

HF0340*—Schafer,
Neuenschwander, Dille, Munger,
Thiede
SF0284—Renneke, Bernhagen,
Willet, Dahl, Lessard

Chapter 121:

- includes elk in the list of animals that a person may breed only on privately owned or leased land, after obtaining a license from the Department of Natural Resources.
- Enactment: May 14, 1987
Effective: Aug. 1, 1987

Elk—management plan

HF1351*—Tunheim, Sparby,
Battaglia, R. Johnson
SF1240—Stumpf, Willet, Merriam

Chapter 373:

- requires the commissioner of agriculture to compensate an agricultural crop owner for an agricultural crop that elk damage or destroy;
- requires a crop owner to prepare and file a crop damage claim with the commissioner; prohibits filing such a claim for damage or destruction occurring prior to the effective date of this act;
- entitles the crop owner to the damaged or destroyed crop's target price plus certain adjustments;
- requires the commissioner to determine whether elk caused the crop damage or destruction, and if so, the amount of damage; allows the commissioner to compensate crop owners for damages of more than \$100 but less than \$20,000 in any calendar year;
- provides that any insurance payment the owner receives will reduce the owner's amount of compensation from the commissioner;
- requires the commissioner of agriculture to compensate a crop owner if the commissioner, along with the commissioner of natural

resources, finds that the crop owner has shown that elk more probably than not caused damage or destruction; prohibits total compensation to all claimants from exceeding the amount of the appropriation in this act;

- allows a crop owner who receives compensation under these provisions to give written permission for hunting on the land at the landowner's discretion;

- allows the claimant to appeal to a County Court as the law prescribes if the commissioner of agriculture denies a claim;

- requires the commissioner to adopt emergency rules, and to adopt and amend rules to include:

- valuation methods to assess value of damaged or destroyed crops;

- criteria to determine the cause of crop damage or destruction;

- notice requirements for the owner of the damaged or destroyed crop; and

- any other matters the commissioner deems necessary to carry out the provisions of this section;

- requires the commissioner of natural resources to set dates for an elk hunting season and the number of licenses the department will issue;
- requires an eligible license applicant to be a Minnesota resident, at least age 16 before the season opens, and a person who has never had an elk license;

- sets the cost of an elk hunting license, for a party of not more than two persons, at \$200, and requires a \$10 nonrefundable fee to accompany the application; prohibits making more than one application per season;

- allows the commissioner to conduct a separate selection for up to 20 percent of the elk licenses for an area;

- provides that a person may not take elk without an elk license;

- allows the commissioner to prescribe an open season and the

areas and conditions for the taking of elk when the precalving population exceeds 20 animals;

- requires the commissioner to adopt an elk management plan that:

- recognizes the value and uniqueness of elk;

- provides for integrated management of an elk population in harmony with the environment;

- affords optimum recreational opportunities; and

- restricts elk to nonagricultural land in the state.

Enactment: June 2, 1987

Effective: day after enactment; however, a person may not apply for compensation for crop damage until after the commissioner of agriculture promulgates rules to determine compensation for crop damage elk cause

Fire fighting—DNR indirect costs

HF1181—Solberg, D. Carlson, Rukavina, R. Johnson, Kinkel
SF1099*—Lessard, Merriam, Berg

Chapter: 264

- provides that the commissioner of natural resources need not:

- bill the federal government for Minnesota's indirect cost for emergency fire fighting services, nor reimburse the general fund for those costs, if the commissioner decides that providing emergency fire fighting is in the best interest of the state;

- bill another state or Canadian province for Minnesota's indirect costs for emergency fire fighting services, nor reimburse the general fund for those costs, if the other state or Canadian province agrees not to bill the state of Minnesota for the indirect costs of emergency fire fighting services other states provide.

Enactment: May 27, 1987

Effective: day after enactment

Fish farms—commercial raising programs

HF0275—Brown, Uphus, Krueger, G. Anderson, D. Carlson
SF0069*—Berg, Lessard, Bernhagen, Dahl, Freeman

Chapter 318:

- requires the commissioner of agriculture to establish and promote a program for the commercial raising of fish in fish farms;

- provides resident and nonresident license fees as follows:

- \$250 for a fish farm;

- \$150 to take sucker eggs from public waters for a fish farm, plus \$3 for each quart in excess of 100 quarts;

- requires the commissioner of natural resources to follow a specified order of priority to dispose of game fish eggs and fry;

- prohibits operating a fish farm without a fish farm license; allows operation of a private hatchery without a private hatchery license;

- defines "fish farm" as a facility for commercially raising fish for sale for commercial processing and human consumption;

- prohibits a fish farm operator from obtaining fish or fish eggs, or a private fish hatchery operator from obtaining fish, outside of Minnesota unless the commissioner of agriculture approves;

- requires the commissioner of agriculture to:

- approve or deny the acquisition within 30 days after receiving written request for approval;

- provide a written notice to the applicant stating the reasons for acquisition denial, designate approved sources to obtain the desired fish or fish eggs, and sell the fish or fish eggs from state fish hatcheries at fair market value;

- prescribe rules allowing a person to maintain and operate a fish farm to raise and dispose of fish;

- establish and assess a fee to cover private hatcheries' inspection and

disease certification costs;

- defines "private fish hatchery" as a facility for raising fish for sale for stocking waters or for angling.

Enactment: May 29, 1987

Effective: Aug. 1, 1987

Flood Hazard Mitigation Grant Program

HF0835—Jennings, Sparby, Lieder, V. Johnson, Dempsey
SF0909*—Stumpf, Willet, Adkins, R.D. Moe, Wegscheid

Chapter 306:

- increases from two to three the number of assistant commissioners the commissioner of natural resources may employ, and provides that the commissioner should consider applicable professional registration in selecting the people;
- defines "structural flood management measures" as physical actions to modify the behavior and extent of floods and flooding; specifies certain structures and excludes deepening or straightening existing stream channels;
- defines "nonstructural flood management measures" as actions in floodplains to reduce the damaging effects of floods on existing and potential users of floodplains, without physically altering the flood behavior; specifies measures;
- defines "mitigation" as the act of alleviating the effects of floods and flooding by moderating or reducing the severe damages resulting from floods through structural and nonstructural flood management measures;
- requires the commissioner to conduct a statewide inventory and flood damage assessment of flood prone structures and lands; effective July 1, 1987;
- allows the commissioner to make grants to local governments to:—conduct floodplain damage reduction studies to determine the most feasible, practical, and effective methods and programs for mitigating the damages due to flooding within

flood prone rural and urban areas and their watersheds; and

—plan and/or implement flood mitigation measures;

- requires the commissioner, after receiving a local government's request for a grant of less than \$75,000, to confer with the local government requesting the grant; allows the commissioner to make a grant using specified criteria;
- requires the commissioner, after receiving a local government's request for a grant for \$75,000 or more, to:

—determine whether to award any part of the grant; and

—submit to the governor and the Legislature for funding consideration, before each odd-numbered year, a list of the grant requests or parts of grant requests of \$75,000 or more;

—prioritize the grant requests, beginning with the projects the commissioner determines most deserving of financing;

- prohibits grants exceeding one-half the total cost of the proposed mitigation measures;

- provides that after July 1, 1991, any grants the commissioner makes under these provisions may go to local governments whose grant requests are part of, or responsive to, a comprehensive local water plan;
- makes section on flood hazard mitigation grants effective July 1, 1987.

- allows the commissioner to direct dam repair or reconstruction if the project cost is less than \$250,000; if greater than \$250,000, the commissioner may recommend the project to the Legislature for consideration and action, or get the finance commissioner's approval for immediate work in emergency situations; effective July 1, 1987;
- appropriates \$1.0m from the water pollution control fund to the commissioner to:

—conduct the statewide inventory and flood damage assessment; and
 —make grants to local governments to conduct floodplain damage

reduction studies and plan and/or implement flood mitigation measures;

- adds five positions to the Department of Natural Resources staff; effective July 1, 1987.

Enactment: May 28, 1987

Effective: day after enactment for sections on DNR commissioner appointment, department divisions and bureaus, and appropriation; July 1, 1987 for other sections

Foreign exchange students—deer hunting licenses

HF0074—Redalen, Rose, Dorn, Munger, Battaglia
SF0073*—Benson

Chapter 47:

- authorizes nonresident, full-time high school foreign exchange students to obtain resident licenses to take deer by archery;
- requires students to provide proof of foreign exchange status as the commissioner of natural resources prescribes.

Enactment: April 29, 1987

Effective: Aug. 1, 1987

Forest fires—expenses, rewards

HF0601*—Solberg, Neuenschwander, Thiede, Ogren, R. Johnson
no companion

Chapter 271:

- requires the Department of Natural Resources to deposit all penalties it collects from people responsible for starting forest fires in the original fund from which money came to pay the firefighting expenses;
- strikes language that places the burden of proof on a landowner to refute prima facie guilt, when he/she knows of a fire and makes no effort to put it out;
- provides that when a person sets a fire that spreads and damages or destroys another's property, the setting of the fire is prima facie evidence of negligence in setting and allowing the fire to spread;

- increases from \$25 to \$100 the reward that could be given to anyone who provides information leading to a fire-starter's arrest and conviction.
- Enactment:** May 28, 1987
Effective: Aug. 1, 1987

Game, fish laws—recodification
 HF1172—Trimble, Munger, Ogren, Reding, Thiede
 SF0385*—Merriam, Novak, Wegscheid

Chapter 149:

- clarifies and makes technical changes in game and fish laws;
- establishes wild rice management account in the state treasury, and credits wild rice license fees to it;
- adds "brown trout" to the definition of "game fish";
- adds "red fox" and "gray fox" to the definition of "small game";
- makes technical change in the definition of an "unloaded" firearm;
- allows the commissioner of natural resources to use money from the game and fish fund for fish and wildlife and enforcement division activities;
- strikes language that specifies the design of certain notices designating state game refuge boundaries;
- strikes expiration date for muskrat farm licenses; requires all muskrat farm licensees to submit an annual report to the commissioner by March 31 each year;
- requires tags on harvested birds when transporting them;
- allows the commissioner of natural resources or administration to purchase land for public hunting and wildlife areas; allows the commissioner of administration to transfer qualifying federal money to the commissioner of natural resources to acquire wildlife land;
- requires a defendant in alleged illegal possession of an animal(s) who claims the animal(s) is a gift to prove that claim;
- allows the Department of Natural

Resources (DNR) to issue only one trapping and big game license per person in each category in a license year;

- exempts big game licenses from provisions that forbid a person from obtaining a license for one year after conviction of violation of related game and fish laws;
- allows a nonresident under age 16 to purchase a nonresident fishing license, take fish by angling, and possess a limit of fish;
- strikes current law that:
 - requires a person to have a license in his/her possession while traveling to the area to perform the licensed activity;
 - requires fur dealers, tanners, and taxidermists to keep records in a book and to have annual reports notarized;
 - requires residents age 65 or older who take fish without a license to have in their possession a document showing age and residency while traveling to the fishing location;
 - provides that a person DNR authorizes to issue licenses has the authority to administer oaths to applicants, and that such a person may not issue a license without administering the oath;
 - makes certain requirements for transporting wild animals out of the country as gifts; and certain restrictions on persons other than licensees who transport big game animals;
- permits:
 - a person to transport more than one big game animal;
 - a person to bring undressed game birds into the state that they took lawfully in other states and to make three shipments of fish with a permit;
 - a hunter, on foot, to retrieve wounded game from unposted agricultural land, except when the owner, occupant, or lessee orally notifies the hunter not to do so;
- strikes current law that:
 - requires written permission to take a wild animal with a firearm within 500 feet of a livestock stockade or corral;

- prohibits taking a wild animal with a firearm within 500 feet of a burning area;
 - permits possession of No. 4 buckshot or smaller lead or steel shot before and after the deer season;
 - requires anyone who has taken game to submit a report to the commissioner, at the commissioner's request, before March 15, stating the number and kind of each game animal the person took during the preceding season;
 - permits a person to use lights to take raccoons with dogs, firearms, or bows; and to use dogs to pursue and tree raccoons during the closed season without a small game license;
 - authorizes the commissioner to restrict the taking of red and gray fox, fisher, pine marten, and opossum;
 - strikes current law that requires a person to have a license and seals to take beaver that are damaging property;
 - prohibits using fire to take protected birds;
 - permits possession of certain devices, including a dip net, to take fish between May 1 and Feb. 15;
 - repeals current laws relating to the:
 - wild rice account;
 - presumption of illegal taking;
 - possession of wild animals;
 - nonresident transportation of fish.
- Enactment:** May 15, 1987
Effective: Aug. 1, 1987

Hazardous waste—administrative penalties

HF0332*—D. Nelson, Munger, Long, Pappas, Rose
 SF0388—Marty, Willet, R.W. Peterson, Merriam

Chapter 174:

- allows the Pollution Control Agency director to issue an order to correct any violations of waste management and pollution control laws and rules;
- allows the director to assess

administrative penalties up to \$10,000 for violations (lists factors the director may consider when determining the penalty amount);

- requires the order to include:
 - a concise statement of facts;
 - reference to the requirement violated;
 - the penalty amount and the factors on which it's based; and
 - notice of a right to a hearing;
- provides that the order may require violation correction within 30 days of its receipt;
- requires penalty payment if, within those 30 days, the recipient neither corrects, nor attempts to correct the violation, nor requests a review;
- requires interest to accrue beginning on the 31st day after the order was received;
- provides alternative procedures for order review in either an expedited hearing or court review;
- requires the director to issue a final order after waiting five days for the recipient's comments;
- allows the recipient to appeal the order subject to the Administrative Procedures Act;
- requires the penalty to be paid within 30 days from the mailing of the final order;
- authorizes the director to enter into voluntary mediation concerning any administrative penalty order he/she may issue, if the director and person to whom the order is issued both agree to mediation;
- allows the attorney general to petition District Court to file the final order as an order of the court;
- provides if a person fails to pay the penalty, the attorney general may bring a civil action in District Court seeking payment of the penalties, injunctive, or other appropriate relief including monetary damages, attorney fees, costs, and interest;
- provides that failure to pay is grounds for permit revocation or denial;
- permits an administrative penalty assessment in addition to any other

penalties the law allows for the same violation.

Enactment: May 20, 1987

Effective: Aug. 1, 1987

Hazardous waste—criminal penalties

HF0401*—D. Nelson, Larsen, Munger, R. Johnson
SF0818—Dahl, Marty

Chapter 267:

- defines:
 - “deliver” or “delivery” as the transfer of possession of hazardous waste, with or without consideration;
 - “hazardous waste” as any waste the law identifies as hazardous;
- exempts household hazardous wastes and appliances, pesticides, and used oil;
- provides that knowledge possessed by a person other than the defendant but not by the defendant may not be attributed to the defendant;
- allows a prosecutor to use circumstantial evidence to prove a defendant's actual knowledge;
- provides that a defendant's employment in a certain job or management position may not be sole proof of the defendant's reason to know;
- provides that a person is guilty of a felony and subject to a penalty of up to 10 years in prison and/or a fine up to \$100,000, if the person:
 - knowingly, or with reason to know, transports, treats, stores, or disposes of hazardous waste; and
 - at the time of the violation, knowingly places, or has reason to know his/her conduct places, another person in imminent danger of death, great bodily harm, or substantial bodily harm;
- provides if the defendant is an organization, the sentence may be a fine up to \$1.0m;
- provides that a person is guilty of a felony and subject to a penalty of up to five years in prison and/or a fine up to \$50,000, if the person knowingly, or with reason to know,

disposes of, or arranges for the disposal of hazardous waste at a location other than a location state or federal pollution control agencies authorize, or in violation of any material term or condition of a hazardous waste facility permit;

- provides that a person is guilty of a felony who knowingly, or with reason to know, does any of the following:

- delivers hazardous waste to any person other than a person state or federal pollution control agencies authorize to receive the waste;
- treats or stores hazardous waste without a permit if a permit is required, or in violation of a material term or condition of a permit the person holds, unless: 1) the person notifies the agency prior to the time a permit would be required that the person will be treating or storing waste without a permit; or 2) the person immediately notifies the agency issuing the permit of the circumstances violating a material term or condition of a permit as soon as the person becomes aware of the violation;
- transports hazardous waste to any location other than a facility that state or federal agencies authorize to receive, treat, store, or dispose of hazardous waste;
- transports hazardous waste without a required manifest or hazardous waste transporter license;
- makes a false material statement, representation, or omission in a permit or license application required to treat, transport, store, or dispose of hazardous waste; or
- makes a false material statement, representation, or omission in or on a label, manifest, record, report, or other document hazardous waste handlers file, maintain, or use to comply with Minnesota law and in connection with generating, transporting, disposing, treating, or storing hazardous waste;

- provides felony penalties for the above violations of up to three years in prison and/or a fine up to \$25,000; for a second or subsequent offense the penalty may be up to five years in prison and/or a fine up to \$50,000;
- provides that a person is guilty of a gross misdemeanor and subject to a penalty of up to one year in prison and/or a fine up to \$15,000, if the person unlawfully disposes, treats, stores, transports, delivers, or makes false statements about hazardous waste as a result of his/her gross negligence;
- provides that when the same person unlawfully disposes of hazardous waste two or more times in two or more counties within a two-year period, a prosecutor may aggregate the offenses and prosecute the accused in any county where one of the offenses occurred;
- requires indictments or complaints for any of the violations listed above, except for violations relating to false material statements, representations, or omissions, to be found or made and filed in the proper court within five years after the offense was committed.

Enactment: May 28, 1987

Effective: Aug. 1, 1987; applies to violations occurring on or after that date

Hazardous waste facilities—guarantor

- (See Legal/Judiciary)

Hazardous waste—transporter license

- (See Transportation)

Lost River State Forest—boundaries

HF0836*—Tunheim

SF0808—Spear

Chapter 137:

- changes the boundaries of Lost River State Forest in Roseau County.

Enactment: May 14, 1987

Effective: day after enactment

Low-level radioactive waste—siting process

HF1407—Kahn, K. Nelson,

Schafer, Sparby

SF1202*—Pehler,

D.R. Frederickson

Chapter 311:

- authorizes the Pollution Control Agency (PCA) to assess fees against low-level radioactive waste (LLRW) generators to pay siting costs of a LLRW facility;
- creates an 11-member Citizens Low-Level Radioactive Waste Facility Siting Board when the governor issues an executive order to choose a facility site, and terminates the board when it has finished the siting process;
- requires the board to develop a siting process, and report to the governor, the LLRW advisory committee, and the Legislature;
- mandates that the board maintain health, safety, and environmental considerations above all other siting criteria;
- directs the board to seek a volunteer site for a facility, and to work with counties, developers, landowners, local business communities, and other interested parties, to do so;
- requires site selection to occur as the law specifies if no community volunteers;
- appropriates \$1.3m to the Environmental Quality Board to pay the board costs; adds seven positions to

the State Planning Agency staff.

Enactment: May 28, 1987

Effective: day after enactment

Petroleum Tank Release Cleanup Act

HF0606*—Knuth, Munger, Vanasek, Neuenschwander, Rose
SF0536—Novak, Merriam, Wegscheid, Benson, Morse

Chapter 389:

- allows the Pollution Control Agency (PCA) director to:
 - order responsible persons to take corrective action to respond to a petroleum storage tank release;
 - investigate releases;
 - take emergency action when necessary; and
 - take corrective action or request that the attorney general bring action compelling corrective action;
- provides that a release is a public nuisance and authorizes the attorney general to bring an injunctive action;
- provides that a responsible person is liable for the PCA's corrective action costs, including associated administrative, investigative and legal expenses;
- authorizes the attorney general to bring a civil action in District Court to recover the PCA's reasonable and necessary expenses;
- establishes a five-member Petroleum Tank Release Compensation Board and a Petroleum Tank Release Cleanup Fund which the board administers;
- identifies the fund's revenue sources and limits its expenditures;
- imposes a petroleum tank release cleanup fee on the use of tanks; prescribes collection procedures;
- calculates the fee at a rate of \$10 per 1,000 gallons of petroleum products distributors handle during certain months;
- authorizes expenditures for cleanup program administration, corrective action, training, certification, and rulemaking;

- allows the PCA to reimburse a responsible person who has taken corrective action in response to a reported release for 75 percent of the portion of his/her costs greater than \$10,000 but less than \$100,00;
 - establishes the amount and conditions of eligibility for reimbursement to responsible persons;
 - requires the PCA director to take action to obtain federal funding to carry out the provisions of this act;
 - defines "installer" and "above ground tank"; adds the installer certification program to the PCA's regulatory program and provides that it applies to installers of above and underground tanks;
 - clarifies who must inform owners and operators of their notification requirements;
 - establishes a program at the PCA to train and certify tank installers;
 - appropriates \$719,200 from the general fund to the Petroleum Tank Release Cleanup Fund; appropriates from the fund to the PCA:
 - for administration costs, \$386,400 in FY'88 and \$397,500 in FY'89;
 - for corrective/investigative actions costs, \$250,000 in FY'88 and \$350,000 in FY'89;
 - requires the PCA to use any federal money available to pay for corrective actions before using any of the money appropriated above;
 - adds eight positions in FY'88 and one position in FY'89 to the PCA staff;
 - appropriates from the fund to the Department of Commerce for administration expenses, \$82,800 in FY'88 and \$55,400 in FY'89;
 - adds two positions to the Department of Commerce staff.
- Enactment:** June 3, 1987
Effective: retroactive to Jan. 1, 1986 for section on informing owners and operators of certain notification requirements; July 1, 1987 for appropriations sections; day after enactment for all other sections

Pipeline Safety Act

HF0091—Knuth, Bishop, Munger, Price, Rose
 SF0090*—Novak, Purfeerst, D.R. Frederickson, Merriam, Marty

Chapter 353:

- requires the Environmental Quality Board (EQB) to adopt rules governing pipeline routing;
- specifies rule contents and provides that EQB rules preempt all local land use regulations on pipeline siting;
- prohibits pipeline construction without an EQB permit, with certain exceptions;
- grants eminent domain authority to natural gas pipeline companies;
- amends laws requiring the Department of Natural Resources to approve certain projects; provides approval isn't required for pipelines needing an EQB permit;
- requires the Public Utilities Commission to include a public utility's costs to comply with state pipeline safety and routing programs when setting rates for the utility;
- requires local government units issuing excavation permits to display notice of certain requirements;
- requires every underground line operator to participate and share in costs of one statewide notification center;
- establishes a notification center as a nonprofit corporation with a 20-member governing board; requires the center to be operating by Oct. 1, 1988;
- requires:
 - an excavator to contact the statewide notification center at least 48 hours (excluding weekends and holidays) before beginning excavation, except in emergencies;
 - the center to notify all underground facility operators in the proposed excavation area; specifies notice contents;
 - underground facility operators to locate and mark the location of underground facilities, within 48

hours (excluding weekends and holidays), at no cost to the excavator; specifies color code standards for the markers;

- requires excavators to:
 - take certain steps to avoid damage to underground facilities;
 - notify operators of underground facilities as soon as reasonably possible after damage occurs;
- establishes procedures to minimize hazards and further damage; provides a misdemeanor penalty;
- requires an excavator to reimburse an operator for:
 - all repair costs, if an excavator damages an underground facility, and
 - cost of the product the pipeline carries that was lost as a direct result of damage, if the excavator damages a pipeline;
- provides that reimbursement isn't required if the operator's negligence or failure to provide proper excavation notice causes damage to the underground facility;
- provides an excavator's failure to call the statewide notification center or provide certain support while digging is prima facie evidence of negligence;
- provides:
 - sections of this act relating to the "one-call" system and damage prevention laws don't affect local laws requiring excavators to obtain permits before excavating;
 - a local government's permit doesn't relieve a person from the duty to comply with the "one-call" system and damage prevention laws;
 - a permit holder's failure to comply with the "one-call" system and damage prevention laws doesn't impose liability on the public agency issuing the permit;
- amends laws governing intrastate natural gas pipelines;
- changes references from the state fire marshal to the commissioner of public safety, acting through the Office of Pipeline Safety (OPS);
- requires the commissioner to

deposit penalty revenue and fees in the Pipeline Safety Account in the state treasury;

- creates the OPS, with a director in the unclassified service whom the commissioner appoints; specifies director and staff qualifications;
- provides duties for the office as follows:

- promoting use of the 9-1-1 telephone system to notify emergency responders of pipeline releases;
- training local governments in pipeline contingency planning and emergency response;
- requiring local governments to work with pipeline owners to provide public education on pipeline operation and safety;
- gathering information on technology to detect and locate pipeline releases;
- maintaining a data base of pipeline releases;
- inspecting records and maps pipeline operators keep;
- collecting inspection fees;
- seeking to act as the federal government's agent for enforcing the federal Natural Gas Pipeline Safety Act and the Hazardous Liquid Pipeline Safety Act;
- inspecting and testing pipelines to determine compliance with federal standards;
- adopting rules to implement these provisions;
- requires the commissioner to adopt a model ordinance requiring a setback from pipelines in areas where new residential or other new development is permitted;
- orders the commissioner to adapt the model ordinance to apply to any local government that hasn't adopted its own ordinance within two years after the effective date of the commissioner's rules adopting the model ordinance;
- creates a nine-member Pipeline Safety Advisory Council which the commissioner appoints; specifies membership and duties;

- requires a pipeline operator to immediately report an emergency release from the operator's pipeline to the emergency response center;
- provides felony penalties (up to seven years in prison and/or a fine up to \$14,000), if a pipeline release causes death or great bodily harm to any individual, for a pipeline operator's employee who:
 - knows or has reason to know of an emergency release, and
 - fails to immediately report the release to the commissioner;
- requires the commissioner to immediately report a known emergency release to the appropriate local government unit's emergency responder, and, in certain cases, to the Pollution Control Agency;
- requires pipeline operators to file:
 - maps showing locations of pipelines and appurtenances they operate; specifies when and where to file, and map contents;
 - emergency response plans, at least 30 days before pumping a hazardous substance, with the OPS director, the state director of emergency services, or the sheriff of every county the pipeline traverses; specifies plan contents;
 - procedural manuals with the director;
- requires pipeline operators to notify the director and local government units the pipeline traverses of:
 - hydrostatic tests, 48 hours prior to conducting the tests; specifies notice contents;
 - products the pipeline carries;
- requires local government units having a pipeline within their jurisdiction to prepare emergency response plans;
- adopts by reference, federal rules governing hazardous liquid and natural gas pipelines to implement the federal pipeline inspection program;
- requires the director to collect fees from pipeline operators to cover inspection costs if the federal government delegates authority to

the state to inspect hazardous liquid pipelines; provides for fee calculation;

- permits the director access to information relevant to pipeline emergency releases; classifies certain data as private or nonpublic;
 - requires operators to place and maintain line markers over each pipeline;
 - provides misdemeanor penalties for vandals and others who damage markers;
 - prohibits pipeline operators from disposing of, destroying, or altering pipelines from which there was an emergency release, unless the commissioner grants approval to dispose or alter; provides felony penalties;
 - provides civil penalties for certain violations, and actions to compel performance for certain violations; provides that nothing in this act diminishes existing remedies that people have to recover from losses resulting from pipeline releases;
 - creates a Pipeline Safety Fund for receipt of certain fees and penalties OPS collects under this act; continually appropriates the money to OPS to administer its duties;
 - appropriates \$418,300 as follows:
 - to the state planning director, \$73,000 in FY'88;
 - to the commissioner of public safety, \$184,400 in FY'88 and \$160,900 in FY'89;
 - adds three positions to the Department of Public Safety staff.
- Enactment:** June 2, 1987
Effective: various dates

Raccoon dog field trials

HF0501—D. Carlson, Vanasek
SF0333*—Merriam, Wegscheid,
Novak

Chapter 81:

- allows raccoon dog field trials to tree raccoons from April 16 to July 14 under special permit which the commissioner of natural resources would issue.

Enactment: May 11, 1987

Effective: day after enactment

Reinvest in Minnesota—amendments

HF0886—Munger, G. Anderson,
Neuenschwander, Rose, Redalen
SF0841*—Novak, Willet,
R.W. Peterson, Benson, Lessard

Chapter 357:

- redefines "landowner" as individuals, family farms, family farm corporations, and authorized farm corporations, that either own eligible land or are purchasing eligible land under a contract for deed;
- defines "wetland" as land that has mostly hydric soils and which surface or ground water inundates or saturates frequently enough to support, or periodically does support, mostly hydrophytic vegetation, typically adapted for life in saturated soil conditions;
- defines "windbreak" as a strip or belt of trees, shrubs, or grass barriers at least six rows deep and within 300 feet of the highway right-of-way;
- includes as land eligible for the conservation reserve program:
 - a drained wetland;
 - land that, with a windbreak, would be good for resource protection; and
 - cropland adjacent to the restored wetland, to the extent of up to four acres of cropland for each acre of restored wetland;
- permits a landowner, who owns at least 200 acres of agricultural land, to enroll up to 20 percent of his/her total agricultural land acreage in the

conservation reserve;

- permits a landowner, who owns fewer than 200 acres of agricultural land, to enroll in the conservation reserve:
 - all agricultural land he/she owns, if 20 acres or fewer; or
 - 20 acres plus 10 percent of the balance of the agricultural land, if he/she owns a total of more than 20, but fewer than 200 acres;
- requires the commissioners of agriculture and natural resources to give highest priority to permanent easements when selecting land for program enrollment;
- changes the time for an easement of limited duration from 10 to 20 years;
- adds conditions to which a landowner agrees when enrolling eligible land in the conservation reserve program, including:
 - restoring any drained wetland and conveying to the state a permanent easement for the wetland; and
 - lengthening the easement duration through mutual agreement with the commissioners of agriculture and natural resources if they determine the changes make the program more effective or easier to administer;
- changes perennial cover payments to:
 - up to 75 percent of the total eligible cost not to exceed \$75 per acre for limited duration easements, and
 - up to 100 percent of the total eligible cost not to exceed \$100 per acre for perpetual easements;
- changes tree planting payments to:
 - up to 75 percent of the total eligible cost not to exceed \$200 per acre for limited duration easements, and
 - up to 100 percent of the total eligible cost not to exceed \$300 per acre for perpetual easements;
- allows the commissioner of agriculture to use an alternative payment system for easements based on cash rent or a similar system;
- allows the commissioner of agriculture and the landowner to

agree to a new conservation easement for an additional period of at least 20 years, when a conservation easement of limited duration expires;

- requires the commissioner of transportation to provide technical advice and assistance to the commissioners of agriculture and natural resources on the planting of windbreaks adjacent to highways;
- allows the commissioner of agriculture to:
 - supplement federal land retirement program payments to increase payments for land enrollment in federal and state conservation programs;
 - adopt emergency rules to implement this act;
- transfers the Minnesota Critical Habitat Private Sector matching account from the state treasury to the Reinvest in Minnesota (RIM) Resources fund; appropriates money in the account to the commissioner of natural resources only for direct land acquisition or improvement; requires the commissioner to establish a process to prioritize critical habitat the state shall acquire or improve;
- requires the commissioner of natural resources to consult with the commissioner of agriculture and present to the Legislature by Feb. 1 each year, a written work plan for RIM fund expenditures for the next fiscal year; requires the commissioner, by April 30 each year, to make the work plan, with any revisions, available to the public for comment;
- requires the commissioner of natural resources to:
 - establish a native prairie bank;
 - determine where native prairie land exists in the state; and
 - prescribe eligibility requirements to include land in the native prairie bank;
- allows the commissioner to enter into easements with landowners to acquire native prairie for conservation purposes; provides that the

easements must be conservation easements, and may be permanent or of limited duration for at least 20 years;

- specifies easement conditions to which a landowner must agree; in return, requires the commissioner to pay the landowner and provide advice on native prairie conservation and development practices in the easement and adjacent areas; specifies payment amounts;
- allows the commissioner and the landowner to mutually agree to:
 - renew, or convert to a permanent easement, a limited-term easement at the end of the easement period;
 - modify or terminate an easement if the commissioner determines that modification or termination would be in the public interest;
- permits an applicant to drain certain wetlands without a permit and without replacing them with wetlands of equal or greater public value in certain circumstances;
- requires the commissioner and landowners to agree to at least 20-year easements for wetlands the landowners place in the waterbank program;
- changes payments for wetlands in the waterbank program to:
 - 50 percent of the average equalized estimated market value of cropland, for permanent easements; and
 - a lump sum payment equal to the present value of annual payments for the easement term based on 50 percent of the mean adjusted cash rental for cropland, for an easement of limited duration;
- appropriates to the commissioner of agriculture, \$1.8m for technical services and conservation reserve program implementation; requires the commissioner to distribute \$1.5m to soil and water conservation districts; adds three classified positions to the Department of Agriculture staff;

- appropriates to the commissioner of natural resources, \$1.2m to implement components of the comprehensive fish and wildlife plan; provides that \$480,000 goes to assist both public and private landowners to improve wildlife habitat; adds eight classified positions to the Department of Natural Resources staff.
Enactment: June 2, 1987
Effective: July 1, 1987

School Trust Fund— reimbursement

- (See Education)

State parks—boundaries, name changes
HF0569*—Rukavina, Neuenschwander, Battaglia, Kelso, Sparby
SF0481—Stumpf

Chapter 128:

- authorizes Itasca State Park food service and room cleaning employees to accept tips;
- allows the commissioner of natural resources to acquire through gift, purchase, or condemnation proceedings, certain land for the following state parks:
 - Glacial Lakes State Park in Pope County;
 - Scenic State Park in Itasca County;
- changes the name of the Tower Soudan State Park to the Soudan Underground Mine State Park;
- allows the commissioner to transfer lands from the Old Crossing Treaty State Wayside to Red Lake County and the University of Minnesota-Crookston campus;
- allows the commissioner to exchange state lands within Rice Lake State Wayside for federally-owned land within Glacial Lakes State Park;

- permits by-the-drink sale and drinking of wine at the restaurant in Douglas Lodge in Itasca State Park.
Enactment: May 14, 1987
Effective: day after enactment

State parks—use, permits, fees
HF0554*—Rukavina, R. Johnson, Hugoson, Shaver, Ogren
SF0450—Pehler, Stumpf, Morse, Knaak, Berg

Chapter 253:

- allows the commissioner of natural resources to make rules for state park use including:
 - special parking space for automobiles or other motor-driven vehicles in a state park or recreation area;
 - special parking spurs and auto trailer coach parking spaces, campgrounds for automobiles, and tent camping sites, for use of individuals who pay for the space;
 - improving and maintaining already established golf courses in state parks, and charging reasonable use fees;
 - state park pageant areas that the commissioner may establish for historical or other pageants by state or other public agencies; and
 - providing water, sewer, and electric service to trailer or tent campsites and charging a reasonable use fee;
- allows the commissioner to stage state park pageants in a state or municipal park, or on other land near or adjoining a state park, and charge an entrance or use fee for the pageant;
- requires an individual using state park space to pay daily rates the commissioner shall determine and set to be consistent with fees for area facilities offering similar tourist accommodation, camping, and other uses;

- provides that the fee for special parking spurs, campgrounds for automobiles, tent camping sites, and special auto trailer coach parking spaces is one-half the daily rate set for Sunday through Thursday of each week for:

- a Minnesota resident age 65 or over who furnishes satisfactory proof of age and residence;

- a physically handicapped person with a motor vehicle displaying handicapped license plates;

- a physically handicapped person who has a handicapped certificate;

- requires that special state park use fees, and gross receipts from sales, rentals, or leases of natural resources within state parks, recreation areas, and waysides (other than those on trust fund lands) shall go into the state park maintenance and operation account in the state treasury;

- requires the commissioner to:

- prepare and provide permits for each calendar year allowing motor vehicles to enter and use state parks, recreation areas, and certain waysides; requires the permits to be available and on sale by Oct. 1 of the year preceding the calendar year the permit is valid; prohibits motor vehicles from entering a state park, recreation area, or wayside without a permit;

- prescribe a special permit to use for state parks, recreation areas, and waysides up to two days under certain conditions;

- requires the commissioner to prescribe and issue:

- second vehicle permits for persons who own more than one motor vehicle and request a second permit; allows the commissioner to issue only one second vehicle permit per applicant;

- employee permits to state employees, peace officers, and contractors, who must enter areas where they must have a permit to perform official duties; prohibits a motor vehicle displaying only an employee permit from entering a place where

state park permits are required if the employee is using the vehicle for purposes other than official duties;

- special permits for: 1) an individual age 65 or over who furnishes satisfactory proof of age and residence, 2) a physically handicapped person with a motor vehicle displaying handicapped license plates, and 3) up to two days for a physically handicapped person who has a handicapped certificate;

- provides that special permits are valid only when displayed on a vehicle the permit holder owns and occupies;

- allows the commissioner to:

- establish rules to authorize special daily vehicle state park permits for groups;

- designate one (or two consecutive) day(s) as state park open house day to acquaint the public with state parks, recreation areas, and waysides;

- provides that motor vehicles wouldn't need permits to enter a state park, monument, recreation area, or wayside on open house day;

- requires the commissioner to announce open house day at least 30 days before it occurs;

- does not require:

- a permit nor fee for motor vehicles entering or parking at the Fort Snelling Memorial Chapel Island portion of Fort Snelling State Park;

- a Minnesota permit at Interstate Park if a motor vehicle displays a valid, current, Wisconsin permit or sticker authorizing entry into Wisconsin state parks, and the commissioner has entered into a reciprocal agreement with appropriate Wisconsin officials to allow motor vehicles displaying Minnesota permits free entry into Interstate State Park of Wisconsin;

- provides fees as follows:

- annual use permit, \$15;

- second vehicle permit, one-half the annual fee;

- special permit for handicapped persons and persons over age 65, one-half the annual fee;

- special two-day permit, \$3;

- special daily vehicle permit for groups, as the commissioner prescribes;

- employee's permit, no charge;

- repeals law governing state park camp sites and motor vehicle permits.

Enactment: May 27, 1987

Effective: 30 days after enactment

Timber permit laws—changes HF0403—Kinkel, R. Johnson, Rukavina, Neuenschwander, Munger SF0461*—Willet

Chapter 109:

- changes certain provisions relating to the sale of state timber, and repeals laws relating to white pine blister rust control, and cutting notices;

- transfers authority from the executive council to the commissioner of natural resources to:

- approve auxiliary forest cancellations, withdrawals, or transfers;

- settle trespass claims;

- removes \$5,000 limit on trespass claims the commissioner may settle;

- allows commissioner to offer, after public auction, any unsold timber for private sale for no more than 90 days after the auction to any person who pays the appraised value;

- lengthens the regular auction sale permit from two to three years;

- reduces permit extensions from no more than three to no more than two years, and changes interest on extensions to five percent the first year, and 15 percent the second year;

- allows state timber purchasers to post bond for 100 percent of purchase price and request refund of amount of payment as an alternative to the cash and bond requirement;

- allows personal checks as payment for a permit's security;

- strikes conservation enforcement officers' authorization to enforce blister rust laws;
 - repeals:
 - blister rust laws (which require the eradication of gooseberries and currant bushes to protect white pine); and
 - the requirement for landowners to file a notice of cutting timber.
- Enactment:** May 14, 1987
Effective: 30 days after enactment

Trapping with lights

HF0653*—Reding, Battaglia,
 Tunheim, D. Carlson
 SF0731—Berg, Lessard

Chapter 131:

- permits a person to use a light when hunting raccoon with firearms or bows;
- allows a person on foot to use a portable artificial light to tend traps between 5 a.m. and 7 p.m.; prohibits a trapper from possessing or using a firearm other than a .22 caliber handgun;
- removes restrictions on the open season for otter;
- prohibits setting a trap within 50 feet (formerly 150 feet) of any water other than temporary surface water within 30 days before the open season for mink and muskrat without special Department of Natural Resources permit.

Enactment: May 14, 1987
Effective: Aug. 1, 1987

Waste Management Act—amendments

HF0794*—Long, Munger,
 R. Anderson, D. Nelson, Ozment
 SF0708—Merriam, Dahl, Pehler,
 Wegscheid, Davis

Chapter 348:

- excludes lead acid batteries and used oil from the definition of "mixed municipal solid waste";
- authorizes the Waste Management Board (WMB) to:

- encourage improved management of waste rendered nonhazardous, and industrial waste;
- coordinate with other public agencies' educational efforts to develop and implement an educational program on waste management issues; specifies program objectives;
- allows WMB to revise or amend the hazardous waste management plan after providing notice and holding a public meeting;
- authorizes the commissioner of administration to determine, collect, and credit to the Resource Recovery Revolving Account the cost savings from state government recycling and reuse activities;
- requires WMB to provide technical and research assistance and make waste reduction grants to industrial waste generators;
- allows WMB to make certain development grants to improve the management of waste rendered nonhazardous, and industrial waste;
- includes as eligible grant program participants, persons seeking to develop or operate specific types of facilities or services to manage industrial waste generated in Minnesota;
- requires industrial waste grant recipients to match the grant with money or in-kind services for at least 50 percent of the project cost;
- requires WMB to:
 - request proposals to improve management of waste rendered nonhazardous, and industrial waste, and
 - inform potential developers of information and assistance available to them to improve industrial waste management in the state;
- requires WMB and the Pollution Control Agency (PCA) to jointly prepare and submit to the Legislative Commission on Waste Management (LCWM) an annual report on solid waste management policy outside the seven-county metropolitan area; specifies report contents;

- authorizes WMB to cooperate with other public agencies and political subdivisions to assist, encourage, and provide grants to develop markets for recyclable materials, including facilities and services which use recyclable materials;
- requires WMB to provide technical assistance to public entities and agencies to encourage waste reduction and develop markets for recyclables through procurement policies and practices;
- provides that WMB will administer the funding of local solid waste management projects (formerly required joint administration with the PCA);
- clarifies that grants for waste reduction and separation projects are for development and implementation;
- includes household hazardous waste management projects in activities eligible for grants;
- permits WMB to make capital assistance grants to "low tech" solid waste management projects in recycling, composting and co-composting for up to 50 percent of the capital costs or a maximum of \$2.0m, whichever is less;
- permits an eligible project to receive grants for the cost of pollution control tests necessary to determine the appropriate pollution control equipment for the project, or environmental effects from use of any product or material the project produces;
- permits a waste management district or county to designate to a specified resource recovery facility all solid waste regardless of whether it's currently deposited outside of Minnesota;
- prohibits anyone, after Jan. 1, 1988, from:
 - placing a lead acid (automotive) battery in the solid waste stream or disposing of it;
 - placing used motor oil in the solid waste stream or in a disposal facility, unless the PCA authorizes such disposal;

- allows a city or town to impose a landfill disposal fee of 25 cents (formerly 15 cents) per cubic yard of waste disposed of at a facility located in the city or town; allows the city or town to use fees for landfill abatement and mitigating risks, costs, or other adverse effects of facilities;
- authorizes cities or towns to organize collection of some, or all, solid waste generators release for collection, as a municipal service or by ordinance, franchise, license, negotiated or bidded contract, or other means;
- prohibits local government units from establishing an organized collection system which impairs preserving and developing recycling and markets for recyclables;
- requires local government units to exempt recyclables if the generator or collector shows that materials will be source separated, collected, and delivered for recycling;
- specifies a process to propose, plan, and establish an organized collection system, and requires local government units to follow it;
- grants counties the authority to require cities and towns to organize collection;
- provides that the county ordinance may require:
 - cities and towns to separate and collect recyclables;
 - specific material to be separated; and
 - cities and towns to meet source separation standards established in the county solid waste plan;
- permits counties to organize collection in any city or town that doesn't comply with a county-organized collection ordinance;
- establishes a household hazardous waste management program;
- requires the PCA to set up the collection program and provide information and technical assistance; permits PCA to contract for all parts of the program;
- requires any collector to comply with management standards for hazardous waste generators;
- requires any person, outside the PCA, who wants to establish and operate any part of a household hazardous waste management program to first notify the PCA;
- authorizes the Economic Development Authority to make:
 - loans to businesses to purchase used oil processing equipment; and
 - grants to counties to install used oil storage tanks to collect used oil;
- defines PCA volunteers as employees for the purpose of workers' compensation coverage;
- extends the special police officer powers of the Department of Public Service (DPS) Division of Weights and Measures inspectors;
- authorizes the inspectors to arrest, without formal warrant, motor oil and automotive battery retailers who violate signage requirements (below);
- prohibits the DPS from charging fees to recover costs of enforcing signage requirements;
- requires the Division of Weights and Measures to:
 - provide and distribute required signs (below), and
 - inspect motor oil and automotive battery retailers to insure compliance;
- specifies language for signs required at motor oil retail outlets to direct customers to used oil collection tanks;
- requires automotive battery wholesalers and retailers to accept used batteries for recycling; requires retailers to post a specified notice of collection;
- requires each metropolitan county to submit a local recycling implementation strategy to the Metropolitan Council by Dec. 1, 1988;
- clarifies that the council may spend money in the Metro Landfill Abatement Fund only to:
 - assist resource recovery projects or develop markets for recyclables;
 - make grants to counties to establish a metro local recycling development program (below); and
 - administer programs;
- requires counties to review and approve for conformance with the county master plan a metro resource recovery grant or loan to a city or town;
- establishes a metro local recycling development program which authorizes the council to make matching grants to counties to plan, develop, and operate yard waste composting and recycling programs; specifies grant allocation criteria;
- specifies that provisions regarding the Metropolitan Council and local recycling implementation strategy and program implementation are effective only in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties;
- establishes a waste pesticide collection pilot project;
- requires the PCA's cooperation with the Department of Agriculture to:
 - establish a two-year pilot project to collect and dispose of waste pesticides;
 - inform and educate the public on proper waste pesticide management; and
 - determine the nature and extent of waste pesticide-related problems and the need for future legislation;
- requires the Department of Administration to establish a program to test state purchases of recycled printing and writing paper, and report its findings to the LCWM by Nov. 15, 1987;
- extends to Jan. 1, 1990 (formerly Jan. 1, 1988) the temporary exemption from certain disposal fees for nonhazardous solid waste from metal casting;

- appropriates from the Solid and Hazardous Waste Account to:
WMB:
 - for nonhazardous and industrial waste grants and technical assistance, \$25,000 in FY'88, and \$25,000 in FY'89;
 - for public education on waste management issues, \$95,000 in FY'88 and \$95,000 in FY'89;
 - for the solid waste management policy report, \$30,000 in FY'88 and \$30,000 in FY'89;
 - to develop markets for recyclables, \$100,000 in FY'88 and \$100,000 in FY'89;

- for waste reduction and separation projects and technical assistance, \$150,000 in FY'88 and \$150,000 in FY'89;
- adds four staff positions.

PCA:

- for the solid waste management policy report, \$30,000 in FY'88 and \$30,000 in FY'89;
- for household hazardous waste management, \$215,800 in FY'88 and \$300,200 in FY'89;
- for pilot waste pesticide collection, \$145,800 in FY'88 and \$70,000 in FY'89;
- adds five staff positions.

DPS:

- for the lead acid battery and used motor oil notice and inspection program, \$3,600 in FY'88 and \$3,600 in FY'89;
- expands the authorized uses of the waste tire recycling account to include loans and grants for used oil processing and storage tanks;
- appropriates money in the Metro Landfill Abatement Fund to the PCA for transfer to the Metropolitan Council; specifies that \$1.5m from the fund goes to local recycling development;
- requires the council to submit to the LCWM, by July 1, 1987 and 1988, a budget and work program for the following year; provides that the PCA may not spend fund money until the LCWM has made its advisory recommendations;

- repeals laws providing:
 - the WMB sunset date;
 - eligible recipients for planning assistance for solid waste plans;
 - financial assistance for solid waste plans;
 - reduced payments for debt service on metro solid waste bonds on waste abatement;
 - Metro Abatement Fund allocation;
 - abatement cost recovery.
- Enactment:** June 1, 1987
Effective: July 1, 1987

Wastewater treatment grant program

HF1030*—Munger, Rose, Battaglia, Redalen, Trimble
SF1497—Dahl

Chapter 277:

- provides funding for grants and loans for the construction and rehabilitation of wastewater treatment facilities and systems;
- authorizes new capital cost component grants (up to \$1.5m annually) for municipalities under a service contract (at least 20 years) with a private vendor;
- requires the amount granted to a municipality to be 50 percent of the average total eligible costs of municipalities of similar size recently awarded state and federal grants;
- allows the Pollution Control Agency (PCA) to relax certain federal and state regulations for these grants;
- authorizes new individual on-site treatment system grants (up to \$1.0m annually) to award to municipalities under certain circumstances to reimburse owners of individual on-site wastewater treatment systems for part of the upgrading or replacement costs;

- defines an individual on-site treatment system as a wastewater treatment system, or part thereof, serving one or two dwellings or other establishments, which utilizes subsurface soil treatment and disposal;
 - permits municipalities to apply yearly for grants of up to 50 percent of the cost of replacing or upgrading individual on-site treatment systems within their jurisdiction;
 - defines "corrective action" as action taken to upgrade or correct wastewater treatment facilities, funded under the Federal Water Pollution Control Act or the independent state grants program, that have failed to meet performance standards, and includes engineering, design, construction, legal assistance, and other action as the PCA may allow;
 - authorizes new corrective action grants (up to \$1.0m annually) to upgrade wastewater treatment facilities that have failed to perform as designed;
 - provides that a corrective action grant awarded to any municipality may not exceed \$500,000, or the cost of the corrective action, whichever is less;
 - requires municipalities that receive grants to attempt to recover from the responsible parties, and reimburse the state for any funds recovered;
 - requires the PCA to adopt permanent rules to administer the corrective action grant program; specifies certain minimum criteria for rules;
 - requires the state to pay 50 percent of the nonfederal share of the eligible construction costs of projects providing wastewater treatment to a federal correctional institution under the state matching grants program for municipalities under 25,000 population.
- Enactment:** May 28, 1987
Effective: Aug. 1, 1987

Water diversion plans—restrictions

HF1507*—Munger, Battaglia, Boo, Rose, Shaver
SF1092—Willet, Luther, Dahl

Chapter 159:

- prohibits the commissioner of natural resources from issuing certain permits or approving certain plans for diversion of water from certain water basins before consulting with state and Canadian officials;
 - defines “basin of origin” as waters of the state that originate within the water basins of the Great Lakes, Red River of the North, Mississippi or Missouri rivers;
 - defines “consumptive use” as water withdrawn from its source for immediate use in the source area that is not directly returned to the source;
 - provides that the commissioner may not approve a large-scale diversion of state waters, nor grant or approve a permit or plan for a large-scale consumptive use of water until the commissioner determines if the remaining water will meet the basin of origin’s water resources needs, and the Legislature approves the diversion;
 - requires the commissioner to solicit and consider comments from the Great Lakes states’ governors, the Great Lakes provinces’ premiers, state and Canadian water management agencies, and the International Joint Commission before approving a permit or plan for diversion or consumption of more than 5,000,000 gallons per day in a 30-day period;
 - provides that the commissioner may have more than 30 days to decide on any large-scale water diversion or consumption proposal.
- Enactment:** May 15, 1987
Effective: Aug. 1, 1987

Waterfowl feeding, resting areas—designation

HF1409—Rose, Sparby, Munger, R. Johnson, Kostohryz
SF1308*—Marty, Merriam, Pehler, Novak, Laidig

Chapter 119:

- allows the commissioner of natural resources to designate any part of any lake as a migratory feeding or resting area (MFRA) (current law restricts the designation to a maximum of 13 lakes); commissioner must first have a signed petition from at least 10 local resident licensed hunters describing the lake area that is a substantial MFRA;
 - allows individuals to use an electric motor of less than 30 pounds thrust to propel a watercraft or aircraft into a posted MFRA during the open migratory waterfowl season;
 - permits the commissioner to order further restrictions on the use of electric motors in MFRAs.
- Enactment:** May 14, 1987
Effective: Aug. 1, 1987

Wild animal storage—probable cause for search

HF0513—Kelly, Carruthers
SF0365*—Merriam, Morse, Wegscheid, Pehler

Chapter 169:

- requires conservation enforcement officers to have probable cause before entering certain buildings to inspect for illegal possession or storage of wild animals.
- Enactment:** May 20, 1987
Effective: Aug. 1, 1987



Families/ Juveniles



Adopted child—notice of death

HF0270*—Vellenga, Blatz, Krueger, Rest
SF0439—Piper, Cohen, Marty, Brataas, D.C. Peterson

Chapter 173:

- requires adoption agencies to inform parents who adopt a child on or after Aug. 1, 1987, that they must notify the agency if the child dies;
- requires the agency to inform:
 - the adoptive parents of a child under age 19, or an adopted person age 19 or older, that they may maintain a current address on file with the agency and indicate that they want the agency to notify them if the agency receives information of a genetic parent’s death;
 - genetic parents that the agency will notify them of the death of a child they placed for adoption and the cause of death, if known, provided that the genetic parents desire notice and maintain a current address on file with the agency;
 - genetic parents that they may designate individuals to notify the agency if a genetic parent dies and that the agency receiving the information will notify adoptive parents or an adopted child over age 19 who’s requested notification and maintains a current address on file with the agency;
- requires an agency employee to provide notice of the death of an

adopted child or genetic parent through personal, confidential contact; prohibits delivering notice in the mail;

- requires adoptive parents residing in Minnesota who adopted a child through an agency in another state to notify the agency if the child dies;
- requires adoption agencies to inform adoptive parents and genetic parents of a child, whose adoption takes place on or after Aug. 1, 1987, that the genetic parents, the adoptive parents of a person under age 19, or an adopted person age 19 or older may request the agency to notify them if a genetic parent or the child is terminally ill;
- requires the agency to notify the other parties if the agency receives such a request, and to provide appropriate information about a terminal illness.

Enactment: May 20, 1987

Effective: Aug. 1, 1987

Adoption expense reimbursement
HF0127*—Krueger, Skoglund, Rest
SF0249—Jude, Luther, Frank,
 Belanger, Berglin

Chapter 16:

- provides that when an adoption applicant pledges to make a voluntary contribution to a nonprofit corporation for adoption services, the pledge is voidable at the option of the person pledging, and payment of expenses shall not be a prerequisite to providing adoption services.

Enactment: April 7, 1987

Effective: Aug. 1, 1987

Adoption—notifications

HF1041*—Wagenius, Solberg,
 Kludt, Vellenga
SF1478—Spear

Chapter 187:

- requires all adoption agreements and consents to be in writing, in all capital letters at least one-eighth inch high;
- stipulates this exact wording: "This agency will submit your consent to adoption to the court. The consent itself does not terminate your parental rights. Parental rights to a child may be terminated only by an adoption decree or by a court order terminating parental rights. Unless the child is adopted or your parental rights are terminated, you may be asked to support the child."
- requires the child-placing agency to make reasonable efforts to give notice to a party to the executed agreement-and-consent that the child has a diagnosed medical or psychological condition that may present a substantial barrier to adoption;
- requires the agency that executed the agreement to notify and request a parent who was a party to the agreement to take custody of the child or to file a petition for termination of parental rights if no one adopts the child within two years after execution of an agreement-and-consent;
- requires the agency to:
 - provide such notice to the parent in a personal and confidential manner;
 - inform, upon request, a parent who has executed an agreement under this subdivision of a child's adoption;
- requires a child-placing agency, before beginning an investigation of suitability, to give notice to prospective adoptive parents that:
 - they assume all the rights and responsibilities of birth parents upon legally adopting a child;
 - they must provide for the child's financial support and care for health, emotional, and behavioral problems;

—they aren't eligible for state or federal financial subsidies other than those that a birth parent would be eligible to receive, except for certain subsidized adoptions;

—they may not terminate their parental rights to a legally adopted child for reasons that wouldn't apply to a birth parent seeking to terminate rights to a child; and

—an individual who takes guardianship of a child for the purpose of adopting the child shall, upon taking guardianship from the child's country of origin, assume all the rights and responsibilities of birth and adoptive parents;

- requires a Minnesota child-placing agency that refers individuals to an agency or individual in another country to adopt a child who lives in that country, to provide the following information, in writing, at the time of making the referral:

—the name of any government authority in the country where the adoption agency or individual is that licenses or regulates the adoption agency or individual;

—the name of the agency's current director; and

—whether the country in which the agency or individual is, requires a legal adoption in that country before a child can leave; and

—provide the above information before beginning a suitability investigation of the proposed adoptive parents;

- requires a licensed child-placing agency to refer parents, who request out-of-home placement for a child, to the local welfare agency if the child-placing agency isn't able to arrange shelter or foster placement the parent requests;

• provides that an adoptive parent may not terminate parental rights to an adopted child for a reason that wouldn't apply to a birth parent who for good cause goes to court to terminate parental rights.

Enactment: May 20, 1987

Effective: Aug. 1, 1987

Adoptive parents—access to records

HF0041*—Milbert, Kelly, Orenstein, Swenson, Blatz

SF0037—R.W. Peterson, Wegscheid

Chapter 3:

- provides that Minnesota law does not require a parent whose spouse is adopting the parent's child to join the adoption petition;
- removes the requirement that an adult adoptee (over age 18) must sign the consent to adoption in the presence of the commissioner of human services or the commissioner's agent;
- allows a judge to let proposed adoptive parents see files adoption agencies keep on their suitability as adoptive parents, if the parents so request (current law allows parents access to files only after an agency report rejects the adoption proposal);
- allows a judge to withhold the identity of individuals providing information in the reports;
- allows adoption agencies to present to a judge reasons for or against disclosing the identity of individuals providing information;
- allows prospective adoptive parents an agency approves to request and receive an agency adoption summary brief (report) at the conclusion of the agency's study;
- requires:
 - the report not identify information sources outside the adoption agency or information about any prospective adopted child;
 - using the report only for purposes on which the adoption agency and the prospective adoptive parents mutually agree;
 - that the report clearly note its purpose and date.

Enactment: March 4, 1987

Effective: day after enactment

Child Abuse Reporting Act—changes

HF0806*—Vellenga, Dauner, Kelso, Gruenes, Jefferson

SF0828—Reichgott, Berglin, Piper, Wegscheid, Knutson

Chapter 135:

- makes changes to the Child Abuse Reporting Act; requires:
 - persons the law requires to report child abuse or neglect, who report orally to law enforcement or welfare agency officials, to file a follow-up written report within 72 hours of the oral report;
 - the local law enforcement agency and local welfare agency to coordinate planning and execution of their respective investigation and assessment efforts to avoid duplication of fact-finding efforts and multiple interviews;
 - each agency to prepare a separate report on investigation results;
 - law enforcement agencies to investigate reports of alleged child abuse or neglect outside the family in a setting other than a licensed facility;
 - the local welfare agency to offer appropriate social services to safeguard and enhance the abused or neglected child's welfare;
- allows representatives of the mental health profession, other appropriate human service agencies, and parent groups to be optional members of a county's multidisciplinary child protection team;
- allows a multidisciplinary child protection team to provide public and professional education, develop resources for prevention, intervention, and treatment, and provide case consultation to the local welfare agency to better enable the agency to carry out its child protection functions;
- defines "case consultation" as a case review process that results in recommendations about services to identified children and families; specifies case consultation procedure;

- allows the local welfare agency to make all agency case consultation records available to the case consultation committee.

Enactment: May 14, 1987

Effective: Aug. 1, 1987

Child Abuse Reporting Act—required reports

HF0277—Solberg, Vellenga, Forsythe, Blatz, R. Johnson

SF0409*—Cohen, Berglin, Piper, Marty, Ramstad

Chapter 91:

- broadens the Child Abuse Reporting Act to require certain persons, such as teachers and health care providers, to report to the local welfare or law enforcement agency when they know or have reason to believe a child has suffered abuse or neglect within the past three years; provides a misdemeanor penalty for failure to report;
 - requires the commissioner of human services to immediately investigate a report alleging an individual in a day care or residential facility, agency, hospital, sanatorium, or other licensed facility or institution:
 - is abusing or has abused or neglected a child in the facility's care; or
 - has abused or neglected a child in the facility's care within the three years preceding the report.
- Enactment:** May 12, 1987
- Effective:** Aug. 1, 1987; applies to offenses committed on or after that date for section on misdemeanor penalty

**Child Abuse Reporting Act—
source disclosure**

HF0200*—Vellenga, Blatz, Wynia,
Swenson

SF0424—Berglin, Reichgott,
D.C. Peterson, Storm, Marty

Chapter 211:

- provides that the subject of a child abuse report may compel disclosure of the reporter's name only with the reporter's consent or upon a court's written finding that the report was false and made in bad faith.

Enactment: May 26, 1987

Effective: Aug. 1, 1987

**Child custody—
domestic abuse as evidence**

HF1278—Rest, Kludt, Blatz, Pappas
SF1081*—Spear, Berglin, Cohen,
Knaak, Reichgott

Chapter 106:

- provides that evidence of domestic abuse that has occurred between parents is relevant to child custody determinations;
- amends the Domestic Abuse Protection Act to allow, but not bind, a court to consider a finding that domestic abuse occurred between the parties in the case of a custody proceeding after a protection order proceeding.

Enactment: May 13, 1987

Effective: Aug. 1, 1987

**Child safe house symbol—
'McGruff'**

HF0866—Skoglund, Kelly,
Steensma, Winter, Bishop
SF0853*—Cohen, Stumpf,
Marty, Piper

Chapter 208:

- states that the symbol of "McGruff" with the phrase "McGruff House" is the symbol to designate a house in Minnesota where a threatened child may seek help;

- requires the commissioner of public safety to:

- design or adopt a standard symbol to designate a safe house that is the "McGruff" symbol other states use;
- make available to school districts and law enforcement agencies written information about the safe house program and "McGruff" symbols;

- publicize the safe house program in as many ways as is reasonably practical;

- require local law enforcement agencies to maintain a register of safe houses; and

- cooperate with law enforcement agencies to conduct background checks on persons who apply to have their residences be safe houses;

- provides that a person may not display the "McGruff" symbol on his/her house so that it's visible from outside unless a local law enforcement agency approves the person and house, and supplies the symbol;

- provides that the symbol is the law enforcement agency's property and the person must return the symbol if the agency determines the house no longer qualifies as a safe house; provides misdemeanor penalties for violations of these provisions;

- requires all law enforcement agencies to provide "McGruff" symbols to people who apply for symbols, if the applicants agree in writing to follow terms of the safe house program and pass a local law enforcement agency's background check;

- provides that the "McGruff" safe house symbol is the exclusive symbol for safe houses in Minnesota.

Enactment: May 26, 1987

Effective: Aug. 1, 1987

**Crimes against children—
parent's testimony**

- (See Crime/Corrections)

**Juvenile Court Act—changes
• (See Crime/Corrections)****Minors—****harmful live performances**

HF0308*—Pappas, Marsh,

McLaughlin, Norton, Kelly

SF0706—Marty, Beckman, Morse,
D.M. Moe

Chapter 215:

- adds plays, dances, or other exhibitions before an audience to the list of sexually provocative materials no one may knowingly exhibit to minors, if the materials meet the definition of "harmful to minors;"
- provides that such exhibitions or performances in a place of public accommodation violate laws on sexually provocative materials, whether or not the minor pays to see them.

Enactment: May 26, 1987

Effective: Aug. 1, 1987; applies to crimes committed on or after that date

Parental leave

- (See Employment/Labor)

**Revisor's changes/
Miscellaneous funding**

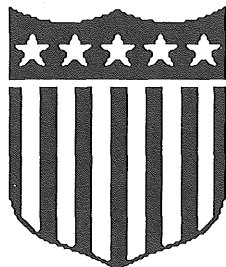
- (See Special Session)

Witness—competency

- (See Legal/Judiciary)



Governmental Operations



Attorney general's office—changes
HF1374*—Simoneau
SF1174—Luther

Chapter 335:

- changes from 16 to 35 the number of assistant attorneys general the attorney general may appoint;
- allows the attorney general to delegate contract review duties to any state official if the delegation will produce a significant, demonstrable improvement in state government efficiency or operation.

Enactment: May 29, 1987

Effective: day after enactment

Chiropractors—state civil service
HF0354*—Jefferson, O'Connor, Bertram, Jensen, Ozment
SF0453—Kroening, Solon

Chapter 196:

- requires the commissioner of employee relations to establish "chiropractor" as a state civil service job classification.

Enactment: May 21, 1987

Effective: Aug. 1, 1987

Civil service—disabled workers
HF1475*—Jefferson, Sviggum, Vellenga, Tompkins, Welle
SF1150—Chmielewski, Brandl, Benson, Adkins, Wegscheid

Chapter 232:

- provides that disability levels and types which the state civil service "service worker" category covers may include persons with physical disabilities, mental health disabilities, and mental retardation;
- requires the commissioner of employee relations to allow up to three persons with severe disabilities and their job coach to demonstrate their job competence as a unit through the on-the-job trial work experience examination procedure;
- allows including a total of 50 additional full-time positions within state government agencies in a supported work program for persons with severe disabilities;
- allows up to three persons with severe disabilities and their job coach to share a full-time position.

Enactment: May 26, 1987

Effective: Aug. 1, 1987

Correctional industries—competitive bidding
HF0924*—Simoneau, Knickerbocker, Kludt, Bertram
SF1159—Marty, Wegscheid, Pogemiller, Freeman

Chapter 156:

- removes the Minnesota correctional industries from state competitive bidding requirements;
- requires buying from socially and economically disadvantaged businesses when practical.

Enactment: May 15, 1987

Effective: Aug. 1, 1987

Council on Disability/Child care expenses

HF0415—A. Johnson, Reding, Morrison, Simoneau, Jefferson
SF0377*—Marty, D.M. Moe, Morse, Wegscheid, Storm

Chapter 354:

- provides for reimbursement to members of certain administrative boards and agencies, advisory councils and committees, and health-related and non-health-related licensing boards for child care expenses they incur that they would not otherwise have incurred, as a result of spending time attending board or council meetings, if the board or council so authorizes;
- provides that members who are state employees or employees of political subdivisions of the state may receive payment for child care expenses they incur only for the time they spend on board or council activities outside their normal working hours;
- changes the name of the State Council for the Handicapped to the Council on Disability;
- strikes language which:
 - provides the council will expire on June 30, 1988; and
 - requires the council to establish certain study committees;
- permits the council to initiate or intervene as a party in any administrative proceeding and judicial review:
 - to protect the rights of disabled persons to an accessible physical environment; and
 - concerning programs or services public or private agencies or organizations provide, which affect or are of general interest to persons with a disability;
- permits the council to establish and collect fees for documents or technical services it provides to the public; requires council to set fees at a level that reimburses actual costs;
- appropriates \$10,000 to the council for the biennium.

Enactment: June 2, 1987

Effective: day after enactment for sections governing the Council on Disability; Aug. 1, 1987 for other sections

DEED—science, technology office
HF1453—Reding, Trimble, Larsen, Morrison, Price
SF1437*—Brandl

Chapter 314:

- requires the commissioner of energy and economic development to establish an office of science and technology in the Department of Energy and Economic Development (DEED) [renamed Department of Trade and Economic Development (DTED) in Chapter 312] to:
 - assist the committee on science and technology research and development (established below);
 - report annually to the Legislature on: 1) scientifically and technologically related research and development projects and activities the state funds by grant or loan; 2) guidelines the Legislature may use in allocating grant or loan money; and 3) effectiveness of decentralized research peer review processes (required below) and whether projects and activities will create science and technology jobs;
 - maintain a list of technology-intensive businesses in the state;
 - handle information on financial, technical, marketing, management, and other services available to emerging businesses;
 - review statewide development potential and make recommendations to realize that potential; and
 - sponsor and conduct conferences and studies, collect and disseminate information, issue reports on scientific and technological research and development, education in the state, and represent the state at appropriate interstate and national conferences;

- creates a 19-member committee on science and technology research and development; specifies membership and qualifications;
- requires the committee to:
 - offer advice on, and approve by majority vote, the guidelines required above;
 - advise the science and technology office director on preparing the analysis required above;
 - approve the assignment of ad hoc advisory committees on science and technology research and development as needed; and
 - review, comment on, and forward reports of ad hoc advisory committees to the science and technology office director;
- specifies creation and use of ad hoc advisory committees; member compensation; peer review plans; committee authority to review and comment on research and development programs; and staff appointments;
- repeals laws governing the Council on Biotechnology.

Enactment: May 28, 1987
Effective: Aug. 1, 1987

Dept. of Administration—changes
HF0916*—Lasley, Simoneau, Larsen, Bertram
SF0820—Pogemiller

Chapter 365:

- amends, creates, and removes various duties of the commissioner of administration;
- transfers the Office of Volunteer Services, and the duty to appoint its director, from the governor to the commissioner; provides that the director shall remain in the unclassified service; allows the director to charge a fee for all services volunteers provide;
- requires the commissioner to publish the *Guidebook of State Agencies* at least every four years, instead of every odd-numbered year;
- requires payment of auction

administrative costs and auctioneer's fees from auction proceeds when the state sells certain state property at an auction;

- permits the commissioner to use principles of life cycle costing, where appropriate, in determining the lowest overall bid for state purchases;
- requires prime contractors to use socially and economically disadvantaged subcontractors that the prime contractor designates in a bid for state projects, unless the subcontractors are unable to perform as the award requires;
- clarifies that appropriations of proceeds from surplus state property sales go to the account of the agency for which the commissioner made the sale at the time of the sale (previous law stated "at any time during the biennium in which the sale occurred");
- allows the commissioner to:
 - establish an endowment fund to reward state agencies and their employees for improving productivity and service quality;
 - sell or license computer software products or systems the state develops and credit sale proceeds to the computer services revolving fund;
 - charge state agencies and political subdivisions a fee for the cost of energy conservation training and preventive maintenance programs;
 - offer a centralized travel service to state agencies, and accept payment from travel agencies under contracts to provide travel services;
- creates:
 - a productivity loan fund as a dedicated fund in the state treasury, under the commissioner's control, to make loans to finance agency projects resulting in either reduced operating costs and/or increased revenues for a state agency;
 - a productivity loan committee to review state agency loan applications; specifies membership;

- allows the commissioner, and other governmental unit heads having custody of records, to establish time periods for record retention or disposal;
- defines "licensee" and redefines "noncommercial radio station" for laws governing grants to noncommercial radio stations;
- specifies that to qualify for a grant, a noncommercial radio station must hold certain authority from the Federal Communications Commission (FCC), or have a valid noncommercial educational radio station license or program test authority the FCC issues;
- requires the state treasurer to credit to the revolving fund for vocational rehabilitation of the blind all interest earned on money the fund accrues;
- includes in the statutory definition of "small business" any individual, partnership, corporation, joint venture, association, or cooperative which, in the preceding fiscal year, hasn't had more than the equivalent of:

—\$1.0m annual gross revenues; or
 —\$2.5m annual gross revenues, if the business is a technical or professional service;

- includes in the statutory definition of "dominant in its field of operation" any business having \$2.5m annual gross revenues if it's a technical or professional service.

Enactment: June 2, 1987

Effective: day after enactment for sections on auction proceeds, socially and economically disadvantaged subcontractors, surplus state property sales appropriations, endowment fund, computer software sales, energy conservation training and preventive maintenance program fees, centralized travel services, noncommercial radio stations, and small business definitions; July 1, 1987 for all other sections

Dept. of Employee Relations—changes

HF0948*—Larsen, Jefferson, Simoneau, Omann, Uphus
SF0981—D.M. Moe, Marty, Waldorf

Chapter 186:

- makes various changes to responsibilities of the Department of Employee Relations;
- adds the Departments of Public Service and Human Services to the list of state departments in current law providing for appointment and filling of commissioner vacancies, and gives general powers and responsibilities to commissioners;
- provides that the commissioner of employee relations, rather than the commissioner of health, may establish a preventive health services program for state employees;
- adds examination monitors and training instructors that professional examining boards hire to the list of state employees that serve in the unclassified civil service;
- broadens the circumstances under which a hiring agency could request from the commissioner of employee relations a restricted list of job candidates; permits the request only if the special qualifications are "job related and necessary," instead of "essential";
- amends the affirmative action hiring law to require the commissioner to certify two eligible members of each protected group when there's a disparity between an agency's workforce and its affirmative action plan, and usual procedures would certify fewer than two eligible members of each protected group;
- requires the commissioner to give an affirmative action report on or before Feb. 1, rather than Jan. 1 of each year; requires the report to designate an agency as not in compliance with affirmative action requirements if the agency:

- hasn't met its affirmative action hiring goals,
- fails to make an affirmative action hire, or
- fails to justify its nonaffirmative action hire in 25 percent or more of the appointments made in the previous calendar year;
- clarifies that certain people eligible to participate in the state insurance program will receive benefits provided under the commissioner's plan for unrepresented employees, and that the University of Minnesota Board of Regents or an applicable collective bargaining agreement will determine coverage for university employees;
- clarifies that certain language prohibiting the commissioner from marketing or self-insuring life insurance optional coverages for state employees doesn't prevent the commissioner from designing a plan and providing information to employees;
- amends procedures for discipline and discharge of state employees that collective bargaining agreements don't cover; strikes specific procedural requirements and provides that requirements will be in the plan the commissioner writes to cover the employees' terms and conditions of employment;
- conforms mandatory retirement provisions for public employees to the federal Age Discrimination in Employment Amendments of 1986 (exempts from mandatory retirement at age 70 all state employees except tenured college faculty or administrators, certain state correctional employees, and state patrol, conservation, and crime bureau officers);
- allows the commissioner to conduct experimental or research projects to improve state classified positions' recruitment, selection, referral or appointment processes;
- substitutes the term "commissioner" for the term "director" when referring to the head of the State Planning Agency, Housing Finance

Agency, Pollution Control Agency, Department of Public Service, or Bureau of Mediation Services.

Enactment: May 20, 1987

Effective: Aug. 1, 1987

Dept. of Finance—changes

HF0859*—Long, Steensma, Cooper, Dorn, Kludt

SF0675—D.M. Moe

Chapter 275:

- requires the revisor of statutes to provide 10 free copies of *Minnesota Statutes* and its supplements, and *Laws of Minnesota*, to the Department of Finance;
- permits the commissioner of finance to delegate authority to approve certain state contracts and leases to other state agencies' officials if the commissioner determines the delegation will improve state government operations;
- allows the commissioner to transfer general fund money (formerly unappropriated general fund money) to a revolving fund; appropriates money from the general fund to the commissioner to make the transfer;
- appropriates annually from all direct appropriated nongeneral funds an amount sufficient to reimburse the general fund for statewide indirect costs;
- permits the commissioner to authorize an agency to deposit receipts of over \$250 in the state treasury less frequently than daily, if the agency shows the cost of making daily deposits exceeds the lost interest earnings and the risk of loss or theft;
- appropriates money to pay interest on undisbursed federal money when the federal government so requires;
- requires a municipality to provide adequate security to insure loan repayment before the commissioner may make a district heating or qualified energy improvement loan to the municipality.

Enactment: May 28, 1987

Effective: day after enactment for sections on delegating contract approval authority, allowing the transfer of general fund money to a revolving fund, and requiring district heating improvement loan repayment security; July 1, 1987 for other sections

Dept. of Human Rights—procedures, changes

HF1419*—Orenstein, Dempsey,

Clark, McLaughlin, Norton

SF1201—Reichgott,

D.C. Peterson, Cohen

Chapter 375:

- adds to the primary duties of the Indian Affairs Council the responsibility to:
 - provide information for and direction to a program to assist Indian citizens to assume all the rights, privileges, and duties of citizenship, and to coordinate and cooperate with local, state, and national private agencies providing services to the Indian people;
 - develop educational, community organization, leadership development, motivational, and business development programs for the benefit of Indian persons who have been, are, or will be subject to prejudice and discrimination; and
 - cooperate and consult with appropriate commissioners and agencies to develop plans and programs to most effectively serve the needs of Indians;
- eliminates the requirement that the Department of Human Rights (DHS) study discrimination and develop programs to serve Indians, women, and others subject to discrimination;
- requires the DHS to give priority to handling charges people file under the Human Rights Act (HRA), or affirmative action laws;
- eliminates the verification requirement when people file HRA

charges; instead requires parties filing charges to put them in writing and sign them;

- requires the charging party to supply the respondent's address only if the commissioner requests the address;
 - increases from five to 10 days, the deadline for the commissioner to serve the charge on the respondent; requires the respondent to file a written response to the charge, on a form the commissioner provides, within 20 days after receipt;
 - eliminates the requirement that the commissioner give the charging party and respondent written notice if the charge status changes;
 - specifies a priority order for cases on which the commissioner should focus:
 - irreparable harm will occur unless the case gets immediate action;
 - evidence of intentional reprisal exists;
 - the respondent has a significant number of recent charges on record against him/her;
 - respondent is a government entity;
 - potential exists to broadly promote the policies of the Act; or
 - substantial evidence supports the charge;
 - revises the term "hearing examiner" to the position's new term, "administrative law judge";
 - establishes hearing procedures before an administrative law judge.
- Enactment:** June 2, 1987
- Effective:** Aug. 1, 1987

Dept. of Human Services—Mental Health Div.

• (See Health/Human Services)

Dept. of Military Affairs—contract admin.

• (See Veterans/Military)

Dept. of Public Safety—accounting procedures

HF0566—Knuth, Rice,
G. Anderson, Sarna, Simoneau
SF0326*—Langseth

Chapter 320:

- authorizes the State Executive Council (the six constitutional officers) to repair major disaster damages to state property (conforms with federal disaster relief laws and regulations);
- appropriates annually fees from the Criminal Justice Data Communications Network to the commissioner of public safety;
- provides that the commissioner, rather than the state treasurer, will collect license fees for video games of chance; changes video game license certification and payment dates.

Enactment: May 29, 1987

Effective: July 1, 1987

**Dept. of Public Safety—
Emergency Management Div.**
HF1544—K. Olson, C. Nelson,
Pelowski, Lieder
SF1349*—Vickerman,
D.J. Frederickson, Purfeerst,
Renneke

Chapter 71:

- changes the name of the Division of Emergency Services in the Department of Public Safety to the Division of Emergency Management.

Enactment: May 6, 1987

Effective: Aug. 1, 1987

Newspapers—public notices

HF0471—Tunheim, Lieder,
V. Johnson, Omann, DeBlick
SF0403*—Bertram, McQuaid,
Renneke, Wegscheid, Schmitz

Chapter 30:

- requires a newspaper that isn't a qualified legal publication to inform a public body that presents a public notice for publication that it (the newspaper) isn't qualified.

Enactment: April 16, 1987

Effective: Aug. 1, 1987

Open meeting law—amendments

HF0793—Rukavina, Knickerbocker,
Norton, Kludt, Trimble
SF1272*—Wegscheid

Chapter 313:

- requires a public body to keep on file at its primary office a schedule of regular meetings; requires the body to give special notice if it plans to hold a regular meeting at a time or place different from the stated time or place in its regular meeting schedule;

- requires a public body to provide notice of special meetings, at least three days before the meeting date, as follows:

—post written notice of the meeting's date, time, place, and purpose on the public body's principal bulletin board or door of its usual meeting room;

—mail or otherwise deliver notice to each person who has filed a written request for notice of special meetings; or in the alternative:

—publish the notice once in the public body's official newspaper or a qualified general circulation newspaper within the area of the public body's authority;

- defines "emergency meeting" as a special meeting the public body calls because of unexpected and compelling circumstances that, in the body's judgment, require immediate consideration;

- requires a public body to provide notice for emergency meetings as follows:

—make good faith efforts to provide notice of the meeting to each news medium that has filed a written request for notice if the request includes the news medium's telephone number;

—provide notice by telephone or any other method by which notice goes to members;

—provide notice to each news medium which has filed a written request for notice as soon as reasonably practicable after notice goes to members;

—require notice to include the meeting's subject;

- requires no additional published or mailed notice if the body recesses or continues the meeting and the minutes record the later meeting's established time and place;
- applies the above requirements to closed meetings;

• provides that for state agency, board, commission, or department meetings:

—notice requirements apply only if the law governing agency, board, or commission meetings doesn't provide specific notice method; and
—publishing meeting notices in the State Register satisfies all provisions;

- provides that a public body has satisfied all notice requirements if a person receives actual notice of a meeting at least 24 hours before the meeting, regardless of the notice method;

• prohibits imposing a fine or penalty on a public body member for violation of these provisions unless "it is established that the member's violation was willful and deliberate."

Enactment: May 28, 1987

Effective: Aug. 1, 1987

Pipeline Safety Act

- (See Environment/Natural Resources)

Private detectives, protective agents

HF0463*—Simoneau, Knickerbocker, Clark, Larsen, Reding
SF1063—Pogemiller, Wegscheid, D.M. Moe, Renneke, Waldorf

Chapter 360:

- amends the composition of the Board of Private Detectives and Protective Agent Services; directs the commissioner of public safety to appoint certain board members;
- specifies the board's powers and duties regarding private detective and protective agent licensure;
- authorizes the board to:
 - hire an executive director in the unclassified service, and other employees as needed;
 - review and approve license applications, and issue or reissue licenses;
 - deny license applications, and suspend or revoke licenses under certain conditions; and
 - impose a civil penalty on license holders who violate law or board rules;
- specifies activities that aren't subject to board licensure;
- requires license holders to:
 - submit each employee's fingerprints to the Bureau of Criminal Apprehension (BCA), along with the employee's written consent to a BCA investigation to determine whether he/she has a criminal record;
 - issue identification cards to employees, and require employees to carry the card at all times;
- clarifies activities that constitute the business of a private detective or protective agent that require licensure;
- prohibits people from acting as private detectives or protective agents without a license;

- prohibits licensing anyone that:
 - state or federal courts convicted of certain acts;
 - made false statements in a license application or any document the board requires; or
 - failed to demonstrate to the board good character, honesty, and integrity;
- prescribes license applications and requires specific information; specifies documentation that must accompany the license application;
- requires license applicants to provide:
 - a \$10,000 surety bond to the state, executed and filed with the board; and
 - proof of their ability to respond in damages for liability for accidents or wrongdoings arising out of ownership and operation of a private detective or protective agent business;
- specifies the elements of proof of financial responsibility to include:
 - a certificate of insurance demonstrating coverage for general liability, completed operations, and personal injury;
 - an annual net worth statement evidencing that the applicant has a specified net worth;
 - an irrevocable letter of credit in a specified amount from a financial institution acceptable to the board;
- provides for license reissuance; requires each applicant for license reissuance to maintain a \$10,000 surety bond, and show proof of financial responsibility;
- prohibits license holders from displaying the word "police" or anything that implies the person is an employee or agent of a governmental agency; provides misdemeanor penalties for violators;
- specifies licensing conditions; provides for a corporate or partnership license holder to give the board notice of any successor, and for surrender of expired licenses; specifies penalties;

- specifies types of fees the board will set;
- provides a basis for disciplinary action against a license holder;
- permits the board to establish a graduated schedule of administrative penalties;
- prohibits license transfer;
- repeals most current laws governing private detective and protective agent licensure.

Enactment: June 2, 1987

Effective: Aug. 1, 1987

State building code/Condominium plats

HF1060—DeBlieck, Morrison, Simoneau, Scheid, Winter
SF1261*—Marty

Chapter 387:

- requires the commissioner of administration to administer and enforce the state building code as a municipality with respect to public buildings in the state;
- requires the commissioner to establish appropriate permit, plan review, and inspection fees for public buildings;
- requires municipalities, other than the state, to remit all fees and surcharges for public buildings to the commissioner, who shall deposit them in the state treasury's special revenue fund;
- requires municipalities, other than the state, that have a contractual agreement with the commissioner for code administration and enforcement service for public buildings, to charge their customary fees, including surcharge, which the applicant asking authorization to construct a public building would pay directly to the contractual jurisdiction;
- requires the commissioner to contract with a municipality other than the state for plan review, code administration, and code enforcement service for public buildings in the contractual jurisdiction if:

—the municipality's building officials meet certain legal qualifications and wish to provide those services; and

—the commissioner determines that the municipality has enough adequately trained and qualified building inspectors to provide those services for the construction project;

- provides that a registered professional architect, in addition to a registered professional land surveyor, may certify that a condominium plat accurately depicts all information the law requires;
- provides that either a land surveyor or an architect may prepare portions of the condominium plat depicting certain specified information;
- requires the certification to indicate that the certifying architect or land surveyor has undertaken or is supervising the work;
- provides that the architect's or land surveyor's certification doesn't constitute a guaranty or warranty of the condominium's nature, suitability, or construction quality.

Enactment: June 3, 1987

Effective: day after enactment for State Building Code sections, but does not apply to the construction and remodeling of public buildings for which the commissioner of administration has approved plans and specifications before that date; Aug. 1, 1987 for other sections

State departments— reorganization

HF1095—G. Anderson, Vanasek, Simoneau, Battaglia, Lasley
SF1203*—Luther, R.D. Moe, Pehler

Chapter 312:

Article 1—Energy

- changes the name of the Department of Energy and Economic Development (DEED) to the Department of Trade and Economic Development (DTED);
- adds the commissioner of public service to the Environmental

Quality Board;

- transfers energy-related duties from DEED to the Department of Public Service; grants the commissioner of public service various powers and duties that relate to the transfer of the Energy Division;
- requires the commissioner of agriculture to cooperate with the commissioner of trade and economic development and the Minnesota Trade Office director to promote the state's beneficial agricultural interests;
- provides that the commissioner of trade and economic development and the Minnesota Trade Office director have primary responsibility to promote state agricultural interests to national and international markets;
- provides that the commissioner of agriculture has primary responsibility for promoting the agricultural interests of producers, promoting state agricultural markets, and promoting agricultural interests of the state in cooperative production and marketing efforts with other states and the U.S. Department of Agriculture;
- strikes current law which requires the commissioner of agriculture to assist Minnesota agricultural businesses desiring to sell products in national and international markets;
- adds employees of Minnesota's Washington, D.C. office to the list of state employees who serve in the unclassified state service;
- adds trade to the list of purposes for which DTED can enter into certain contracts and spend money for promotional purposes;
- permits the commissioner of trade and economic development to appoint employees in Minnesota's Washington, D.C. office; allows the commissioner to spend money for promotional purposes, and provides that the commissioner of employee relations' travel rules do not govern certain promotional expenses;
- allows DTED to establish fees for certain reports, publications, and

promotional material without going through the Administrative Procedures Act or other procedures governing establishing state agency fees;

- gives the commissioner of trade and economic development the duty to promote, develop, and facilitate trade and foreign investment in Minnesota; grants the commissioner specific powers to further these goals;
- provides that programs and activities of the commissioner of trade and economic development and the Minnesota Trade Division may not duplicate programs and activities of the commissioner of agriculture or the Minnesota World Trade Center Corporation;
- requires the commissioner of agriculture, along with the Minnesota Trade Division director, to provide administrative staff and support to Minnesota's Interstate Agricultural Grain Marketing Commission members;
- designates the Department of Jobs and Training, instead of DEED, as the agency responsible for administering the state plan for juvenile justice that federal law requires; provides for the appointment of a federally required juvenile justice advisory committee;
- allows the commissioner of jobs and training, instead of DEED, to make grants to nonprofit agencies administering youth intervention programs; specifies application procedures and authorizes rulemaking;
- repeals current laws which provide:
 - certain duties of the governor that relate to the Washington, D.C. office;
 - duties of the commissioner of agriculture relating to promoting international investment in Minnesota; and
 - duties of DEED relating to juvenile justice and youth intervention programs;
- effective: day after enactment.

Article 2—World Trade Center

- establishes the World Trade Center Corporation as a public corporation to facilitate and support the World Trade Center, and promote the growth of international trade in Minnesota;
 - provides a 15-member board of directors for the corporation;
 - specifies the corporation's powers and duties, including administering programs of and promoting the World Trade Center;
 - establishes a World Trade Center Corporation fund in the state treasury; requires the board to deposit all money the corporation receives, including money from conference and service center use, in the fund; creates a standing appropriation of the money in the fund to the board for corporate purposes;
 - requires the board to operate or provide for the operation of the conference and service center; permits public use of the conference and service center for benefits and other revenue raising purposes if all the center's international business uses are accommodated;
 - appropriates \$135,000 in FY'88, and \$180,000 in FY'89 to pay the Minnesota World Trade Center Conference and Service Center's operating expenses;
 - adds four positions to DTED's Minnesota Trade Division staff;
 - effective: July 1, 1987.
- Enactment:** May 28, 1987
Effective: day after enactment for Article 1; July 1, 1987 for Article 2

State employees—mandated absences

HF1170*—Welle, R. Johnson, Simoneau, Gutknecht, Bauerly
SF1165—Jude, Wegscheid, Freeman, Renneke, D.E. Johnson

Chapter 281:

- strikes current law requiring classified state employees to take leave of absence from their jobs upon:
 - assuming an elected federal or state public office, including elected state legislative office; or
 - becoming a candidate for any elected public office if the commissioner of employee relations determines the candidacy conflicts with regular state employment;
 - requires any classified service officer or employee to take leave of absence upon assuming an elected federal or state office other than state legislative office, or if elected to state legislative office, during times the Legislature is in session;
 - prohibits requiring an unclassified executive branch officer or employee whom a collective bargaining agreement covers, or a classified executive branch officer or employee, to take leave of absence upon becoming a candidate, or during the course of candidacy, for any elected public office;
 - requires such officers and employees to take leave of absence upon assuming an elected federal office or an elected state office other than state legislative office or, if elected to state legislative office, during time the Legislature is in session.
- Enactment:** May 28, 1987
Effective: July 1, 1987

State energy contracts—bidding requirements

HF0830*—R. Johnson, Simoneau, Rukavina, Cooper, Bertram
SF0206—Willet, Pehler, Samuelson

Chapter 77:

- allows the commissioner of administration to enter into state energy efficiency installment purchase contracts with a bidder if the commissioner has determined that the contract bidder:
 - is a responsible bidder under certain rules and has:
 - 1) adequately performed all previous state contracts; and
 - 2) either established a record of promptly paying all suppliers and subcontractors, or
 - 3) made secure provisions for doing so in connection with the current contract for goods and services;
 - can finance or obtain financing for contract performance without state assistance or guarantee;
 - allows the state to unilaterally cancel the agreement if the contractor, during the contract term, fails to provide or maintain the equipment to provide services, or otherwise meet performance specifications;
 - defines "contract bidder" as:
 - a sole proprietorship, firm, corporation, or other business entity submitting a bid, or
 - a person, having a 10 percent or greater financial interest in a new entity submitting a bid, who has or has had a 10 percent or greater financial interest in any other entity that has contracted with the state or other purchasers in the past.
- Enactment:** May 11, 1987
Effective: Aug. 1, 1987

State property—lease extension
HF1263*—Bauerly
SF1143—Davis, Pehler

Chapter 98:

- extends from two to five years the length of time the commissioner of administration may rent out state property with state executive council approval.

Enactment: May 13, 1987

Effective: day after enactment

State-licensed professions—exceptions
HF0245—Simoneau, Clausnitzer, Jacobs, Bennett
SF0208*—R.W. Peterson

Chapter 8:

- strikes obsolete language from laws relating to licensing exceptions for architects, engineers, land surveyors, and landscape architects.

Enactment: March 25, 1987

Effective: Aug. 1, 1987

UCC financing statements—computerized filing
HF1297—Milbert, Simoneau, Osthoff, Orenstein
SF0652*—R.W. Peterson, DeCramer, Morse

Chapter 356:

- requires county recorders, upon request, to show data in the computerized filing system without charge to a natural person who is the subject of the data, and upon request, to provide photocopies of the data at a fee no more than the actual copy cost;
- requires the secretary of state to develop and implement a statewide computerized filing system to accumulate and disseminate information about lien statements, filing statements, and other Uniform Commercial Code (UCC) documents;

- requires the system to allow county recorders to enter into, and retrieve from a central data base, information on lien statements, filing statements, and other UCC documents filed in their offices; the secretary of state will maintain the data base;

- allows the secretary of state to give private parties electronic-view-only access to the system on a fee basis; requires such access to be available 24 hours a day, every day, if the system allows a form of electronic access to information regarding debtors' obligations;

- requires the secretary of state to adopt permanent and emergency rules to implement the system; specifies rule contents;

- establishes a UCC account in the state treasury;

- requires the filing officer with whom people file a financing statement, amendment, or continuation statement, or who receives a request for search, to collect a \$2 surcharge on each filing or search; requires each county recorder to forward the accumulated surcharge receipts to the secretary of state by June 1 and Dec. 1 each year to deposit in the UCC account;

- continually appropriates UCC account money to the secretary of state to implement and maintain the computerized UCC filing system;

- appropriates \$500,000 from the general fund for transfer to the UCC account to implement and maintain the computerized UCC filing system;
- adds seven positions to the secretary of state's staff.

Enactment: June 2, 1987

Effective: various dates

Zoological Garden—board membership changes
HF0586—Brown, Kostohryz, Cooper, Sviggum, Redalen
SF0167*—Lessard, Wegscheid, Berg, Bertram

Chapter 206:

- states that the Legislature seeks to have food and beverage facilities at the Zoological Garden respond to visitors' food and beverage service demands and allow the Zoological Garden to profit as much as possible;
- increases the size of the board from 15 to 30 members;
- provides for future board appointments;

- requires the board to:
 —design and maintain an admission fees schedule that will encourage maximum year-round visitor attendance;

- maintain, if practical, facilities at the Zoological Garden to accommodate overnight groups of visitors from outside the metropolitan area;
- exempts board members from filing a statement of economic interest with the State Ethical Practices Board.

Enactment: May 26, 1987

Effective: July 1, 1987 for section increasing the board's size; day after enactment for section exempting board members from filing statement of economic interest; Aug. 1, 1987 for other sections



Health/Human Services



Anatomical gifts—required request for consent

HF0023*—Kahn, Greenfield, Orenstein, Stanius, Jaros
SF0086—Piper, Marty, Berglin, Brandl

Chapter 32:

- requires hospitals to establish written codes to identify potential organ donors for transplantation which:
 - assure that families of potential organ donors are aware of the option for organ donation and option to decline;
 - assure that an organ procurement agency gets notice of a potential organ donor; and
 - establish medical criteria and practical considerations about the suitability and feasibility of organ donation for transplants;
- states that if an individual dies in a hospital, or if an appropriate hospital staff member identifies a patient's condition as terminal, and the patient is a suitable candidate for organ donation, the hospital administrator or his/her representative must notify the patient's family members of the option of organ and tissue donation and the option to decline, in this order of priority:
 - the spouse;
 - an adult child;
 - either parent;
 - an adult brother or sister; or

- a guardian of the decedent's person at the time of death;
 - requires hospital administrator or representative to attempt to locate a person's driver's license, organ donation card, or other documentation of desire to be a donor;
 - states that finding documentation constitutes consent if relatives or a guardian doesn't object, or if hospital authorities can't find a relative or guardian;
 - requires the hospital to document consent for donation in a patient's medical record, including the name of the person the hospital notified and that person's relationship to the decedent;
 - states that the organ donor's family is not financially responsible for related costs of evaluation of organ suitability or retrieval of the organ.
- Enactment:** April 16, 1987
Effective: Oct. 1, 1987

Asbestos regulations

HF0302—D. Nelson, Sarna, Munger, Long, D. Carlson
SF0858*—Freeman, Samuelson, Berglin, Dahl, Marty

Chapter 303:

- requires an employer or other person intending to perform or be involved in any asbestos-related work, to apply for and obtain a license from the commissioner of health;
- requires that a licensee post a sign with words in letters more than four inches high that says, "licensed by the state of Minnesota for asbestos work" in a conspicuous place outside of the asbestos abatement work area;
- requires that an employee first obtain a certificate from the commissioner before the employee performs asbestos-related work;
- prohibits the commissioner from issuing a certificate to an employee until the employee has:
 - taken a course of training in asbestos control and removal;

- passed an examination; and
- demonstrated to the commissioner the ability to perform asbestos-related work safely according to current state-of-the-art technology;
- requires an employee to give written notice to the commissioner at least five days before engaging in an asbestos-related project, effective July 1, 1987;
- requires the following information on the written notice:
 - a brief description of the work the employee will do;
 - the contracting company's name;
 - the project work site's location and address;
 - the approximate duration of the project, and amount of asbestos the work involves; and
 - the project manager's name;
- requires an employer to pay an annual \$100 licensing fee before engaging in any asbestos-related work; effective when the commissioner adopts rules;
- requires employees to pay a \$50 certification fee before engaging in any asbestos-related work; effective when the commissioner adopts rules;
- requires an employer to pay a project permit fee equal to one percent of the total costs of the asbestos-related work; effective April 1, 1988;
- requires that fees collected under this bill shall go into the asbestos abatement revolving fund; effective April 1, 1988;
- requires a contracting entity to include a contract specification that licensed individuals and companies will do the asbestos-related work;
- allows the commissioner to determine rules establishing an indoor air standard for asbestos; provides until those rules become effective, asbestos remaining in the air following completion of an abatement project shall not exceed .01 fibers greater than five microns in length per cubic centimeter of air; effective July 1, 1987;

- states that all licenses and certificates for asbestos-related work shall be valid for at least 12 months;
 - states that if the commissioner or any person the commissioner authorizes believes that violation of this act is occurring, may:
 - examine and copy books, papers, records, memoranda, or data relating to the asbestos-related project of any person who has a duty to provide information to the Department of Health;
 - enter any public or private property to take action which includes obtaining information, conducting surveys or investigations;
 - allows the commissioner to issue a subpoena and compel attendance of witnesses and production of papers, books, records, documents, and other relevant evidentiary material;
 - allows the commissioner to issue a cease and desist order for up to 60 days for asbestos-related work that poses an immediate danger to public health;
 - states that violation of these provisions is a misdemeanor and could result in a fine of up to \$700 and/or imprisonment up to 30 days, for each violation;
 - allows the commissioner or a designee to suspend or revoke a license or certificate for repeated or serious violations;
 - creates the asbestos abatement revolving fund as a separate account in the state treasury; effective July 1, 1987;
 - requires that when the unobligated money in the asbestos abatement revolving fund exceeds \$500,000 at the end of any fiscal year, the unobligated amount in excess of \$500,000 transfers to the general fund;
 - appropriates \$23,800 from the general fund for FY'88; requires that \$23,800 must transfer from the asbestos abatement revolving fund to the general fund on June 30, 1989.
- Enactment:** May 28, 1987
Effective: various dates

Board of Medical Examiners
HF1356—Greenfield, Clark, Vellenga
SF0737*—Berglin, Waldorf

Chapter 86:

- requires the Board of Medical Examiners to describe the board's activities and reasons for actions to persons who make a request for information about complaints, such as disciplinary investigations and proceedings.

Enactment: May 11, 1987

Effective: Aug. 1, 1987

Case management appeals (Welsch)

HF1524*—Wynia, Forsythe, Greenfield, Segal
SF1396—Berglin, Samuelson, Benson, Knutson

Chapter 148:

- establishes an appeal process for recipients of case management services;
- allows a case management recipient to contest a local agency's action or failure to act according to statutory provisions.

Enactment: May 14, 1987

Effective: 30 days after enactment

Chemical dependency fund/ Preadmission screening

HF1222—Greenfield
SF0593*—Berglin

Chapter 299:

- makes administrative changes in the Chemical Dependency Consolidated Treatment Fund (CDCTF);
- requires the commissioner of human services to place funds appropriated to CDCTF in a special revenue account;
- clarifies payment system operation;
- permits counties to pay certain out-of-state vendors;
- requires the commissioner to identify and implement alternative licensing regulation and enforcement

methods where appropriate and feasible;

- allows the commissioner to establish a dedicated account for third-party collections to pay operating costs of the CDCTF invoice processing and vendor payment system;
- clarifies laws relating to the preadmission screening program;
- adds boarding care homes to the list of facilities requiring preadmission screening prior to admitting a person;
- allows one member of the screening team to screen people transferring from a hospital to a boarding care home;
- includes boarding care homes in the exceptions to screening when a patient transfers from other boarding care homes or returns to the boarding care home from a hospital;
- requires the state to reimburse screening costs through boarding care home payment rates, as well as nursing homes;
- requires a county to pay the full screening cost if the county fails to meet a screening timeline;
- includes boarding care homes in institutional placements:
 - eligible for reimbursement, even if placement isn't recommended or isn't the screening team's first choice;
 - requiring screening prior to admission, and for which alternative care grants are available to maintain the person in the community, rather than in an institution.

Enactment: May 28, 1987

Effective: day after enactment for section on alternative licensing regulation and enforcement methods; July 1, 1987 for sections including boarding care homes under preadmission screening requirements; Aug. 1, 1987 for other sections

Chemical dependency professional standards

HF0594—Dauner, Greenfield, Vellenga, Ozment, Rodosovich
 SF0673*—Piper, Berglin, Storm, Adkins, Solon

Chapter 85:

- allows the commissioner of human services to adopt any or all of the chemical dependency professional standards of the Institute for Chemical Dependency Professionals of Minnesota, Inc.;
- states that the above standards are necessary to regulate chemical dependency programs, treatment facilities, or services, or whenever the commissioner may require qualification and demonstration of competence of individuals involved in chemical dependency treatment;
- allows the commissioner to provide by rule that people the institute certifies are competent to perform the functions of chemical dependency professionals.

Enactment: May 11, 1987

Effective: day after enactment

Child care sliding fee

HF1350*—Clark, Otis, Greenfield, McLaughlin
 SF0712—Berglin, Spear, Pogemiller

Chapter 290:

- allows a county board to set a maximum limit on the subsidy for child care rates;
- requires that the rate the county sets shall not be lower than 100 percent or higher than 125 percent of the median rate for similar care in that county;
- requires child care providers to pay wages for teachers, assistants, and aides that are more than 110 percent of the county average to get reimbursement for more than 110 percent of the median rate.

Enactment: May 28, 1987

Effective: Aug. 1, 1987

Chiropractic regulation—changes

HF0939—Ogren, Greenfield, G. Anderson, Clauznitzer, Rodosovich
 SF1008*—Wegscheid, Purfeerst, Bertram, Taylor, Cohen

Chapter 345:

- provides the following as grounds for the State Board of Chiropractic Examiners to refuse to grant, suspend, revoke, limit, or restrict a license to practice chiropractic:
 - advertising that is false or misleading, violates a board rule, or claims the cure of any condition or disease;
 - conduct which subverts or attempts to subvert the licensing examination process;
 - conviction, during the previous five years, of a felony reasonably related to the practice of chiropractic; or
 - failure to report to the board any charges in another state or jurisdiction regarding the person's license;
 - inability to practice chiropractic with reasonable skill and safety to patients because of deterioration through the aging process or loss of motor skills;
 - aiding or abetting an unlicensed person in the practice of chiropractic;
 - improper management of health records, including failure to maintain adequate health records;
 - failing to make reports or cooperate with a board investigation or submitting a knowingly false report against another doctor of chiropractic;
 - splitting fees, or promising to pay a portion of a fee or commission, or accepting a rebate;
 - revealing a privileged communication from or relating to a patient, except when the law requires or permits otherwise;
 - failure to keep written chiropractic records justifying the patient's treatment, including, but not limited to, patient histories, examination results, test results, and X-rays;
 - exercising influence on the patient

or client in such a manner as to exploit the patient or client for the licensee's or a third party's financial gain including, but not limited to, promotion or sale of services, goods, or appliances;

—gross or repeated malpractice or failure to practice chiropractic at a level of care, skill, and treatment which a reasonably prudent chiropractor would recognize as acceptable under similar conditions and circumstances;

—delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that the person does not have the training, experience, or licensure to perform them;

- allows the board to obtain a licensee's or applicant's health data and health records without the licensee's or applicant's consent;
- adds the following to definitions of unprofessional conduct:

—engaging in sexual conduct with a patient or in conduct the patient may reasonably interpret as sexual, or in any verbal behavior that is seductive or sexually demeaning to a patient;

—fraudulent violations of the Medicare, Medicaid, or state medical assistance laws;

—fraudulent advertising practices;

- allows the board to impose a civil penalty not exceeding \$10,000 for each separate violation;

- provides circumstances for automatic license suspension;

- requires a state or local chiropractic society to report to the board complaints which may be grounds for discipline;

- provides circumstances for automatic reporting from licensed doctors of chiropractic of any action which may be grounds for discipline;

- requires insurers to report to the board twice a year concerning chiropractors against whom courts have awarded malpractice settlements or awards to plaintiffs;

- requires the clerk of District Court or any other court of competent jurisdiction to report to the board any judgment which finds a doctor of chiropractic is mentally ill, mentally incompetent, guilty of a felony, or guilty of an abuse or fraud;
 - states that board members or employees who investigate or prosecute violations are immune from civil liability and criminal prosecution for any actions, transactions or publications when executing their duties;
 - states that anyone who has not complied with laws relating to chiropractors and practices or attempts to practice chiropractic, or uses any of the terms or letters "Doctors of Chiropractic," "Chiropractic," "D.C.," or any other title or letters to mislead the public, is guilty of a gross misdemeanor;
 - provides that conviction for a gross misdemeanor, resulting from the above offenses carries a fine of \$1,000 or more, but less than \$10,000, and/or imprisonment for more than 30 days but less than six months;
 - exempts students from liability if they are:
 - practicing under the direct supervision of a preceptor while enrolled in and regularly attending a recognized chiropractic college; and
 - in continuing training and performing the duties of an intern or resident, or engaged in postgraduate work the board considers the equivalent of an internship, or in residency in any institution the board approves for training;
 - allows the peer review committee to charge a fee to any third party provider or chiropractor who makes a peer review request to help defray administrative costs of performing a review;
 - appropriates \$44,000 from the special revenue fund to the board to fund the peer review committee.
- Enactment:** June 1, 1987
Effective: day after enactment

Civil service—disabled workers • (See Governmental Operations)

**Community services
 conversion project**
HF1022—Kelso, Segal,
 Greenfield, Kludt
SF0908*—Beckman

Chapter 305:

- requires the commissioner of human services to:
 - ask counties to present proposals for the voluntary conversion of services by community intermediate care facilities for persons with mental retardation or related conditions (ICF/MR) to services by home and community-based services;
 - report to the Legislature on the status of the community services conversion project by March 1, 1988;
- requires county proposals to have information needed for commissioner's approval, including:
 - alternative services plans;
 - time lines; and
 - projected caseloads and expenditures;
- requires counties to move discharged residents to their home communities whenever possible;
- requires county proposals to comply with need determination procedures;
- requires the commissioner to give first priority to proposals that:
 - respond to emergency relocation;
 - result in closing a facility;
 - base alternative placement on individual needs; and
 - demonstrate medical assistance savings;
- requires the commissioner to select proposals within the appropriation for home and community-based services;
- requires the commissioner, the county where the facility is located, and the participating facility to establish a contract for each proposal the commissioner approves;

- allocates home and community-based services to participating counties to replace ICF/MR facility services decertified through the project;
 - requires the commissioner to establish facility payment rates; provides guidelines;
 - requires counties to consider a parent's opinion in developing a service plan for a person with mental retardation or a related condition.
- Enactment:** May 28, 1987
Effective: Aug. 1, 1987

Dept. of Health—changes
HF1076—Greenfield, Segal,
 Vellenga, Gruenes, Stanius
SF1048*—Lantry, Brandl, Benson,
 R.D. Moe, Pehler

Chapter 209:

- allows the Hazardous Substances Victims Compensation Board to appoint its own executive director; requires the board to submit a signed, written release from the person for whom the board requests private health information from the commissioner of health;
- allows the commissioner to develop a coordinated nutrition reporting and surveillance system;
- provides a process for the commissioner to use to deal with noncompliant carriers of communicable diseases;
- defines a "health threat to others" as a communicable disease carrier who demonstrates an inability or unwillingness to avoid infecting others;
- allows health professionals to report a disease carrier who is a health threat to others or has engaged in noncompliant behavior;
- allows the commissioner to take legal action against a noncompliant disease carrier who is a threat to others; describes remedies available to a court, and requires the court and the commissioner to use the least

restrictive action to control a noncompliant disease carrier;

- prohibits a court from committing a noncompliant disease carrier to a correctional facility;
- provides for an appeal process;
- allows the court, in emergencies, to order a health or peace officer to take a noncompliant disease carrier into custody and to an appropriate emergency care or treatment facility for observation, examination, testing, diagnosis, care, treatment, and if necessary, temporary detention, not to last longer than 72 hours without a court hearing to determine if the emergency hold should continue;
- prohibits using voluntarily submitted contact notification data in any court proceeding to determine noncompliant behavior;
- clarifies the prohibition against advertising by an unlicensed health care facility;
- amends the health facility licensure law to require the commissioner to license a facility that provides services to five or more persons;
- requires a facility to contact the commissioner at least 90 days before closing a hospital; requires license surrender upon closing or ceasing operations;
- states that operating a nursing home without a license is a misdemeanor punishable by a fine up to \$300;
- changes meeting requirements for the Interagency Board for Quality Assurance from "at least monthly" to "at least quarterly";
- defines "high-risk establishments" the commissioner must inspect for food quality as hotels, motels, restaurants, lodging houses, boarding houses, resorts, or places of refreshment;

- requires the commissioner to inspect high-risk establishments at least once a year, medium-risk establishments at least once every 18 months, and low-risk establishments once every two years;
 - exempts family day-care homes or group family day-care homes from equipment standards for licensed food services;
 - repeals laws relating to:
 - tuberculosis reporting; and
 - the Cytogenetics Laboratory.
- Enactment:** May 26, 1987
Effective: July 1, 1987

**Dept. of Human Services—
division name change**

HF0557*—Kelso, Wynia, Gruenes, Dorn, Jefferson
SF0799—Piper, Brandl, Diessner

Chapter 44:

- changes the name of the Department of Human Services' Mental Retardation Division to the Division for Persons with Developmental Disabilities.
- Enactment:** April 30, 1987
Effective: Aug. 1, 1987

**Dept. of Human Services—
Mental Health Div.**

HF0829—Segal, Dauner, Simoneau, Clark, Knickerbocker
SF0834*—Wegscheid, Storm

Chapter 342:

- creates a Mental Health Division in the Department of Human Services to enforce and coordinate mental illness laws the commissioner of human services administers;
- requires the commissioner to appoint an assistant commissioner to supervise the division;

- requires the commissioner and assistant commissioner to oversee and coordinate services to people with mental illness in both community programs and regional treatment centers throughout Minnesota;
- requires the commissioner to:
 - review and evaluate local programs and make recommendations to county boards and program administrators;
 - provide consulting service to communities;
 - employ qualified personnel;
 - report to the Legislature on staff use and performance;
 - adopt rules for minimum standards in community mental health services;
 - cooperate with the commissioners of health, and jobs and training to coordinate services for people with mental illness;
 - evaluate the needs of people with mental illness for state and federally funded services;
 - provide information, as requested, to the Advisory Council on Mental Health;
 - maintain a data collection system to provide information on mental illness;
 - apply for grants and develop pilot programs on mental illness;
 - study alternative reimbursement systems and make necessary waiver requests;
 - assist county boards, and consult regularly with county boards, mental health agencies, and client advocacy organizations;
 - promote coordination between mental health system and other human service systems;
 - research the effectiveness of mental health treatment methods; and
 - enter into contracts and promulgate rules necessary to carry out

purposes of this chapter;

- creates a 25-member State Advisory Council on Mental Health; specifies council membership, terms, compensation, and removal of members and filling of vacancies;
 - requires the council to:
 - advise the governor, Legislature, and state department and agency heads on policy, programs, and services affecting people with mental illness;
 - advise the commissioner of human services on the mental health aspects of the biennial budget;
 - advise the governor and Legislature on developing innovative mechanisms to provide and finance services to people with mental illness;
 - encourage state departments and other agencies to conduct mental health research;
 - educate the public about mental illness and the needs and potential of people with mental illness;
 - report its activities periodically to the governor, Legislature, and commissioners of health, jobs and training, and human services;
 - file formal reports and recommendations by Oct. 15 of even-numbered years;
 - report to the Legislature by Nov. 15 of each even-numbered year.
- Enactment:** June 2, 1987
Effective: day after enactment

Faradic shock—use

HF0585—Clark, Sviggum, Vellenga, Greenfield, Segal
SF0555*—Brandl, Luther, Spear, Berglin, Knutson

Chapter 110:

- prohibits using faradic shock without a court order in certain licensed facilities serving persons with mental retardation and related conditions;
- allows a grandfather clause to cover one person currently receiving faradic shock, and requires the care facility to establish a plan to reduce and eliminate using faradic shock for that person.

Enactment: May 14, 1987

Effective: Aug. 1, 1987

Federal fiscal disallowances—allocation

HF1496—Clark, Jefferson, Forsythe, Riveness, S. Olsen
SF0946*—Berglin

Chapter 343:

- alters allocation of federal fiscal disallowance based on error rates.
- Enactment:** June 1, 1987
Effective: for all sanction payments made after Jan. 1, 1988

Fetal disposal

HF0663*—Wenzel, Quinn, Kelso, Blatz, Marsh
SF0389—Chmielewski, Lantry, Lessard, Waldorf, Benson

Chapter 238:

- provides for uniform, dignified, and sanitary disposal of aborted or miscarried remains of human beings;
- defines “remains of a human fetus” as the remains of a dead offspring of a human being that has reached a stage of development containing cartilaginous structures, fetal or skeletal parts;
- requires deposit or disposal of remains of a human fetus resulting

from an abortion or miscarriage that occurred accidentally or spontaneously at a hospital, clinic, or medical facility, by cremation, burial, or some method the commissioner of health orders;

- allows a hospital, clinic, medical facility or laboratory, before disposing of remains, to complete tests that may be necessary for a woman’s health or her future offspring, or for purposes of a criminal investigation or determining of parentage;
- states that failure to conform with law constitutes a public nuisance and is a misdemeanor;
- provides that compliance with the law does not require the disposition method to include a religious ceremony or service; does not require a discussion of disposition methods with a woman obtaining an induced abortion.

Enactment: May 26, 1987

Effective: Aug. 1, 1987

Foster care—payments

HF0556*—Jefferson, Greenfield, Wynia, Gruenes, Swenson
SF0616—Lantry, Berglin

Chapter 235:

- requires the commissioner of human services to add difficulty of care payments to minimum standard maintenance rates for children in foster care;
 - requires the commissioner to consider any existing difficulty of care payment rates when developing rules, so that rules don’t adversely affect any child for whom the Department of Human Services has established a difficulty of care rate.
- Enactment:** May 26, 1987
Effective: day after enactment

General assistance—denial appeals

HF0591*—Wynia, Riveness, Tompkins, Boo, Pappas
SF0581—Brandl, Lantry, Knutson, Brataas, Solon

Chapter 270:

- allows the commissioner of human services to make direct payments to facilities that offer shelter to women and children;
- allows facilities that offer shelter to women and children to appeal the denial of general assistance payments.

Enactment: May 28, 1987

Effective: Aug. 1, 1987

Guide dogs—access to public accommodation

HF1024*—D. Carlson, Dille, S. Olsen, Knuth
SF1046—Solon, Wegscheid, Diessner, Gustafson, Marty

Chapter 141:

- includes physically handicapped persons in the law which provides that visually impaired and deaf persons have the right to have guide dogs accompany them in places of public accommodation;
- changes the term "guide dog" to "service dog";
- requires that the dog be capable of being properly identified as from a recognized school for seeing eye, hearing ear, service, or guide dogs;
- prohibits refusing access to public places to physically handicapped persons with a service dog as unfair discrimination;
- prohibits requiring extra payment from a physically handicapped person who takes a service dog into a public place.

Enactment: May 14, 1987

Effective: Aug. 1, 1987

Health and Human Services—omnibus bill

- (See Appropriations)

Health care professionals—impersonation

- (See Crime/Corrections)

Hearing impaired—services

HF0764—Clark, Kelso, Winter, Dorn, Cooper
SF0735*—Adkins, Lantry, Berglin

Chapter 302:

- provides a statewide interpreter service for hearing impaired persons;
- requires that at least half the persons on a regional service center advisory committee must be hearing impaired;
- requires that at least half of the persons on the Minnesota Council for the Hearing Impaired be hearing impaired and include parents of hearing impaired children, and representatives of county and regional human services, including representatives of private service providers;
- limits council terms to two years, prohibits members from serving more than two consecutive terms, and requires the commissioner of human services to appoint one member as chair;
- requires the central interpreter referral agency to establish, maintain, and keep statistics for interpreter referral services, cooperate with regional centers, provide referral service, train interpreters, and evaluate interpreter services.

Enactment: May 28, 1987

Effective: Aug. 1, 1987

Home health care licensure

HF0120—Greenfield, Wynia, Carruthers, Dorn, Ozment
SF0051*—Berglin, Lantry, Piper, Brandl, Knutson

Chapter 378:

- defines "home care services" as any of the following services providers deliver in a place of residence to a person whose illness, disability, or physical condition creates a need for it:
 - nursing services, including a home health aide;
 - personal care that laws relating to registered nurses do not include;
 - physical, speech, respiratory, or occupational therapy;
 - nutritional services;
 - various services home management providers furnish to a person who is unable to perform these activities due to illness, disability, or physical condition, including at least two of the following: housekeeping, meal preparation, laundry, shopping, and other similar services;
 - medical social services;
 - medical supplies and equipment that is part of a home care service;
 - a hospice program;
 - other similar medical services and health-related support services the commissioner of health identifies by rule;
- defines "home care provider" as an individual, organization, association, corporation, unit of government, or other entity that regularly engages in delivering, directly or by contractual arrangement, home care services for a fee, including hospice programs;
- exempts from the definition of "home care provider":
 - any home care or nursing services any recognized church or religious denomination conducts for its members to provide care and services for those who depend upon spiritual means for healing through prayer;

- an individual who only provides services to a relative;
- an individual not connected with a home care provider who helps with home management services or personal care primarily as contribution and not a business;
- an individual not connected with a home care provider who shares housing with and provides primarily housekeeping or homemaking services to an elderly or disabled person in return for free or reduced-cost housing;
- an individual or agency providing home-delivered meal services;
- an agency providing senior companion services and other older American volunteer programs the Domestic Volunteer Service Act of 1973 established;
- an individual or agency that only provides chore, housekeeping, or child care services which do not involve providing home care services;
- a licensed nursing home employee who provides emergency services to individuals residing in an apartment unit attached to the nursing home;
- a member of a professional organization that does not regularly offer or provide certain home care services;
- certain organizations providing medical or surgical services that do not regularly offer or provide home care services;
- an individual or agency that provides medical supplies or durable medical equipment, except when providing supplies or equipment is part of a home care service; or
- a licensed physician;
- requires the commissioner to establish and appoint a 15-member home care advisory task force to provide advice and make recommendations to the commissioner on developing rules;

- prohibits a home care provider from operating in the state without a current license from the commissioner;
- requires the commissioner to either grant or deny a license within 90 days after receiving a completed application;
- exempts the following individuals or organizations from licensure:
 - a registered nurse who independently provides nursing services in the home without any contractual or employment relationship to a home care provider or other organization;
 - a personal care assistant who provides services under the medical assistance (MA) program;
 - a person or organization that exclusively offers, provides, or arranges for personal care assistant services under MA;
 - a registered psychologist who independently provides therapy services in the home without any contractual or employment relationship to a home care provider or other organization;
 - a person who provides services to a mentally retarded person within a program of semi-independent living services regulated under Minnesota Rules;
 - a person who provides the above services under contract with a county to provide home and community-based services which MA pays for;
- allows the commissioner to refuse to grant or renew a license, or suspend or revoke a license, for violation of laws or conduct that is harmful to a consumer;
- forbids the commissioner to duplicate or replace standards and requirements of another state regulatory program;
- requires license applicants to inform the commissioner about all criminal convictions of persons in management, operation, or control of the provider;

- requires employees and applicants for employment to disclose all criminal convictions to a home care provider;
- prohibits employing or involving a person a court has convicted of a crime that relates to providing of home care services or to the position, duties, or responsibilities the person would have in operating, managing or controlling the home care provider service, unless the person can provide sufficient evidence of rehabilitation;
- requires the commissioner to ensure that information and referral services relating to home care are available in all regions of the state;
- prohibits operating of a hospice program in the state or using the words "hospice" or "hospice program" without a current license;
- requires a hospice program to provide:
 - centrally coordinated hospice core services in the home and inpatient setting;
 - medical components of the hospice program under the direction of a licensed physician who serves as medical director;
 - palliative (alleviating) medical care of a hospice patient under direction of the attending physician;
 - an interdisciplinary team that meets regularly to develop, implement, and evaluate the hospice program's plan of care for each patient and the patient's family;
 - accessible hospice care, 24 hours a day, seven days a week;
 - an ongoing system of quality assurance;
 - that individuals who provide services have successfully completed and become qualified under a hospice training program;
 - a planned program of supportive services available to patients' families during the bereavement period; and

—inpatient services, directly or by arrangement, in a licensed hospital or nursing home;

- prohibits home care providers beginning July 1, 1987, except those the law exempts, from providing home care services in the state without registering with the commissioner;

- requires a home care provider to register in writing with the commissioner, and pay a registration fee;
- requires the commissioner of health to issue provisional licenses to all home care providers who register with the Department of Health within 90 days after the effective date of this law;

- makes the provisional licenses valid until licenses good for a period of one year supersede them, whichever time is shorter;

- requires the commissioner to adopt permanent rules to implement, administer, and operate the personal care assistant services program and requires those rules to, at a minimum, provide for the following:
 - selection of agencies to contract with or employ and train staff to provide and supervise the provision of personal care services;
 - agencies to employ or contract with a qualified applicant of the recipient's choice;

- agencies to bill MA for personal care assistant's services and visits by the registered nurse supervising the personal care assistant;

- agencies to establish a grievance mechanism; and

- agencies to have a quality assurance program;

- appropriates \$516,000 from the general fund to the commissioner to regulate home care services.

Enactment: June 2, 1987

Effective: day after enactment

Hospital expansion moratorium
HF0668*—Gruenes, Greenfield,
 Wynia, Marsh, Dorn
SF0598—Berglin

Chapter 75:

- extends the hospital expansion moratorium for another three years, until June 30, 1990;

- exempts:

- a hospital, clinic, or other health care facility that is a national referral center for substantial programs and gets more than 40 percent of its patients from out of state from construction or relocation within a county;

- a project involving consolidating pediatric specialty hospital services within the Minneapolis-St. Paul metro area that would not increase pediatric specialty hospital beds among consolidating hospitals;

- a temporary relocation of pediatric-orthopedic hospital beds to an existing hospital, allowing reconstruction of a new philanthropic, pediatric-orthopedic hospital that won't increase the number of hospital beds;

- a relocation or redistribution of hospital beds within a hospital corporate system involving the transfer of beds from a closed facility site or complex to an existing site or complex; provides requirements for exemption.

Enactment: May 11, 1987

Effective: day after enactment

Human Rights Act—disabled employees

- (See Employment/Labor)

Human Rights Act—disabled persons

HF0369*—Greenfield, Norton,
 Wagenius, Quist, Orenstein
SF0264—Spear, Marty, Luther,
 Reichgott, Knaak

Chapter 23:

- includes sensory impairment as a type of disability the Human Rights Act covers;

- removes language which prohibited the Human Rights Act from requiring an educational institution to provide special services or to modify physical plant or admissions procedures because of a person's disability;

- permits using academic qualifications as an admission criteria;

- states that nothing in the act limits remedies available under federal law;

- defines "program access" to include providing taped texts, interpreters or other methods of making orally delivered materials available, readers in libraries, adapted classroom equipment, and similar auxiliary aids or services;

- provides that:

- an educational institution's failure to ensure "physical and program access" for the disabled is unfair discriminatory practice;

- "program access" doesn't include providing attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature.

Enactment: April 9, 1987

Effective: Aug. 1, 1987

Human services boards— regulations

HF0923*—Dauner, Cooper,
Greenfield, Rodosovich, Kelso
SF0975—Vickerman

Chapter 139:

- allows a human services board to rent, purchase, sell, or otherwise dispose of real and personal property;
- makes changes to the Board of Human Services' plan and budget report to the Legislature;
- repeals law requiring the director of the state planning agency to report to the Legislature on the experience of human services boards.

Enactment: May 14, 1987

Effective: Aug. 1, 1987

Human Services Licensing Act

HF1210*—Wynia, Stanius,
Vellenga, Jennings, Greenfield
SF1113—Piper, Lantry, Brandl,
Benson, Berglin

Chapter 333:

- regulates licensure of programs providing care for children or adults who are mentally ill, mentally retarded, physically handicapped, functionally impaired, chemically dependent, or who abuse chemicals;
- prohibits an individual, corporation, partnership, voluntary association or other organization, without licensure from the commissioner of human services, from:
 - operating a residential or nonresidential program;
 - receiving a child or adult for care, supervision, or placement in foster care or adoption;
 - helping plan a child's or adult's placement in foster care or adoption; or
 - advertising residential or nonresidential programs;
- provides licensure exclusions;
- makes it a misdemeanor for an individual or corporation to provide a

residential or nonresidential program without a license unless the law excludes the program from licensure;

- defines license application procedures; requires the commissioner to act on applications within 90 days of receiving a complete application and other required reports;
- requires the commissioner to:
 - give 30 days written notice to affected political subdivisions unless the commissioner considers the program a permitted single-family residential use of property; prohibits spending state funds for any facility not complying with this requirement;
 - study the applicant before providing licensure;
- requires other agencies to provide criminal conviction, arrest, or abuse and neglect data on the applicant, persons living in the proposed program's household, and the applicant's employees and any volunteers who will have contact with persons the program will serve;
- allows the commissioner and others to charge the applicant a fee for conducting the study;
- sets minimum criteria for the study;
- provides that an applicant's failure or refusal to cooperate with the commissioner is reasonable cause to deny an application or revoke or suspend a license; other individuals' failure to cooperate is cause for employment termination;
- prohibits the commissioner from considering an application if he/she does not receive all required information;
- requires the commissioner to inspect the program before issuing a license, including physical plant, records and documents, consumer (program participant) evaluations, and observe the program in operation (unless observation would hinder program participants);
- gives the commissioner right of access, without prior notice, to premises, documents, program

participants, and staff; gives program participants the right to refuse consent for interviews or photographs;

- requires the commissioner to:
 - review and evaluate the above information before acting on a license application;
 - issue a license if he/she determines the program complies with all applicable rules and laws;
- requires certain information on the license;
- allows the commissioner to issue a provisional license for one year or less if he/she can't conduct the evaluation and observation or if certain records aren't available, and the applicant complies with other laws and rules;
- allows the commissioner to issue a provisional license only when he/she first issues a license to an applicant;
- prohibits license transfer; defines license expiration;
- requires the commissioner to give notice of an application denial through certified mail; specifies notice requirements and time for appeal;
- allows the commissioner to issue a correction order if conditions don't endanger health, safety, or rights of persons the program serves;
- allows the applicant or license holder to request reconsideration of a correction order; provides that such a request doesn't stay the order;
- requires the commissioner to respond to the reconsideration request within 15 days;
- allows the commissioner to order a fine or act on the license if the violations aren't corrected;
- requires the commissioner to suspend a license until the license holder pays the fine, and withhold any funds the state pays to the affected facility;
- provides a temporary fine schedule, until the commissioner adopts a fine schedule; provides fines of:

- \$1,000 for abuse-related violations;
- \$200 for health, safety, or supervision-related violations;
- \$100 for other violations;
- allows the commissioner to suspend, revoke, or issue a probationary license, or secure an injunction against continuing program operation of a license holder who doesn't comply with applicable law or rule;
- requires the commissioner to act immediately to suspend the license when a holder fails to comply with laws related to health, safety, or rights of persons the program serves;
- prohibits using state funds in facilities with a suspended license;
- gives notice and appeal provisions;
- requires license holder to discontinue program operation immediately;
- requires the commissioner to hold a prompt hearing;
- gives the appellant the right to have counsel represent him/her, and to call, examine, and cross-examine witnesses; gives the administrative law judge (ALJ) subpoena power;
- provides for the burden of proof, as follows:
 - requires the commissioner to present evidence at a suspension, revocation or probationary hearing; then shifts the burden to the license holder to demonstrate that the violations didn't occur;
 - requires the appellant to demonstrate that he/she has fully complied with licensing laws and rules at a hearing on denial;
- requires ALJ to make recommendations in writing and use certified mail to deliver them to the parties;
- allows the commissioner to:
 - make a final order after considering the ALJ's recommendation;
 - order the license holder to pay hearing costs when the court takes adverse action;
- requires the commissioner to adopt licensure rules;

- requires that rules the commissioner adopts after July 1, 1987 give preference to program outcomes, include model program standards and basic licensing standards (staff ratios, safety standards and others);
- allows the commissioner to reduce licensing fees for persons exceeding basic standards;
- requires the commissioner to evaluate rules within three years of adoption and every five years after that; describes evaluation requirements;
- requires the commissioner, for rules he/she adopts after July 1, 1987, to:
 - summarize the rule in understandable language and make the rule and summary available to license holders and applicants;
 - provide applicants with information on available services;
 - upon request, interpret rules for applicants and license holders; and
 - take measures to ensure uniform rule application;
- requires the commissioner to consult with certain people and organizations when developing rules;
- allows the commissioner to:
 - implement alternative regulation methods, including license category expansion, accreditation standards compliance, and abbreviated inspection;
 - reduce fees if other methods are used;
 - request and receive other departments' cooperation and assistance, where feasible and appropriate;
 - cooperate with other departments to set up a single application point for people needing concurrent licensure from more than one department;
- requires licensure of residential programs for five or more persons with a mental illness; requires the commissioner of health to cooperate with the commissioner of human services to monitor licensed boarding care, board and lodging, and supervised living facilities;

- requires the commissioner of human services to study the housing needs of people with mental illness, articulate a continuum of services, develop and present recommendations to implement the continuum of services to the Legislature by Jan. 31, 1988;
- requires the commissioner to charge an application and inspection fee to evaluate programs other than family day care and foster care;
- provides that for purposes of zoning and other land use regulations, a residential program licensed for:
 - six or fewer people is considered a permitted single-family residential use of property;
 - seven to 16 adults or children is considered a permitted multifamily residential use of property;
- requires the commissioner to consider certain factors when deciding whether to grant residential program licensure; exempts residential programs located in hospitals;
- allows a majority of controlling persons of a residential program to ask the commissioner to assume program operation by appointing a receiver; allows the commissioner to put the program into voluntary receivership; describes terms;
- allows the commissioner to petition the court for an order placing a program in receivership (involuntary receivership); sets forth petition requirements; limits receivership to a particular facility for which the commissioner has begun adverse licensing action; specifies terms;
- specifies the receiver's powers and duties and limits his/her rights; requires the receiver to transfer persons the program serves or make other provisions to protect their health, safety, and rights;
- describes receiver's fee and liabilities; provides for termination;
- provides that for purposes of zoning and other land use regulations, a nonresidential program licensed for:

—12 or fewer people is considered a permitted single-family residential use of property;

—13 to 16 people is considered a permitted multifamily residential use of property;

- limits local government authority to establish requirements for family day care programs;

- allows the commissioner to delegate authority to county and private agencies to:

- perform licensing functions and activities;

- recommend denial of applicants; or

- suspend, revoke, or make probationary the licenses;

- requires the county and private agencies to:

- conduct timely investigations of allegations of abuse or neglect, and notify the commissioner within 10 days if results indicate he/she should take adverse licensing action;

- inspect, evaluate, and study the applicant before recommending licensure, and forward recommendation to the commissioner within 20 days of receiving a completed application;

- enforce the commissioner's orders;

- requires the commissioner to:

- provide instruction and technical assistance to agencies;

- review agencies, at least once a year, for compliance with applicable laws and rules;

- reduce Community Social Services Act (CSSA) funding if a county agency fails to meet certification requirements;

- repeals the existing Public Welfare Licensing Act.

Enactment: May 29, 1987

Effective: Aug. 1, 1987 for repealer;

July 1, 1987 for all other sections

Human services—residences, finances

HF0894*—Welle, Gruenes, Clark, Jaros, Onnen

SF0895—Vickerman, Lantry, Pehler, Dicklich, D.E. Johnson

Chapter 363:

- creates a new chapter in *Minnesota Statutes* to establish a single, unitary process to determine residence and financial responsibility for all human service programs in Minnesota.

Enactment: June 2, 1987

Effective: Jan. 1, 1988

Insemination—donor consent

HF0470*—Bishop, Jefferson, Orenstein, Greenfield, Krueger

SF0443—Spear

Chapter 126:

- eliminates the requirement of filing a husband's consent to donor insemination with the commissioner of health;

- requires a physician to keep a consent form at least four years after confirming a pregnancy resulting from artificial insemination;

- requires the commissioner, on May 15, 1987, to mail all consent forms on file to the physicians who submitted them, or destroy the contents if the commissioner can't find the physicians' current addresses.

Enactment: May 14, 1987

Effective: day after enactment

Local Public Health Act

HF0999—Kelso, Greenfield, Vellenga, Onnen, Rodosovich

SF1041*—Samuelson, Lantry, Benson, Chmielewski, Brandl

Chapter 309:

Board of Health

- requires the governing body of a city or county to take on the responsibilities of a board of health or to establish a board of health and assign

to it the powers and duties of a board of health;

- establishes board jurisdiction, powers and duties;

- requires boards to appoint an authorized agent;

- permits the board to establish a health department, and hire employees, acquire property, accept funds, and collect fees;

- authorizes the commissioner of health to supervise investigation and control of communicable diseases;

- permits a board member or agent to enter a building or place to investigate suspected sources or causes of preventable disease;

- requires the board member or agent to order the property owner or occupant to remove or abate a public health threat within a certain time;

- authorizes the board to seek injunctions;

- sets misdemeanor penalties for:

- anyone who hinders a board member or agent when performing his/her duties; or

- a board member or agent who refuses or neglects to perform a legally-imposed duty;

- allows county boards to adopt public health ordinances; defines the relationship between county ordinances and city or township ordinances;

- defines the commissioner's supervisory powers and duties relating to local enforcement of public health law;

- requires the commissioner to: —keep a list of nurses certified for public health duties;

- help boards carry out public health services and programs;

- authorizes the commissioner to delegate certain powers and duties to boards;

- authorizes boards, with the commissioner's approval, to delegate certain powers and duties to local government units within their jurisdiction;

- sets common terms for delegation agreements;
- provides that a person or his/her dependent or spouse who has a communicable disease subject to the board's control is financially liable to the government unit or agency that paid for the reasonable cost of care to control the disease;
- establishes policy and procedures to assess costs related to board enforcement actions;
- authorizes discretionary local tax levies to pay board costs.

Community Health Boards

- provides for a system of community health services (CHS) that the state supervises but local community health boards (CHB) administer;
- makes CHS subsidy funds available to a board of health, a city, or a human services board that meets certain requirements;
- defines eligibility requirements for the CHS subsidy;
- sets policies for the relationship of CHBs to human services boards and regional development boundaries;
- sets procedures to withdraw from the subsidy program;
- establishes powers and duties of CHBs; preempts other boards of health within a CHB jurisdiction; provides exemptions from preemption;
- requires a CHB to:
 - appoint a physician medical consultant;
 - provide equal access to CHS;
 - submit periodic reports to the commissioner of health;
- establishes hiring policy for employees;
- sets general requirements for community health plans, budgets, and revisions;
- authorizes a CHB to make recommendations on local ordinances and issues of more than local significance;

- establishes:
 - state and local advisory committees;
 - powers of city councils and county boards relating to CHBs;
 - sets procedures to levy taxes (above);
 - authorizes:
 - the county board to approve the community health plan;
 - a city council or county board to adopt CHS ordinances;
 - requires the commissioner to:
 - assist CHBs;
 - adopt rules setting personnel standards for CHBs and community health plans and budgets;
 - report biennially to the Legislature on the CHS subsidy;
 - sets procedures for the commissioner to review and approve community health plans, and authorizes rules to report on and evaluate CHS;
 - authorizes and sets requirements and procedures for special grants for migrant health, Indian health, and tobacco use prevention programs;
 - repeals obsolete and redundant sections of current law governing public health.
- Enactment:** May 28, 1987
Effective: Aug. 1, 1987

Medical assistance

overpayments—recovery

HF0721*—Greenfield, Onnen, Wynia, Rodosovich

SF0545—Berglin, Piper, Brandl

Chapter 133:

- provides that a current owner of a nursing home, boarding care home, or intermediate care facility for persons with mental retardation or a related condition is liable for medical assistance overpayments a former owner owed; applies to any facility an owner sold, transferred, or reorganized after May 15, 1987.
- Enactment:** May 14, 1987
Effective: day after enactment

Medical assistance— hospice payments

HF1417*—Segal, Clark, Ogren
 SF1293—Brandl, Piper, Marty, Samuelson, Vickerman

Chapter 374:

- includes payments for hospice care services under medical assistance (making up to \$7,500 available for hospice care for each terminally ill patient).

Enactment: June 2, 1987

Effective: July 1, 1988

Medical assistance— various changes

HF1112*—Greenfield, Wynia
 SF0998—Berglin

Chapter 370:

Article 1

- credits to the public health fund, any remaining balance in the health-related licensing boards' special revenue fund at the end of each fiscal year, after the commissioner of health pays health-related licensing board expenses, including salaries, attorney general fees, and indirect costs;
- defines:
 - "client advisory committee" as a group of clients who represent client interests to supervisors and employers in vocational programs;
 - "consumer-controlled organization" as a self-advocacy organization which a board, having a majority of people with developmental disabilities, controls;
- requires the commissioner of jobs and training, through the Division of Rehabilitation Resources, to contract with a consumer-controlled organization to:
 - develop client advisory committees in vocational settings in developmental achievement centers and state hospitals; and
 - allocate resources and technical assistance to client advisory committees in sheltered workshops;

- states that a client advisory committee enables clients working in vocational settings to advocate for themselves in matters of common interest;
- allows a client advisory committee to:
 - address issues related to the vocational setting, including personnel policies, wages, hours of work, transportation to and from the workplace, and behavior problems;
 - meet to develop skills and knowledge needed to represent fellow clients, such as decision-making skills, assertiveness, and awareness of public policies affecting people with developmental disabilities;
- includes corporate directors and officers, and partnership members, who have legal control, supervision, or responsibility to submit reimbursement claims to the medical assistance (MA) program under the legal definition of “vendor of medical care” (for purposes of enforcement, and fraud and abuse controls);
- allows the commissioner of human services:
 - to charge interest on money the state erroneously paid to medical vendors, which the state will recover, if the vendor makes installment payments or debits; sets the interest rate equal to the rate the Department of Revenue uses for payments owed the state;
 - access MA recipients’ medical records to determine whether a medical care vendor has submitted a reimbursement claim that is duplicative, erroneous, false or which results in the vendor obtaining greater compensation than the vendor is legally entitled;
- clarifies that a person eligible for MA is deemed to have authorized the commissioner to examine medical records for the purposes above;
- extends the subsidized adoption program to include persons through age 21 who are legally or financially

- dependent on their adoptive parents, guardians, or conservators;
- allows the State Planning Agency director to cooperate with the commissioner of health to study the feasibility of a Minnesota institute for health research; lists factors for consideration;
- prohibits spending state funds for the study; authorizes the director to accept and spend nonstate funds for the study, and report to the Legislature by Jan. 1, 1989;
- requires the governor to create a 17-member commission on health plan regulatory reform to review and recommend improvements in state policy regulating health insurers, nonprofit health service plans, health maintenance organizations, preferred provider organizations, and other arrangements that insure or finance health services provision;
- specifies commission membership;
- requires the commissioner to report to the governor and Legislature by Jan. 1, 1989;
- appropriates from the general fund:
 - \$25,000 to the commissioner of health for the health research institute feasibility study; and
 - \$70,000 to the commissioner of jobs and training to develop client advisory committees;
- appropriates \$300,000 to the commissioner of human services from a federal reimbursement Minnesota received as a result of the Title IV-E foster care program to increase federal financial participation, to be distributed in FY’88 to counties that received Indian relief payments in FY’86; requires allocating the reimbursement in the same proportion as the FY’86 distribution;
- effective: June 30, 1987 for section on excess special revenue funds; July 1, 1987 for other sections.

Article 2

- requires the parent who has legal responsibility to provide for a dependent’s medical care, to directly pay the care provider;

- requires an employee, or spouse or dependents living with the employee, who receive public assistance while seeking workers’ compensation for injuries, to repay the state from any settlement or award the employee receives, including temporary and permanent disability benefits;
- requires an employee who has received public assistance payments to notify the Department of Human Services (DHS) of its potential intervention claim before making or settling a workers’ compensation benefit claim;
- allows the DHS to place a lien on all causes of action that accrue to a person to whom the state furnishes care or payments due to some occurrence that required medical care or other public assistance payments;
- allows the DHS to enforce the lien within one year of when:
 - the DHS receives notice that a public assistance recipient is, or may be, entitled to payments related to the injury that necessitated public assistance; or
 - an award, settlement, or other action concludes the person’s cause of action;
- directs the attorney general, or local county attorney, to represent the DHS to enforce the lien;
- requires certain persons, including medical providers, to give notice to the DHS of monetary claims against a person, firm, or corporation that may be liable in damages to the injured person when the DHS has paid or become liable for the cost of medical care or injury-related payments;
- requires any judgment, award, or settlement upon which the state has a lien to be divided and paid as follows:
 - all reasonable collection costs;
 - the full amount the recipient owes the state; and
 - remainder to the recipient, except that the recipient may not receive less than one-third of the final

settlement after all reasonable collections costs have been paid;

- requires all state agencies and third party payers to provide information that may establish third party liability;

- defines "third party payer" as any person, entity, or agency, other than Medicare or MA, that has an obligation to pay all or part of an MA recipient's health care services costs;
 - extends the time in which the DHS can file and enforce its lien in a recipient's cause of action;
 - allows the attorney general, or appropriate county attorney, to initiate an action against a person or firm that may be liable if the recipient hasn't exercised his/her rights;
 - requires that the state be the payer of last resort and subrogated (substituted) to any reimbursement to which a recipient may be entitled;
 - requires the attorney general, or appropriate county attorney, to enforce the state's subrogation rights;
 - specifies that private health insurance, including prepaid health plans, is primary coverage, and must be exhausted before the state will pay general assistance medical care (GAMC); extends MA third party liability provisions to GAMC;
 - requires the Metropolitan Transit Commission to be the primary payer of injury-related expenses the commission owes a person if the person received or receives Aid to Families with Dependent Children (AFDC) or MA payments;
 - clarifies lien filing requirement for public assistance liens on a cause of action;
 - effective: Aug. 1, 1987.
- Enactment:** June 2, 1987
Effective: various dates

Mental health ombudsman

HF0516—Wynia, Segal, Ozment, Simoneau, Dauner

SF0514*—Berglin, Knutson, Samuelson, Merriam, Pogemiller

Chapter 352:

- includes the ombudsman for mental health and mental retardation under the Data Privacy Act;
- creates an office of ombudsman for mental health and mental retardation to promote the highest attainable standards of treatment, competence, efficiency, and justice for people receiving care or treatment for mental illness, mental retardation, chemical dependency, or emotional disturbance;
- allows the ombudsman to gather information about decisions, acts, and other matters of a mental health and mental retardation agency or facility;
- provides that the ombudsman serves at the governor's pleasure, in the unclassified service, and is accountable to the governor;
- transfers the function of client advocacy from the Department of Human Services to the ombudsman; requires the ombudsman to maintain at least one client advocate in each regional center;
- specifies the ombudsman's powers and duties, including the power to:
 - prescribe methods to present complaints to the office, and to review and act on those complaints;
 - mediate or advocate on a client's behalf;
 - gather information about and analyze an agency's or facility's actions on a client's behalf and at his/her request;
 - examine an agency's or facility's records relating to a matter within the scope of the ombudsman's authority, on a client's behalf;
 - enter and view an agency's or facility's premises at reasonable times in the course of conducting a review;
 - attend certain proceedings

concerning review, patient or resident transfer between institutions, and other proceedings;

- requires the ombudsman to inform relevant licensing or regulatory officials before reviewing a facility's action to avoid duplication and preserve evidence;
- requires the ombudsman, when selecting matters for review, to give particular attention to unusual deaths or injuries, and to actions which:
 - may be illegal, unreasonable or inconsistent with policy, mistaken or arbitrary, unclear or inadequately explained; or
 - may result in abuse or neglect, or disregard a client's rights;
- permits the ombudsman to receive complaints from any source concerning an agency's or facility's actions;
- requires the ombudsman to inform the complainant and the agency or facility after completing a review;
- prohibits punishing a client who has filed a complaint;
- specifies recommendations the ombudsman may make to an agency or facility, if after reviewing a complaint, considering the agency's or facility's response and any other pertinent material, the ombudsman finds the complaint has merit;
- requires the agency or facility, if the ombudsman so requests, to inform the ombudsman about action the agency or facility takes on the ombudsman's recommendation, or their reasons for noncompliance;
- permits the ombudsman to send conclusions and suggestions to the governor;
- requires the ombudsman to consult with the governor and the agency, facility, or person concerning the conclusion or recommendation before making public any conclusion or recommendation that expressly or implicitly criticizes an agency, facility, or any person;
- provides that the ombudsman and his/her designees are not civilly liable for any action they take if it is in good faith, within the scope of

their authority, and does not constitute willful or reckless misconduct;

- requires the governor to appoint a 15-member ombudsman committee; specifies membership, qualifications, and compensation;

- requires the committee to:

- meet at least four times a year;
- advise and assist the ombudsman in selecting matters for attention, developing policies, plans, and programs to carry out ombudsman functions and powers, and making reports and recommendations; states that the committee is an advisory body;

- creates a medical review subcommittee and lists responsibilities;
- amends the Child Abuse Reporting Act to require:

- medical examiners or coroners investigating a death of a child who received residential treatment for mental illness, mental retardation, chemical dependency, or emotional disturbance from a mental health or mental retardation agency or facility, to notify and report their findings to the ombudsman; and

- local social service agencies receiving reports or information indicating that a child who is a mental health or mental retardation client and was physically abused or neglected at a mental health or mental retardation agency or facility, to immediately inform the ombudsman;

- amends the Vulnerable Adults Act to require a person or social service agency receiving reports of a death of a vulnerable adult who received residential treatment for mental illness, mental retardation, chemical dependency, or emotional disturbance from a mental health or mental retardation agency or facility, to notify and report their findings to the ombudsman;

- appropriates \$39,000 from the general fund to the ombudsman for mental health and mental retardation.

Enactment: June 2, 1987

Effective: July 1, 1987

Mentally ill—residential facilities

HF0642*—Greenfield, Kelso, Dauner, Gruenes, Ozment
SF0620—Hughes, Adkins, Lantry, Piper, Knutson

Chapter 197:

- prohibits commissioner of human services from developing licensing standards for supportive living residences until the Legislature has considered recommendations from a study of mentally ill housing needs due Jan. 31, 1988;

- prohibits residential facilities not specifically licensed for people with mental illness from having more than four people with a mental illness after June 30, 1989;

- prohibits general assistance and Minnesota supplemental aid payments to newly licensed negotiated-rate facilities (those that get licenses after the effective date of this law) which have more than four mentally ill residents unless the facility's license is specifically for service to people with mental illnesses.

Enactment: May 21, 1987

Effective: Aug. 1, 1987

Mentally retarded—public guardians

HF0931*—Long, Kelly, Greenfield, Forsythe, Vellenga
SF0868—Spear, Marty, D.C. Peterson, Knaak, Luther

Chapter 185:

- clarifies existing law, including:
 - relationships between the local agency and the state in public guardianship cases; and
 - relationships between case managers and guardians;
- states that public guardianship is the most restrictive form of guardianship or conservatorship and its use should be only for those cases when no qualified person seeks private guardianship or conservatorship;
- clarifies that public guardianship applies only to mentally retarded persons age 18 or older;

- redefines “regional center” for purposes of the public guardianship act as a state-operated facility for persons with mental illness, mental retardation, or chemical dependency;
- redefines “comprehensive evaluation” to include:

- a medical report;
- test and data to determine intellectual and functional capacities; and
- a report from the case manager;
- extends from 15 to 20 days the time in which the commissioner of human services must accept or reject a nomination as guardian;
- requires a petition for appointment of public guardianship or conservatorship to state the date of birth of the proposed ward, and reasons for the public petition, including the fact that no qualified individual is willing to assume the duties of guardian or conservator;
- requires a court to appoint the commissioner as guardian or conservator if the court finds that the proposed ward is mentally retarded, incapable of exercising specific legal rights, needs supervision and protection, and no less restrictive alternative is available;

- clarifies that public guardians have the same powers as private guardians, plus the powers to:

- give or withhold permission to marry;

- begin or defend legal action in name of ward; and

- consent to adoption of the ward;

- requires the commissioner to secure the local agency's and hospital's consent before a ward receives outpatient services or temporary care from a regional treatment center;
- requires the commissioner to determine the need for a guardian of the ward's personal estate and, if necessary, petition the Probate Court to appoint a private guardian of the estate;

- requires the commissioner to:

- maintain contact with ward, visiting at least twice a year;

—prohibit filming a ward in any way that would reveal the ward's identity;
 —make decisions that allow the ward as much independence as possible; and
 —encourage the ward's self-reliance and participation of near relatives in planning for the ward;

- gives patient with mental retardation or their guardians the right to give or withhold consent before a treatment facility implements any adverse or deprivation procedure, or administers psychotropic medication;

- requires a guardian or conservator to obtain the commissioner's written recommendation when petitioning the court to approve certain medical procedures on a public ward;

- permits sterilization only when a ward consents unless the court has restricted the ward's right to consent.

Enactment: May 20, 1987

Effective: Aug. 1, 1987

Nursing home residents, spouses—finances

HF0904*—R. Anderson, Wynia, Greenfield
SF1453—Piper, Vickerman, Berglin, Beckman, Adkins

Chapter 364:

- requires a nursing home or boarding care facility to provide certain information to a private pay resident and the resident's spouse, if a preadmission screening team has not yet screened the resident; requires notification of:

—relatives' financial responsibilities if the resident becomes eligible or seeks to become eligible for medical assistance (MA); and

—limitations on nursing home benefits under Medicare;

- requires the facilities' admission agreements to have a clear description of resources a resident and spouse may retain if the resident applies for MA;

- requires the Department of Human Services to notify all facilities of any changes relating to a resident's or his/her spouse's MA eligibility and resources;

- gives the preadmission screening team primary responsibility to inform all private pay applicants to nursing homes or boarding care facilities of the resources the resident and spouse may retain.

Enactment: June 2, 1987

Effective: Aug. 1, 1987

Nursing home shared service agreements

HF0526*—Welle, Rodosovich, Cooper, Kinkel, Lasley
SF0599—Samuelson, Chmielewski, D.E. Johnson, Purfeerst, Brandl

Chapter 234:

- allows the commissioner of human services to authorize a regional center or state-operated nursing home to enter into shared service agreements with other governmental entities and both nonprofit and profit health service organizations;

- prohibits regional centers or state nursing homes from adding employees beyond their approved complement for a regional center or state nursing home as a result of any shared service agreement;
- allows a regional center or state nursing home to add employees for the duration of a shared service agreement if the agreement funds the cost of added staff;

- allows the commissioner to authorize a regional treatment center to provide staff or services to Camp Confidence if the camp provides services or facilities to treatment center residents who have mental retardation or a related condition.

Enactment: May 26, 1987

Effective: July 1, 1987

Pet dealers/U of M studies/Libraries

HF1081—Clark, Kahn, Quinn, Wynia, Kostohryz

SF1057*—Piper, Chmielewski, Dicklich, Ramstad, Knaak

Chapter 380:

Article 1—University of Minnesota studies

- requests the University of Minnesota to study the feasibility of establishing a center for alternative methods of animal testing to encourage developing alternative methods for toxicity testing and other experimentation on animals; requires the U of M to report its findings to the Legislature by Jan. 1, 1988;

- encourages the U of M to seek nonstate funding to study the effectiveness of mediation in marriage dissolution; requires the U of M to report to the Legislature by Jan. 1, 1989;

- effective: Aug. 1, 1987.

Article 2—Library Construction

- allows a local government unit to collect taxes or transfer other available money to pay for library construction;

- effective: Aug. 1, 1987.

Article 3—Pet Dealers, Kennels

- prohibits a dealer possessing or transferring a dog or cat without the lawful owner's permission;

- provides a civil penalty of up to \$1,000 for each animal illegally transferred;

- expands law governing dog kennel licensing to include cat kennels; provides that "kennel" doesn't include a person's home where dogs or cats are kept as pets;

- extends kennel regulations to dealers; requires dealers to have licenses;

- authorizes:

—Board of Animal Health rules to cover dealers, as well as kennel operators, and dogs and cats;

specifies information dealers and kennel operators must retain;
 —county humane society agents to inspect kennels or dealers;
 • specifies notice contents that kennels and dealers must post;
 • adds to license revocation grounds:
 —a dealer's possession or transfer of a dog or cat to an institution without the lawful owner's permission;
 —a dealer's or kennel's failure to keep accurate data the law requires, or to permit access to its premises;
 • adds dealers to the current law making certain actions misdemeanors;
 • exempts veterinarians caring for dogs or cats from these provisions;
 • appropriates \$10,000 from the general fund to the Board of Animal Health for the biennium ending June 30, 1989;
 • effective: July 1, 1987.
Enactment: June 2, 1987
Effective: various dates

Phone equipment— hearing impaired

HF1002—Clark, Ogren, Jacobs, Rodosovich, Gruenes
SF1029*—Marty, Brandl, Dicklich, Jude, Dahl

Chapter 308:

- establishes a 12-member telecommunication access for communication-impaired persons board to establish and administer a program to distribute communication devices to eligible communication-impaired people and to create and maintain a message relay service;
- requires the Public Utilities Commission to assess a monthly charge up to 10 cents for each customer phone line to fund the program;
- requires that a person applying for a communication device apply through the program administrator on a form the board approves;
- requires that an eligible person must be:

- at least five years old;
 - communication impaired;
 - a Minnesota resident;
 - a resident of a household at or below median income, or for a deaf and blind person, at or below 150 percent of median income applying for a telebraille unit;
 - a resident in a household that has phone service or has made application for services and has an assigned phone number;
 - requires the state's largest local phone exchange company to purchase and distribute the communication devices to local phone companies who will distribute the devices to eligible households on a priority basis;
 - requires a local phone company to maintain the communication devices and provide free training to first-time users;
 - requires a local phone company to install outside wiring without charge to a communication-impaired person who is subject to economic hardship;
 - states that all communication devices are the property of the phone company providing the devices to eligible persons;
 - requires each local phone company to provide each eligible person with a choice of several models with a retail value up to \$600 for a communication device for a deaf person and \$7,000 for a telebrailled device;
 - requires the board to reimburse phone companies for any purchase or service cost from the 10-cent surcharge;
 - requires the board to establish a third-party message relay service with an "800" number to allow communication-impaired people to communicate with non-communication-impaired people.
- Enactment:** May 28, 1987
Effective: July 1, 1987; repealed as of June 30, 1993

Podiatrist regulation—update
HF1008—Vellenga, Clark, Stanius, Ozment
SF0079*—Pogemiller

Chapter 108:

- expands definition of podiatric medicine;
- directs the Board of Podiatric Medicine to elect governing positions from its own members;
- describes licensure requirements, including fee payment, graduation from an accredited school, passing a national exam and state clinical exam, and an appearance before the board; requires graduates from a podiatric medical school after 1986 to complete a one-year clinical residency;
- establishes reciprocity requirements for licensed podiatrists from other states, and requires them to submit a five-year history of medical malpractice;
- provides that practicing podiatric medicine without a license is a gross misdemeanor;
- allows certain exceptions to the licensure requirement, including commissioned medical officers, already-regulated health professionals, and Christian Scientists or others who treat by means of prayer;
- describes grounds for disciplinary action and prohibited conduct;
- requires a podiatrist under board investigation to fully cooperate with the investigation; allows the board access to patient records for the investigation;
- permits the board, if it has probable cause to believe a licensee is unable to practice podiatric medicine with reasonable skill or safety, to:
 - require the licensee to take a mental or physical exam; and
 - access the licensee's exam results and medical records;
- provides disciplinary actions the board may take; provides for temporary and automatic license suspension;

- requires the board to investigate malpractice settlements against a podiatrist; allows the board access to hospital records with the patient's consent;
- requires people and health care institutions or organizations, insurers, court personnel, and other licensed podiatrists to report known violations of licensure standards;
- grants immunity from liability for board members and employees who investigate violations;
- includes the board within the statutory definition of health-related licensing boards.

Enactment: May 14, 1987

Effective: Aug. 1, 1987

Probate changes

- (See Legal/Judiciary)

Regional treatment centers— patient wages

HF0558—Dauner, Jefferson,
Rodosovich, Cooper, Gruenes
SF0529*—Diessner, Piper

Chapter 22:

- exempts state facilities from minimum wage requirements for handicapped individuals in prevocational training programs.

Enactment: April 7, 1987

Effective: Aug. 1, 1987

Revisor's changes/ Miscellaneous funding

- (See Special Session)

Sheltered workshops

HF1054*—Cooper, Sviggum, Segal,
Kelso, Winter
SF1073—Piper, Lantry, Spear,
Knutson

Chapter 369:

- defines:
 - “work activity program” as one which develops basic vocational skills for handicapped people using paid work and training services, and permits a production level below that which a long-term employment program requires;
 - “sheltered employee” as a handicapped person working for pay while participating in an extended employment program;
 - “long-term employment program” as one which provides paid work on a long-term sheltered workshop's premises provides training services on or off the premises, and doesn't include work activity;
 - “extended employment programs” as the following programs which a long-term sheltered workshop may offer: 1) long-term employment program; 2) work activity program; 3) work component program; and 4) community-based employment program;
 - “work component program” as a cooperative effort between a long-term employment or work activity program and a developmental achievement center the Department of Human Services licenses to provide limited work activity so that primary responsibility over vocational outcomes vests in the long-term employment or work activity program;
 - “community based employment program” as one providing paid work and service hours in a position removed from a long-term sheltered workshop site;
- requires the commissioner of jobs and training to certify long-term sheltered workshops to offer extended employment programs and grant funds to extended employment programs;

- eliminates requiring governor's approval of cooperative plans between the commissioners of jobs and training, and labor and industry, to provide services to workers that the workers' compensation plan covers;
 - limits a governmental unit's authority to apply for assistance to establish work programs;
 - allows a governmental unit to apply for long-term sheltered workshops, but not work activity programs;
 - changes long-term sheltered workshop board provisions to apply only to long-term sheltered workshops, and not work activity programs;
 - amends current law on sheltered workshops to:
 - change grant provisions to apply only to extended employment programs, and not work activity programs;
 - change evaluation and funding provision to apply only to extended employment programs;
 - limit grants to 75 percent of a sheltered workshop program's normal operating expenses;
 - clarify that evaluation provisions apply to programs, not workshops;
 - clarify rulemaking to allow the commissioner of jobs and training to promulgate rules on extended employment programs.
- Enactment:** June 2, 1987
Effective: day after enactment

Smoking prohibition—care facilities

HF1283*—Skoglund, Dille, Kahn,
Quist, Greenfield
SF0962—Marty, Berglin, Luther,
Dahl, Wegscheid

Chapter 399:

- prohibits smoking in:
 - licensed day care centers during operating hours;
 - any area of a hospital, health care clinic, doctor's office, or other health care-related facility, other than a

nursing home, boarding care facility, or licensed residential facility;

- allows patients in a chemical dependency treatment or mental health program to smoke in a separate well-ventilated area according to policy the program administrator establishes to identify circumstances in which prohibiting smoking would interfere with the treatment of persons recovering from chemical dependency or mental illness;
- allows a patient to smoke if the patient's attending physician so authorizes;
- states that it's the Legislature's intent to control tobacco products distribution to minors and discourage illegal activity by prohibiting all promotional distribution, with certain exceptions;
- prohibits anyone from distributing smokeless tobacco products or cigarettes, cigars, pipe tobacco, or other tobacco products suitable for smoking; allows distributing single-serving tobacco samples in tobacco stores;
- repeals current law governing tobacco promotional distribution.

Enactment: June 4, 1987

Effective: Jan. 1, 1990 for sections on smoking in day care and health care facilities; Aug. 1, 1987 for all other sections

Social worker licensure

HF0290*—Greenfield, Vellenga, Stanius, Simoneau, G. Anderson
SF1085—D.C. Peterson, Piper, D.M. Moe, Vickerman, Knutson

Chapter 347:

Article 1—Office of Social Work and Mental Health Boards

- creates an office of social work and mental health boards to coordinate and administer the boards of social work, marriage and family therapy, and unlicensed mental health service providers;

- grants the licensing boards the authority to deny or not renew a license or a filing from an individual who owes the state delinquent taxes of \$500 or more;
- permits anyone who knows of any conduct constituting grounds for discipline to report the violation to the appropriate board;
- provides immunity for certain individuals from liability for reporting and provides that all reports are confidential and privileged; provides immunity for board members and employees or others engaged in investigation of reports;
- requires regulated individuals who previously practiced in another state to submit specific malpractice information to the appropriate board;
- grants rule authority to each board to set fees sufficient to cover expenses for the fiscal biennium;
- includes mental health service providers and marriage and family therapists in the list of professions under the definition of "psychotherapist" for purposes of prohibiting sexual contact with clients, and prosecuting criminal sexual misconduct.

Article 2—Social Worker Licensure

- identifies four levels of social worker licensure:
 - licensed social workers;
 - licensed graduate social workers;
 - licensed independent social workers; and
 - licensed independent clinical social workers;
- creates a 10-member social work licensing board and describes its duties to:
 - adopt and enforce rules to license social workers and regulate their professional conduct;
 - establish standards and methods to determine applicants qualifications;
 - administer biannual exams that may be written or oral;

—administer the licensure process; and

- educate the public about social work to enable consumers to file complaints;
- describes licensing requirements; lists criteria for each of the four levels of licensure; requires applicants to meet all the requirements for a particular level to be licensed at that level;
- establishes requirements for licensure renewal; requires 45 clock hours of continuing education every three years prior to renewal;
- provides for a two-year transition period following the effective date of this bill; allows the board to issue a license without examination to applicants who meet specific educational requirements for the particular licensure level and have practiced social work for at least two years in a supervised full-time employment setting; the employment requirement does not apply to the licensed graduate social worker;
- provides for reciprocity with other states that have substantially similar requirements;
- prohibits transferring a social work license;
- describes the board's enforcement authority and grounds for disciplinary action;
- requires a person engaged in social work practice to hold a valid license; provides that only a person with a license may use any title incorporating "social work" or "social worker"; violation is a misdemeanor;
- provides for following exceptions to the licensure requirement:
 - licensed health care professionals;
 - probation officers;
 - members of the clergy;
 - attorneys;
 - marriage and family therapists;
 - chemical dependency counselors;
 - professional counselors;
 - school guidance counselors; and
 - occupational therapists;

- provides for voluntary licensure of the following:

- social workers hospitals and nursing homes employ;
- social workers a city, county or state agency employs; and
- social workers Indian tribes or other nonprofit agencies that serve ethnic minorities employ;
- allows the board to grant a geographic waiver on a case-by-case basis, to agencies with special hiring problems to allow them to hire unlicensed individuals to practice social work.

Article 3—Marriage and Family Therapist Licensure

- creates a seven-member board of marriage and family therapy examiners with duties to:
 - adopt and enforce rules to license marriage and family therapists;
 - develop an exam to determine professional qualifications;
 - issue licenses;
 - establish enforcement procedures for board rules;
 - investigate, study, and improve licensing standards;
 - develop a code of ethics; and
 - establish continuing education requirements;
- requires licensing of any person engaged in marriage and family therapy practice;
- describes the following requirements for licensure and requires documented evidence of qualifications:
 - two years of supervised postgraduate experience;
 - completion of a master's or doctoral degree from an accredited institution or program in marriage and family therapy;
 - passing a board examination;
 - agreeing to act in accordance with Code of Ethics; and
 - paying a nonrefundable fee;
- provides a two-year transition period for to allow licensure without examination;

- permits reciprocity with other states that have substantially similar requirements;

- prohibits transferring a marriage and family therapy license;
- describes the board's enforcement authority and grounds for disciplinary action;
- exempts from the licensure requirement other licensed and certified professions who may do work of a marriage and family therapy nature, provided they do not declare or imply they are involved in marriage and family therapy or that they are licensed to practice marriage and family therapy;
- exempts therapists Indian tribes and other ethnic minorities employ for a period of at least five years.

Article 4—Mental Health Board

- establishes a 17-member board of mental health service providers;
- requires all applicants to file certain information, including any information on complaints or disciplinary actions pending or taken against the applicant in another state;
- states it is unlawful for any person to provide mental health services without filing the required information; violation is a misdemeanor;
- provides a code of professional conduct and prohibits certain conduct;
- grants the board authority to require a provider to submit to a mental or physical examination or chemical dependency evaluation; provides failure to submit is an admission of allegations against the provider;
- describes the forms of disciplinary action the board can take;
- allows the board to revoke or suspend the right of a mental health services provider to provide services if the provider is convicted of a felony, a crime against another person, or engages in sexual contact with a client or former client;
- establishes a mental health client bill of rights; requires all mental health providers, except those

practicing in a hospital or nursing home, to provide each client with a copy of the bill of rights;

- appropriates \$835,000 from the special revenue fund to the office of social work and mental health boards; effective July 1, 1987;
- repeals sections on the mental health board July 1, 1991.

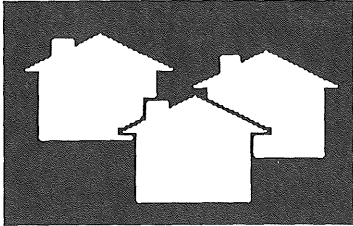
Enactment: June 1, 1987
Effective: Aug 1, 1987

Treatment facility residents—data disclosure

- (See Legal/Judiciary)



Housing/ Real Estate



Eminent domain— appraisal fee increase

HF0372—Rest, Wagenius, Marsh,
Orenstein, Milbert
SF0368*—Reichgott, Knaak, Cohen,
R.W. Peterson

Chapter 339:

- increases from \$300 to \$500 the maximum amount that a commissioner may award for the cost of appraisal fees in an eminent domain proceeding.

Enactment: June 1, 1987

Effective: Aug. 1, 1987

Eminent domain— court jurisdiction

- (See Legal/Judiciary)

Mechanics liens—attachment

HF1031*—Rest, Voss, Valento,
Norton, Orenstein
SF0189—Jude, Luther,
R.W. Peterson, Knaak, Spear

Chapter 95:

- provides that a mechanics lien doesn't attach against a bona fide purchaser, mortgagee, or encumbrancer without actual or record notice (current law says "without notice");
- specifies that visible staking, engineering, land surveying, or soil testing services do not constitute the

actual and visible beginning of an improvement to property for purposes of timing when a mechanics lien attaches; removes current law stating that engineering and land surveying does constitute such a beginning if staking is visible on the premises;

- specifies that the change doesn't affect the existence of a lien, only the time at which the lien attaches.

Enactment: May 13, 1987

Effective: Aug. 1, 1987

Minnesota

Housing Finance Agency

HF0508*—Jefferson, Riveness,
Knuth, Clark, McLaughlin
SF0506—Morse, D.C. Peterson,
Pogemiller, Bernhagen, Reichgott

Chapter 350:

- adds low-income housing credits (which the 1986 Federal Tax Reform Act created) to the definition of "federal housing assistance supplements";

- expands current law which prohibits denying a low or moderate income residential housing rehabilitation loan solely because the owners won't use the loan to place the residential unit in full code compliance; extends the loan denial prohibition to all rehabilitation loans made under these provisions;

- expands the use of energy improvement loans to include projects that bring the property into full or partial compliance with certain statutory energy standards;

- authorizes the Minnesota Housing Finance Agency (MHFA) to acquire, rehabilitate, or lease, jointly or individually, housing for sale or rent at prices which low and moderate income people and families can afford;

- permits the MHFA to:

- charge sufficient rent to cover all reasonable costs of financing, service charges, and insurance premiums;

- form or be part of a nonprofit corporation;

- acquire property in order to: 1) protect the agency's loans or grants; or 2) preserve housing for low and moderate income people and families which the agency formerly financed and which federal housing assistance payments, other rental subsidies, or interest reduction contracts currently finance;

- requires the MHFA to turn over multifamily property management to an outside management corporation as soon as possible;

- allows the MHFA to engage in any of the following activities, with or without public bidding, by public or private sale:

- acquire real or personal property, including partnership shares in housing-related partnerships, on either a temporary or long-term basis through purchase, exchange, gift, assignment, transfer, foreclosure, deed in lieu of foreclosure, lease, assignment of lease or otherwise, including rights or easements in real property;

- own, hold, manage, operate, clear, improve, and rehabilitate real or personal property; and

- sell, assign, lease, encumber, mortgage or otherwise dispose of real or personal property;

- strikes language requiring MHFA notes and bonds to be "negotiable";

- restates notes and bond issuance language; allows the MHFA to issue book entry securities;

- strikes language requiring the state treasurer to countersign MHFA notes and bonds; clarifies that MHFA bonds aren't subject to state contract management provisions;

- defines "city" and "housing and redevelopment authority (HRA)" for purposes of allocating low income housing credits;

- creates a statutory formula to divide low-income housing credits among local HRAs; requires that unused credits revert to the agency;

- authorizes the MHFA to distribute the 10 percent minimum amount of the state ceiling for low income housing credits to qualified nonprofit corporations;
- requires the MHFA to publish information relevant to the low income housing credit in the *State Register*; exempts publication procedures from the Administrative Procedures Act.

Enactment: June 1, 1987

Effective: day after enactment

Mobile home park regulations

HF0574*—Riveness, Voss, Lasley, A. Johnson, S. Olsen
SF0631—Merriam, Novak, D.C. Peterson, Frank, Storm

Chapter 179:

- requires a park owner to prepare a closure statement before a park closes describing the availability, location, and potential costs of adequate replacement housing within a 25-mile radius of the park;
- defines "displaced resident" as anyone losing a place of residence because of a park closing;
- provides that if a park owner takes action to recover possession of land because a resident violates a new or amended rule, and the court decides that the rule is reasonable, the court shall issue an order in favor of the plaintiff (park owner) for legal costs; provides that the court shall also order the defendant (resident) to comply with the new park rule within 10 days; provides that if the resident doesn't comply with the rule, the park owner may ask the court for a writ of restitution to recover possession of the lot;
- defines "loud noise," and provides that a third loud noise violation is a substantial annoyance;
- requires the written notice a park owner issues for substantial annoyance to specify the time, date, and nature of the alleged annoyance;

- requires a park owner to provide residents of a manufactured home park with an impact report at least nine months before the park closes.
- prohibits the removal of residents until at least 60 days following the ruling of the municipality's governing board; if only a portion of the park is closing and another lot is available, the park owner must allow the resident to move to that lot;
- requires the municipality to inform park residents of any zoning change the park owner requests;
- requires the local planning agency to prepare an evaluation of the impact report and schedule a public hearing;
- requires the municipality's governing board to hold a public hearing on the impact report, and allows the board to require the park owner to pay residents relocation expenses;
- requires the Metropolitan Council to study the feasibility of establishing a manufactured home park development fund.

Enactment: May 20, 1987

Effective: Aug. 1, 1987

Mobile homes—

underground shelters

HF0196*—O'Connor, McEachern, Peterson, Jensen, Milbert
SF0935—Dahl, Morse, McQuaid, Frank, Wegscheid

Chapter 195:

- provides that a manufactured home park with 10 or more homes, that has had a license since before March 1, 1988, must provide a shelter for park residents, or an evacuation plan to a safe place within a reasonable distance of the park, for use in time of severe weather, including tornadoes and high winds;
- requires the shelter or evacuation plan to have municipality approval by March 1, 1989;
- requires the park owner to submit a copy of the plan to the Department of Health;

- requires a manufactured home park with 10 or more homes receiving a primary license after March 1, 1988 to provide a storm shelter in accordance with the requirements in this law;
- requires the commissioner of administration to adopt, by rule, minimum standards for the construction of low-cost manufactured home park storm shelters by March 1, 1988;
- requires the commissioner to conduct and submit to the Legislature by Jan. 15, 1988, a study on the feasibility of requiring emergency storm shelters in all new construction for above-grade single-family housing.

Enactment: May 21, 1987

Effective: various dates

Real property laws—update

- (See Legal/Judiciary)

Real estate—title defects

- (See Legal/Judiciary)



Insurance



Equipment parts—regulation

HF0454—Skoglund, Bishop, Carruthers, Voss, Rodosovich
SF0341*—Lantry, Freeman, McQuaid, Spear, Dahl

Chapter 64:

- prohibits insurers from requiring the use of non-original equipment replacement parts in vehicle repairs as a condition of payment;
- requires repair appraisals, estimates, and invoices to disclose to vehicle owners any parts, other than window glass, that are not original equipment parts; appraisals must list any parts the manufacturer's warranty doesn't cover.

Enactment: May 6, 1987

Effective: day after enactment

Fire, casualty insurance—cancellation

HF0430—Milbert, Osthoff, Otis, McKasy, Skoglund
SF0482*—Metzen, Solon, Frederick, Wegscheid, Luther

Chapter 92:

- mandates that insurance companies writing fire or casualty loss insurance may not end a contractual relationship that has been in effect for a period of three years with any appointed agent unless the company has attempted to rehabilitate the agent;
- allows a terminated agent to increase liability on renewal or

existing business for not more than one year after termination if the increased liability meets the company's standards;

- requires company to negotiate a mutual written plan for rehabilitation; states what the plan should include.

Enactment: May 12, 1987

Effective: day after enactment

Hair prosthesis—policy coverage

HF0071—Tunheim, Long, Vellenga
SF0292*—D.C. Peterson

Chapter 202:

- requires health insurance providers to provide coverage of up to \$350 in benefits for scalp hair prostheses for hair loss that results from alopecia areata.

Enactment: May 21, 1987

Effective: Aug. 1, 1987

Health insurance—reimbursement

HF0828—Stanis, Rodosovich
SF0833*—Solon

Chapter 113:

- allows insurers to pay differing amounts of reimbursement to individual policyholders who elect to receive health care goods or services from designated providers;
- includes individual insurance policy reimbursements in the annual financial report insurers must file on or before Aug. 1.

Enactment: May 14, 1987

Effective: Aug. 1, 1987

HMO premium adjustment

HF0630*—Welle, Greenfield, Wynia, Clausnitzer, Dorn
SF0582—Brandl, Lantry, Freeman, Adkins, Anderson

Chapter 130:

- allows health maintenance organizations (HMOs) to adjust group health maintenance contract premiums on the basis of employees' actual use of health services the

contract covers;

- requires HMO financial reports to include, along with other elements, a supplementary statement of assets, liabilities, premium revenue, and expenditures for risk sharing business;
- requires affected HMO contracts to include a clear statement of the risk sharing arrangement.

Enactment: May 14, 1987

Effective: Aug. 1, 1987

Homeowners insurance—flexible

HF0417—McLaughlin
SF0080*—Waldorf, Kroening, Adkins, D.C. Peterson, Samuelson

Chapter 293:

- requires insurers to offer, in writing, at least one form of homeowner's policy for each offered level of peril coverage in which the insured has the option to specify the dollar amount of coverage for structures other than the dwelling and for personal property; insurer must reduce the premium to reflect less coverage.

Enactment: May 28, 1987

Effective: Jan. 1, 1988

Insurance company—investments

HF1267*—Otis
SF1206—Reichgott, Wegscheid, Solon, Freeman, Anderson

Chapter 189:

- allows the commissioner of commerce to waive the requirement that a company must report as part of its "required liabilities" the amount by which its loss and loss adjustment expense reserves exceed 50 percent of its surplus; states that the commissioner may not waive the requirement if the company's written premiums exceed 300 percent of its surplus in relation to policyholders as of the same date;
- expands current Minnesota-based property/casualty insurance industry's ability to invest in securities or property with written

approval of the commissioner.
Enactment: May 20, 1987
Effective: day after enactment

Insurance—funeral, burial expenses

HF0444*—Sparby, Sarna, Kinkel, Bennett, Price
SF0460—Freeman, Adkins, Samuelson, Solon, Anderson

Chapter 233:

- prohibits insurance companies, agents, or others who provide insurance for funeral or burial expenses from endorsing or promoting a particular mortician, cemetery, or funeral director or establishment;
- prohibits any person or entity that has an interest in a funeral establishment from accepting fees or commission on insurance sales the funeral establishment facilitates;
- removes restrictions on trade associations of funeral establishments from accepting fees for endorsing insurance policies, plans, or services.

Enactment: May 26, 1987
Effective: Aug. 1, 1987

Insurance—regulation changes

HF0392—Skoglund, Carruthers, Simoneau, Otis, Segal
SF0478*—Luther, Solon, D.C. Peterson, Spear, Cohen

Chapter 337:

- allows a deduction from pay of state employees for insurance for medical costs of cancer or intensive care;
- requires notice to group policyholders of life or health benefits prior to change in their coverage;
- prohibits insurers from offering pre-licensing education courses; allows professional associations to conduct such courses;
- allows the commissioner of commerce to permit applicants for an insurance license to use test results as a temporary license;

- removes the \$10 examination fee for agents who sell insurance contracts on a variable basis;
- requires accredited insurance continuing education to be in an instructor-supervised classroom;
- removes yearly credit carryover for continuing education courses; allows agents to attain only half of yearly credits in closed company-sponsored courses;
- includes risk retention groups in definition of "ineligible surplus lines insurer;"
- allows nonresident agents to sell surplus lines insurance after licensing;
- extends self-insurance licensing requirements to insurance plan administrators;
- allows nonprofit risk indemnification trusts to offer property coverage and to reinsure non-admitted insurers or trusts under established standards;
- increases to 60 days, prior notice for renewal of policies under altered rates or terms;
- applies commercial insurance policy standards to cancellation of and non-renewal of workers' compensation after enactment of current rules in the statutes;
- specifies the acceptable reasons for mid-term cancellation of a commercial liability or property insurance policy, only after 60-day notice to the policy holder;
- requires insurer to give a 60-day notice of intention not to renew a policy, prior to current policy expiration date;
- removes the \$50 deductible provision from the distribution of claims from the insurer's estate;
- provides that claims without guaranty association coverage are lost claims, but are entitled to a pro-rata share of the proceeds under a reinsurance treaty or similar contract;
- removes a \$200 deductible provision on unearned premiums;
- sets membership on the Guaranty Association Board at seven insurers and two public members;
- amends Guaranty Association coverage to reduce inequities involving claims on policies;
- allows the commissioner to overturn appealed decisions of the Insurance Guaranty Board;
- allows any three or more employers to jointly self-insure for any property, casualty, or automobile liability;
- sets stop-loss coverage and fund management requirements for self-insurance plans; gives commissioner rulemaking authority;
- requires group insurance policies, with or without life insurance coverage, that have renewal dates later than Aug. 1, 1987 to allow terminated or laid-off employees to elect to continue coverage under the policy for up to 18 months; contains provision for conversion of group policy to an individual one;
- allows domestic life insurance companies to make qualified investments in additional securities or property following commissioner's approval;
- requires all accident and health insurance policies (except those providing coverage for a named disease) with issue or renewal dates later than Aug. 1, 1987 to include maternity benefits with the same coverage as other illness the policy covers;
- requires all policies to provide surgical and nonsurgical treatment of temporomandibular joint disorder and craniomandibular disorder after Aug. 1, 1987;
- provides that dependent hospital and medical coverage continues for survivors until surviving spouse remarries or policy would have terminated, whichever is earlier;
- extends benefits for ambulatory mental health services on the same basis as other benefits for at least 80 percent of the first 10 hours of treatment and at least 75 percent of additional hours in a 12-month period;

- provides for continuation of accident and health insurance coverage for a spouse and dependent children or former spouse;
- prohibits provisions concerning pre-existing conditions, insurability, eligibility, or health underwriting-approved concerning adopted children;
- establishes requirement for surety bond for self-insurers that could cover the greater of one-fourth of insurers expenses or \$1,000;
- requires 30-day membership before selling Medicare supplement and long term care policies;
- requires direct mailing of Medicare supplement refunds to the insured;
- defines "benefit period" as one or more separated periods of confinement a long-term care policy covers in a nursing facility or at home while receiving home care services;
- limits to 30 days after hospital discharge all long-term policy requirements for admission to a nursing facility; limits pre-existing condition exclusion to known or current conditions limiting exclusions and waivers;
- allows long-term care plans to be primary coverage, but does not coordinate with per diem type hospitalization policies;
- requires disclosure of differences between A and AA supplemental Medicare policies;
- allows the Department of Health to set standards for health maintenance organizations (HMOs) which offer supplemental insurance coverage to its enrollees;
- sets minimum benefits for coverage of mental illness under an HMO;
- expands HMO coverage to outpatient mental and occupational therapy, sets minimum benefits of HMOs;
- changes various duties and powers of the commissioner;
- allows Minnesotans 65 or older who are not eligible for Medicare to purchase comprehensive health coverage without policy limitations;

- extends medical Joint Underwriting Association (JUA) powers to issue medical malpractice insurance until 1989; clarifies JUA authority;
- allows joint self-insurance employee health plans to cover non-residents;
- removes requirement that excess or stop loss policies cover insolvent insurance pool members;
- allows Minnesota JUA (MJUA) employees to participate in state retirement and deferred compensation plans;
- makes various changes to powers of JUA and MJUA;
- subjects foreign or alien fraternal societies to insurance bylaws;
- reduces from six months to 60 days the period during which the insurer can cancel a fire insurance policy for reasons not in the law;
- allows commissioner to set actuarially sound insurance rates for cooperative housing and neighborhood real estate trusts;
- prohibits cancelling or reducing auto liability insurance because a person who resides in the insured household has insurance under another policy;
- requires insurers to always give reasons for cancelling auto insurance;
- extends automobile insurance premium reductions of at least 10 percent to Minnesotans 55 years and older who complete an approved accident prevention course;
- extends no-fault law to cover motorcycles that strike pedestrians;
- requires auto insurers to cover property damage to a motor vehicle a resident or nonresident rents or leases in Minnesota;
- requires adjusted no-fault insurance for insureds 65 years and older;
- subjects township mutuals to same filing requirements as other insurers; extends investment powers;
- defines auto rental companies and regulates their sale of certain insurance products;

- makes cancellation or termination of auto, homeowners, accident, and sickness insurance without a refund of unearned premium an unfair trade practice;
- makes it unfair competition to require a property insurance policy on mortgaged property to exceed the replacement cost of the buildings, or to refuse to accept any policy covering the property that a township mutual issues;
- allows the use of motorized golf carts or four-wheel all terrain vehicles on designated roadways by persons who are not handicapped;
- provides for a demonstration project to explore the need for a statewide medical insurance program for uninsured low income persons;
- provides immunity from liability for volunteer athletic coaches and officials;
- requires a Department of Health study on home health care problems of fragile children.

Enactment: May 29, 1987

Effective: various dates

Insurer, agency— contract cancellation

HF1304*—Milbert, Quinn, Voss, Skoglund, Osthoff
SF1137—Luther, Metzen, Dahl, D.C. Peterson

Chapter 288:

- prohibits insurers from canceling a written agreement, restricting, or reducing underwriting authority for property or casualty insurance with an agent because of an adverse loss ratio experience on the agent's book of business;
- limits restriction to agents who work exclusively for one company and are not a direct employee of the company.

Enactment: May 28, 1987

Effective: Jan. 1, 1987; applies to cancellations begun as of that date; certain restrictions

Liquor liability

HF1482—Osthoff, Scheid, Kelly,
Orenstein, Milbert
SF1313*—Adkins

Chapter 107:

- requires basing premiums for assigned risk plans on an actuarially sound basis and that the rating plan the commissioner of commerce approves shall provide for surcharge factors on the basis of reported claim and paid losses.

Enactment: May 13, 1987

Effective: Aug. 1, 1987

Motor vehicle theft—insurance info release

- (See Crime/Corrections)

Risk retention groups

HF1421*—Carruthers, Skoglund,
Hartle, Quinn
SF1043—Luther

Chapter 192:

- regulates the formation and operation of risk retention groups in Minnesota that formed under the federal Liability Risk Retention Act of 1986;
- defines a "risk retention group" as a corporation or other limited liability association whose primary activity consists of assuming and spreading all, or a portion, of the liability exposure of its group members;
- requires all risk retention groups doing business in Minnesota to follow state laws governing their business;
- requires risk retention groups to make a preliminary report before beginning business in Minnesota and regular, detailed financial reports to the commissioner of commerce;
- requires risk retention groups to comply with unfair claims settlement practices law;

- requires notice to purchasers that risk retention groups aren't subject to all of the insurance laws or rules of the state;
- prohibits certain sales and solicitation methods, and sales of coverage that is unlawful in the state;
- prohibits insurance company ownership of a retention group;
- prohibits risk retention groups from joining an insurance insolvency guaranty fund;
- exempts purchasing groups meeting criteria of the Federal Liability Risk Retention Act of 1986 from state laws that relate to creation of groups;
- allows purchasing groups to provide advantages to its members on the basis of loss and expense experience that they don't afford to other persons with respect to rates, policy forms, coverages, or other matters;
- establishes notice and registration requirements for purchasing groups;
- prohibits purchasing groups from buying insurance from an unchartered risk retention group or out-of-state insurer, unless through a licensed agent or broker;
- allows the commissioner authority over risk retention and purchasing groups licensing and penalties.

Enactment: May 20, 1987
Effective: day after enactment

School districts—self insurance

HF1230*—McEachern, Quinn
SF1426—Adkins

Chapter 97:

- clarifies that a school district is a "political subdivision" for purposes of self-insuring for property and casualty coverage.

Enactment: May 13, 1987
Effective: day after enactment

Self-insurance pools

HF0164—Wenzel, Uphus,
G. Anderson, Hartle, Bertram
SF0123*—Adkins, Solon, Frederick,
Benson, Wegscheid

Chapter 102:

- exempts the Minnesota Association of Townships Insurance and Bond Trust from self-insurance pool regulation and from the requirement to hold the certificate of surety authorization; includes member townships in the certificate authorization exemption.

Enactment: May 13, 1987

Effective: day after enactment

Workers' compensation insurance fund

HF0026*—Simoneau, Pappas, Rice,
G. Anderson, Gulknecht
SF0056—Chmielewski

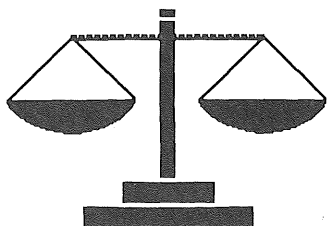
Chapter 72:

- allows the State Board of Investment to invest money from the state compensation insurance fund in guaranty fund certificates, surplus notes, or debentures of domestic mutual insurance companies;
- requires organization of the state compensation insurance fund as a domestic mutual insurance company.

Enactment: May 11, 1987
Effective: day after enactment



Legal/Judiciary



Accident report data

HF0687*—Poppenhagen, D. Nelson, Kelly, Dempsey
SF0447—D.R. Frederickson, Frank, Renneke, Jude, Schmitz

Chapter 180:

- requires law enforcement agencies to disclose to the media, upon request, the following information on parties involved in an auto accident:
 - dates of birth;
 - whether a law enforcement officer issued a citation, and if so, the reason for the citation; and
 - whether the involved parties were wearing seat belts.

Enactment: May 20, 1987

Effective: Aug. 1, 1987

Adoption—notifications

- (See Families/Juveniles)

Adoptive parents—access to records

- (See Families/Juveniles)

Aeration operations—liability

- (See Environment/Natural Resources)

Claims against the state

HF1645—Kalis, Seaberg, Rodosovich
SF1524*—Dahl, Taylor, Lantry, Merriam

Chapter 251:

- appropriates money from the general fund to make full and final payment to people who made claims against the state for adjusted compensation arising from service in World War II, the Korean conflict, and Vietnam;
- lists those receiving compensation.

Enactment: May 26, 1987

Effective: July 1, 1987

Conciliation court—judgments

HF0624*—Kludt, Welle, Carruthers, Bishop, Dempsey
SF0349—R.W. Peterson

Chapter 221:

- amends the statute on Conciliation Courts outside of Hennepin and Ramsey counties to provide requirements similar to those already in law for Hennepin and Ramsey County Courts;
- requires the court administrator to enter judgment immediately after the court so orders;
- requires the date on the judgment to be the same date as on the notice the administrator sends to the involved parties;
- provides that the judgment becomes effective 20 days after the administrator mails notice unless:
 - the court orders otherwise;
 - the defendant has paid in full already;
 - a party removed (appealed) the case to County or District Court; or
 - the court vacated (voided) the prior order;
- allows a judge to vacate the judgment order and grant a new hearing within 20 days after the administrator mails the notice, if the judge orders a default judgment or a judgment of dismissal on the merits of failure to appear, and the default-

ing party shows lack of notice, mistake, inadvertence, or excusable neglect as the cause of failure to appear;

- allows the court to order costs not to exceed \$25;
- requires the court administrator to mail notice to the other party of the new hearing date;
- allows a judge to vacate an order after 20 days if a party:
 - didn't receive the initial summons early enough to prepare a defense; and
 - didn't receive notice of the default in time to take advantage of the provision allowing vacation within 20 days; or
 - shows other good cause;
- excuses from payment, a party who signs an affidavit claiming inability to pay the filing fee; requires the party to pay the filing fee out of any money the person recovers if the person wins;
- allows a losing party in a Conciliation Court action to remove the action to County or District Court pursuant to court rule within 20 days after the date the court administrator mailed notice of the judgment order to that party;
- allows the person seeking removal to serve the demand for removal on the opposing party or counsel in person or by mail.

Enactment: May 26, 1987

Effective: Aug. 1, 1987

Corporate directors' liability—modified

HF0034*—Carruthers, Vanasek, Kelly, Sarna, McKasy
SF0035—Reichgott, Luther, R.D. Moe, Wegscheid

Chapter 2:

- allows a corporation, either in its articles of incorporation or bylaws, to eliminate or limit a director's personal liability to the corporation or its shareholders for monetary damages for breach of fiduciary duty;

- prohibits articles from eliminating or limiting a director's liability for:
 - any breach of the director's duty of loyalty to the corporation or its shareholders;
 - acts or omissions not in good faith or involving intentional misconduct or a knowing violation of law;
 - illegal distributions or civil liabilities;
 - transactions involving improper personal benefits; or
 - acts or omissions occurring before the articles were amended to eliminate or limit liability.
- Enactment:** Feb. 25, 1987
Effective: day after enactment

Corporate, fraternal society directors—liability

HF0202*—Carruthers, Seaberg, Sarna, Kelly, Vanasek
 SF0204—Reichgott, R.D. Moe, Laidig, Wegscheid, Anderson

Chapter 33:

- authorizes certain fraternal benefit society advances to pay legal fees;
- permits a fraternal benefit society to amend its articles of incorporation to eliminate or limit a director's personal liability for money damages for breach of fiduciary duty to the society, supreme governing body, or members;
- permits corporations that organized under *Minnesota Statutes* Chapter 300 (all banks, most insurance companies, and certain corporations that formed before 1933) to amend their certificate of incorporation to eliminate or limit a director's personal liability for money damages for breach of fiduciary duty to the corporation or shareholders;
- prohibits limiting a corporate or fraternal benefit society director's liability for:
 - breach of the duty of loyalty;
 - acts or omissions not in good faith or involving intentional misconduct or knowingly violating the law;

- a transaction from which the director derived improper personal benefit; or
 - an act or omission occurring prior to the date when the provision in the articles eliminating or limiting liability becomes effective.
- Enactment:** April 16, 1987
Effective: day after enactment

Courts, judges—changes

HF1622*—Orenstein
 SF1007—Cohen

Chapter 377:

- adds a Court of Appeals judge, whom the Supreme Court chief justice appoints, to the Sentencing Guidelines Commission; requires one of the two public members on the commission to be a felony crime victim;
 - provides that commission members' terms of office will run coterminous with the governor beginning the first Monday in January 1991;
 - increases from two to four the number of alternate judges whom the Supreme Court appoints to the Civil Commitment Appeals panel;
 - removes requirement that the judges be probate judges;
 - authorizes the Supreme Court to promulgate rules for Probate Courts;
 - clarifies that travel reimbursements are available to law clerks who travel away from their permanent work assignment location;
 - authorizes a retired judge to perform marriages, but prohibits compensating the judge under the current law which authorizes retired judges to receive compensation for hearing cases.
- Enactment:** June 2, 1987
Effective: Aug. 1, 1987

Credit discrimination

HF0222—Bishop, Kelly, Skoglund, Long, Morrison
 SF0168*—Reichgott, Pogemiller, D.C. Peterson, Spear, Storm

Chapter 245:

- makes it unfair for lenders to discriminate because of sex or marital status when extending personal or commercial credit, or in the requirements for obtaining credit.
- Enactment:** May 26, 1987
Effective: Aug. 1, 1987

Criminal Justice Data Communications Network

HF0692*—McKasy, Milbert, Seaberg, Pappas, Kelly
 SF1457—Cohen

Chapter 166:

- specifies new uses for the Criminal Justice Data Communications Network the commissioner of public safety established including:
 - certain legal duties criminal justice agencies perform;
 - security clearance investigations for people the federal government employs; and
 - protection of the public or property in an emergency or disaster;
 - permits criminal justice agencies to participate in the data communications network with the commissioner's approval.
- Enactment:** May 16, 1987
Effective: Aug. 1, 1987

Criminal syndicalism

HF0316—Pappas, Kelly, A. Johnson, Trimble, Quinn
 SF0302*—Spear, Pogemiller, D.C. Peterson, Knaak, Freeman

Chapter 10:

- repeals the crime of criminal syndicalism. (Current law defines "criminal syndicalism" as a doctrine which advocates crime, malicious damage or injury to an employer's property, violence, or other unlawful

methods of terrorism as a means of accomplishing industrial or political ends.)

Enactment: March 25, 1987

Effective: Aug. 1, 1987

Criminal trial procedures

HF0137*—Kelly, Blatz, Carruthers, Swenson, Pappas

SF0220—Spear, D.C. Peterson, R.W. Peterson

Chapter 395:

- allows the court to decide on a case-by-case basis whether to try separately or jointly two or more defendants whom authorities charge with the same felony; requires the court to consider the nature of the offense, impact on the victim, potential bias to the defendant, and interests of fairness;
- retains the order of closing argument in current law (prosecution, then defense); allows the court to permit the prosecution, on its motion, to reply in rebuttal if the court determines the defense has, in its closing argument, misstated law or fact, or made an inflammatory or prejudicial statement; limits the rebuttal to a direct response to the misstated law or fact, or inflammatory or prejudicial statement.

Enactment: June 3, 1987

Effective: Aug. 1, 1987; applies to prosecutions commenced on or after that date

Data Practices Act—classifications
HF0534*—D. Nelson, Kelly, Welle, Carruthers, Dempsey
no companion

Chapter 351:

- clarifies that a governmental authority may not charge a fee for inspecting data, but can charge for a data search when an individual requests copies of the data;
- strikes current law which allows the commissioner of revenue to place notice requiring an individual to

supply private or confidential data for tax purposes in the tax refund instructions rather than on the forms;

- provides that health data on individuals relating to identification of diseases or epidemiological investigations is private (available only to the subject), but allows disclosure to the subject's physician for treatment purposes, to alert persons whom certain illnesses threaten, or to locate or identify a case or carrier;
- provides that data on individual terminated pregnancies is confidential except that the commissioner of health may provide summary data to the public;
- classifies as public data, license numbers, license status, and continuing education records the Peace Officers Standards and Training (POST) Board holds;
- defines "personnel data" to include information on applicants or enrollees in federal, state, or local government funded programs; classifies the information as private or public, depending upon circumstances;
- clarifies types of data classified as public or private on individuals the Department of Human Services (DHS) licenses to operate family day care, family foster care, and other programs;
- classifies as private data, mental health data on individuals;
- classifies as protected nonpublic data, names, addresses, and other data that could identify nursing homes the DHS selects as part of a random sample to appraise rate-setting processes until the department completes the sample;
- classifies as nonpublic data, school district property value appraisals or estimates that the school district or its personnel made or obtained to establish or negotiate the price of property up for sale or which will be for sale, until one of the events have occurred;
- classifies as private data, information that counties providing assis-

tance to individual farmers under economic or emotional distress collect and maintain, including financial history, and personal and emotional status information;

- classifies as protected nonpublic data, certain information the St. Paul Port Authority collects and maintains;
- classifies as private data, information on individual beneficiaries and survivors of Public Employment Retirement Association (PERA) members, including home address, date of birth, direct deposit account number, and tax withholding data;
- classifies as private data, information the Department of Public Service collects that would reveal the identities of tenants who make complaints regarding energy efficiency standards for rental housing;
- classifies as nonpublic data, information the Department of Energy and Economic Development collects relating to financial incentives private business and organizations offer to companies to locate their proposed business operations in Minnesota;
- classifies as confidential data, certain specified data on individuals filing claims for compensation with the Hazardous Substance Injury Compensation Board for injury from hazardous substances;
- allows the corrections ombudsman access to corrections and detention data and medical data an agency maintains and classifies as private or confidential data on individuals when access to the data is necessary for the ombudsman to perform certain investigations.

Enactment: June 1, 1987

Effective: day after enactment for sections on applicants for government-funded programs, nursing home rate-setting survey, school district property value appraisals, county assistance to farmers, PERA beneficiary information, tenants who

complain about energy efficiency problems, financial incentives for business, and hazardous substance claims; Aug. 1, 1987 for other sections

Dept. of Human Rights—procedures, changes
• (See Governmental Operations)

Domestic abuse—protection orders
• (See Crime/Corrections)

Dram Shop Act—amendments
• (See Drugs/Alcohol)

DWI—conviction information
• (See Crime/Corrections)

DWI—highway workers
• (See Crime/Corrections)

Eminent domain—appraisal fee increase
• (See Housing/Real Estate)

Eminent domain—court jurisdiction
HF1252*—Clark
SF0882—Berglin

Chapter 287:

- authorizes a court having jurisdiction over an eminent domain proceeding to compel occupants of condemned real estate to deliver possession if:
 - the court has issued an order to transfer title and possession, and the eminent domain petitioner has paid

or deposited the approved appraised value; or
—the petitioner has obtained title to the property;

- provides that if the petitioner meets one of these conditions, the court may issue an order compelling delivery of possession of the property upon:
 - the petitioner's affidavit;
 - notice to the property occupants and others claiming a right to possession; and
 - a court hearing;
- allows the court to require the occupant to pay any attorney's fees, costs, and disbursements the petitioner incurs in getting possession if the occupant in bad faith fails to deliver possession of the property as this section requires.

Enactment: May 28, 1987

Effective: day after enactment; applies to condemnation proceedings commenced on or after that date

Guide dogs—access to public accommodation
• (See Health/Human Services)

Hazardous waste facilities—guarantor

HF0872*—Long, Rose, A. Johnson, Trimble, Wagenius
SF1346—Merriam

Chapter 391:

- permits a person having a claim arising from a violation of Pollution Control Agency's hazardous waste management rules to bring the claim directly against the guarantor who provides evidence of financial responsibility if:
 - the owner or operator of a hazardous waste facility is in bankruptcy, reorganization, or arrangement under the Federal Bankruptcy Code, or
 - any state or federal court cannot, with reasonable diligence, obtain jurisdiction over an owner or operator likely to be solvent at the time of judgment;

- defines "guarantor" as any person other than the owner or operator who provides evidence of financial responsibility for that owner or operator;
- entitles the guarantor to invoke the rights and defenses available to the owner or operator if the action had been against the owner or operator, and available to the guarantor if the owner or operator had brought an action against the guarantor;
- limits the guarantor's total liability to the aggregate amount the guarantor provided as evidence of financial responsibility to the owner or operator.

Enactment: June 3, 1987

Effective: Aug. 1, 1987

Hennepin County—filing fees
• (See Local Bills—Counties)

Human Rights Act—disabled persons
• (See Health/Human Services)

Judgments, foreign—filing procedure

HF0854*—Orenstein, Milbert, Dempsey
SF0448—D.R. Frederickson, R.W. Peterson, Luther, Renneke, Knutson

Chapter 273:

- requires a person to file a certified copy of a foreign judgment with the court administrator of only one District Court in the state;
- sets the fee for filing a foreign judgment equal to the fee for filing a civil action;
- requires the creditor to file an affidavit or partial satisfaction before applying for an execution if the creditor receives payment after entry of judgment; affidavit must include:
 - dates and payment amounts;

—the part of each payment that applies to taxable disbursements, accrued interest, and unpaid principal; and

- accrued, but unpaid interest;
- provides for computing and adding accrued interest on a judgment;
- allows a judgment creditor to:
 - deduct from any payment all disbursements state or court rules tax after entry of judgment; requires applying the remaining payment to accrued interest before reducing the principal;
 - file an affidavit specifying the nature and amount of taxable disbursements the judgment creditor paid or incurred after judgment;
 - requires an execution the court administrator issues to include these increased disbursements;
 - requires the execution to state the accrued interest to the issuance date and amount of daily interest accruing during the year.

Enactment: May 28, 1987

Effective: Aug. 1, 1987

**Local government employees—
punitive damages**
• (See Local Bills—Cities/Towns)

Local government tort liability
HF1083*—Voss, A. Johnson, Knuth
SF1247—R. W. Peterson, Luther, Novak

Chapter 260:

- provides that procuring commercial insurance, participating in a self insurance pool, or providing for an individual self insurance plan with or without a reserve fund or reinsurance shall not constitute a waiver of the governmental immunity defense;
- adds the administrator of a self insurance pool and a private insurance carrier's authorized representative as parties who may settle tort claims against a municipality.

Enactment: May 27, 1987

Effective: Aug. 1, 1987

Minnesota Statutes— gender references

HF0742—Rest, Quist
SF0440*—Piper, Reichgott, Marty, Brataas, D.C. Peterson

Chapter 49:

- removes certain substantive gender changes in *Minnesota Statutes*;
- replaces "maiden" (as in maiden name) with birth name;
- allows any person, not just male persons, to fight forest fires;
- amends workers' compensation statutes to remove "husband" (the statute already includes "surviving spouse"); and
- add "or father's" to the reference to "mother's" insurance benefits under Social Security;
- replaces "sisters of charity" with "persons who have taken a vow of poverty as members of a religious order" (includes religious brothers);
- requires that the person accompanying a retarded person to a state hospital be of the same sex as the person he/she is accompanying;
- amends religious association laws to merge the incorporating provisions of a YWCA with the incorporating provisions for a YMCA;
- removes gender specific terms in religious orders' pension laws;
- eliminates provision that protects a married woman from having to prove no one forced her to transfer property and prohibits requiring either spouse to do so;
- allows appointment of a female bailiff while a jury with females is in session and provides that the duties of a female bailiff are the same as those of a male bailiff;
- clarifies that where a spouse, except for the marriage relationship, wouldn't be a necessary party, a married person may sue and be sued as if unmarried and without joining the spouse;
- amends the judgment law which currently allows a woman, but not a man, to obtain damages in a libel action imputing unchastity without

demanding a retraction, and allows a man the same privilege;

- makes gender-neutral the language referring to the composition of a petit jury;

- amends trial law to require an escort of the same sex for prison inmates authorities transfer more than 25 miles, and jailers of the same sex for female and male prisoners;
- requires separate rooms for male and female prisoners.

Enactment: April 28, 1987

Effective: Aug. 1, 1987

Minnesota Statutes— judicial decisions

HF1511—Bishop, Rest
SF1323*—Marty, Jude, Belanger

Chapter 346:

- strikes references in current law describing the appeal procedure from a County Court; instead, provides a reference to the Rules of Appellate Procedure;
- strikes language which made the Beer Wholesalers Act effective before May 28, 1977;
- applies laws giving indemnification to local government units to all school districts;
- repeals current laws which:
 - exempt local government units from liability to any injured individual workers' compensation covers;
 - describe appeal procedure from County Court; and
 - prohibit a party to a legal action from testifying about any conversation with a deceased or insane person ("dead man" statute).

Enactment: June 1, 1987

Effective: Aug. 1, 1987

**Minnesota Statutes—
revisor's corrections**

HF0713*—Rest, Carruthers, Bishop
SF0689—Marty, Jude, Belanger

Chapter 384:

- corrects erroneous, ambiguous, omitted, and obsolete references and text in *Minnesota Statutes*;
- eliminates certain redundant, conflicting, and superseded provisions.

Enactment: June 2, 1987

Effective: various dates

**Minnesota Statutes—revisor's
technical changes**

HF1197*—Rest, Carruthers, Bishop
SF1163—Marty, Belanger, Jude

Chapter 229:

- revises the text of certain laws to remove redundant and obsolete language, simplify grammar and syntax, and improve the style of language without causing changes in the meaning of laws.

Enactment: May 26, 1987

Effective: Aug. 1, 1987

Newspapers—public notices

- (See Governmental Operations)

**Nonprofit corporations—
directors' liability**

HF0141*—Ogren, Kelly, Simoneau,
Blatz, Solberg
SF0181—Luther, Solon, Spear,
Taylor, Reichgott

Chapter 326:

- permits a cooperative association to amend its articles of incorporation to eliminate or limit a director's personal liability for monetary damages for breach of fiduciary duty, except for:

—a breach of the director's duty of loyalty to the cooperative association or its members;

—acts or omissions not in good faith or that involve intentional misconduct or a knowing violation of law;

—a transaction from which the director derived an improper personal benefit; or

—an act or omission occurring prior to the date when the provision in the articles eliminating or limiting liability becomes effective;

- strikes language which exempts all noncompensated nonprofit corporate directors from individual liability for damages which may arise because they are members of or participate in board activities;

- exempts noncompensated corporate directors, officers, trustees, members, agents, or fire chiefs of nonprofit firefighting corporations or municipal volunteer fire departments from civil liability for acts or omissions which are in good faith, within the scope of the individual's responsibilities, and not willful or reckless misconduct;

- provides the exemption does not apply to:

—a lawsuit the attorney general brings for a director's breach of a fiduciary duty;

—a federal lawsuit;

—an express contractual obligation lawsuit; or

—a lawsuit for a breach of public pension plan fiduciary responsibility;

- provides the exemption doesn't limit an individual's liability for physical injury to or the wrongful death of another person which the individual personally and directly caused, nor the municipality's liability arising from performance of firefighting or related activities;
- defines "compensation" as any thing of value for services rendered, except expense reimbursements, per diem, and insurance premium payments;

- exempts noncompensated hospital district board members from civil liability for acts or omissions which are in good faith, within the scope of the member's responsibilities, and not willful or reckless misconduct;
- provides the exemption does not apply to:

—a lawsuit the attorney general brings for a board member's breach of a fiduciary duty;

—a federal lawsuit; or

—an express contractual obligation lawsuit;

- provides the exemption does not limit a board member's liability for physical injury to or the wrongful death of another person which the member personally and directly caused;

- defines "compensation" as any thing of value for services rendered, except expense reimbursements, per diem, and insurance premium payments.

Enactment: May 29, 1987

Effective: Aug. 1, 1987; applies to claims arising from incidents occurring after that date

Parental rights law—changes

HF0307—Segal, Pappas, Vellenga,
Blatz, Kelly
SF0785*—D.C. Peterson,
Pogemiller

Chapter 246:

- clarifies that a parent's, stepparent's, or legal custodian's consent to custody or specific visitation is not consent to the action of failing to return or concealing a child;

- allows a party to file felony charges or an offense report when the offense occurs, removing the required 14-day wait before filing; (the 14 days represents the waiting period the law allows for the abductor to avoid criminal prosecution by voluntarily returning the child, or commencing or consenting to family court action).

Enactment: May 26, 1987

Effective: Aug. 1, 1987

Probate changes

HF0123*—Bishop, Kelly, Pappas, Rest, Swenson

SF0287—Reichgott, Merriam, Knaak, Luther, R. W. Peterson

Chapter 325:

- increases from \$3,000 to \$10,000 the amount of wages owed to a decedent an employer can pay to a surviving spouse, upon request;
- changes the term "executor or administrator" to "personal representative" in probate statutes;
- adds the following items to the list of debts that get priority ranking among creditors when assets of an estate are not sufficient to pay the debts:

—nursing home costs of the last illness; and

—reasonable and necessary medical, hospital, and nursing home expenses for the decedent's care during the year immediately preceding death.

Enactment: May 29, 1987

Effective: day after enactment for section ranking claims against an estate for claims filed on or after that date; Aug. 1, 1987 for remaining sections

Probate court fees

HF0536—Dempsey, Orenstein, Welle

SF0402*—Jude, Luther, Cohen, R. W. Peterson, Ramstad

Chapter 11:

- strikes current law that requires a \$5 fee for certified copies of a Probate Court decree, and provides that the fee is the same as the fee for all certified copies in all civil proceedings (\$5 plus 25 cents per page after the first page).

Enactment: March 25, 1987

Effective: Aug. 1, 1987

Public defender system

HF1595—Solberg, Pappas, Rice, Dempsey, G. Anderson

SF1345*—R. W. Peterson, Luther, Merriam, Brataas, D. J. Johnson

Chapter 250:

- clarifies that current laws on the district public defender system do not apply in Hennepin or Ramsey counties;
- allows:

—the Supreme Court to appoint a District Court judge to serve on the State Board of Public Defense;

—defense attorneys to serve on the board; and

—the governor to appoint to public members to the board;

—the board chair, with board approval, to appoint a chief administrator who must be chosen solely on the basis of training, experience, and other qualifications, and will serve at the board's pleasure; specifies the administrator's responsibilities;

- requires the board to:

—appoint the state public defender to a four-year term;

—prepare an annual report to the governor, Legislature, and Supreme Court on the state public defender, district defender system, and appointed counsel systems;

—recommend to the Legislature a budget for the board, state public defender, and public defense corporations;

—establish procedures to distribute state funding to state and district public defenders, including Hennepin and Ramsey county public defenders, and to public defense corporations;

—establish certain specific standards for district public defenders and appointed counsel systems;

- requires the White Earth or Leech Lake reservation tribal councils to approve a public defense corporation before it can obtain state funds;
- permits a public defense corporation to:

—decline a case for ethical reasons; and

—seek in-kind contributions as well as matching funds from sources other than the state;

- extends the current gross misdemeanor penalty for a public defense grant recipient who discriminates on specific grounds to cover a grant recipient's contractors and agents who so discriminate; requires grant recipients to file one yearly report (rather than two) which may be included in budget documents the recipient submits to the Legislature;
- restates current law that the state public defender is subject to board control;

- permits the board to authorize the state public defender to hire assistants;

- allows the state public defender to:
 - assist in such duties as legal research, brief preparation, and trial representation where the requesting attorney has a conflict of interest, if appointed counsel so requests;
 - provide management advice to district defenders and appointed counsel, consistent with board standards;

- requires each judicial district (other than Hennepin or Ramsey counties) to have a district defender system;

- requires the board, when appointing a district defender, to increase board membership to include two judges and two county commissioners from the district (ad hoc board); provides that the additional members shall serve only in the capacity of selecting the district public defender;

- requires the ad hoc board to request and give reasonable time to receive any recommendations from the public, local bar association, district judges and county commissioners before appointing a district public defender;

- restates current law that allows the district defender to set the compensation of his/her assistants with the board's approval; limits the compensation of district defenders and assistant district defenders;

- requires the district defender to

appoint assistants and support staff subject to board standards and representing a broad geographic and caseload distribution;

- requires the district defender to represent defendants law enforcement officials charge with felonies or gross misdemeanors when the District Court so directs;
 - permits a district defender or assistant, on request, to provide representation before the defender is formally appointed if the district defender or assistant has reason to believe an individual is indigent;
 - requires district defenders to submit an annual budget to the board;
- requires the board to refer the budget to the District Court administrators and county budget officers for comment before it gives final approval;
- requires the board to distribute funds the state appropriates to district defenders (including Hennepin and Ramsey counties), giving priority to those districts having the greatest number of felonies and gross misdemeanors, and those districts having the greatest number of distressed counties;
 - requires the board, after consulting with county boards, to designate county officials of one of more counties within the district to pay expenses of the district defender;
- requires all counties so assessed to pay their share of the assessment to the designated county; allows the board to reimburse the designated county for extra costs the county incurs;
- repeals current laws which:
 - create the Office of State Public Defender;
 - govern compensation for assistant district defenders.

Enactment: May 26, 1987

Effective: day after enactment

Public nuisances—definition • (See Crime/Corrections)

Ramsey County—court locations
HF1371*—Knuth, Kelly
SF1339—Novak, Lantry, Knaak, Hughes

Chapter 145:

- requires Ramsey County to provide suitable quarters to hold regular terms of court outside the city of St. Paul and within Ramsey County; specifies that the locations will be in New Brighton and Maplewood;
- requires all court functions that take place at suburban court sites before Dec. 31, 1986, to resume at suburban locations when suitable facilities are available;
- provides for reimbursement to the cities of White Bear Lake and North St. Paul for any additional expenses the cities incur for police and prosecutorial services because of the change in court locations.

Enactment: May 14, 1987

Effective: day after enactment

Real estate—title defects
HF0439—Wagenius, Kelly, A. Johnson, Blatz, Bishop
SF0085*—Reichgott, Cohen, R.W. Peterson, Knaak

Chapter 4:

- allows owners of adjacent land tracts which have a common title defect to join in one application to register title to their individual tracts, if the title examiner approves;
- requires the application to list separately for each owner all information the law requires for a title registration application.

Enactment: March 17, 1987

Effective: Aug. 1, 1987

Real property laws—update
HF0550—Kludt, Bishop, Orenstein, Quinn
SF0499*—Jude

Chapter 26:

- provides that a certified acknowledgment a representative makes on behalf of an entity, in the form the law prescribes, is prima facie evidence of proper authority; (“acknowledgment” is a person’s declaration that he/she has executed an instrument for the purposes the instrument states);
 - permits an owner of an interest in real estate to directly convey that interest to other persons as tenants in common (current law allows conveyance to persons as joint tenants);
 - permits the severance of joint tenancies by direct conveyances between spouses;
 - abolishes dower and courtesy rights in land conveyances prior to Jan. 1, 1975 (previously 1970—means that a spouse can’t challenge his/her spouse’s conveyance of realty which occurred before a specified date on grounds of violation of a spouse’s interest in the property);
 - permits a judgment debtor who has received a Chapter 11 (bankruptcy) discharge to apply to the court administrator for discharge of all judgments in that court against the debtor before the bankruptcy charge;
 - requires the court administrator to discharge each judgment 20 days after servicing of the application on judgment creditors, except any judgment in favor of a creditor who objects to discharge;
 - provides that conveyances churches made before 1980 are valid even if church records don’t show the congregation approved the conveyance (current law is 1970);
 - repeals current law on judgment discharge, which requires a one-year delay before discharge.
- Enactment:** April 9, 1987
- Effective:** Aug. 1, 1987

**Revisor's changes/
Miscellaneous funding**
• (See Special Session)

State Fair—tort claims
HF0519—Orenstein, Kostohryz,
Kelly, Valento
SF0087*—Chmielewski, Jude,
Merriam, Laidig

Chapter 7:

- includes the State Agricultural Society (State Fair) in the definition of "state" for state tort claims, which cover such matters as liability exemptions, damage caps, employee indemnification, and the manner of paying claims.

Enactment: March 2, 1987

Effective: Aug. 1, 1987

**Treatment facility residents—
data disclosure**

HF0561*—D. Nelson, Kelly,
Dempsey
SF0591—R.W. Peterson, Merriam,
Cohen

Chapter 236:

- allows treatment facility officials to disclose data on a facility resident, who has significant mental illness or emotional impairment, to the federally mandated state protection and advocacy system if:

- the system receives a complaint by or on behalf of the individual, or there is probable cause to believe the person has been the subject of abuse or neglect;

- the individual's mental or physical condition makes the individual unable to authorize the data's release; and

- the individual has no legal guardian or the state is the legal guardian.

Enactment: May 26, 1987

Effective: Aug. 1, 1987

Trustees—investments

HF0088*—Quinn, Greenfield,
Bishop, Orenstein, Voss
SF0538—R.W. Peterson, Merriam

Chapter 210:

- amends the standard of care for trustees to authorize them to invest as a prudent person would invest "having in mind the preservation of the trust estate and the amount and regularity of the income derived";

- amends factors that a trustee should consider in evaluating an investment to include:

- consideration of the role an investment would play in the total portfolio;

- probable income and safety of the trust capital;

- the portfolio's composition regarding diversification;

- current return of the trust's portfolio relative to the trust's anticipated cash requirement;

- relative interests of income and remainder beneficiaries;

- tax consequences;

- strikes beneficiary requirements from the factor list;

- states that an investment which is otherwise prudent would not be considered imprudent solely because it is in a new, unproven enterprise, or one with potential for significant growth;

- provides trustees:

- certain powers to delegate duties, unless the individual trust provides otherwise;

- may not delegate all trustee duties; and

- remain liable for another person's acts if the trustee would have been liable for doing the same act;

- strikes provisions governing the delegation of trustee duties which prohibit a trustee from delegating all duties; provides that a trustee's use of employees and agents doesn't relieve the trustee of the duty to use reasonable care to select and retain them;

- removes from "augmented estate"

(the property from which a surviving spouse can select if he/she wishes to refuse bequests under the deceased spouse's will) insurance on which the decedent has paid the premiums;

- repeals an authorization for trustees to invest in growth enterprises.

Enactment: May 26, 1987

Effective: day after enactment

**UCC financing statements—
computerized filing**

• (See Governmental Operations)

Uniform Fraudulent Transfer Act

HF0711—Orenstein, Milbert,
Dempsey, Bishop
SF0097*—Spear, R.W. Peterson,
Jude

Chapter 19:

- enacts the Uniform Fraudulent Transfer Act to replace the 1918 Uniform Fraudulent Conveyance Act (both acts deal with remedies for creditors of insolvent businesses and individuals in situations where the insolvent person improperly transferred assets in an attempt to defeat the creditors' claims; the basic remedy is to deem the transfer "fraudulent" and allow a creditor to void it and recover what is owed the creditor);

- provides a debtor is insolvent if the sum of the debtor's debts is greater than all of the debtor's assets, at fair valuation;

- presumes a debtor is insolvent if he/she is unable to pay debts as they become due;

- specifies a formula to determine partnership insolvency;

- defines "asset" to exclude property a debtor transfers to defraud creditors or in a manner making the transfer voidable under this act;

- defines "debts" to exclude an obligation that has as security a lien on property that isn't an asset;

- provides that value is given if the debtor transfers property or secures

or satisfies an antecedent (prior) debt, but doesn't include an unperformed promise not made in the ordinary course of business to support the debtor or another person;

- provides that a transfer is fraudulent (and allows voiding a transfer) if it occurs with actual intent to defraud a creditor, whether the creditor's claim arises before or after the transfer;
- provides that a creditor whose claim existed before the transfer can void a debtor's transfer, regardless of the debtor's intent, if fair value isn't given;
- provides legal fraud occurred (another basis for voiding a transfer) if the debtor transferred property or incurred an obligation without receiving reasonably equivalent value, and
- the debtor's remaining assets were unreasonably small in relation to the business or transaction in which the debtor engaged, or
- the debtor intended to incur or should have believed he/she would incur debts that he/she couldn't pay as they became due;
- provides that a transfer is fraudulent if the transfer was to an insider for an existing debt, when the debtor was insolvent and the insider had reason to know the insolvency;
- establishes the time that a cause of action to void a transfer arises;
- provides creditors' remedies if a transfer is fraudulent; under the Act a creditor may:
 - have the transfer voided;
 - attach the asset;
 - get an injunction against further disposition of an asset;
 - have an appointed receiver take charge of property; or
 - get any other necessary relief;
- provides that a transfer isn't voidable against a good faith purchaser;
- provides that if a transfer is voidable, the creditor may recover the amount of the claim or value of the asset at the time of transfer,

whichever is less;

- specifies the rights of a good faith transferee;
- protects the validity of transfers that occur as the result of a lease's lawful termination or in enforcing a security interest under the Uniform Commercial Code;
- repeals the current Uniform Fraudulent Conveyance Act.

Enactment: April 7, 1987
Effective: Aug. 1, 1987

Uniform Statutory Rule Against Perpetuities

HF1050—Quinn, Orenstein, Kludt, Seaberg
 SF0157*—Luther, Jude, D.M. Moe

Chapter 60:

- replaces the common law rule against perpetuities and repeals current language on the subject;
- implements a wait-and-see rule which allows for the possibility that a nonvested property interest will vest if necessary conditions occur;
- adds a 90-year time period for vesting as an alternative to the common law time period requirement (21 years after the death of an individual alive at the time of the creation of the nonvested property interest).

Enactment: May 6, 1987
Effective: Aug. 1, 1988

Uniform Trade Secret Act—revision

HF0045*—Orenstein, McKasy, Kelly, Milbert
 SF0104—Spear, R.W. Peterson, Luther

Chapter 1:

- changes standards governing continued use of misappropriated trade secrets;
- allows a secret's continued use in exceptional circumstances;
- defines "exceptional circumstances" to include a user's material, prejudicial change of position that

occurred before the user knew or had reason to know of the misappropriation;

- entitles a complainant to recover damages for misappropriation except to the extent that a material and prejudicial change of position prior to acquiring knowledge or reason to know of misappropriation makes monetary recovery inequitable;
- provides that damages can include both:
 - actual loss caused by misappropriation, and
 - unjust enrichment caused by misappropriation that isn't a part of the computation of actual loss;
- provides in lieu of damages other methods measure, courts may impose liability for a reasonable royalty for a misappropriator's unauthorized disclosure or use of a trade secret;
- places a ceiling (twice the award for actual damages) on the amount of exemplary (punitive) damages that courts can award for willful and malicious misappropriation;
- provides that these provisions don't affect contractual or other civil remedies, or criminal remedies whether or not the law bases the remedies on misappropriation of a trade secret.

Enactment: Feb. 20, 1987
Effective: Aug. 1, 1987

Uniform Transfers to Minors Act—amendments

HF1029*—Kludt, Vellenga, Long, Brown, Bishop
 SF1050—Merriam, Cohen, Jude, Laidig, Spear

Chapter 142:

- amends the Uniform Transfers to Minors Act to permit the transfer of a security held in the name of a broker or financial institution ("in street name") to another broker or financial institution for credit to an account for a minor's benefit.

Enactment: May 14, 1987
Effective: Aug. 1, 1987

Witness—competency

HF0286*—Vellenga, Wagenius,
Bishop, Dempsey, Kelly
SF0742—Jude, Reichgott, Marty

Chapter 120:

- clarifies that persons of unsound mind and persons intoxicated at the time of their production for examination are not competent witnesses if they lack capacity to remember or to relate truthfully facts on which they are examined;
 - strikes language which states children under age 10 are not competent witnesses;
 - provides that a child under age 10 is a competent witness unless the court finds that the child lacks the capacity to remember or to relate truthfully facts on which the child is examined;
 - strikes language which allows children to describe sexual acts in language appropriate for their age;
 - provides that a child describing any act or event may use language appropriate for a child of that age.
- Enactment:** May 14, 1987
Effective: Aug. 1, 1987; applies to all trials and proceedings commenced on or after that date



Local Bills— Cities/Towns

**Alexandria—****school board elections**

HF1193*—C. Nelson, Krueger
SF1051—Berg, Anderson

Chapter 96:

- allows the Alexandria school board to adopt a resolution calling for election of school board members at large instead of by the present district election system.
- Enactment:** May 13, 1987
Effective: upon local school board approval

**American Swedish Institute—
on-sale liquor license**

- (See Drugs/Alcohol)

Brook Park—debt limit increase

HF0483—D. Carlson
SF0279*—Chmielewski

Chapter 28:

- permits the city of Brook Park to exceed its net debt by \$20,000 for construction of a fire hall.
- Enactment:** April 16, 1987
Effective: Jan. 1, 1987 with local approval

Upon local approval means:
effective upon compliance with
Minnesota Statutes, section 645.021

**Champlin—public improvement
funds**

HF1141*—D. Nelson
SF1087—Merriam

Chapter 228:

- authorizes the city of Champlin to use unexpended funds from public improvement projects for a grant program to assist low-income homeowners to pay special assessments against their homesteads;
 - requires the Champlin City Council to establish the grant program's eligibility standards by ordinance.
- Enactment:** May 26, 1987
Effective: day after enactment;
repealed Dec. 31, 1992

**Charter commission—discharge,
reformation**

SF1067*—Wegscheid, Laidig
no companion

Chapter 51:

- provides that if a charter commission of a statutory city determines a charter is not necessary or desirable, a vote of three-fourths of its members may discharge the commission;
 - prohibits cities from forming another commission until one year after the date of discharge.
- Enactment:** April 29, 1987
Effective: Aug. 1, 1987

Cities—advertising expenditures

HF0345*—Wenzel, Brown, Kalis,
Omamn, Krueger
SF0164—Samuelson

Chapter 216:

- removes compensation limits for employees and members of municipal civil service boards and allows city councils to determine compensation payments;
 - authorizes cities of the second and third class to appropriate money for advertising purposes.
- Enactment:** May 26, 1987
Effective: Aug. 1, 1987

**City park board members—
compensation**

HF0729—Schreiber, Clausnitzer
SF0306*—Jude, D.C. Peterson,
Wegscheid, Dicklich, Brataas

Chapter 21:

- removes the \$100 per year compensation limitation for members of statutory city park boards.

Enactment: April 7, 1987

Effective: Aug. 1, 1987

**County liquor licenses/Fire
protection**

- (See Local Bills—Counties)

**Duluth airport authority—
employees**

HF0714—Jaros
SF0494*—Gustafson, Solon

Chapter 151:

- specifies that Duluth Airport Authority employees the city hired after June 20, 1969 are not subject to a civil service system;
- removes reference to classification of the authority's executive director.

Enactment: May 15, 1987

Effective: upon local approval

Duluth—design districts

HF1106—Boo, Jaros, Munger
SF0480*—Gustafson, Solon,
Pogemiller

Chapter 84:

- authorizes the Duluth City Council, by ordinance, to adopt or amend design districts and design framework to preserve and enhance the environmental quality of the city;
- allows the design framework the council adopts to include a compilation of design policies, goals, standards, principles, visual forms and images, and action programs to guide the future development of

public and private property within the design districts;

- allows design districts to include such things as designated corridors along freeways, historic areas, and areas abutting major educational and cultural institutions or parks and riverfronts;
- authorizes the city council to create a technical design advisory committee and issue certificates of appropriateness for new buildings, site improvements, or restorations within design districts.

Enactment: May 11, 1987

Effective: upon local approval

Duluth—Spirit Valley plat

HF1107—Munger, Boo, Jaros
SF0470*—Solon, Gustafson

Chapter 65:

- authorizes the St. Louis County recorder to file and record the plat of Spirit Valley as the Duluth Planning Commission approved Oct. 9, 1984, without a county treasurer's certificate of taxes paid;
- allows the St. Louis County auditor to conform property descriptions subject to delinquent tax proceedings within the Spirit Valley plat to plat descriptions.

Enactment: May 7, 1987

Effective: upon local approval

Faribault—state easement

HF0505*—Rodosovich
SF1058—Frederick

Chapter 43:

- requires the state to convey its easement and use of certain land in the city of Faribault.

Enactment: April 30, 1987

Effective: day after enactment

Fire code—appeals board

HF1563*—Quinn, Bennett, Price
SF1273—Morse, Frank, Storm,
Vickerman

Chapter 201:

- permits local governing bodies to appoint boards of appeal to hear and rule on appeals from orders issued under the fire code;
- directs that a local board of appeal may appeal directly to a governing body if the body has not appointed a board of appeals;
- allows owners to file inspection and maintenance reports with the local fire marshal to establish evidence of inspection and maintenance of smoke detectors;
- requires occupant of a dwelling to inform the building's owner of a nonfunctioning smoke detector within 24 hours of discovering of the nonfunction; provides no added liability for failure to inform;
- establishes that an occupant who willfully disables a smoke detector or causes it to be nonfunctioning, resulting in damage or injury to people or property is guilty of a misdemeanor.

Enactment: May 21, 1987

Effective: Aug. 1, 1987

**Flood Hazard Mitigation Grant
Program**

- (See Environment/Natural Resources)

Highway sound barriers—local improvements

HF0867*—Blatz, Himle, Riveness, Lieder, Battaglia

SF0748—Freeman, Belanger, Wegscheid

Chapter 138:

- adds highway sound barriers to the list of local improvements;
- defines highway sound barriers as sound abatement walls along highways that reduce traffic noise.

Enactment: May 14, 1987

Effective: Aug. 1, 1987

Little Canada—on-sale liquor licenses

- (See Drugs/Alcohol)

Little Falls—liquor license

- (See Drugs/Alcohol)

Local government employees—punitive damages

HF1057—Quinn, Orenstein, Kelly, Clausnitzer, Bishop

SF0053*—Luther, Wegscheid, Diessner, Freeman, Dahl

Chapter 79:

- authorizes local governing bodies to insure the unit of government and its officers, employees and agents for punitive damages;
- requires local government units and their instrumentalities to defend and indemnify elective and appointive officers and employees for damages, including punitive damages, if the individual:
 - was performing duties of the position, and
 - wasn't guilty of malfeasance in office, willful neglect of duty, or bad faith;
- repeals current laws which:
 - require indemnification in certain cases; and
 - prohibit a local government unit from insuring or indemnifying an

officer or employee against punitive damages.

Enactment: May 11, 1987

Effective: Aug. 1, 1987; provision repealing the prohibition against insuring for punitive damages retroactive to July 1, 1986

Local government tort liability

- (See Legal/Judiciary)

Minneapolis—conventions, tourist activities

HF1355*—Greenfield

SF1295—Berglin

Chapter 55:

- authorizes the city of Minneapolis to spend money to attract tourists, to publish, disseminate and distribute informational and promotional literature, market convention and auditorium facilities, and provide hospitality, promote exhibits, trade shows, meetings, and conventions meeting at the convention and auditorium facilities;
- allows the city to create an agency or board to perform the above services or contract with the local chamber of commerce or any nonprofit corporation to provide the above services;
- provides that city council members, or city officers or employees may be members of the board of directors of any nonprofit corporation performing all or part of the activities necessary to carry out the specified purposes in this law;
- provides that the city may defend, save harmless and indemnify the chamber of commerce or nonprofit corporation against liability claims arising out of performance of the above services in contracts with the city;
- sets the chamber of commerce or nonprofit corporation liability limits for tort claims the same as liability limits for a municipality;

- allows the city to assign a city employee to a contracting nonprofit corporation for a period of individual assignment not to exceed 48 months;
- allows the city, at discretion of the city council, to enter into agreements with appropriate labor organizations and contractors which prohibit strikes or lockouts during the term of agreements, to maintain employment stability and avoid construction delays;

- allows taxpayers outside of Minneapolis who collect use taxes of no more than \$10 in a reporting period to withhold remitting the taxes until they've collected \$10;
- allow the city to use certain tax revenues to replace an ice arena.

Enactment: May 7, 1987

Effective: upon local approval

Minneapolis—office of emergency preparedness

HF1416*—K. Nelson

SF1303—D.C. Peterson

Chapter 99:

- directs the Minneapolis mayor, with the city council's advice and consent, to appoint a director of the Office of Emergency Preparedness.
- Enactment: May 13, 1987
- Effective: upon local approval

Moorhead—liquor license

HF0250—Kludt, Dauner

SF0245*—Langseth

Chapter 25:

- authorizes the city of Moorhead to issue an on-sale intoxicating liquor license to the Red River Valley Center-Hjemkomst Heritage Interpretive Center.
- Enactment: April 9, 1987
- Effective: upon local approval

**Municipal annexation—
tax adjustments**

HF1377—Hartle

SF0725*—Frederick

Chapter 50:

- removes the minimum two-year period to adjust mill levies in annexed areas.

Enactment: April 30, 1987**Effective:** Aug. 1, 1987**Nashwauk—land annexation**

HF0489*—Solberg

SF0504—Lessard

Chapter 163:

- authorizes the Minnesota Municipal Board to take jurisdiction in an annexation proceeding between the city of Nashwauk and the town of Nashwauk involving nonabutting land.

Enactment: May 16, 1987**Effective:** upon local approval**Owatonna—land transfer**

HF1376*—Hartle

SF1291—Frederick

Chapter 146:

- directs the commissioner of administration to sell and convey certain state-owned lands to the city of Owatonna.

Enactment: May 14, 1987**Effective:** day after enactment**Polk County/East Grand Forks—
land sale**

- (See Local Bills—Counties)

**Roseville, WBL—port authority
powers**

HF0955*—Valento, Rose

SF0796—Marty, Hughes

Chapter 257:

- allows the cities of Roseville and White Bear Lake to exercise all the powers of port authorities under *Minnesota Statutes*, Chapter 45B, as if they were port authorities.

Enactment: May 27, 1987**Effective:** upon local approval**St. Louis County/Biwabik—
land sale**

- (See Local Bills—Counties)

**St. Louis, Lake counties—land
sale, conveyance**

- (See Local Bills—Counties)

St. Stephen—civic building

HF0191*—Omann, Wenzel,

Gruenes, Bertram, Uphus

SF0417—Bertram

Chapter 6:

- authorizes the city of St. Stephen, by resolution of its city council, to sell up to \$265,000 in general obligation bonds to finance the construction of a city civic building voters authorized Feb. 3, 1987;

- provides that bond proceeds aren't subject to city debt or levy limits.

Enactment: March 25, 1987**Effective:** without local approval on day after enactment**Town boards, members—powers**

HF0226—Battaglia, Jennings,

Richter, Winter, Onnen

SF0225*—Adkins, Schmitz,

Renneke, Wegscheid, Frederick

Chapter 90:

- authorizes town electors to grant the town board authority to provide an ordinance for the:

—government and good order of the town;

—suppression of vice and immorality;

—prevention of crime and protection of public and private property;

—benefit of residence, trade, and commerce;

—promotion of health, safety, order, and convenience; and

—the general welfare;

- provides that ownership of certain unused cemetery lots reverts back to the town;

- exempts town clerk from the conflict-of-interest statute;

- requires the annual town election be held on the same day as the annual town meeting to elect all town officers;

- adds towns to the list of political subdivisions which may spend funds for membership of their bodies in associations whose purpose is the betterment of municipal governmental operations;

- exempts from the open meeting law, gatherings of town board members to perform on-site inspections in certain circumstances;

- repeals laws relating to town guideposts for roads.

Enactment: May 12, 1987**Effective:** Aug. 1, 1987**Town road contract—notification**

HF0889*—Solberg, D. Carlson,

V. Johnson, Bauerly, Kinkel

SF0844—Lessard,

D.J. Frederickson, Vickerman,

Renneke, Mehrkens

Chapter 227:

- limits publishing requirements for town road construction or improvement contracts to two successive weeks.

Enactment: May 26, 1987**Effective:** Aug. 1, 1987

Town road—recording procedures
HF0542*—Welle, V. Johnson,
 Kalis, Tunheim, Dempsey
SF0551—Davis, DeCramer, Adkins,
 D.E. Johnson, Morse

Chapter 219:

- defines "recorded town road" map as the official map of maintained and minimum-maintenance town roads;
- allows town boards to adopt a recorded township road map to record its town road easements;
- specifies map requirements and procedures for adopting the map;
- allows people who oppose the recorded map to appeal to District Court within 60 days after the town board adopts the map;
- provides that this law does not affect the legal status or town obligations for roads and cartways not on the recorded town road map;
- specifies town board authority over recorded roads.

Enactment: May 26, 1987

Effective: Aug. 1, 1987

**Township—organization,
 dissolution procedures**
HF1444*—Solberg, Kinkel,
 C. Nelson, Richter, Neuenschwander
SF1322—Lessard

Chapter 147:

- provides that when a majority of registered voters sign and file a petition with the town clerk to dissolve a town at least 60 days before a regular or special town election, the question of whether to dissolve the town must go before the voters at the regular or special town election;
- provides a procedure for the dissolution of certain towns (e.g., towns that have not elected town officials for more than 10 years);
- provides that when a majority of registered voters of a congressional township petition the county board to organize as a town, the board must call an election on the question;

- requires the county board to call an election when a majority of resident freeholders of any one, two, three, four, or five congressional townships petition the board to organize as a town;

- requires the county to set up an organizational meeting 30 days after the township election;
- requires the county to bear election costs.

Enactment: May 14, 1987

Effective: Aug. 1, 1987

**Vending machines—
 inspection fees**

HF0469*—McEachern, Kostohryz,
 O'Connor, Jacobs, Bishop
SF0407—Wegscheid, Adkins,
 Schmitz, Taylor, Jude

Chapter 58:

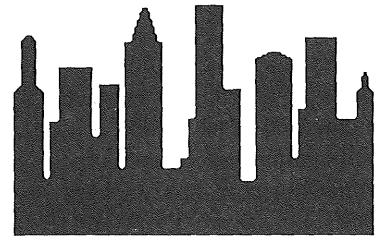
- limits the amount that cities or counties may charge to inspect vending machines to no more than the state inspection fee (currently \$15 a year);
- sets a \$5 inspection fee for each nut vending machine subject to an annual state inspection.

Enactment: May 7, 1987

Effective: Aug. 1, 1987



Local Bills— Counties



Anoka County—solid waste
HF1629*—Simoneau, Voss
SF1504—Merriam, Novak

Chapter 100:

- authorizes Anoka County to finance a solid waste project

Enactment: May 13, 1987

Effective: upon local approval

Cook County—land sale
HF0348*—Battaglia, Rukavina
SF0299—D.J. Johnson

Chapter 34:

- allows Cook County to sell privately a certain parcel of land in the county;
 - requires the county and state to provide a proper conveyance;
 - provides that the price may not be less than the appraised property value;
 - prohibits developing the property for public use; provides that it is no longer beneficial for state ownership.
- Enactment:** April 16, 1987
Effective: day after enactment

Upon local approval means:
 effective upon compliance with
 Minnesota Statutes, section 645.021

County liquor licenses/**Fire protection**

HF0735*—Peterson, O'Connor,

Lasley, D. Carlson, Jennings

SF0576—Chmielewski

Chapter 402:

- removes a restriction on issuing off-sale liquor licenses in Kanabec County; imposes the restriction in Carver and Red Lake counties;
- permits the city of Moose Lake, and one or more of the towns of Moose Lake, Silver, and Windemere, with city council and town board approval, to establish the Moose Lake Fire Protection District;
- requires the district to provide fire protection services throughout its territory; permits the district to exercise all the powers of the city and towns that relate to fire protection anywhere within its territory;
- requires a board to govern the district; specifies board membership;
- permits the board to appoint an executive director, and specifies his/her powers and duties;
- permits the district to:
 - impose a property tax on real property in the district in an amount sufficient to discharge its operating expenses and debt payable in each year;
 - incur certain municipal debt when necessary to accomplish its duties;
- provides a withdrawal option and process for a city or town.

Enactment: June 11, 1987**Effective:** various dates**County—service fees, emergency contracts**

HF0502*—Jennings, Greenfield,

Lieder, Bertram, V. Johnson

SF0688—Vickerman, Adkins,

Schmitz, Renneke

Chapter 164:

- allows counties to:
 - charge a fee to record, file, certify, or provide copies of any instrument, document, or paper the law requires

to be on file in any county office;
 — charge fees for services that county offices, officials, departments, courts, or employees provide;
 —after a public hearing, set service fees, unless a statute specifies fee amounts;

- requires a reasonable relation between the fee and cost of providing the service;
- authorizes the county to make purchase or repair contracts in emergencies without advertising for bids if the public health, safety, or welfare would suffer by delay in repairing damaged property in the county;
- authorizes the county board to assign whatever title it considers appropriate to the county coordinator;
- repeals a section in the Optional Forms of County Government Law that relates to the office of county coordinator.

Enactment: May 16, 1987**Effective:** Aug. 1, 1987**Dakota County—personnel system**

HF0510*—Jensen, Morrison,

Tompkins, Ozment, Milbert

SF0617—Wegscheid, Schmitz,

Knutson, Purfeerst, Metzen

Chapter 74:

- authorizes the Dakota County Board to establish a county personnel administration system to create an employee relations department and appoint a personnel board of appeals;
- describes positions over which the employee relations department has jurisdiction and positions exempt from the department jurisdiction;
- directs the county board to appoint an employee relations director or to assign the functions of the office to an existing county officer or employee;
- describes the powers and duties of the director which include preparing personnel rules, administering the

department, and approving payrolls for persons in positions within the departments jurisdiction;

- provides that unless the county board elects to exclude some or all positions otherwise subject to merit systems under certain laws, provisions of this act supersede those sections and rules promulgated under them, if they are inconsistent with this act;
- prohibits removing of any position subject to merit systems under law from existing merit system coverage until the county employee relations department gets certification in accordance with the U.S. Office of Personnel Management's standards for a merit system of personnel administration;
- allows the board to include the sheriff's department in the county's personnel system and retain the veteran's preference under Minnesota law;
- makes the county board and the appointing authority the joint employer for the purposes of negotiating collective bargaining agreements and resolving grievances;
- provides that if the board and the appointing authority fail to reach an agreement or settlement, the board will make the final decision on behalf of the county and its employees;
- establishes a three-member personnel board of appeals and allows the county board to appoint board of appeals members;
- describes duties of the board of appeals including setting procedures for appeals to the board;
- authorizes the county board to make necessary appropriations to fund the personnel system and allows the board federal aid for manpower services;
- protects rights of persons under state and federal laws relating to human rights and equal opportunity;

• allows the county to provide financial and accounting services to the Dakota County Historical Society.

Enactment: May 11, 1987

Ground water management—metropolitan area

• (See Local Bills—Metro)

Hennepin County—filing fees

HF1314*—Carruthers, Long,

Blatz, Rest

SF1250—D.C. Peterson

Chapter 190:

- strikes language in current law that requires the plaintiff in an unlawful detainer case to pay a \$10 filing fee plus a library fee, while the defendant pays no fees; makes the fee the same as those for other District Court civil actions;
- requires a \$1 increase for each expired meter violation the Violations Bureau disposes of, beginning on the effective date of a \$2 increase in the expired meter fine schedule enacted on or after Aug. 1, 1987;
- increases the Conciliation Court filing fee and the counterclaim filing fee from \$2 to \$9.

Enactment: May 20, 1987

Effective: Aug. 1, 1987

Hennepin County—housing, redevelopment authority

HF0362*—Jefferson, Voss,

L. Carlson, Otis

SF0330—Reichgott, Kroening,

D.J. Johnson, Pogemiller, Storm

Chapter 177:

- creates the Hennepin County Housing and Redevelopment Authority with all the powers and duties of such an authority under the Municipal Housing and Redevelopment Act;

• provides that Hennepin County, for the purposes of applying the housing and redevelopment act, has all the powers and duties of a municipality, the county board has all the powers and duties of a governing body, the board chair has all the powers and duties of a mayor, and the area of operation includes the area within the territorial boundaries of the county;

• provides that this act does not limit or restrict any existing housing and redevelopment authority or prevent a municipality from creating an authority;

• defines “municipal housing and development authority” to include any Minneapolis municipal department, agency, or authority which exercises the powers of a municipal housing and redevelopment authority;

• prohibits the county authority from exercising its powers in a municipality that has a housing and redevelopment authority, unless the municipality requests the county to do so;

• requires the governing body of the city to approve any housing or redevelopment projects in Hennepin County.

Enactment: May 20, 1987

Effective: upon local approval

Hennepin County—

library construction bonds

HF1266*—Rest, Segal, Forsythe,

L. Carlson, S. Olsen

SF1275—Reichgott, D.C. Peterson,

Wegscheid, Olson, Storm

Chapter 188:

- removes the current bonding limitation in Hennepin County for library construction and betterment.

Enactment: May 20, 1987

Effective: upon local approval

Hennepin, Ramsey counties—medical center operations

HF1204*—Scheid, Forsythe

SF1351—Luther

Chapter 144:

• clarifies that the St. Paul Ramsey Medical Center corporation and hospital subsidiary corporation may meet in closed session for certain purposes;

• allows the Hennepin County Board to meet in closed session on behalf of the Hennepin County Medical Center to discuss and act on specific products or services that are in direct competition with other providers of goods or services in the public or private sector, if disclosure of information about those matters would clearly harm the medical center’s competitive position;

• provides that such information is a trade secret under the Data Practices Act;

• requires the medical center to inform the board of matters that are appropriate for discussion or action at a closed meeting;

• allows the board to hold a closed meeting if a majority of board members, at a public meeting, vote to do so;

• requires the board to record closed meetings on tape and to keep tape for at least five years; classifies tapes as nonpublic data for two years after the meeting.

Enactment: May 14, 1987

Effective: upon local approval

**Koochiching County—
bidstead program**
HF0799*—Neuenschwander
SF0711—Lessard

Chapter 182:

- authorizes the Koochiching County Board to establish a bidstead program that the newly created bidstead development authority will operate to encourage homesteading land in Koochiching County;
- describes the bidstead program which allows the authority to acquire property from the county or any other source and to enter into contracts with people who agree to build, maintain, and pay property taxes on land (not more than 40 acres) that the authority has for at least 10 years;
- provides that after the 10-year period, the bidsteader would get a warranty deed for the parcel of land;
- authorizes the board to create the bidstead development authority which has the statutory powers and duties of an economic development authority and a city; gives commissioners of the authority all the powers and duties of a city council;
- prohibits the authority from exercising its powers and duties until the board passes a resolution establishing the authority; requires an affirmative vote of three board members;
- allows the city council of any city within Koochiching County to approve the use of any parcel within the city before any parcel is available to the authority;
- provides that the authority consists of five county board commissioners; allows the county board to set the terms of the commissioners to coincide with the terms of office county board members;
- allows the authority to advertise and market the bidstead program, convey and receive public lands from other subdivisions, and adopt guidelines for the bidstead program;

- provides for an advisory committee to advise the authority on bidstead program operation;
- prohibits the authority from entering into contracts after July 31, 1992.

Enactment: May 20, 1987

Effective: upon local approval

**Lake County—housing,
redevelopment authority**
HF1521*—Battaglia
SF1404—D.J. Johnson

Chapter 168:

- authorizes the Lake County Housing and Redevelopment Authority to exercise the powers of a port authority in law relating to the creation and powers of industrial development districts;
 - allows the Cook County Board, with the agreement of town voters, to impose a lodging tax of up to two percent in the towns of Lutsen, Tofte, and Schroeder; effective Aug. 1, 1987;
 - dedicates tax proceeds to construction, debt service, and maintenance of a public recreational facility within the towns.
- Enactment:** May 16, 1987
Effective: upon local approval

Lake County—liquor license
• (See Drugs/Alcohol)

**Morrison County—
newspaper qualifications**
HF1223*—Wenzel, Omann,
Bertram, Peterson
SF1213—Samuelson

Chapter 286:

- modifies certain requirements to qualify as a legal newspaper;
 - repeals law setting special qualifications for newspapers in Morrison County.
- Enactment:** May 28, 1987
Effective: Dec. 31, 1987

**Polk County/East Grand Forks—
land sale**
HF0750*—Lieder
SF0715—R.D. Moe

Chapter 57:

- allows Polk County to sell certain tax-forfeited land in the city of East Grand Forks.
- Enactment:** May 6, 1987
Effective: day after enactment

**Ramsey County—home rule
charter study commission**
HF0465—Kostohryz, Osthoff,
Wynia, Orenstein, Rose
SF0557*—Lantry, Hughes, Waldorf,
Cohen, Novak

Chapter 103:

- sets up a 17-member home rule charter commission to study the need for home-rule government in Ramsey County;
- gives the Ramsey County legislative delegation 30 days following the effective date of this act to nominate 41 persons to serve on the charter commission;
- gives the judges of the Second Judicial District 30 days following the selection of nominees to appoint 17 commission members from the list of nominees;
- provides for commission chair, powers and duties, terms, expenses, and administration;

- requires the charter commission to report its findings to the board of county commissioners before Dec. 31, 1988;

- requires the charter commission to draft a proposed charter the board will submit to voters for approval at the 1990 general election, if the commission determines a charter is desirable.

Enactment: May 13, 1987

Effective: upon local approval

Ramsey County—land transfer

HF0130*—Voss, Bennett

SF0193—Novak, Knaak

Chapter 13:

- authorizes Ramsey County to transfer certain land to the city of Shoreview and use certain open space land for highway purposes.

Enactment: March 27, 1987

Effective: upon local approval

Scott County—amusement admission tax

- (See Taxes)

St. Louis County—county clerk

HF0838*—Minne, Battaglia,

Boo, Jaros

SF0782—Solon, Dicklich, Gustafson

Chapter 40:

- provides for a clerk in the unclassified civil service for the St. Louis County administrator.

Enactment: April 20, 1987

Effective: upon local approval

St. Louis County—land sale

HF0011*—Begich, Battaglia

SF0338—D.J. Johnson

Chapter 31:

- allows St. Louis County to sell privately a certain parcel of land in the county;

- requires the county and state to provide a proper conveyance;

- provides that the price may not be less than the appraised value of the property excluding the value of improvements.

Enactment: April 16, 1987

Effective: day after enactment

St. Louis County—land transfer

HF0166*—Battaglia, Begich

SF0191—D.J. Johnson

Chapter 17:

- requires the state to convey its interest, except mineral rights interest, in certain land in St. Louis County.

Enactment: April 7, 1987

Effective: day after enactment

St. Louis County—liquor license

HF0098—Rukavina, Begich

SF0117*—Dicklich

Chapter 24:

- allows the St. Louis County Board to issue one off-sale liquor license to a premises in Sturgeon Township and one off-sale intoxicating liquor license to a premises in Clinton Township.

Enactment: April 9, 1987

Effective: upon local approval

St. Louis County/Biwabik—land sale

HF1119*—Rukavina, Begich

SF1005—Dicklich

Chapter 280:

- allows St. Louis County to sell a certain piece of land to the city of Biwabik.

Enactment: May 28, 1987

Effective: Aug. 1, 1987

St. Louis, Lake counties—land sale, conveyance

HF0947*—Begich, Rukavina

SF0940—D.J. Johnson, Gustafson

Chapter 140:

- authorizes St. Louis County to: —sell certain tax-forfeited land to Minnesota Sphagnum, Inc. of Floodwood;

- sell certain tax-forfeited land to private individuals living in Duluth; —privately sell certain tax-forfeited land to the city of Winton;

- authorizes Lake County to convey interest in certain tax-forfeited land to the city of Two Harbors.

Enactment: May 14, 1987

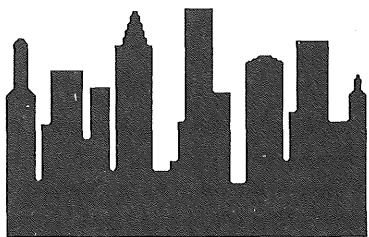
Effective: day after enactment

Vending machines—inspection fees

- (See Local Bills—Cities/Towns)



Local Bills— Metro



Aircraft noise— municipal ordinances

HF0755*—Seaberg, Osthoff,
Milbert, Tjornhom
SF0904—Metzen, Knutson

Chapter 155:

- authorizes a metro area municipality in an aircraft noise zone to adopt and enforce ordinances and controls on the construction of homes, apartments, and other residential buildings to reduce noise;
- excludes remodeling or additions on existing homes;
- declares that the Metropolitan Airports Commission's responsibility in reducing aircraft noise is not diminished;
- affects Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties.

Enactment: May 15, 1987

Effective: day after enactment

Upon local approval means:
effective upon compliance with
Minnesota Statutes, section 645.021

Community dispute resolution— program grants

HF1561—Carruthers, Orenstein,
Blatz, Wagenius, Swenson
SF1204*—Luther, Cohen, Knaak,
Merriam, Marty

Chapter 117:

- authorizes the state and municipalities to contract with or make grants to persons carrying out a community dispute resolution program.

Enactment: May 14, 1987

Effective: day after enactment

Ground water management— metropolitan area

HF0373—D. Nelson, Pauly, Long
SF0353*—Jude, Merriam, Olson,
Pogemiller, Adkins

Chapter 207:

- specifies metropolitan watershed district assessment procedures and allows property owners to prepay such assessments;
- expands the purpose statement of the Metropolitan Surface Water Management Act to include ground water;
- authorizes metropolitan counties to prepare and adopt ground water plans and establishes procedures for integrating county ground water plans with watershed plans;
- allows counties to contract with certain agencies to assist the county in developing and performing a ground water plan; requires the county to set up a 15-member advisory committee to assist in the development of the ground water plan; specifies committee membership;
- specifies ground water plan general standards and contents; establishes a process for local, metropolitan, and state review of the ground water plan;
- establishes procedures for integrating a ground water plan into watershed plans; requires watershed management organizations to revise

watershed plans so they are consistent with county ground water plans; requires counties to provide certain information at the request of watershed management organizations;

- allows counties to review and comment on the consistency of watershed plans with ground water plans; allows the Metropolitan Council to mediate and attempt to resolve any differences among local governmental agencies regarding plans, and review plans and comments from local government units;
 - allows the commissioners of natural resources and health, and the director of the Pollution Control Agency to review and comment on the consistency of a ground water plan with state laws and rules that relate to water and land resources;
 - allows local units of government and other agencies to review ground water plan amendments;
 - requires counties to implement ground water plans within 120 days after receiving notice of approval;
 - provides for adoption and amendments to ground water plans.
- Enactment: May 26, 1987
Effective: Aug. 1, 1987

Hennepin County—filing fees

- (See Local Bills—Counties)

Hennepin County—housing, redevelopment authority

- (See Local Bills—Counties)

Hennepin County—library construction bonds

- (See Local Bills—Counties)

Hennepin, Ramsey counties— medical center operations

- (See Local Bills—Counties)

Light rail transit

HF0416—K. Nelson, Segal,
S. Olsen, Kalis, Osthoff
SF0282*—Luther, Purfeerst,
Kroening, R.D. Moe, McQuaid

Chapter 405:

- reduces the maximum levy for regional rail authorities to two mills; effective day after final enactment of this law;
- states that a regional rail authority that has the power to impose a property tax under previously enacted law, before the effective date of Section 1 of this law, may levy an annual tax up to, but not exceeding, two mills on property within the municipality or municipalities the authority names in its organization resolution for study, planning, design, preliminary engineering, engineering, acquisition, construction, or any purpose that relates to facilities for transporting passengers on a light rail system;
- permits regional rail authorities to engage in light rail transit (LRT) planning and development activities; allows the Metropolitan Council and Metropolitan Transit Commission to assist in this effort;
- requires design plans to include handicapped accessibility; provides for a public hearing on the preliminary design plans;
- requires the proposer of a LRT to:
 - provide appropriate public notice of the hearing and publicity to ensure that affected parties have a chance to present their views;
 - submit the preliminary design plans to the affected local governing bodies at least 30 days before the hearing;
- requires the city, county, or town where the proposed route would be, to hold a public hearing, and within 45 days after the hearing, review and approve or disapprove preliminary plans for the route;
- states that failure to approve or disapprove the plans, in writing, within 45 days after the hearing deems approval, unless the city, county, town, and the proposer agree on a time extension; on approval of preliminary design plans, the proposer may proceed with final plans;
- allows local governmental units and the council to review preliminary and final design plans if the governing body of one or more of the affected local governments disapproves the preliminary design plans within the 45-day period;
- requires the council to hold a hearing, giving the proposer and disapproving local governmental unit(s) a chance to present the case for or against approval;
- allows the council to conduct an independent study and attempt to resolve disagreements about the plans;
- requires the council to approve the proposer's plans or recommend amended plans to accommodate objections of the disapproving local governmental unit(s);
- states that failure to respond within the time period deems approval unless the council and proposer have agreed to an extension of time;
- allows proposer to proceed with final design plans after council approval or recommendation of preliminary design plans;
- requires proposer to submit final design plans to the local government unit(s);
- requires approval by the government unit(s) within 60 days of submitting the plans; states that failure to approve or disapprove the plans, in writing, within the 60 days deems approval unless government unit(s) and the proposer have agreed to an extension;
- permits the proposer to proceed with construction upon approval by all involved government units;
- allows the proposer to submit final design plans to the council if one or more of the governmental units disapproves within the set period of time;
- requires the council to review final design plans under the procedure and with the same effect as review of the preliminary plans; council approval, allows proposer to proceed with construction;
- requires an LRT in the metropolitan area to submit preliminary and final design plans to the governing board of the county where the proposed route will run for approval or disapproval;
- prohibits the proposer from proceeding with construction without county approval;
- requires regional rail authorities that previous law established to submit preliminary and final design plans to the council before proceeding with LRT construction; requires the council to review the plans for consistency with the council's development guide and to comment on the plans;
- requires the council to provide the Legislature with a process for coordinating transit planning and development by regional railroad authorities and other political subdivisions by Jan. 15, 1988;
- clarifies that this law does not diminish or replace previously granted authority of the council;
- sets effective date for this law as day after enactment for sections governing design plans, Metropolitan Council cooperation in LRT, needs assessment and planning process, and a comprehensive plan for counties in the seven-county metro area.
- requires the Hennepin County Regional Rail Authority to develop a comprehensive plan for the development of a light rail system in Hennepin County by July 1, 1988;

- requires the authority to consider:
 - at least three primary corridors in developing the comprehensive plan;
 - the ridership potential of each corridor;
 - cost of developing each corridor, and the benefit the public would derive from each corridor;
- permits the authority to acquire rights-of-way, during the evaluation process, so that all corridors have an equal opportunity for development according to guidelines in the comprehensive plan;
- clarifies that the above provisions do not prohibit the authority from preparing engineering plans for any corridor before July 1, 1988.

Enactment: June 18, 1987

Effective: day after enactment

Metro governance

HF1043*—Carruthers, Rest, Blatz, Stanius, Osthoff

SF1241—Wegscheid, Schmitz, McQuaid, Freeman, Luther

Chapter 278:

- specifies the manner in which the Metropolitan Council will consult with the Legislature on council appointments to the Regional Transit Board (RTB), Metro Waste Control Commission (MWCC), and Metropolitan Parks and Open Space Commission (MPOSC); requires the council to consider the candidates' commitment to communicate with other public officials;
- adds to the list of items the RTB and MWCC must include in their services and systems management plans;
- requires the council and each metropolitan agency to prepare a summary budget beginning in 1988; requires the metropolitan agencies financial advisory committee to develop guidelines for summary budgets;

- requires the council and each agency represented on the advisory committee to report to the Legislature by Jan. 1 of each year on the following:
 - agency personnel practices; includes an analysis of trends, compliance with legal requirements, health care and other benefits, and salary levels in comparison with relevant job markets;
 - ethical practices requirements for board members and employees of each agency; includes sources of the requirements, agency comparisons, and comparison with requirements for state and local government officers and employees; and
 - the activities each agency board member and council member undertakes to regularly meet and communicate with local officials and legislators in the member's district about issues before the agency or council;
- requires the council to report to the Legislature by Jan. 15, 1988 on its recommended process for coordinating the planning and development of regional railroad transit;
- requires the council to publish a consolidated metropolitan bulletin or register containing official notices, meeting, and hearing schedules, notices of adopted ordinances, rules, policies and similar matters for the council and all metro agencies;
- states that the purposes of the RTB are to:
 - foster effective delivery and encourage innovation in transit service;
 - prepare plans for the metro transit system;
 - set implementation policies and standards;
 - conduct transit research and evaluation;
 - administer state and metro transit subsidies;
 - arrange with others for the delivery of transit services;

- requires the RTB to avoid direct operational planning, administration, and management of specific transit services and facilities;
 - requires a description of special transportation services, and a statement of the user fare policy in the RTB's implementation plan ;
 - requires schedules of user charges in the council's financial plan;
 - changes some bonding powers and limits of metro agencies; authorizes \$10.0m in new transit bonds;
 - requires the governor to consult with legislators on appointments to the Metro Airports Commission;
 - requires the RTB to contract with transit operators or local governments for services when changing transit routes;
 - requires the RTB to competitively bid transit service only in accordance with RTB-adopted standards, procedures, and guidelines;
 - requires the RTB to establish a project management team to assist and advise it in implementing standards, procedures, and guidelines;
 - provides for public hearings on service bidding issues;
 - prohibits the RTB from receiving federal capital or operating assistance for transit, and requires the RTB to study and report to the Legislature by Jan. 1, 1988 on the effects, advantages, and disadvantages of transferring the authority to receive federal funds from the Metropolitan Transit Commission (MTC) to the RTB;
 - repeals laws restricting the RTB and MTC from raising fares.
 - sunsets eligibility for "opt out" transit program;
 - requires members of the RTB, MWCC, MPOSC, and MTC to communicate regularly with other specified public officials.
- Enactment:** May 28, 1987
- Effective:** day after enactment

Metro Waste Control**Commission—rate structure**

HF0499*—D. Nelson, Osthoff,
Larsen, Knuth, Shaver
SF0348—Novak, Luther, Laidig,
Frank, Wegscheid

Chapter 53:

- changes the treatment of current value credits and modifies the cost allocation system of the Metropolitan Waste Control Commission (MWCC);
- provides a reserve fund for the MWCC;
- authorizes the commissioner to appoint advisory committees;
- authorizes an implementation period for transition to a new cost allocation system;
- strikes provision that annual credits of principal and interest that local government units receive must pay for current operating and maintenance costs of facilities for which they received the credits;
- requires the commissioner to treat the amount the MWCC budgets for a reserve or contingency fund as a current cost and that fund may not exceed 7.5 percent of the MWCC's total operating budget;
- requires local governments which discharge sewage into the metro disposal system to pay for interceptors in the system;
- allows the MWCC to establish advisory committees and removes the provision in current law for advisory boards for the sewer service areas;
- allows the MWCC to phase in a new cost allocation method over a four-year period.

Enactment: May 5, 1987

Effective: Aug. 1, 1987

Metropolitan Airports**Commission**

HF0654*—Wagenius, Riveness,
K. Nelson, Skoglund, Tjornhom
SF0923—Freeman, Brandl,
D.C. Peterson, Cohen

Chapter 223:

- changes the Metropolitan Airports Commission (MAC) to consist of the mayor of each city or his/her appointee who must be a qualified voter, and a number of appointed members from metro precincts;
- states that the governor shall appoint the chair to serve for four years, at the governor's discretion;
- requires the MAC to describe and document in the Dec. 31, 1987 report, the percentage reduction since August 1986 in average daily aircraft related noise at the Minneapolis-St. Paul International Airport;
- requires the MAC to adopt and submit to the Legislature by Dec. 31, 1988, a long-term (at least 10-year) plan for the Minneapolis-St. Paul International Airport to include:
 - aviation demand;
 - airport capacity, including environmental, runway, terminal, and other factors relevant to capacity;
 - a plan and financial estimates for physical development;
 - airport operational characteristics;
 - compatibility with local physical facility systems;
 - environmental effects; and
 - the effect on neighboring communities;
- requires the MAC to update the plan every five years;
- requires the Metropolitan Council to submit to the Legislature, a prospective 30-year analysis of the physical and environmental capacity of the Minneapolis-St. Paul International Airport to include:
 - the cost and long-term benefit of various capacity enhancements, such as runway and other construction at

the airport, fuller use of reliever airports, and improvements in air traffic control;

—the effect of the physical and environmental capacity improvements on the airport, neighboring communities, and the airport's potential economic and transportation benefit.

Enactment: May 26, 1987

Effective: Aug. 1, 1987

Minneapolis—**school board election**

HF0490*—McLaughlin, Long,
Sarna, Clark, Skoglund
SF1101—Spear, D.C. Peterson

Chapter 218:

- increases the school board to nine members who serve four-year terms, six representing different districts within the school district, and three at-large members;
- allows the school board to set interdistrict boundaries after holding at least two public hearings;
- outlines candidate qualifications;
- requires Minneapolis School Board candidates to disclose economic interests and campaign financing;
- allows the school board to adopt or continue to enforce certain ordinances and resolutions.

Enactment: May 26, 1987

Effective: Aug. 1, 1987 for section on elections; upon local approval for other sections

MTC—employment of off-duty police

HF0517—Kelly, McLaughlin, Blatz, Carruthers, Seaberg
SF0420*—D.C. Peterson, Lantry, McQuaid, Marty, Novak

Chapter 83:

- authorizes off-duty peace officers the Metropolitan Transit Commission (MTC) hires to make arrests in the metro area in connection with investigations that relate to commission property, equipment, employees, and passengers;
- applies in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties.

Enactment: May 11, 1987

Effective: day after enactment

Rural Development Act

- (See Economic Development)

St. Paul—smoke detector ordinance

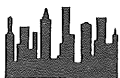
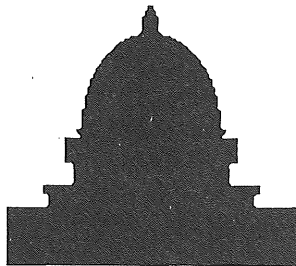
HF0357*—Orenstein, O'Connor, Pappas, Wynia, Norton
SF0585—Lantry, Waldorf, Marty, Cohen

Chapter 122:

- permits the St. Paul City Council to adopt, by ordinance, more restrictive standards than the state imposes for installing smoke detectors in family homes;
 - requires enforcement of rules through truth-in-housing inspection.
- Enactment:** May 14, 1987
Effective: upon local approval

Waste Management Act—amendments

- (See Environment/Natural Resources)

**Miscellaneous****Amateur radio operators**

HF1420*—McDonald, Valento
SF0611—Renneke

Chapter 191:

- allows persons who hold amateur radio licenses (license-holders) from the Federal Communications Commission to equip any motor vehicle with radio equipment capable of receiving or transmitting on police emergency radio frequencies (police radios);
- provides that a license-holder may not equip any motor vehicle with a police radio, nor install, use, or possess such a radio in any motor vehicle, if a court in Minnesota or elsewhere has convicted the license holder of a crime of violence, unless:
 - 10 years have elapsed since the person has regained civil rights or the sentence has expired, whichever occurs first; and
 - during that time the person hasn't been convicted of any other crime of violence;
- provides that a police radio which a license-holder installs, uses, or possesses in a motor vehicle must be under the license-holder's direct control whenever it's in use;
- requires a license-holder who operates a motor vehicle that has a police radio to carry the license in the motor vehicle at all times and to present it to a peace officer upon request; provides a petty misde-

meanor penalty for a violation of this provision, and a misdemeanor penalty for a second or subsequent violation.

Enactment: May 20, 1987

Effective: Aug. 1, 1987

Cemetery—permanent care, improvement fund

HF0364*—McPherson, Battaglia, Jennings, D. Carlson, Sviggum
SF0275—Laidig

Chapter 18:

- increases the dollar limit for the permanent care and improvement fund for cemeteries from \$15,000 to \$25,000 per acre.

Enactment: April 7, 1987

Effective: Aug. 1, 1987

Charitable gambling—regulation changes

HF0169*—Reding, Kostohryz, Boo, S. Olsen, Riveness
SF0192—Lessard, Bertram, Wegscheid, McQuaid, Dicklich

Chapter 327:

- requires pari-mutuel licensee to pay from purse money to the horseperson's organization that represents the majority of the horsepersons racing the breed involved, an amount sufficient to pay for specific services;
- includes payment of taxes as a lawful purpose for gambling;
- defines "organization" as any nonprofit organization in existence for at least three years with 15 or more active members;
- requires charitable gambling rules to specify that no more than one-third of annual liability insurance expenses are an allowable expense from gross receipts;
- provides the Charitable Gambling Board (CGB) with powers over persons or organizations believed to be in violation of regulation;

- regulates licensure of gambling distributors to prohibit their involvement in gambling operations;
 - restricts possession of registration stamps to licensed organizations or licensed distributors;
 - requires all gambling equipment a distributor brings into Minnesota to be unloaded into a Minnesota facility the distributor owns or leases;
 - allows organizations to conduct bingo up to six times each week; allows a person, or corporation, which leases premises to two or more organizations, to allow up to 18 bingo occasions per week;
 - allows the CGB to adopt rules on rent paid for premises leased for lawful gambling;
 - requires itemized expenditure reporting for lawful gambling;
 - gives the CGB authority to adopt rules governing compensation for workers;
 - states that a local authority does not have the power to require an organization to make specific expenditures of more than 10 percent from its net gambling profits;
 - states that net profits are profits less allowable expenses;
 - clarifies that a statutory or home rule charter city or a county may not require an organization conducting lawful gambling within its jurisdiction to make an expenditure to the city or county as a condition to operate within that jurisdiction except for fees and taxes already in the statutes.
- Enactment:** May 29, 1987
Effective: various dates

Economic development laws—recodification

- (See Economic Development)

Eminent domain—relocation benefits

HF0371—Jefferson, Otis, Clark
SF0296*—D.C. Peterson, Frank

Chapter 80:

- provides for a public hearing and comment relating to eminent domain;
 - regulates relocation benefits for displaced persons;
 - requires an inquiring authority to respond to an individual or organization's comments within 30 days after a public hearing.
- Enactment:** May 11, 1987
Effective: Aug. 1, 1987

Firearms—dealer possession

HF0170*—Blatz, Solberg, Sparby, Dille, Kelly
SF0047—Belanger

Chapter 93:

- permits federally licensed dealers and manufacturers who buy, sell, or manufacture machine guns or short-barreled shotguns to own or possess such guns only for approved sale or tests;
 - requires dealers or manufacturers to file a written report with the Bureau of Criminal Apprehension by the 10th of each month, showing serial numbers of each gun they acquired or manufactured during the preceding month.
- Enactment:** May 13, 1987
Effective: Aug. 1, 1987

High School League—conference memberships

HF0096*—McKasy, Quinn, Kelly, Kostohryz, Osthoff
SF0231—Cohen, Pehler, Merriam, Hughes, Laidig

Chapter 243:

- requires Minnesota State High School League to hold a public hearing to help develop criteria to arrange membership in athletic or other extracurricular conferences for schools that request such help;

- establishes a 90-day procedure that requires league officials to arrange conference membership for any high school unable to obtain membership during a 180-day attempt;
 - makes league conference assignment decisions final.
- Enactment:** May 26, 1987
Effective: Aug. 1, 1987

Historical Society—

State Capitol preservation

HF1264—Pappas, Norton, Bennett, Knuth, Schreiber
SF1230*—Piper, DeCramer, D.M. Moe, R.D. Moe, Renneke

Chapter 265:

- designates the Minnesota State Historical Society to preserve and interpret the State Capitol's public areas and works of art for visitors to the Capitol; this involves:
 - conducting or approving public programs and tours in the Capitol and State Office Building, including exhibits in the Capitol;
 - providing informational services, acting as adviser on preservation, recommending appropriate custodial policies, and maintaining and repairing all works of art.
- Enactment:** May 27, 1987
Effective: Aug. 1, 1987

Horse racing—class C licenses

HF1038—Redalen, Kostohryz, Sviggum, Scheid, Osthoff
SF0922*—Lessard, Schmitz, Novak, Stumpf, D.E. Johnson

Chapter 69:

- increases the maximum occupational license suspension that track stewards can impose from 30 to 90 days;
- increases the maximum fine for licensee violations from \$500 to \$2,000;
- raises limits for fines from \$500 to \$2,000 in contested case definitions;

- requires the Minnesota Racing Commission (MRC) to adopt rules on medication that prohibit any horse participating in a race from carrying any substance foreign to a natural horse in its body;
 - requires the MRC to charge fees to cover medical testing costs of horses.
- Enactment:** May 7, 1987
Effective: day after enactment

Horse racing—harness track
HF0905—Reding, Brown, Jensen, Kostohryz, Redalen
SF0863*—Wegscheid, Merriam, Berg, Benson, Lantry

Chapter 68:

- allows the Minnesota Racing Commission (MRC) to issue one additional class A horse racing track license in the seven-county metro area;
 - states that track must be:
 - more than 20 miles from any other existing race track,
 - for standard-bred racing only,
 - privately owned and operated, and
 - located where the current road or highway system can accommodate present and future traffic levels to and from the facility;
 - allows the MRC to schedule racing days at the existing track that overlap with the new facility.
- Enactment:** May 7, 1987
Effective: Aug. 1, 1987

Humane Society—abolishment
HF1113*—Kludt, Bertram, Peterson
SF1452—D.J. Frederickson, Langseth

Chapter 394:

- abolishes the Minnesota Humane Society as a state agency and creates a State Federation of County and District Societies for the Prevention of Cruelty to Animals;
- requires humane agents to have training and experience in activities relating to enforcement and prevention of cruelty to animals;

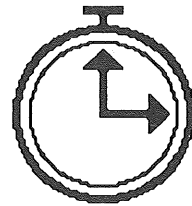
- provides that the nonprofit corporation law governs the federation's board of directors, powers and duties, articles of incorporation, and bylaws;
 - specifies that any group of two or more counties may form a district society under the nonprofit corporation law and as the federation's bylaws provide;
 - broadens references relating to an individual's ability to apply to court to investigate cruelty-to-animals violations;
 - clarifies language relating to caring for animals that don't have proper shelter;
 - requires veterinarians to report suspected cases of animal abuse or cruelty to peace officers and humane agents, rather than to the state or local humane society;
 - requires the commissioner of administration to report to the Legislature by Jan. 1, 1988 on:
 - the number of counties that have established or maintained county humane societies;
 - the number and location of district societies; and
 - a summary of any efforts to establish a state federation of county and district societies;
 - requires the commissioner to begin proceedings to dissolve the Minnesota Humane Society, and transfer assets to the State Federation of County and District Societies for the Prevention of Cruelty to Animals.
- Enactment:** June 3, 1987
Effective: day after enactment

Pet dealers/U of M studies/ Libraries
 • (See Health/Human Services)

Police radios—criminal use
 • (See Crime/Corrections)



Pensions/ Retirement



Emergency personnel—death benefits

HF0578—Beard, Norton, Clausnitzer, O'Connor, Tjornhom
SF0587*—Luther

Chapter 322:

- lists people eligible for benefits from the peace officers benefit fund; adds to the list, drivers or attendants licensed for basic or advanced life support transportation service who provide emergency care;
 - provides for five-year vesting for Minneapolis police.
- Enactment:** May 29, 1987
Effective: Aug. 1, 1987 for section on benefits for emergency care drivers or attendants; upon local and Minneapolis City Council approval for five-year vesting provisions

Pension, retirement commission—actuary

HF1026*—Simoneau, Reding, R. Johnson, Clark, Knickerbocker
SF1033—D.M. Moe, Wegscheid

Chapter 259:

- clarifies duties of the Legislative Commission on Pensions and Retirement actuary, and of actuaries various pension plans retain;
- clarifies the commission actuary's responsibility to assist various pension plans when they establish reserve factors and actuarial equivalent annuity forms;
- clarifies and revises the commission actuary's various actuarial

valuation and determination procedures;

- establishes a separate fund for the Minnesota State Retirement System (MSRS) correctional employees plan.

Enactment: May 27, 1987

Effective: day after enactment

Police, fire relief associations—consolidation

HF1096—Reding, Simoneau,

Knickerbocker, Clark

SF0317*—Wegscheid, D.M. Moe, Renneke, Morse, Gustafson

Chapter 296:

- authorizes any of 48 local police or salaried firefighter relief associations to consolidate with the Public Employees Retirement Association-Police and Fire (PERA-P&F) fund;
- gives relief associations the option to consolidate;
- requires both the relief association membership and the municipality's governing body to approve consolidation;
- transfers the relief association's special fund and benefit plan administration to PERA on the effective date of the consolidation;
- gives active members of a consolidating relief association the option to retain relief association benefits;
- gives current beneficiaries of a consolidating relief association the option to:
 - continue receiving post-retirement increases as if the relief association were to continue; or
 - receive post-retirement increases from the Minnesota post-retirement investment fund (which provides post-retirement increases to PERA-P&F and other statewide plan retirees);
- requires PERA to establish separate special accounts for assets of each consolidating relief association;
- requires a municipality to:

—pay PERA the full actuarial cost of benefits members of the consolidating relief association choose; and

—make annual employer contributions to PERA on behalf of those active members who choose PERA-P&F benefits;

- lists benefit plan provisions of each of the 48 relief associations that are potential consolidation candidates;
- specifies a procedure to resolve disputes over plan provisions.

Enactment: May 28, 1987

Effective: day after enactment

Public employee pensions—omnibus bill

HF1159*—Simoneau,

Knickerbocker, Clark, Reding, R. Johnson

SF1071—Wegscheid, D.M. Moe, Renneke, Waldorf, Pogemiller

Chapter 372:

Article 1—Statewide Public Safety Pension Plan Changes

- amends law authorizing relief associations to pay certain administrative expenses to clarify that associations may pay certain officers' salaries and expenses;
- shifts retirement coverage for Department of Military Affairs firefighters from the Minnesota State Retirement System (MSRS) to the Public Employees Retirement Association (PERA) Police and Fire fund (PERA-P&F);
- allows the Department of Employee Relations (DOER) to certify "special teachers" in adult and juvenile correctional facilities for MSRS correctional employees plan coverage;
- requires the Department of Corrections to establish written criteria for its recommendations to the DOER for certifying additional civil service classifications as covered correctional service;

- establishes in the PERA a correctional plan for county and municipal jail and workhouse employees who aren't sworn police officers; sets retirement age and benefit provisions similar to the MSRS correctional officers plan;
- makes the plan effective July 1, 1988 for prospective service credit only;
- requires the State Board of Investment (SBI) to invest plan assets;
- clarifies that a law limiting the amount of ancillary benefits a relief association may pay applies to every volunteer fire relief association;
- effective: various dates.

Article 2—Various Nonstatewide Public Safety Pension Plan Changes

- removes the age 35 limit for membership in a paid or volunteer firefighters relief association in a city of the second class (allows individuals to join a relief association if they're hired at an age over 35);
- provides five-year vesting for Minneapolis police;
- provides benefit increases to retired members of the Hibbing Fire Relief Association and to surviving spouses and children;
- includes longevity pay in the definition of salary to provide a service pension increase for West St. Paul police;
- provides for the transfer of assets and service credit from the Clifton independent nonprofit firefighting corporation relief association to another relief association in Duluth Township upon dissolution of the Clifton relief association;
- requires the new relief association to recognize equal amounts of service credit for each member after the asset transfer;
- allows Mankato police to provide post-retirement increases for retired members for whom there exists no equivalent rank in the public safety department; requires increases to be

the same percentage increase granted retired first class patrol officers in any year;

- allows members of the Millerville volunteer fire relief association to receive service credit in the relief association for time worked for the fire department before the relief association was incorporated;
- increases the benefits payable to surviving spouses of Virginia firefighters;
- effective: various dates.

Article 3—Minneapolis Teachers Retirement Fund Association Benefit Modification Authorization

- authorizes the Minneapolis Teachers Board to repeal the plan's "13th check" ad hoc post-retirement increase and replace it with a different package of post-retirement increases; the package includes:
 - a benefit recalculation based on the current formula;
 - a one-time permanent increase equal to four percent for each year in retirement for up to a maximum of five years;
 - a minimum retirement benefit of \$9,000 per year for a 30-year career, prorated by the number of years of service; and
 - an annual automatic increase of two percent rather than 1.5 percent;
- provides an annual permanent post-retirement adjustment based on investment earnings in excess of eight percent on the entire fund's assets;
- effective: day after enactment.

Article 4—Authorization of Purchases of Prior Service

- authorizes a PERA member and a Teachers Retirement Association (TRA) member to purchase prior service credit;
- authorizes a former University of Minnesota employee with prior MSRS service credit and University faculty plan service credit to purchase the faculty plan service in MSRS; allows the purchase at a rate based on the individual's salary and

MSRS contribution rates in effect at the time;

- effective: day after enactment.

Article 5—Ambulance Service Personnel Retirement Plan

- establishes a defined contribution plan in PERA for ambulance service personnel;
- makes coverage available to basic and advanced life support emergency medical service personnel of a public ambulance service, or a privately operated ambulance service receiving an operating subsidy from a governmental entity;
- gives each ambulance service the option to participate and set member contributions;
- requires the SBI to invest ambulance service contributions in the Minnesota Supplemental Investment Fund;
- effective: July 1, 1987.

Article 6—Public Pension Plan Asset Use Limitation

- provides that a public pension plan's assets, including employer and employee contributions, state aid, state or governmental subdivision appropriations, and accrued earnings on investments, constitute a dedicated fund;
- provides that these assets may be used only to pay benefits and reasonable administrative expenses;
- prohibits state or governmental subdivisions from loaning or transferring these assets, or using them to amortize an unfunded actuarial accrued liability of another public pension plan;
- applies these limitations to all state public employee pensions plans, including supplemental retirement plans and volunteer firefighter plans;
- effective: day after enactment.

Article 7—Various Miscellaneous Retirement Modifications

- adjusts a retirement annuity for a Ramsey County highway employee and PERA member with a late career disability;

- changes the retirement date of a Roseau school district teacher for purposes of paying post-retirement adjustments;
- allows certain PERA employees of the former Albany Community Hospital and the former Canby Community Hospital to receive refunds of their employee contributions and matching employer contributions plus six percent annual interest;
- states that the Legislature's intent is not to allow the refund of matching employer contributions for similar situations in the future;
- restores PERA membership for a Stearns County Historical Society employee;
- authorizes the St. Paul Teachers Retirement Fund Association Board to amend its bylaws to eliminate the prohibition against a retired member working in any capacity for the city of St. Paul while receiving a retirement annuity;
- excludes a Hibbing city council member from PERA membership; allows the PERA to consider the council member a terminated PERA member, and allows the member to choose PERA membership for his/her current term in office;
- excludes members of the Plymouth Volunteer Fire Relief Association from membership in the PERA-P&F (and the PERA);
- excludes from the definition of salary for PERA purposes, any compensation paid to a Plymouth volunteer firefighter;
- entitles Plymouth volunteer firefighters to a refund of employee contributions plus six percent annual interest;
- effective: July 1, 1987 for section on Plymouth volunteer firefighters; day after enactment for all other sections.

Article 8—State Board of Investment Changes

- requires the SBI to adopt an investment policy statement;
- expands the SBI's investment authority to:
 - increase the limit on equity investments;
 - purchase high-yield debt obligations; and
 - allow the purchase of variable rate government debt securities;
- effective: day after enactment.

Article 9—Reduced Vesting Requirements and Modified Workers' Compensation Offsets

- provides five-year vesting for statewide and first class city teacher funds;
- allows local police and paid fire relief associations to adopt five-year vesting with municipal approval;
- changes the amount of the workers' compensation offset from a disability benefit for members of the PERA and the PERA-P&F;
- requires PERA to deduct disability benefit payments so that the sum of the disability benefit plus workers' compensation doesn't exceed the individual's salary;
- effective: July 1, 1987.

Article 10—Public Pension Plan Legal Opinions

- authorizes a public pension fund to request opinions from the attorney general;
 - effective: July 1, 1987.
- Enactment:** June 2, 1987
Effective: various dates

Public pension plans—changes
 HF1213*—Simoneau, Reding, Knickerbocker
 SF1132—D.M. Moe, Wegscheid, Waldorf, Renneke, Pogemiller

Chapter 284:

Article 1—Public Pension Plan Data Privacy

- amends the Data Privacy Act to:
 - limit disclosure of public data statewide retirement systems collect and maintain to: name, gross pension, and type of benefit provided;
 - classify as private data, the following information on members of the Public Employees Retirement Association (PERA) and Teachers Retirement Association (TRA): address, birth date, direct deposit account number, and tax withholding data;
- effective: day after enactment.

Article 2—Mandatory Retirement Age Federal Law Conformance

- eliminates mandatory retirement (at age 70) for public employees, all general state employees and TRA members (except tenured state university and community college faculty); complies with the 1986 Federal Age Discrimination in Employment Act;
- retains a mandatory retirement age provision that was in effect on March 3, 1983, for police officers and firefighters in second, third, and fourth class cities;
- repeals laws:
 - specifying mandatory retirement at age 70 for Metropolitan Transit Commission (MTC) transit operating division employees; and
 - permitting school boards to require teachers to retire at age 70;
- effective: day after enactment.

Article 3—State University and College Supplemental Retirement Plan Changes

- expands investment options in the Minnesota Supplemental Investment Fund for state university and college supplemental retirement plan participants;
- permits additional transfers among investment options;
- permits participants to redeem shares (withdraw money) from the plan at age 55 rather than at age 60, if the state university or community college board no longer employs the person;
- effective: Jan. 1, 1988 for section on expanded investment options; July 1, 1987 for section on redeeming shares.

Article 4—Minnesota State Retirement System Administrative Changes

- includes five percent annual interest on a refund of employee contributions upon the death of a member who doesn't otherwise qualify for an annuity;
- clarifies that choosing to participate in the statewide deferred compensation plan is the public employee's option, not the governmental employing unit's option;
- authorizes the Minnesota State Retirement System (MSRS) executive director to order a governmental unit to implement the deferred compensation plan if a public employee requests participation;
- prohibits the governmental unit from deferring compensation to any other deferred compensation plan until it implements the state plan;
- clarifies that covered employment for the unclassified plan includes state employment the regular MSRS plan covers;
- effective: day after enactment.

Article 5—Public Employees Retirement Association Administrative Changes

- amends the list of employees excluded from PERA; provides that service is incidental if compensation for it amounts to no more than 25 percent of a person's total annual gross earnings for all professional duties;
- clarifies the basis for determining the exclusion for seasonal and part-time school employees;
- clarifies the definition of "surviving spouse" to mean the spouse with the same legal residence as the PERA member at the time of the member's death or disability;
- authorizes the PERA board to:
 - establish a benefit appeals procedure;
 - purchase fiduciary liability insurance for board members and employees; and
 - purchase data processing insurance or self-insure for data processing losses;
- requires employing units to report status codes (information for PERA's computer) and dates of actual salary payments; clarifies that reports are required within 20 calendar days;
- changes payroll abstract reporting dates from January and July to March and October;
- prohibits PERA from starting an action to recover delinquent employee and employer contributions or interest on contributions, or paying delinquent contributions, unless PERA begins the action within three years of the omission;
- increases the interest rate the PERA may charge an employing unit on amounts the unit owes to the PERA; increases the rate to 10 percent if more than five days late, and assesses a \$10 minimum penalty (formerly \$5);
- authorizes the board to contract with a professional service to identify deceased annuitants and benefit recipients, rather than rely on

collecting signature cards from benefit recipients;

- requires the executive director to suspend or reduce payments of disability benefits, survivor benefits, survivor annuities, refunds, or retirement annuities to recover overpaid disability benefits;
- allows a member on authorized sick leave who has received the maximum one year of service credit to receive a refund of contributions if he/she remains on sick leave 120 days after the end of the service credit year;
- clarifies the contribution rate that a member must pay for a special purchase of prior service credit;
- requires a governmental subdivision to state, in a membership resolution for part-time police or firefighters that the Public Employees Retirement Association-Police and Fire (PERA-P&F) will cover the individual;
- adds to the eligibility requirements for membership as a police officer in the PERA-P&F; requires an individual to be employed in a position for which the primary duties are to enforce the law and be licensed as a police officer;
- provides an optional larger recomputed retirement annuity at age 55 for certain short service PERA-P&F disabled members; requires the individual to choose the retirement annuity and bases the amount on the prior disability benefit;
- authorizes a retirement annuity for PERA-P&F disabled members age 55 or older who have at least five, but fewer than 10 years of service; makes the authorization retroactive to certain disabled members who were disabled after May 31, 1986;
- clarifies the requirements for receiving survivor benefits from the PERA-P&F fund;
- requires a surviving spouse to have the same legal residence as the member;
- bases the amount of surviving spouse's or children's benefit on the

- salary the member received during the last six months before death;
- increases eligibility for the death-while-eligible surviving spouse benefit to include deceased members with 30 years of service, regardless of age;
- effective: June 1, 1986 for sections on retirement annuities for PERA-P&F disabled members having between five and 10 years service; day after enactment for all other sections.

Article 6—Teachers Retirement Association Administrative Changes

- excludes from the definition of "salary," payments in lieu of employer-paid group insurance and other forms of employer-paid fringe benefits;
- defines "termination of teaching service" as a member's withdrawal from active teaching service through resignation or the employer's termination of the member's teaching contract;
- requires a retiree to have a petition which 10 other retirees signed when filing for election to the TRA board;
- clarifies that the attorney general is the TRA legal adviser;
- provides that all legal actions involving TRA will take place in Ramsey County District Court;
- limits the length of time during which member and employer contribution payments for extended leave of absence service credit may be made; requires six percent interest on late payments;
- adds an imputed salary to the definition of income from teaching service to determine the limit on earnings applicable to a TRA retiree drawing an annuity; provides a basis to determine imputed salary;
- allows the TRA to pay a death benefit refund to more than one beneficiary;
- revises the earnings limitations for disabled members; provides that a disabled member who returns to work will not be subject to a reduced disability

benefit unless the individual's earnings plus the amount of the original disability benefit exceeds the individual's salary at the date of the disability;

- extends to June 30, 1957 (formerly July 1, 1961) the authorization to pay shortages in member contribution deductions; prohibits paying for shortages in member deductions prior to July 1, 1957;
- clarifies that the augmentation on deferred annuities doesn't include the period of service a refund repayment restores;
- conforms language of the joint and survivor annuity for the variable annuity plan to general plan provision language; requires the TRA to automatically pay a joint and survivor annuity if the member met eligibility requirements for the death-while-eligible benefit;
- requires variable annuities effective prior to May 1, 1984, to be recalculated; increases annuity amounts using eight percent rather than five percent annuity tables;
- effective: July 1, 1987 for section redefining "salary"; day after enactment for all other sections.

Article 7—Public Pension Plan Audit Responsibilities

- requires the state auditor to audit the books and accounts of first class city teacher funds;
- effective: July 1, 1987.

Article 8—Combined Service Disability and Survivor Benefits

- provides combined service disability and survivor benefits for state-wide funds, the first class city teacher funds, and Minneapolis Employees Retirement Fund;
- expands the portability features of the existing combined service annuity provisions;
- effective: day after enactment with certain qualifications.

Enactment: May 28, 1987

Effective: various dates

Public pension plans—marriage dissolution

HF0940*—Clark, Rest, Kludt, Simoneau
SF0855—Berglin

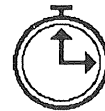
Chapter 157:

- specifies that marital property divisions as part of marriage dissolutions aren't exempt from the legal process provisions in public pension plan law;
- requires public pension plans to provide information on pension benefits in connection with marriage dissolution actions if the court or a party to the action so requests in writing;
- defines "marital property" to include vested public or private pension plan benefits or rights;
- defines "public pension plan benefits or rights" as a benefit or right from a public pension plan that accrues to the end of the month in which marital assets are valued, as terms of the laws or other document provisions governing the plan determine;
- requires the division of pensions benefits or rights as marital property in a marriage dissolution to be made against any available liquid assets at the time of the dissolution;
- specifies procedures for dividing marital property that represents vested public pension benefits or rights in the form of future public pension plan payments;
- allows the court to award a former spouse all or part of a survivor benefit unless the plan, by law, doesn't allow payment of a surviving spouse benefit to a former spouse;
- provides that if the court has ordered that a spouse has an interest in a pension plan, the court may order a pension plan to withhold payment of a refund upon termination of employment or lump sum distribution to the extent of the spouse's interest in the plan, or to provide survivor benefits;

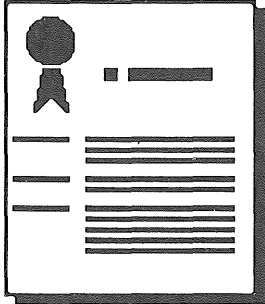
- provides that the court may not order the pension plan to pay more than the equivalent of one surviving spouse benefit regardless of the number of spouses or former spouses who may be sharing in a portion of the total benefit;
- provides a formula for pension plans to apportion court-ordered payments to more than one spouse or former spouse;
- requires a pension plan to notify a former spouse of an employee's application for a pension benefit refund if the former spouse has filed certain information with the pension plan;
- allows each Minnesota court that has jurisdiction to decide marriage dissolution matters to appoint an approved actuary to function as an expert witness in valuing pension benefits or rights;
- allows a certain retired member of the Public Employees Retirement Association (PERA) to elect certain coverage.

Enactment: May 15, 1987

Effective: Aug. 1, 1987



Resolutions



Farmer-Lender Mediation Act, FmHA—resolution

HF0575*—Sparby, Steensma, Brown, Redalen, Wenzel
SF1401—Stumpf, R.D. Moe, DeCramer, Davis, Berg

Resolution 7:

- memorializes the President and U.S. Congress to immediately direct the Farmers Home Administration to participate in and cooperate with the Minnesota Farmer-Lender Mediation Program.

Filed: May 14, 1987

Highway funding—resolution

HF0066*—A. Johnson, R. Johnson, V. Johnson, K. Olson, E. Olson
SF0008—Purfeerst, Vickerman, Metzen, DeCramer, Frederick

Resolution 2:

- memorializes U.S. Congress to enact an extension of the federal highway program at the earliest possible date.

Filed: March 5, 1987

Filed: the date the resolution was filed with the secretary of state

Jewish exit visas—resolution
HF0757—Segal, Orenstein, Kahn, Norton, Schreiber
SF0653*—Spear, Cohen, Piper, Pogemiller, Marty

Resolution 3:

- memorializes the Union of Soviet Socialist Republics to grant exit visas to Jewish prisoners of conscience.

Filed: April 7, 1987

John Mariucci's life, work—resolution
House Concurrent Resolution No. 8—Begich

Resolution 9:

- commemorates the life and work of John Mariucci.

Filed: May 27, 1987

Medals of Freedom—resolution
HF1145*—Wenzel
SF1526—Jude, Cohen, Piper, Knaak, Marty

Resolution 8:

- memorializes the President and U.S. Congress to posthumously award Presidential Medals of Freedom to Andrew Goodman, Michael Schwerner, and James Chaney who gave their lives in pursuit of securing black voters the free exercise of the right to vote.

Filed: May 14, 1987

Nonprofit lobbying limitations—resolution
HF0737*—McLaughlin, Vanasek, Skoglund, Norton, R. Anderson
SF0794—Luther, Brandl, Marty

Resolution 4:

- memorializes the President and U.S. Congress to prevent proposed Internal Revenue Service regulations that limit the lobbying activities of nonprofit organizations.

Filed: April 9, 1987

Pipeline safety improvement—resolution
HF0567*—Knuth, Voss, Quinn, R. Johnson, Bishop
SF0661—Novak, Dahl, Diessner, Willet, Knaak

Resolution 5:

- memorializes the President and U.S. Congress to give states more authority to regulate interstate pipelines and improve federal regulation of pipelines.

Filed: April 30, 1987

Save the Family Farm Act—resolution
HF0083—Bauerly, Winter, Cooper, Bertram, Wenzel
SF0095*—Davis, Morse, Langseth, D.J. Frederickson, R.D. Moe

Resolution 1:

- memorializes U.S. Congress to immediately adopt the Save the Family Farm Act or similar legislation to meet the catastrophe striking American farmers and the farm economy.

Filed: Feb. 4, 1987

St. Anthony Falls energy plant—resolution
HF0564*—Long, Quinn, Clark, Kahn, Greenfield
SF0526—D.C. Peterson, Kroening, Spear, Pogemiller, Brandl

Resolution 10:

- urges the Federal Energy Regulatory Commission to deny any application for additional hydro-power generation which requires additional water diversion at St. Anthony Falls.

Filed: June 2, 1987

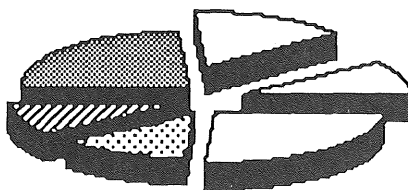
VA health care—resolution
HF0462*—Segal, Simoneau,
 Steensma, Winter, Dauner
SF1171—Bertram, Dahl

Resolution 6:

- memorializes U.S. Congress and most particularly the Minnesota Congressional Delegation to recognize the special role of the Veteran's Administration health care system and strive to maintain this system in Minnesota with adequate funding.
- Filed:** May 14, 1987



Taxes



Anoka County—solid waste
 • (See Local Bills—Counties)

Gillette Hospital—
tax exemption clarification
HF1442—McLaughlin
SF1296*—Berglin, Wegscheid

Chapter 118:

- defines Gillette Children's Hospital as an organization that shall operate exclusively for charitable, scientific, and educational purposes under the 1986 Internal Revenue Code, as amended; clarifies tax exemption.
- Enactment:** May 14, 1987
Effective: day after enactment

Iron Range occupation tax
HF0798—Begich, Battaglia,
 Rukavina
SF0596*—D.J. Johnson, Dicklich

Chapter 300:

- changes the effective date from July 1, 1988 to July 1, 1987 of an appropriation to pay certain occupation tax refunds.
- Enactment:** May 28, 1987
Effective: July 1, 1987

Local government—public finance
HF1298—Rest, Voss, Long
SF0971*—Pogemiller, Reichgott

Chapter 344:

- extends from 12 to 13 months the maximum maturity of school district certificates of indebtedness that school boards may sell through negotiated sales;
- provides that the levy limit exemption for bond payments doesn't apply to levies for bonds to finance county self-insurance programs;
- permits municipalities to specify payment schedules for special assessments that differ from the two statutory repayment schedules; repeals obsolete language on interest rate limits;
- allows a city council to use general obligation, special assessment bonds for skyway projects;
- authorizes cities to establish revolving funds to collect revenues and pay construction and debt service costs of sewer and water special assessment projects; allows the city to choose whether to deposit revenues in the debt service or construction account in the revolving fund;
- exempts from competitive bidding requirements a public parking ramp, that a housing and redevelopment authority (HRA) constructs over or under a low and moderate income housing development project;
- authorizes an HRA to issue multifamily, nonprofit housing bonds to acquire existing housing;
- repeals an obsolete interest rate limit in the HRA law;
- provides that procuring insurance or self-insurance coverage doesn't waive a municipality's exceptions to tort claims provisions;
- authorizes cities, port authorities, and HRAs to issue revenue bonds in anticipation of receiving economic development loan repayments (such as loans which Urban Development Action Grants finance);

- permits municipalities to use loan repayments or bond proceeds to finance projects under HRA, port authority, development district or industrial revenue bond laws;
- authorizes the Minnesota Association of Counties to establish a mutual insurance company on behalf of a pool of counties; requires the company to have:
 - at least 32 applications for policies of each insurance line the company writes;
 - assets of at least \$100,000, or five times the amount of any single risk; and
 - \$100,000 on deposit with Minnesota's commissioner of commerce or in United States bonds;
- authorizes counties to enter into insurance installment purchase agreements with an insurance pool without advertising for bids;
- permits the self-insurance pool to issue revenue bonds, or general obligation bonds (of the insurance pool, not the counties) to finance insurance reserves and claims;
- apportions insurance costs to individual participating counties;
- clarifies the definition of "obligation" to include instruments payable on demand; limits obligations (subject to *Minnesota Statutes*, Chapter 475 rules) to instruments that are made to incur debt;
- permits counties to issue and refund bonds for nonprofit charitable entities' projects; requires the city or urban town where the project is, to provide written consent;
- provides an exemption from the "five times rule" (the maximum amount of principal that a municipality may repay in any year is five times the smallest amount of principal paid in any year) if a zero coupon bond in the principal amount secures the issue; requires that the zero coupon bond's maturity is shorter than that of the principal repayment obligation;
- allows municipalities to enter into interest rate swap arrangements;

- repeals interest rate limits on municipal bonds (the 1986 Legislature repealed these limits, subject to a sunset clause);
- exempts requests of a bank acting as a tender agent from the rules limiting disclosure of bond register information; limits the exemption to a bank that is a tender agent on the original bond documents;
- expands cities that qualify to use variable rate bonds to include cities with populations between 7,500 and 10,000;
- increases the public sale exemption for certificates of indebtedness from \$300,000 for three months to \$1.2m for a year; clarifies the public sale exemption for taxable bonds;
- authorizes investing debt service funds in Housing Finance Agency revenue bonds; provides that the authority expires Aug. 1, 1990;
- authorizes:
 - partial advance refunding of bonds;
 - additional general obligation advance refunding bonds;
- provides exceptions from the six-month limit if the issue's average maturities are extended three years;
- converts the debt service savings rules to a present value test and reduces the five percent savings test to three percent;
- provides that neither filing or possession is necessary to perfect a municipality's pledge to pay its bonds;
- authorizes port authorities, HRAs, and other entities to issue bonds under *Minnesota Statutes*, Chapter 475;
- repeals laws governing:
 - the interest rate limit on special assessment obligations; and
 - limitations on advance refunds of advance refunding bonds.

Enactment: June 1, 1987
Effective: day after enactment for sections: repealing an obsolete interest rate limit in HRA law; permitting counties to issue and refund bonds for nonprofit entity

projects; repealing interest rate limits on municipal bonds; increasing the public sale exemption for certificates of indebtedness; perfecting a municipalities pledge to pay bonds; repealing interest rate limits on special assessment obligations and limitations on advance refunds of advance refunding bonds; Aug. 1, 1987 for all other sections

**Restitution—Revenue
Recapture Act**
 • (See Crime/Corrections)

**Scott County—
amusement admission tax**
HF1219*—Kelso, Vanasek,
 Kostohryz, Jensen, Dempsey
SF1014—Schmitz

Chapter 285:

- allows the Scott County Board of Commissioners to impose an admissions tax up to 25 cents per paid admission to all major amusement facilities in Scott County;
- defines "major amusement facility" as a place that has a capacity for 10,000 or more people or has had a paid attendance of 10,000 or more people in the preceding 12 months;
- requires that funds from the tax will go into the county road and bridge fund to pay for Scott County's share of all related costs for the Bloomington Ferry Bridge.

Enactment: May 28, 1987
Effective: day after enactment

Taxes—omnibus bill

HF0529*—Voss, Norton, Vanasek,
Rest, McLaughlin
SF0445—D.J. Johnson

Chapter 268:

- generates \$691.0m over the next biennium from individual income, sales, corporate, and other miscellaneous taxes;
- reforms the state's tax system to conform with changes in the 1986 Federal Tax Reform Act.

Article 1—Income Tax

- increases the state elections campaign check-off from \$2 to \$5;
- redefines "net income" as federal taxable income with Minnesota modifications;
- repeals the following adjustments to gross income:
 - subtractions for pension income;
 - unemployment compensation and military pay;
 - the federal tax deduction;
 - Minnesota standard and itemized deductions;
- adopts federal taxable income as the starting point in calculating the state tax base, and adopts federal rules for:
 - standard deductions;
 - itemized deductions; and
 - personal exemptions;
- adopts the following major changes in the 1986 Federal Tax Reform Act:
 - passive activity loss limitations;
 - changes in cost recovery or depreciation deductions;
 - repeal of the itemized deductions for consumer interest and sales tax; and
 - repeal of the two-earner deduction for married couples;
- provides two additions to federal taxable income:
 - tax exempt non-Minnesota government bonds and dividends from tax-exempt mutual funds investing in non-Minnesota tax exempt bonds;
 - state income taxes that are deductible in computing federal taxable income;

- allows the following subtractions to federal taxable income:

- interest on U.S. government obligations;
- state income tax refunds that were deducted in computing federal adjusted gross income;
- elementary and school expenses that qualify as itemized deductions under present law, except that the taxpayer must elect to itemize deductions on the federal return in order to take the subtraction;
- specifies the following minimum contacts (or nexus rules) that subject a trade or business to taxation under Minnesota corporate franchise and individual income taxes; requires that the trade or business:
 - maintain a place of business in Minnesota;
 - hire employees or independent contractors in the state;
 - regularly sell products or services or solicit business in the state;
 - perform services in the state;
 - engage in intangible property transactions with Minnesota residents (i.e., loans or security trading);
 - regularly solicit deposits in the state by a financial institution;
 - receive income from real property in Minnesota and have secured loans with real property in Minnesota;
- renames the corporate excise and income taxes a "franchise tax";
- repeals the direct income tax on foreign corporations, and requires them to pay the new franchise tax;
- clarifies that township and farmers mutual insurance companies and nonprofit health service corporations are subject to the corporate franchise tax;
- repeals the lower corporate rate (six percent) and reduces the general corporate rate from 12 to 9.5 percent;
- adopts new individual income tax rates and brackets for married joint, single and married separate, and head of household filers; provides separate rates are provided for tax years 1987 and 1988 (see table):

Married Joint—1987

0	-\$4,000	4%
\$4,001	-\$11,000	6%
\$11,001	\$21,000	8%
\$21,001+		9%

1988

0	-\$19,000	6%
\$19,001+		8%

Single—1987

0	-\$3,000	4%
\$3,001	-\$9,000	6%
\$9,001	-\$16,000	8%
\$17,001+		9%

1988

0	-\$13,000	6%
\$13,001+		8%

Head of Household—1987

0	-\$3,500	4%
\$3,501	-\$10,000	6%
\$10,001	-\$18,000	8%
\$18,001+		9%

1988

0	-\$16,000	6%
\$16,001+		8%

- establishes a tax on all filers equal to 10 percent of the federal surtax, beginning in tax year 1988 (to eliminate the benefit of the lower federal rate bracket and personal exemptions for higher income taxpayers);
- adopts a new schedule for indexing tax brackets (indexing won't begin until tax year 1991);
- allows a credit equal to 40 percent of the federal elderly and disabled credit;
- reduces the research and development credit percentage rates from 12.5 to 5 percent and from 6.25 to 2.5 percent;
- repeals the research credit's three-year carryback provision;
- provides that the recapture provision of the technology transfer credit will remain in effect;
- allows resident, nondomiciled military personnel the credit for other states' income taxes only if their state of domicile does not allow a similar credit;

- increases the alternative minimum individual tax rate from four to six percent;
- imposes an alternative minimum tax (AMT) on corporations as follows:
 - for tax years 1987, 1988, and 1989, this tax equals the excess of one-tenth of one percent of the corporation's Minnesota property, payroll, and sales factors, over the corporation's regular tax liability;
 - exempts the first \$5.0m of Minnesota property, payroll, and sales; reduces that amount by one-half of the corporation's total property, payroll, and sales that exceed \$10.0m;
 - replaces the AMT, by 1990, with an add-on minimum tax that equals 40 percent of the corporation's federal AMT liability;
- repeals the apportionment provisions of the Multi-State Tax Compact (prohibits corporations from apportioning income under the Uniform Act rules);
- eliminates the deduction for charitable contributions to non-Minnesota charities; contributions of Minnesota real property to the U.S. government remain deductible;
- requires taxpayers to file a copy of their federal income tax returns with their state returns;
- repeals net operating and capital loss carrybacks for corporations;
- limits the number of withholding exemptions to the number the filer claims for federal income tax;
- imposes the federally mandated corporate level tax on a Chapter S corporation's built-in gain;
- states that the purpose of the act is to simplify the income tax; the purpose of elimination of carryovers and basis adjustments is to achieve simplification;
- provides that the article is generally effective for tax year 1987.

Article 2—Insurance Taxes

- imposes the two percent insurance gross premiums tax on domestic mutual companies including town-ship and farmers mutuals;
- makes nonprofit health services corporations, health maintenance organizations, and fraternal benefit societies contributing members of the comprehensive health insurance plan;
- limits the penalty for failure to file a premium report to \$200;
- limits imposition of the two percent surcharge to licensed insurers on fire insurance for property in first class cities;
- requires the commissioner of finance to pay surcharge revenues to cities by July 31 and Dec. 31 of each year (present law requires semi-annual payments, but doesn't specify payment dates);
- provides that the Workers Compensation Reinsurance Association is subject to the two percent gross premiums tax on its direct funded premiums;
- imposes the insurance premiums tax on previously exempt premiums of domestic mutual companies for calendar year 1987 at a rate of one percent;
- provides that the article is generally effective July 1, 1987.

Article 3—Property Tax Refund

- generally expands the definition of household income under property tax refund; new items include:
 - net operating losses that reduce adjusted gross income below zero;
 - the allowable portion of passive activity loss deductions under the transition rules;
 - passive activity loss carryovers;
 - discharge of farm indebtedness income that is exempt from federal income taxation; and
 - the \$2,000 deduction from household income for claimants aged 65 or disabled;
- establishes a new property tax refund schedule (effective for claim

- payments in calendar year 1988) for claimants aged 65, disabled, or who have dependents; reduces the maximum refund under present law from \$1,125 to \$1,100; increases the percentage of income the property tax must exceed from a range of 1 to 2.4 percent to a range of 1 to 2.5 percent; increases the claimant coinsurance payment, and reduces the maximum income limitation from \$40,000 to \$35,000;
- requires claimants to file a copy of their federal income tax returns as part of the application for a property tax refund;
- requires managers of leasehold cooperatives to provide property tax statements to each tenant and tenants of these units to claim refunds as homeowners, rather than renters;
- provides that property tax refund checks lapse two years after the date of issue if the department can't find the claimant;
- increases the penalty on those who rent out property for failure to provide a Certificate of Rent Paid (CRP) from \$20 to \$100 and imposes the penalty on those who willfully report property taxes in excess of the amount they paid; requires people who rent out property to file copies of the CRP with the commissioner of revenue by April 15;
- reduces the amount of property tax refunds for calendar year 1987 by 33 percent; limits property tax refund payments during calendar year 1988 to an appropriation of \$125.0m (if the commissioner estimates that larger payments will go out under the rate schedule, he/she must reduce all refunds by an equal percentage to remain within the \$125.0m appropriation);
- provides that the article is generally effective for 1988 property tax refunds, except where individual sections indicate they apply to 1987 refunds; the requirements that people who rent out property file CRPs with the Department of Revenue is effective for refunds in 1989.

Article 4—Sales Tax

- extends the sales tax to sales or use of the following services:
 - canned computer software selling as part of a custom computer program;
 - the fair market value of meals employers furnish to employees;
 - suntan facilities;
 - interstate, long distance telephone calls;
 - racehorses, stud fees, and other related charges for Minnesota race horses;
 - dry cleaning, laundry, and similar services, but not coin-operated;
 - car washes;
 - lawn and garden services;
 - meals in hospitals and nursing homes, except those the facilities provides to patients and residents;
 - use of recreational areas;
 - fees paid for access to health club facilities;
 - parking lots and related services;
 - motor vehicle services, other than repair;
 - building, cleaning and maintenance, pest extermination;
 - detective and security services;
 - pet grooming; and
 - reducing salons, steam baths, massage parlours, and other similar facilities;
- repeals the sales tax exemption for leases of airplanes members of flying clubs use;
- includes federal taxes on an item in the sale price and in the base upon which the state computes the state sales tax;
- applies a two percent sales tax rate for farm machinery sod producers use and vendor-installed farm equipment that constitutes improvement to real property;
- prohibits the broadcasting or publishing of advertisements that say no sales tax is due when the broadcaster, publisher, or advertiser knows it is false;
- provides for apportioning the sales tax on railroad rolling stock on the basis of the fraction of the railroad's

- Minnesota mileage to its total mileage for the previous year;
- eliminates the sales tax exemption for nonprescription drugs, except insulin (over-the-counter medicine a physician prescribes remains exempt);
- repeals the sales tax exemption for state agencies;
- exempts food-stamp purchases of candy and soft drinks from the sales tax;
- exempts incoming, wide-area telephone service (WATS) from the sales tax on interstate long distance service;
- repeals the motor vehicle excise tax exemptions for state agencies, local governments, and nonprofit organizations;
- requires holders of aircraft dealers' commercial use permits to pay sales tax on money they receive for use of the aircraft;
- provides effective dates as follows:
 - tax on computer software, recreation areas, tanning facilities, baths, reducing salons, meals furnished to employees, interstate telephone services, railroad rolling stock, nonprescription drugs, sales to state agencies, and motor vehicle excise tax on governmental units and nonprofit organizations are effective June 1, 1987;
 - exemption for food stamp purchases is effective Oct. 1, 1987;
 - tax on laundry and dry cleaning, building services, detective and security services, and lawn care is effective Oct. 1, 1987; and
 - the remainder of the article is effective July 1, 1987.

Article 5—Property Taxes

- provides a state-paid small business transition credit if property taxes on the first \$120,000 market value of commercial-industrial property exceeds three percent of market value; the credit equals 50 percent of the property tax amount on the first \$120,000 of market value in excess of the three percent effective rate;

- this credit is only for taxes payable in 1988; appropriates money to the commissioners of revenue and education to replace lost revenue as a result of this reduction;
- decreases the property classification ratio non-agricultural homestead property from 18 percent on the first \$66,000 of market value (i.e., the first tier) to 17 percent on the first \$68,000 and decreases the ratio from 28 percent on the excess over \$66,000 market value (i.e., second tier) to 27 percent on the excess over \$68,000 market value; these classification ratios also change accordingly on non-agricultural homestead property where the owners are blind, disabled, or paraplegic veterans (i.e., the old "3cc" class), and homesteaded manufactured homes; makes no change to agricultural homesteads;
- provides that the amount of local government aid each county, city, and town receives in calendar year 1988 and subsequent years is the same amount they received for calendar year 1987;
- establishes a new levy limit base for 1988 for counties and all cities regardless of population (the new base is the sum of the payable 1987 levy plus local government aids); increases the base for 1988, three percent; the new levy limit excludes levies for:
 - debt service;
 - unfunded accrued pension liability;
 - income maintenance programs excluding administrative costs; and
 - social service programs, including their administrative costs.

Article 6—1989 and Subsequent Property Tax

- contains a significant restructuring of the property tax system for property taxes payable in 1989 and subsequent years;
- condenses current property tax classes into five main classes with subclasses;

- eliminates the non-agricultural homestead credit and the agricultural credit and replaces them with value exemptions and "replacement aids"; eliminates a few smaller miscellaneous credits;
- establishes a "tax base adjustment aid" to compensate jurisdictions for changes in their tax bases resulting from new classification ratios;
- exempts electric power distribution lines from property taxation when their primary use is supplying electricity to farmers;
- expands the disaster credit to non-homestead property (currently, only homestead property is eligible to receive a credit for property a disaster destroys);
- decreases the homestead credit amount that determines the homestead replacement aid payable in 1989 to an equivalent of 52 percent of the tax and no \$700 maximum;
- establishes a formula for state "homestead credit replacement aid" for all taxing jurisdictions beginning in calendar year 1989; the basis for each jurisdiction's aid payment is the hypothetical amount each jurisdiction would have received in homestead credit in 1988 if:
 - the homestead credit percentage had been 52 percent;
 - the state had eliminated the \$700 homestead credit maximum and had allocated the homestead credit to each taxing jurisdiction in direct proportion to its total levy;
- establishes a formula for state-paid "agricultural credit replacement aid" for all taxing jurisdictions beginning in calendar year 1989;
- establishes a formula for computing the "tax base adjustment aid" beginning in calendar year 1989; compares each jurisdiction's tax base for payable 1988 against what its property tax base for 1988 would have been had the new classification ratios been in effect (scaled back by 0.45);
- defines the new property value exemptions that apply to certain property types:

- for non-agricultural homestead, exemption equals 52 percent of the assessed value on the first \$68,000 of market value;
- for agricultural homestead, exemption equals 36 percent of the assessed value of the first 320 acres of property (excluding house, garage, and one acre), and 26 percent on acreage over 320;
- for non-homestead agricultural property (including timberland), exemption equals 26 percent of assessed value; and
- for seasonal recreational residential property, exemption equals 15 percent of assessed value on the first \$31,000 of market value;
- provides that the commissioner of education shall determine a reduced tax levy for each school district by adjusting for homestead credit replacement aid, agricultural credit replacement aid, and tax base adjustment aid.

Article 7—Property Tax Administration

- creates a legislative tax study commission of 14 legislative members, seven from the House of Representatives and seven from the Senate; the purpose is to:
 - examine the burden of income maintenance and social services on the property tax levies;
 - examine and recommend alternative methods of income adjusted property tax relief for homeowners and renters;
 - examine and recommend alternative property tax classification systems and the effects of the simplified system;
 - examine the tax structure and revenue needs and resources of the state and local government;
 - make long-range tax policy recommendations;
 - analyze proposed legislation;
 - examine the property tax burdens on agricultural, commercial-industrial and employment property; and
 - file a report with the Legislature at least biennially;

- appropriates \$300,000 from the general fund for the Tax Study Commission for the biennium ending June 30, 1989;
- abolishes the Equalization Aid Review Committee (EARC) and transfers this function to the commissioner of revenue;
- eliminates the gross rent capitalization factor in determining the equalized value for agricultural lands for school aid purposes;
- provides that land an owner trades under an auxiliary forest contract for land a governmental unit owns shall be free of taxes or assessments if the owner agrees to use it to produce forest products; requires payment of current and delinquent taxes the property incurred before the land exchange, effective Aug. 1, 1987;
- changes dates for the State Board of Equalization to between July 15 and Oct. 1 (current law is between Aug. 15 and Nov. 15);
- changes the date for the local Board of Equalization to between April 1 and May 31 (currently between April 1 and June 30);
- changes the dates of the county Board of Equalization to the last two weeks in June; the commissioner may extend to July 15 (currently the first two weeks in July);
- changes the date for submitting state board orders to the county assessor from Nov. 15 to Oct. 1;
- requires the county assessor to annually submit the final abstract of assessment of real and personal property to the commissioner by Nov. 15;
- requires all county assessors and senior appraisers in the Department of Revenue's Property Tax Review Division, including the department's regional representatives, to have senior accreditation from the State Board of Assessors by Jan. 1, 1989;
- increases the maximum dollar amount of tax (including penalty and interest) in controversy which is allowable in the Small Claims Division of Tax Court from \$2,500 to \$5,000;

- provides that annually, on Nov. 15, beginning in 1988, the commissioner of revenue shall provide county assessors with a land valuation schedule showing the range of values to use in the valuation of agricultural lands;
- allows local taxing jurisdictions to claim overpayments of unclaimed property taxes (previously went to the state);
- allows the county treasurer to accept payments of more or less than the exact amount of the tax installment due on real and personal property tax payments;
- provides that if a county board has reason to believe that an installment plan to repurchase tax-forfeited land is not in the public interest, the board may require payment of the entire repurchase price at the time of repurchase;
- increases from \$10 to \$20 the county fee the purchaser pays for a tax forfeited land transaction, effective July 1, 1987;
- increases the county fee from \$10 to \$20 to apply for replacement of a lost or destroyed deed, effective July 1, 1987.

Article 8—Tax-Exempt Property

- provides that the following types of property are subject to taxation if the owner is a governmental organization and they are in use for a for-profit business airport property a city, town, or county owns and the passenger check-in area or ticket sale counter, boarding or luggage claim area of a public airport (applies only to Metropolitan Airports Commission airports);
- repeals the exemption for facilities that produce distilled spirits from mostly Minnesota-produced and grown ingredients;
- taxes leased property a tax-exempt entity owns but leases to a non-exempt entity, if the lease is for less than one year (currently, the lease must be three years); defines lease;

- repeals the sales tax exemption for purchase of capital equipment for a Minnesota distillery;
- provides that this article is effective beginning with the 1987 assessment.

Article 9—Minerals

- prohibits the ad valorem taxation of minerals except for iron ore and taconite;
- makes the existing occupation tax applicable to only iron ore and taconite concentrates; repeals this tax for iron ore and taconite concentrates companies mined after Dec. 31, 1989;
- imposes an occupation tax on ores other than iron ore or taconite concentrates; provides for determining the new tax in the same manner as the corporate franchise tax;
- imposes a new occupation tax on iron ore and taconite for iron ore and taconite concentrates companies mined after Dec. 31, 1989;
- imposes a net proceeds tax on the mining of all ores and minerals except for sand, silica sand, gravel, building stone, crushed rock, limestone, granite, dimension granite, dimension stone, horticultural peat, soil, iron ore, and taconite concentrates; the tax is two percent of the net proceeds from mining such ores; effective for tax years after Dec. 31, 1986;
- requires subtracting distributions of the net proceeds tax to local governments from the levy limit base when determining the local property tax levy limitation;
- sets deductions for purposes of calculating the net proceeds tax;
- provides for the July 15 annual distribution of the net proceeds tax to local governments, school and economic development funds; provides a distribution schedule for the net proceeds tax on minerals or energy resources extracted within the taconite tax relief area; provides for deposit in the general fund of net proceeds tax on minerals or energy resources extracted outside the taconite tax relief area;

- repeals the royalty tax, effective for ore companies mined after Dec. 31, 1989, and provides that the withholding tax on royalties is effective beginning with tax year 1990;
- provides for an increase in 1988 of the production tax distribution to the Iron Range Resources and Rehabilitation Board (IRRRB), the property tax relief fund, the Northeast Minnesota Economic Protection Fund, and school districts as if the production tax rate had increased according to the increase in the implicit price deflator for 1987 production;
- repeals section dealing with taxes on taconite railroads; requires taxing taconite railroads on their property in the same way as other corporations; royalty payors will be subject to withholding in the same manner as other corporations; effective for taxable years beginning after Dec. 31, 1989;
- repeals sections which apply to taxes on copper nickel mining and related provisions; the repealers are effective for taxable years beginning after Dec. 31, 1986;
- repeals sections which impose an occupation tax on taconite mining.

Article 10—Economic Development

- transfers authority to approve applications for employment property classification under the enterprise zone law from the commissioner of revenue to the commissioner of energy and economic development;
- allocates \$2.0m for tax reductions in border city enterprise zones not in cities of the first class;
- provides for designating a county as a distressed county if at least 20 percent of the county's economy depends on agriculture and the total market value of real and personal property decreases 22 percent or more over the most recent two-year period;

- extends the sales tax exemption on capital equipment in distressed counties to the entire taconite tax relief area;
- provides that a three-year capital investment exceeding \$50.0m for materials and supplies that go to construct or expand a manufacturing facility in the taconite tax relief area will qualify for the sales tax exemption currently available only to distressed counties (the current requirement is a \$75.0m total capital investment within a three-year period);
- appropriates \$500,000 from the general fund for economic development projects in Aitkin County.

Article 11—Gross Earnings

- provides for the elimination of the six percent telegraph gross earnings tax; the following rates will apply:
 - calendar year 1990 4.5 percent;
 - calendar year 1991 3 percent;
 - calendar year 1992 1.5 percent;
 - calendar year 1993 exempt;
- includes long distance access charges in the definition of gross earnings and delays the schedule for elimination of the telephone gross earnings tax;
- continues exemption for interstate long distance business, but includes interstate access charges in the gross receipts of local companies through calendar year 1989;
- delays property tax on telephone companies until taxes paid in 1990.

Article 12—Liquor Tax

- increases the excise tax on the following:
 - distilled spirits from \$4.39 to \$5.03 per gallon;
 - table wine from \$.27 to \$.30 per gallon;
 - wine with 14 to 21 percent alcohol from \$.79 to \$.95 per gallon;
 - wine with 21 to 24 percent alcohol from \$1.58 to \$1.82 per gallon;
 - wine with more than 24 percent alcohol by volume from \$3.08 to \$3.52 per gallon; and

- champagne from \$1.50 to \$1.82 per gallon;
- 3.2 beer from \$2.00 per barrel to \$2.40 and strong beer from \$4.00 to \$4.60 per barrel;
- becomes effective June 1, 1987.

Article 13—Cigarette Tax and Sales

- increases the cigarette tax from 23 to 38 cents per pack of 20 cigarettes;
- increases the tobacco products tax from 25 to 35 percent of the price and provides for taxation of little cigars as tobacco products;
- repeals the cigarette and tobacco products tax exemptions for correctional institutions;
- reduces the discount on cigarette stamps from 2 to 1.25 percent for the first \$1.5m and from 1.25 to .75 percent on the remainder;
- eliminates the cigarette tax exemption for sales to other distributors;
- increases the apportionment to the public health fund from 1 to 2 cents per pack;
- changes payment date for cigarette use and tobacco products tax from the 25th to the 18th of the month;
- imposes penalties on late payments of cigarette and tobacco products taxes; the penalties equal 3 percent for each 30-day period the payment is late, to a maximum of 24 percent;
- imposes a floor stocks tax on cigarettes and tobacco products equivalent to the cigarette and tobacco products tax general rate increase;
- clarifies that wholesalers may also be retailers;
- provides the article is generally effective July 1, 1987 except the cigarette and tobacco products tax increases are effective June 1, 1987.

Article 14—Special Taxes

- authorizes the commissioner of revenue to pay assessed local sales taxes for the Department of Revenue;
- allows the Legislature to set the levy to determine the mill rate applicable to airflight property; establishes the levy for taxes payable in 1988 and 1989 (current law

- requires use of the statewide average municipal mill rate);
- requires taxpayers appealing assessments of \$6,000 or more in Tax Court to pay the tax while the appeal is pending; the court may grant relief from this requirement for good cause;
- extends deed tax to the value of personal property that transfers as part of the consideration for the sale;
- repeals the deed tax exemption for transfers by state and local government units;
- imposes the gasoline and special fuels tax on railroads; requires apportioning the tax on the basis of revenue ton miles;
- imposes the 17-cent motor fuel tax on barge use with apportionment on the same basis as railroad fuels;
- increases the minimum aircraft registration fee from \$10 to \$50 beginning in 1988.

Article 15—Charitable Gambling

- provides that the pull-tab exemption from the charitable gambling tax applies only to pull-tabs in inventory before Jan. 1, 1987;
- authorizes cities and counties to impose local charitable gambling taxes to cover the cost of regulating charitable gambling; the tax may not exceed three percent of the gross receipts less the cost of prizes;
- imposes a 10 percent negligence penalty under the pull-tab tax;
- deems it a gross misdemeanor for a person to possess untaxed pull-tabs;
- provides the charitable gambling provisions are effective July 1, 1987; the exemption from the general charitable gambling tax for pull-tabs in inventory before Jan. 1, 1987 is effective retroactive to Jan. 1, 1987.

Article 16—Bond Allocation

- establishes the following allocations among entitlement issuers and the three pools beginning calendar year 1988:

—manufacturing pool	\$74.0m
—multifam. housing pool	\$30.0m
—public facilities pool	\$21.0m
—entitlement issues	\$85.0m

- allocates the entitlement authority as follows:

- Minnesota Housing Finance Authority \$50.0m less any amount the authority received in the previous year;

- Minneapolis \$20.0m

- St. Paul \$15.0m

- Duluth \$3.0m

or the issued amount in the previous year, whichever is less;

- allocates up to \$20.0m from the public facilities pool to the Higher Education Coordinating Board (HECB) each year, less amounts the HECB carries forward from a prior year;

- combines any unallocated balances from the manufacturing, multifamily housing and public facilities pools into a unified pool after the last Monday in October;

- provides allocations for the remainder of 1987 as follows:

- Minnesota Housing Finance Agency: \$60.0m less any 1987 allocations;

- manufacturing pool: \$80.0m less the sum of any manufacturing project allocations from the competitive pool existing for the first half of 1987 and any manufacturing project allocations to state entitlement issuers (IRRRB and Department of Energy and Economic Development [renamed the Department of Trade and Economic Development in Chapter 312]);

- multifamily housing pool: \$60.0m less any multifamily housing project allocations from the competitive pool existing for the first half of 1987;

- public facilities pool: \$31.2m less any public facility project allocations from the competitive pool existing for the first half of 1987;

- provides that the article is effective the day following final enactment.

Article 17—Compliance

- allows the use of federal employer identification numbers on state tax returns;

- expands the license clearance law to apply to:

- occupations (present law applies only to professions and trades or businesses); and

- all state taxes (present law applies only to sales and withholding taxes);

- increases the substantial understatement penalty from 10 to 25 percent and provides the penalty bears interest from the date the tax was due;

- increases the maximum penalty for late payments of income, withholding, and corporate franchise taxes from 10 to 24 percent;

- provides that corporations are not subject to the late payment penalty if they file for an extension and pay tentative tax equal to 90 percent of the tax due;

- eliminates the penalty under the income, withholding, and corporate franchise taxes for failing to file a refund return, and increases the penalties for failure to file a return on which tax is due;

- increases the negligence penalty from 5 to 10 percent;

- eliminates the 90-day time limit that applies to filing a corrected return after a federal audit;

- expands the liquor posting law to apply to withholding tax;

- changes the sales tax payment date from the 25th to the 20th of the month;

- prohibits requiring taxpayers to disclose their identities under the marijuana and controlled substance tax;

- eliminates the requirement that confines the sale of marijuana and controlled substance tax stamps to \$10 denominations;

- prohibits the Department of Revenue or other public employees from disclosing information they obtain from marijuana, and

controlled substance tax returns or from a dealer;

- repeals the interest surcharge of one-half of one percent on unpaid taxes; repeals the requirement that sales tax returns contain a notice that the Department of Revenue must receive payment by the due date;
- provides the article is generally effective the day following final enactment; the timely mailing provisions and the new sales tax payment dates are effective Jan. 1, 1988; the new sales tax penalties are effective July 1, 1987; the changes in the income tax penalties are effective for tax year 1987; the changes in the estate tax penalties are effective for estates of decedents dying after June 30, 1987.

Article 18—Budget and Cash Flow Reserve

- provides expanded authority to the commissioner of finance to reduce allotments to eliminate a budget deficit;

- appropriates \$250.0m to the budget and cash flow reserve for the 1988-1989 biennium;

- provides new priorities for using budget surplus; first allocations will go to reduce the school levy recognition shift to 24 percent; one-half of amounts in excess will go to increase the budget reserve account (up to \$550.0m) and one-half to the Greater Minnesota Fund (up to \$120.0m);

- requires the commissioner of finance to prepare a forecast in Nov. 1988; if the forecast shows that the budget reserve will be below \$150.0m at the end of the biennium, then the individual income tax rates will increase by 0.25 of a percentage point and the corporate rate by 0.4 of a percentage point; if the estimate indicates the reserve account will be below \$50.0m, the individual income tax rates will increase by 0.5 of a percentage point and the corporate rates by 0.8 of a percentage point;
- provides the sections are effective July 1, 1987.

Article 19—Miscellaneous

- appropriates \$630,000 to the Department of Revenue for administering provisions of the bill (the department may use \$75,000 of this to develop a property tax data base);
- appropriates to the commissioner of revenue:

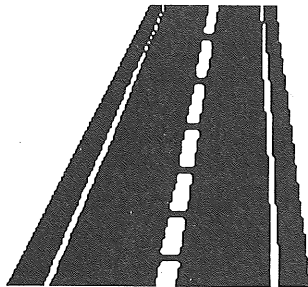
—\$3.9m to provide grants to counties to develop and upgrade their property tax processing systems;
 —\$30,000 to update the Minnesota income tax sample; and
 —\$100,000 to reimburse counties for the cost of obtaining senior accreditation of their assessors and of the department's senior appraisers.

Enactment: May 28, 1987

Effective: various dates



Transportation

**Bicycle regulation**

HF0813*—Seaberg, Kahn, Morrison, Jensen, Milbert
 SF0774—Metzen, Wegscheid, Schmitz, Knutson, Purfeerst

Chapter 255:

- allows local units of government to designate bicycle routes, lanes, paths, and bikeways by resolution and ordinance; requires local marking and signing of bikeways to conform with the *Minnesota Manual on Uniform Traffic Control Devices*;
- requires road authorities to replace bikeways that highway construction destroys;
- renames the State Bicycle Trail Program the State Bikeway Program;
- defines:
 - “bicycle route” as a roadway or shoulder with signs that encourage bicycle use;
 - “bicycle path” as a bicycle facility separate from the roadway or shoulder which is designed for exclusive or preferential bicycle use;
 - “bicycle lane” as a portion of a roadway or shoulder that markings or barriers set off for exclusive or preferential bicycle use;
 - “bicycle trails” as a bicycle route or path that the commissioner of natural resources develops;
 - “bikeways” as bicycle lanes, paths, or routes regardless of whether their design is for the exclusive use

of bicycles or other transportation modes share them;

—“shoulder” as that part of a highway contiguous to the traveled portion of the highway;

- requires bicyclists traveling on a roadway shoulder to travel in the same direction as adjacent traffic;
- prohibits persons riding bicycles on a shoulder from riding more than two abreast and requires them to yield the right-of-way to pedestrians;
- extends the same rights and duties as a pedestrian to bicyclists traveling on a roadway or a crosswalk.

Enactment: May 27, 1987

Effective: Aug. 1, 1987

Bus driver training

HF1087—K. Nelson, Segal, Rose
 SF0862*—Wegscheid, Luther

Chapter 379:

- exempts vehicles nonprofit charities own and use exclusively to transport handicapped persons for educational purposes from certain registration fees and taxes; effective: July 1, 1987;
- requires commissioner of public safety to prescribe rules governing qualifications of school bus drivers;
- directs commissioners of public safety and education to adopt a training program for school bus drivers which includes classroom and behind-the-wheel, and annual in-service training; effective: day after enactment;
- appropriates \$50,000 from the general fund to the commissioner of public safety to administer the training program (\$25,000 in FY'88; \$25,000 in FY'89); effective Aug. 1, 1987.

Enactment: June 2, 1987

Effective: various dates

Charter bus drivers— physical exam card

HF1042*—A. Johnson, Wenzel
SF0988—DeCramer

Chapter 54:

- specifies that Minnesota law does not require charter carrier drivers with licenses bearing school bus endorsements to possess or present a separate medical examiner's certificate as federal rule requires, while in Minnesota.

Enactment: May 5, 1987

Effective: Aug. 1, 1987

Child passenger protection law— amendments

HF0029*—Skoglund, Quist,
Simoneau
no companion

Chapter 73:

- requires a motor vehicle operator transporting a child under age four to properly fasten him/her into a child restraint system (current law applies only to parents and legal guardians);
- permits fines for the first offense (removes provision that limits fines to second and subsequent offenses within a year);
- removes provision that prohibits a penalty on persons who later demonstrate they purchased a child restraint system within 30 days of the violation;
- exempts:

—a person transporting a child in an emergency medical vehicle while performing official duties when the child's needs make a restraint system unreasonable or when there is no restraint system;

—a peace officer transporting a child while performing official duties and when there is no restraint system (a seat belt must be substituted);

—a person while operating a motor vehicle for hire, including a taxi, airport limousine, and bus, but excluding a rented, leased, or borrowed motor vehicle;

- eliminates the restraint requirement for a child who cannot, in the judgment of a licensed physician, be safely transported in a child passenger restraint system because of medical condition, body size, or physical disability; motor vehicle operators claiming this exemption must possess a physician's statement to that effect.

Enactment: May 11, 1987

Effective: Aug. 1, 1987

Dept. of Public Safety— omnibus bill

HF0413—Jensen, Kalis, DeBlieck,
Seaberg, R. Johnson
SF1280*—Vickerman,
D.J. Frederickson

Chapter 383:

- increases from 33,000 pounds to 55,000 pounds the taxable gross weight of a motor vehicle for which a person must present proof of payment of federal heavy vehicle use tax before registering the vehicle in Minnesota;
- increases from 96 to 120 hours the maximum length of single trip permits for trucks; raises trip permit fee from \$10 to \$15;
- provides for permits for vehicles for promotional events that last no longer than four days and involve at least three motor vehicles;
- increases the fine for unlawful use of license plates or certificates to make it consistent with other misdemeanors;
- allows law enforcement agencies to release to news media the date of birth of persons involved in an accident;
- requires the commissioner of public safety to give to the commissioner of transportation the name and address of a carrier named in an accident report; prohibits the commissioner of transportation from releasing such information to any person; authorizes the commissioner of public safety to give the U.S. Department of Transportation all commercial vehicle

accident information relating to federal grant safety programs;

- prohibits courts from serving notice of revocation on a person they've convicted of a driving-while-intoxicated violation, if the commissioner of public safety has already revoked the person's driving privileges or served the person with a notice of revocation for an implied-consent violation;
- requires petitions for judicial review of a driver's license revocation to state the petitioner's date of birth, driver's license number, date of offense, and a copy of the notice of revocation;
- requires the Department of Public Safety's (DPS) alcohol problem assessment rules to conform to the Administration Procedures Act;
- requires drivers who pull over for an emergency vehicle on a one-way roadway to drive to the closest edge or curb and stop;
- provides that school bus drivers do not have to turn on flashing amber or red lights if the bus is completely off the traveled part of a separated one-way roadway with an adequate shoulder when loading or unloading people;
- prohibits, after July 1, 1987, the use of a school bus manufactured before Jan. 2, 1986 that does not bear the current inspection sticker, unless the manufacturer recertifies that it meets minimum standards;
- prohibits the alteration of vehicle stop lamps; sets a \$10 fee for provisional class A drivers license;
- prohibits the DPS from making rules that require the use of new containers in aging whiskey and which require liqueurs to contain at least 2.5 percent sugar or dextrose, or both;
- exempts school buses manufactured before 1988 from the DPS rules governing wheelchair securement devices.

Enactment: June 2, 1987

Effective: Aug. 1, 1987

Drivers' licenses—med alert identification

HF1191—Kelso, Bauerly, C. Nelson, Kalis, Jensen
SF0927*—Schmitz, Adkins, McQuaid, Vickerman, D.J. Frederickson

Chapter 248:

- allows the Department of Public Safety, upon written request, to issue driver's licenses or Minnesota identification cards bearing a medical alert identifier;
 - requires applicants to request medical alert identifiers when the public safety photographer takes their license photo;
 - provides that no specific medical information will appear on the license or identification cards.
- Enactment:** May 26, 1987
Effective: Aug. 1, 1987

Handicapped parking—fine increase

HF0629—Reding, Lasley, Segal, Kalis, Valento
SF0451*—D.C. Peterson, Purfeerst, Lantry, Novak, Ramstad

Chapter 355:

- requires persons applying for handicapped license plates or certificates to submit a physician's statement to the commissioner of public safety each time they apply;
- allows the same parking privileges for handicapped license plates as for handicapped certificates;
- changes the penalty for unauthorized use of handicapped license plates from a petty misdemeanor to a misdemeanor and sets a maximum fine of \$500;
- changes the definition of "physically handicapped person" in the handicapped plate law to make it identical to the definition in the handicapped certificate law;

- allows vehicles that prominently display a handicapped certificate or that bear handicapped license plates to park in a designated handicapped space or a metered parking space without obligation to pay the meter fee;
- defines a prominently displayed certificate is a certificate in full view ("no part obscured"), on the dashboard in the left-hand corner of the front windshield of the vehicle;
- defines "physically handicapped person" as a person who:
 - because of disability cannot walk without significant risk of falling;
 - because of disability cannot walk 200 feet without stopping to rest;
 - because of disability cannot walk without the aid of another person, a walker, a cane, crutches, braces, a prosthetic device, or a wheelchair;
 - has a respiratory disease that restricts the individual to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one meter;
 - has an arterial oxygen tension of less than 60 mm/hg on room air at rest;
 - uses portable oxygen; or
 - has a cardiac condition severe enough to classify the person's functional limitations as class III or class IV according to the American Heart Association's standards of severity;
- directs the Department of Public Safety to develop forms for the physician's certification of disability;
- makes a physician who fraudulently certifies a person as physically handicapped guilty of a misdemeanor and sets a fine of \$500;
- requires the commissioner to design separate certificates for persons with permanent and temporary disabilities; sets a maximum duration of six years for certificates and requires those with permanent disabilities to renew their certificates for additional periods of time at the

- end of the six-year period; sets a maximum duration of three years for certificates for persons who transport handicapped persons;
- requires certificates to be distinct from those with a date earlier than Jan. 1, 1988 and display the expiration date prominently on the certificate face; requires each certificate to list on the back a summary of parking privileges and restrictions;
- allows the commissioner to charge a \$5 fee for issuing or renewing certificates and a \$5 fee for a duplicate to replace a lost, stolen, or damaged certificate;
- makes people who illegally use a certificate guilty of a misdemeanor and sets a \$500 fine; provides for certificate revocation;
- extends handicapped parking privileges to persons parking a vehicle for a handicapped person;
- prohibits motorists from parking in a handicapped transfer zone or in a way which obstructs access to such a zone;
- requires property owners with handicapped parking spaces to ensure that the spaces are free of obstruction; makes it a misdemeanor for property owners that allow snow, merchandise, or similar obstructions to block spaces and sets a maximum \$500 fine;
- makes people who illegally park in handicapped parking spaces guilty of a misdemeanor subject to a fine between \$100 and \$200;
- gives vehicle owners with license plates issued before Jan. 1, 1988, from Jan. 1 to Dec. 31, 1988 to reapply for plates and requires them to submit a physician's statement to the commissioner; sets an expiration date of Dec. 31, 1988 for certificates issued before Jan. 1, 1988, unless the commissioner re-issues a certificate before that date;
- requires the commissioner to develop an informational campaign to notify the public and holders of certificates and license plates of the

need to reapply for certificates and plates; allows the Council for the Handicapped to assist the commissioner and other officials with enforcing municipal parking restrictions.

Enactment: June 2, 1987

Effective: Jan. 1, 1988 for sections on the handicapped certificate and license plate program; day after enactment for transition section

Handicapped transit standards

HF1009*—Jefferson, Osthoff, Schied, Carruthers, Tjornhom
SF1108—Novak, Pogemiller, Lantry, Purfeerst, Ramstad

Chapter 88:

- clarifies and enlarges requirements relating to special transportation service programs the Minnesota Department of Transportation (MnDOT) administers outside the Twin Cities metro area, and the Regional Transit Board (RTB) administers in the metro area;
- applies MnDOT operating standards to taxis providing service under the program;
- requires MnDOT standards for driver qualifications, special safety equipment, and inspection and replacement of vehicles;
- requires the MnDOT to consult with the State Council for the Handicapped;
- requires service providers under the program to inspect, maintain, and repair equipment and vehicles, and keep records;
- requires MnDOT to inspect vehicles at least once a year and to remove unsafe vehicles from service;
- removes a requirement for annual certification of vehicles;
- requires MnDOT to evaluate annually providers of service under the program and certify compliance with program standards;
- forbids public assistance to providers without certificates of compliance;

• clarifies the description of the RTB program;

• requires the RTB to:

—set service standards in contracts with providers;

—contract for a day-to-day service administration;

—provide a system for registering, monitoring, and reporting complaints and incidents;

—hold hearings on standards and other matters that relate to service; and

—restructure its advisory committee;

• requires the RTB to consult with the advisory committee on certain matters, enforce standards, and evaluate providers to ensure compliance.

Enactment: May 12, 1987

Effective: Aug. 1, 1987

Hazardous waste—transporter license

HF0298—Long, Munger, Rose, Wagenius, R. Johnson
SF0508*—Novak, Marty, Merriam, Fredericks, Purfeerst

Chapter 393:

Article 1—Transportation of Hazardous Waste

• requires all hazardous waste transporters to obtain a nontransferable license from the Department of Transportation (MnDOT);

• sets application procedures and fees; requires transporters to:

—pay \$500 for a three-year license and \$25 for a vehicle identification tag (requires separate tags for each vehicle);

—maintain the license at the transporter's (licensee's) main place of business;

—display their names and addresses on both sides of each unit of the vehicle;

—carry the vehicle identification on the vehicle;

—renew both the license and vehicle identification tag every three years;

—file with MnDOT, a certificate of insurance showing the minimum coverage the federal government requires;

• establishes vehicle safety requirements, including: driver qualifications; safety of operation; equipment, parts, and accessories; inspection, repair, and maintenance; and maximum hours of service;

• authorizes the commissioner of transportation to suspend or revoke a license and vehicle identification tag for a serious or repeated violation of laws or rules governing hazardous waste transportation;

• specifies factors the commissioner must consider before suspending or revoking a transporter's license and decal;

• allows the commissioner to order a license revocation without a hearing for licensees who fail to renew their license or fail to maintain insurance;

• allows the commissioner to: —issue an order requiring violation correction; and

—administratively assess monetary penalties for violations of hazardous waste laws or rules;

• prohibits the commissioner from assessing both administrative and criminal penalties for the same violation;

• allows the commissioner to issue an order assessing a penalty up to a maximum of \$10,000 for all violations identified during a single inspection or audit; specifies factors the commissioner must consider before determining the penalty amount;

• specifies contents of an order assessing an administrative penalty;

• allows the commissioner to issue an order assessing a penalty and requiring violation correction within 30 calendar days from the date the violator receives the order;

- requires the commissioner to forgive the penalty if he/she determines the violation has been corrected or the violator has taken appropriate steps to correct the action;
- provides for an expedited administrative hearing, and a District Court hearing, within certain time limits;
- permits the attorney general to proceed on the state's behalf to enforce penalties due and payable under this section in any manner the law provides for debt collection;
- allows the commissioner to revoke, or refuse to reissue or renew, the license of a violator who doesn't pay a penalty due and payable;
- includes people who illegally transport hazardous substances in the law providing a misdemeanor penalty for people who illegally transport hazardous waste or hazardous material;
- appropriates \$75,000 in FY'88 and \$78,000 in FY'89 from the trunk highway fund to the commissioner to administer and enforce the licensing program; adds two positions to the MnDOT staff;
- effective: various dates.

Article 2—Common Carriers

- revises fees for certain motor carrier permits and certificates;
- requires household goods carriers to obtain a permit to operate as an irregular route common carrier of household goods;
- allows the commissioner of transportation to issue prepaid temporary vehicle identification cards to permit or certificate holders for \$5 per card;
- requires the commissioner to preprint the cards with the carrier's name, address, and permit or certificate number;
- allows motor carriers to use the card to temporarily add a vehicle to their fleet;
- requires motor carriers to execute the card by dating and signing it, and describing the vehicle in which it will be carried;

- provides that the card is valid for 10 days from the execution date;
- requires motor carriers to use the card within one year of issuance;
- prohibits:
 - motor carriers from using the card if their permit or certificate isn't in full force and effect;
 - card transfer;
 - the commissioner from refunding the cost of unused prepaid temporary vehicle identification cards;
- effective: Aug. 1, 1987.
Enactment: June 3, 1987
Effective: various dates

Highway—work zone speed limits **HF0212—Wenzel** **SF0131*—Bertram, Purfeerst, Vickerman**

Chapter 319:

- authorizes the commissioner of transportation and local road authorities to reduce speed limits in highway work zones without first conducting an engineering and traffic investigation;
- sets the minimum highway work zone speed limit at 20 miles per hour; prohibits road authorities from lowering the posted highway speed by more than 15 miles per hour; sets the maximum highway work zone speed limit at 40 miles per hour;
- makes highway work zone speed limits effective upon the posting of regulatory speed limit signs designating the beginning and end of the affected work zone; makes a speed greater than the posted highway work zone speed limit unlawful;
- defines highway work zone as a segment of highway or street where a road authority or its agent is constructing, reconstructing, or maintaining the physical structure of the roadway, its shoulders, or features adjacent to the roadway, including underground and overhead utilities and highway appurtenances.
Enactment: May 29, 1987
Effective: Aug. 1, 1987

Light rail transit

- (See Local Bills—Metro)

Motorized bicycle regulation

HF0532*—Jensen, Sarna, Jacobs, D. Carlson, V. Johnson
SF0469—DeCramer

Chapter 269:

- redefines "motorized bicycle" to remove the requirement for operable pedals;
- includes motorized bicycles in the definition of motorcycles law requiring motorcycles to have liability insurance;
- modifies the definition of motorized bicycles;
- makes motorized bicycles subject to motorcycle regulations; provides that provisions governing bicycle parking applies to motorized bicycles;
- makes persons under age 16 who operate a motorized bicycle under a motorized bicycle permit subject to restrictions the law imposes for persons operating a motorcycle under a two-wheel instruction permit;
- prohibits motorized bicycle operators from carrying passengers;
- requires new motorized bicycles sold or offered for sale in Minnesota after June 1, 1987 to be equipped with a headlight;
- allows motorized bicycle operators to use the full traffic lane when riding within a statutory or home rule charter city; allows motorized bicycle operators riding on highways outside a statutory or home rule charter city to ride on the paved shoulder, if available, otherwise on the right side of the roadway; prohibits motorized bicycle operators from riding on a bikeway or lane;

• provides that the safety course people must complete and pass to get a motorized bicycle operator's permit must consist of (but is not limited to):

- basic understanding of motorized bicycles and their limitations;
 - safe operating practices and basic operating techniques;
 - helmets and protective clothing;
 - motorized bicycle traffic strategies; and
 - effects of alcohol and drugs on motorized bicycle operators;
 - increases fees for motorized bicycle operator's permits as follows:
 - examination and operator's permit from \$4 to \$6;
 - duplicate from \$2 to \$3;
 - renewal permit before age 19 from \$6 to \$9;
 - renewal permit after age 19 from \$10 to \$15;
 - renewal permit duplications from \$3 to \$4.50;
 - written examination and instruction permits from \$4 to \$6;
 - appropriates \$20,000 to the commissioner of public safety for the motorized bicycle safety courses.
- Enactment:** May 28, 1987
Effective: June 1, 1987

Peace officer—tire inspection
 HF1467—Bertram, Bauerly
 SF0607*—Bertram

Chapter 112:

- allows peace officers to stop passenger automobiles for reasonable cause to inspect tires;
 - defines peace officer as a state trooper, county sheriff, deputy sheriff, or a municipal police officer.
- Enactment:** May 14, 1987
Effective: Aug. 1, 1987

Provisional license—homemaker
 HF0142*—Blatz, Murphy, Jacobs, Kelly, Dempsey
 SF0029—Belanger, Wegscheid

Chapter 171:

- authorizes the commissioner of public safety to issue a limited license to a homemaker with a suspended or revoked drivers' license to prevent the substantial disruption of education, medical, or nutritional needs of the homemaker's family;
 - defines a "homemaker" as a person primarily performing the domestic tasks in a household that consists of at least the person (homemaker) and the person's dependent child or other dependents.
- Enactment:** May 20, 1987
Effective: Aug. 1, 1987

Railroad grade crossings
 HF0404*—Wenzel, McEachern, Omann, Uphus
 SF0554—Bertram

Chapter 397:

- allows the commissioner of transportation to designate as exempt from signage requirements, any crossing on an abandoned rail line or one that trains use fewer than five times a year, traveling 10 miles per hour or less;
- directs the commissioner to instruct the railroad to erect signs at the crossing bearing the word "Exempt";
- prohibits trains from proceeding across exempt crossings unless a police officer or railroad employee is available to direct traffic; provides that vehicles the law requires to stop at all crossings need not stop at an exempt crossing unless a police officer or railroad employee directs them to do so;

- allows government entities responsible for a road that crosses a railroad track to petition the commissioner to install a stop sign at the crossing; directs the commissioner to investigate the condition of the crossing and requires the railroad to install a stop sign if the investigation indicates a sign is needed;
- requires motorists approaching a railroad crossing stop sign to stop within 50 feet, but no less than 10 feet, from the nearest track of the crossing.

Enactment: June 4, 1987

Effective: day after enactment for section on exempt railroad crossings; Aug. 1, 1987 for section on stop signs

School buses—amber lights
 HF0126—Ozment
 SF0136*—Wegscheid, Purfeerst, Jude

Chapter 48:

- provides for amber proceed-with-caution signals on school buses.
- Enactment:** April 29, 1987
Effective: Aug. 1, 1987

Snowmobiles—highway crossings
 HF0268—Kinkel, R. Johnson, Solberg, D. Carlson, Sparby
 SF0183*—Samuelson, Willet, Stumpf, Dicklich, D.J. Johnson

Chapter 89:

- allows persons age 14 through 17 to cross a state or county highway on a snowmobile if they have valid drivers' licenses.
- Enactment:** May 12, 1987
Effective: Aug. 1, 1987

St. Cloud—Hwy. 15 right-of-way
HF0057—Bauerly, Gruenes, Marsh,
 Bertram, Omann
SF0044*—Pehler, Bertram, Davis

Chapter 338:

- removes restrictions on disposition of right-of-way along trunk Highway 15 in St. Cloud.

Enactment: June 1, 1987

Effective: Aug. 1, 1987

Traffic law—vehicle operation, permits

HF0323—Lieder, Steensma,
 Waltman, Kalis, Seaberg
SF0465*—Vickerman, Pehler,
 Wegscheid

Chapter 321:

- clarifies joint standards for trunk highway segments;
- repeals the requirement that an owner of a tax-exempt vehicle must apply for tax-exempt license plates in the county where the owner houses the vehicle;
- makes a technical change in law governing airport licensing and makes it a misdemeanor to operate a motor vehicle off a designated roadway on airport property without permission of the airport owner, or to operate a motor vehicle in a careless or reckless manner on airport property with willful disregard for the safety of persons or property;
- redefines "peace officer" as a licensee of the Minnesota Board of Peace Officer Standards and Training who has full power of arrest; includes the Minnesota State Patrol in the definition;
- removes the requirement that a licensed aircraft dealer's place of business be at an airport; requires only that it be at a location that has the necessary buildings and the approval of the commissioner of transportation;

- allows the commissioner to issue special permits authorizing the operation of a three-vehicle combination consisting of a motor vehicle, a motorized hitch, and a trailer until July 31, 1988.

Enactment: May 29, 1987

Effective: Aug. 1, 1987

Traffic regulation—"slow moving" emblems

HF0016—Redalen
SF0025*—Benson

Chapter 101:

- specifies that the slow-moving vehicle emblem must be a fluorescent yellow-orange triangle with dark red reflective border;
- allows a person to carry an alternative black and white emblem if the person:
 - has a permit from the Department of Public Safety;
 - carries the regular emblem and displays it at night and during reduced visibility periods;
 - permanently affixes at least 72 square inches of red reflective tape on the rear of the vehicle.

Enactment: May 13, 1987

Effective: Aug. 1, 1987

Traffic regulation—police, sheriff vehicles

HF0217*—Bennett, Kalis
SF1188—Knaak

Chapter 162:

- allows police chiefs of home-rule or statutory cities, and county sheriffs, to authorize specially marked vehicles (with only the name and shield of the city or county) for primary use in traffic enforcement;
- restricts the number of specially marked vehicles to not more than 10 percent of vehicles the department uses in traffic enforcement, and a

city or county with fewer than 11 traffic law enforcement vehicles to one;

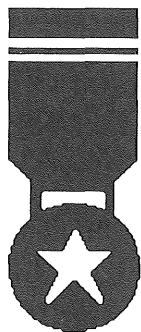
- requires that uniformed officers drive the specially marked vehicles and requires the department to equip and operate the vehicles so any driver the officer signals to stop will know it is a police vehicle.

Enactment: May 16, 1987

Effective: Aug. 1, 1987



Veterans/Military



Dept. of Military Affairs— contract administration

HF0424*—DeBlieck, Simoneau,
Kostohryz, Beard, Redalen
SF0498—Bertram, Schmitz,
Mehrkens, Lessard

Chapter 36:

- permits the state adjutant general to delegate to subordinate employees the duty to execute and administer contracts;
- requires the adjutant general to put the delegation order in writing and file it with the secretary of state.

Enactment: April 16, 1987

Effective: Aug. 1, 1987

POWs, MIAs—Capitol plaque

HF1503—Jensen, Kostohryz,
Osthoff, S. Olsen, Milbert
SF0721*—Bertram

Chapter 67:

- directs placement of a memorial plaque in the Court of Honor on the Capitol grounds recognizing Minnesota veterans from the Korean and Vietnam conflicts who are missing in action or prisoners of war;
- requires that an entity other than the Department of Veterans Affairs furnish the plaque;
- requires approval of commissioner of veterans affairs and Capitol Area Architectural and Planning Board.

Enactment: May 6, 1987

Effective: Aug. 1, 1987

Veterans service officers— certification

HF0418—Minne, Neuenschwander,
Larsen, Brown
SF0161*—Dahl, Bertram,
D.R. Frederickson

Chapter 61:

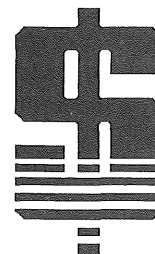
- directs the commissioner of veterans affairs, in consultation with the Minnesota Association of County Veterans Service Officers, to establish a certification process for veterans service officers.

Enactment: May 6, 1987

Effective: Aug. 1, 1987



Appropriations



Agriculture, Transportation & Semi-State—omnibus bill

HF0837—G. Anderson, D. Nelson,
Munger, Simoneau, Shaver
SF1516*—Merriam

Chapter 358:

\$1,089,200 FY'87

\$1,012,096,000 FY'88

\$1,012,865,300 FY'89

Total: \$2,026,050,500

Department of Transportation

Total: \$855.4m; \$856.1m

Highway Development:

\$597.0m; \$597.4m

• includes :

—Trunk Highway Development

\$343.6m; \$343.6m

—County State Aids

\$183.6m; \$184.9m

—Municipal State Aids

\$58.8m; \$59.3m

—Highway Debt Service

\$11.1m; \$9.7m

Highway Operations:

\$169.5m; \$169.1m

• includes :

—Maintenance

\$119.4m; \$119.1m

• directs the Department of Transportation to operate the Anchor Lake Travel Information Center beginning July 1, 1987.

—Construction Support

\$50.2m; \$50.0m

Technical Services:

\$38.4m; \$38.3m

• includes :

—Program Delivery

\$35.1m; \$35.0m

• Transportation Research Continents Account—\$75,000; \$75,000.

—State Aid Technical Assistance

\$911,900; \$909,900

—Electronic Communications

\$2.5m; \$2.5m

Non-Metropolitan**Transit Assistance:**

\$5.8m; \$5.7m

Program Management:

\$7.3m; \$7.3m

• includes :

—Highway Programs

\$1.8m; \$1.8m

• grants to regional development commissions outside the seven-county metropolitan area for transportation studies to identify critical concerns, problems, and issues—\$225,000; \$225,000.

—Motor Carrier Safety and Compliance

\$1.1m; \$1.1m

—Railroads and Waterways

\$908,200; \$905,900

—Transit Administration

\$594,000; \$556,500

—Transportation Data, Research, and Analysis

\$3.0m; \$3.0m

General Support Services:

\$26.6m; \$26.6

• includes :

—Finance and Administration

\$8.6m; \$8.5m

—General Services

\$7.4m; \$7.4m

—Equipment

\$9.7m; \$9.7m

—Legal Services

\$988,200; \$988,200

Aeronautics:

\$10.8m; \$11.6m

• includes :

—Aeronautics Operations

\$1.1m; \$1.2m

—Airport Development and Assistance

\$9.6m; \$10.3m

• includes \$1.6m in FY'88 and \$1.5m in FY'89 for navigational aids; \$4.8m in FY'88 and \$5.7m in FY'89 for airport construction grants; and \$1.7m in FY'88 and \$1.7 in FY'89 for airport maintenance grants.

—Air Transportation Services

\$39,100; \$39,100

—Civil Air Patrol

\$65,000; \$65,000

Regional Transit Board (RTB)**Total:** \$20.5m; \$20.5m**Regular Route Service:**

\$11.7m; \$11.7m

Metro Mobility:

\$6.3m; \$6.3m

Small Urban, Rural, and**Replacement Services:**

\$730,000; \$730,000

Test Marketing of New Services:

\$448,550; \$448,500

Light Rail Transit Studies:

\$200,000; \$200,000

Planning and Programs:

\$750,000; \$750,000

Administration:

\$350,000; \$350,000

• prohibits the RTB from using more than \$1.3m in FY'88 and \$1.3m in FY'89 for RTB administration, planning, programs, and light rail transit studies;

• prohibits the RTB from using funds for light rail transit planning, preliminary engineering, or test marketing of new services if the expenditure of the funds reduces the level of regular route transit service that the Metropolitan Transit Commission (MTC) or other operators provide;

• prohibits the MTC from altering fare schedules beyond the Jan. 1, 1987 level, until the RTB adopts, and submits to [certain legislative committees] a plan and policies on fares;

• prohibits the RTB from receiving federal capital or operating assistance for transit; requires the RTB to study the effects, advantages, and

disadvantages of receiving such funds and how the RTB would use the funds; requires the RTB to report its findings to the Legislature by Jan. 1, 1988.

Transportation Regulation Board**Total:** \$531,500; \$531,500**Department of Public Safety****Total:**

\$900,000 FY'87

\$81.9m FY'88

\$82.0m FY'89

Administration and Related**Services:**

\$4.0m; \$4.0m

Emergency Services:

\$886,300; \$887,000

• includes nuclear plant preparedness—\$341,700; \$342,000.

Criminal Apprehension:

\$11.1m; \$11.2m

• includes :

• \$223,300 in FY'88 and \$223,300 FY'89 for the Bureau of Criminal Apprehension (BCA) to investigate cross-jurisdictional criminal activities; provides \$171,000 in FY'88 and \$171,000 FY'89 for local cooperation in this effort;

• allows the commissioner of public safety to charge peace officers tuition for continuing education courses the BCA provides when necessary.

Fire Safety:

\$1.8m; \$1.8m

State Patrol:

\$34.5m; \$34.4m

• prohibits the commissioner from requiring the use of gasohol in state patrol vehicles.

Capitol Security:

\$1.3m; \$1.3m

Driver and Vehicle Licensing:

\$26.2m; \$26.2m

• includes \$471,400 in FY'88 and \$471,400 in FY'89 for alcohol assessment reimbursements to counties.

Liquor Control:

\$694,800; \$684,400

Ancillary Services:

\$900,000 FY'87

\$1.5m FY'88

\$1.5m FY'89

- provides funding for the Crime Victims Reparation Board, hazardous substance notification and response, and the Private Detective and Protective Agency Licensing Board.

Board of Peace Officer Standards and Training

Total: \$3.3m; \$3.6m

- requires peace officer licensure for any presently duly elected sheriff.

Department of Agriculture

Total: \$9.7m; \$9.8m

Protection Service:

\$3.6m; \$3.6m

- includes \$40,000 each in FY'88 and FY'89 to increase the detection and management of oak wilt in the state's shade trees.

Family Farm Security:

\$2.4m; \$2.4m

- includes family farm security interest payment adjustments—\$1.8m; \$1.8m;
- prohibits issuing new family farm security loans in FY'88 or FY'89;
- includes farm crisis assistance—\$288,900; \$288,900.

Administrative Support and Grants:

\$4.0m; \$4.0m

- includes :
- livestock damage claim payments—\$30,900; \$30,900;
- commodities research—\$187,800; \$187,800;
- Seaway Port Authority of Duluth—\$102,500; \$102,500.

Board of Water and Soil Resources

Total: \$3.8m; \$3.8m

- includes :
- International Water Coalition—\$10,000; \$10,000;
- grants-in-aid to soil and water conservation districts—\$814,200; \$814,200;

- grants to districts for technical assistance, education, and demonstrations of conservation tillage—\$152,300; \$152,300;
- grants to watershed districts and other local units of government in Southern Minnesota River Basin Study Area 2 for flood plain management—\$198,500; \$198,500;
- grants to soil and water conservation districts for cost-sharing contracts for erosion control and water quality management—\$1.5m; \$1.5m;
- grants-in-aid to soil and water conservation districts and local units of government to help solve sediment and erosion control problems—\$158,700; \$158,700;
- grants to soil and water conservation districts for review and comment on water permits—\$12,400; \$12,400.

Board of Animal Health

Total: \$1.6m; \$1.6m

- includes indemnity payments—\$24,900; \$24,900.

Department of Commerce

Total:

\$189,200 FY'87

\$9.8m FY'88

\$9.6m FY'89

Financial Examinations:

\$189,200 FY'87

\$4.0m FY'88

\$4.0m FY'89

Registration and Analysis:

\$1.7m; \$1.7m

Administrative Services:

\$1.6m; \$1.6m

Enforcement and Licensing:

\$2.4m; \$2.3m

- includes real estate education, research and recovery account—\$261,200; \$261,300.

Farm Loan Interest Buy-Down:

\$62,000

Non-Health-Related Boards

Total: \$890,900; \$891,200

Board of Abstractors:

\$3,900; \$3,900

Board of Accountancy:

\$344,600; \$340,800

Board of Architecture, Engineering, Land Surveying, and Landscape Architecture:

\$351,500; \$357,700

Board of Barber Examiners:

\$137,000; \$134,900

Board of Boxing:

\$53,900; \$53,900

Public Utilities Commission

Total: \$1.9m; \$1.8m

- includes office automation—\$139,000; \$33,000.

Department of Public Service

Total: \$6.3m; \$6.3m

Utility Regulation:

\$1.8m; \$1.8m

Weights and Measures:

\$1.9m; \$1.9m

Administrative Services:

\$608,300; \$608,600

Energy:

\$2.0m; \$2.0m

Racing Commission

Total: \$883,900; \$888,800

Charitable Gambling Control Board

Total: \$661,500; \$641,600

Ethical Practices Board

Total: \$219,700; \$219,900

Minnesota Municipal Board

Total: \$235,700; \$235,400

Minnesota-Wisconsin Boundary Area Commission

Total: \$99,500; \$99,200

Uniform Laws Commission

Total: \$13,600; \$13,600

Voyageurs National Park Citizens Committee

Total: \$70,000; \$70,000

- extends the Citizens Council on Voyageurs National Park to June 30, 1989.

Minnesota Historical Society**Total:** \$9.7m; \$9.8m**Minnesota Historical Society Operations:**

\$8.7m; \$8.7m

Repair and Replacement:

\$349,000; \$299,000

- includes restoration and preservation of murals, stencils, sculptures, statues, paintings, built-in exhibit areas, and historical artifacts in public areas of the State Capitol grounds—\$100,000.

Historic Grant-In-Aid:

\$286,100; \$286,100

- includes:

—Historic Preservation

\$259,600; \$259,600

—Archaeology

\$26,500; \$26,500

Fiscal Agent:

\$262,100; \$212,100

- includes:

—Sibley House Association

\$58,000; \$58,000

—Minnesota Humanities

Commission

\$47,100; \$47,100

—Minnesota International Center

\$38,000; \$38,000

—Minnesota Military Museum

\$30,000

—Minnesota Air National Guard Museum

\$20,000

—Government Learning Center

\$69,000; \$69,000

State History Center:

\$102,900; \$259,700 (this appropriation is available only if the Legislature enacts legislation to fund a new state history center).

Board of the Arts**Total:** \$3.0m; \$3.0m

- includes Minnesota regional art councils—\$953,100; \$955,800.

Minnesota Horticultural Society**Total:** \$67,200; \$67,200**Minnesota Academy of Science****Total:** \$28,100; \$28,100**Science Museum of Minnesota****Total:** \$514,900; \$521,200**Minnesota Safety Council****Total:** \$50,700; \$50,700**Veterans of Foreign Wars****Total:** \$30,000; \$30,000**General Contingent Accounts****Total:** \$325,000; \$325,000**Tort Claims****Total:** \$600,000; \$600,000**Other Provisions:**

- requires maintaining the Export Finance Agency working capital account balance at \$1.0m;
- authorizes the governor to designate the Hazardous Substance Notification Advisory Committee to perform the functions of the State Emergency Response Commission under the federal Superfund Act; authorizes the governor to appoint state agency representatives to serve on this commission;
- provides that until Dec. 31, 1989, the Board of Water and Soil Resources will have four temporary, governor-appointed members who are soil and water conservation district supervisors; makes this section effective Oct. 1, 1987;
- transfers all classified and unclassified state positions and employees of the Soil and Water Conservation Board (SWCB) and the Water Resources Board (WRB) to the Board of Water and Soil Resources; requires the commissioner of employee relations to transfer the positions of executive directors of the WRB and the SWCB to the proper job classification in the classified service without examination; makes this section effective Oct. 1, 1987;
- creates a 10-member Transportation Finance Study Commission; specifies areas of study which include present and future highway and transit needs; requires the

commission to report its findings and recommendations to the Legislature by Feb. 15, 1988;

- appropriates funds from the Children's Trust Fund to the commissioner of public safety to set up and administer the professional consultation telephone line and service;
- requires the Department of Public Safety to deposit all money the state collects under Chapter 171—the Drivers License and Driving School Licensing—into the state treasury with various amounts to go into the Trunk Highway Fund, the Transit Assistance Fund, and the general fund;
- increases the assessment on nuclear power plants from \$75,000 each year to \$137,500 each year to cover costs of upgrading nuclear power plants emergency response plans;
- increases Department of Agriculture license fees and late-renewal penalties for livestock market agencies and dealers, public stockyards, meat packing companies, and wholesale produce dealers; increases certain fees and penalties for nursery operators and dealers; increases from \$30 to \$50, the fee for greenhouse certification;
- designates the Department of Agriculture as the lead agency for state regulation of pesticides; requires the commissioner to:
 - determine the impact of pesticides on surface and ground water in Minnesota;
 - develop management practices involving pesticide distribution, storage, handling, use, and disposal; and
 - cooperate with and assist other state agencies and local governments to protect public health and the environment from harmful exposure to pesticides;

- establishes a pesticide regulatory account in the state treasury to administer and enforce the pesticide control law; requires the state treasurer to deposit in the account, fees and penalties resulting from enforcing the pesticide law;
- authorizes the commissioner to adopt rules to implement and enforce this chapter including rules for local control of pesticide use and emergency rules; requires such rules to conform with the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA);
- prohibits any person from using, storing, handling, or disposing of a pesticide in a manner that:
 - doesn't follow label or labeling instructions;
 - endangers humans or animals, agricultural products, food, fish, or insects; or
 - will cause unreasonably bad effects on the environment;
- prohibits any person from:
 - directing a pesticide on property outside the boundaries target site;
 - directly applying a pesticide on a human;
 - applying a pesticide that exposes a worker in an immediately adjacent open field;
- requires pesticide sprayers to post treated areas if the pesticide label specifies a human re-entry time;
 - prohibits people from keeping a pesticide, rinsate (a diluted mixture of a pesticide(s) resulting from cleaning application equipment or containers), or unrinsed container on a site without safeguards to prevent escape from the site; prohibits using public water supplies for filling pesticide equipment, unless the water supply outlet has a backflow prevention device that complies with the Minnesota Plumbing Code or the pesticide equipment contains proper and functioning anti-backsiphoning mechanisms; prohibits any person from cleaning pesticide equipment in or near surface water;
- requires people applying pesticide through an irrigation system to get a chemigation permit from the agriculture commissioner for \$50 per well; requires chemigation systems to be equipped with antisiphon devices to prevent the backflow of pesticides;
- authorizes statutory and home rule charter cities to enact ordinances containing pesticide application warning information including their own licensing, penalty, and enforcement provisions;
- requires all commercial or noncommercial pesticide applicators to post warning signs on the property where they've applied pesticides; specifies sign height, language, and time specifications;
- authorizes the commissioner to take action to prevent ground water contamination; prohibits the sale or use of pesticides containing TCDD; prohibits the sale or distribution of adulterated pesticides or misbranded pesticides and devices;
- provides for pesticide storage and prohibits any person from opening a pesticide container on display for sale; requires persons storing bulk pesticides (500 gallons or more) to get a storage permit from the commissioner; requires applicants to pay a \$100 application fee for each storage location;
- requires any person involved in an incident to immediately report the incident to the Department of Agriculture; requires the responsible party to bear any clean up costs and designates the Department of Agriculture as the lead agency for response to pesticide incidents;
- makes structural pest control applicators, commercial applicators, noncommercial applicants, and pesticide dealers criminally liable for their employees' violations of this chapter;
- allows the commissioner to enter into cooperative agreements with federal and state agencies for training, certification, inspection, and enforcement programs; provides that for the purposes of training, the commissioner may enter into agreements with qualified public or private organizations that offer training programs; allows the commissioner to adopt federal standards that are in the state's best interest;
- establishes a process for inspecting pesticide-impacted facilities and sites, pesticide rinsate, containers, and records; allows the commissioner, with reasonable cause, to investigate, stop distribution or use, and take remedial action;
- provides that the commissioner may enforce this chapter by one or more of the following:
 - criminal prosecution;
 - civil judicial enforcement actions;
 - actions to compel performance; or
 - administrative action;
- allows county attorneys, sheriffs and other local enforcement officers, upon the commissioner's request, to assist with enforcement of the pesticide law; prescribes penalties and fines for various violations of the pesticide control law;
- prohibits using or distributing a pesticide unless it's registered with the commissioner of agriculture; provides that pesticide registration expires Dec. 31 of each year;
- sets \$125 fee for each pesticide the applicant registers; requires applicants to pay an additional \$100 fee for late renewal; requires anyone who distributes or uses an unregistered pesticide to pay a \$200 penalty fee;
- provides for pesticide registration for special local needs; sets a \$125 fee for a special local need registration;

- requires registering of experimental use pesticide products before their distribution or use; sets a \$125 application fee and imposes a \$200 penalty fee for unregistered use; provides that experimental use pesticide product registration expires Dec. 31 of each year;
- prohibits using a restricted use pesticide without a license or certification; requires people who distribute restricted use pesticides or bulk pesticides to get a pesticide dealers license; sets a \$50 license fee and provides that the license expires Dec. 31 of each year and is non-transferable; allows a licensed pesticide dealer to sell restricted use pesticides only to licensed or certified applicators;
- provides for a structural pest control license; requires a structural pest control licensee to carry a valid license identification card; requires a closed-book, monitored examination for structural pest control applicants; sets a \$100 license fee for a business and requires employees of the licensed business to pay a \$50 application fee; sets a \$50 late renewal penalty; requires licensee to carry a valid license identification card; provides that the license expires Dec. 31 of each year and is non-transferable; prohibits the commissioner from issuing a structural pest control license unless the applicant furnishes proof of financial responsibility;
- requires all people who apply pesticides for hire to have a commercial applicator license; requires a commercial applicator licensee to carry a valid license identification card; sets a \$50 license fee for a business, a \$25 fee for an individual commercial applicator license, a \$10 late renewal penalty; provides that the license expires Dec. 31 of each year and is non-transferable; prohibits the commissioner from issuing a commercial applicator license unless the applicant furnishes proof of financial responsibility;

- provides for a noncommercial applicator license; requires licensees to carry a valid license identification card and sets a \$50 license fee for a business, a \$25 fee for an individual noncommercial applicator license, and a \$10 late renewal penalty;
- provides that the license expires Dec. 31 of each year and is non-transferable;
- allows the commissioner to establish categories of structural pest control, commercial applicator, and noncommercial applicator licenses for administering and enforcing the pesticide law; provides that each category is subject to separate testing procedures and requirements;
- allows only certified private applicators to use or supervise use of a restricted use pesticide; authorizes the commissioner to prescribe certification requirements and provide training to certify private applicators; requires the commissioner to issue a private applicator card to private applicators; provides that the certification is valid for five years; sets a \$10 certification fee and a \$5 duplication fee;
- requires pesticide dealers to keep records of all sales of restricted use pesticides; requires commercial and noncommercial applicators to keep records of pesticides they use on each site; requires structural pest control applicators to keep a record of each structural pest control application;
- requires commercial, noncommercial, or structural pest control firms to maintain a plan that describes their pesticide storage, handling and disposal practices; allows the commissioner to inspect the records of a commercial, noncommercial, or structural pest control applicator's business;

- authorizes the commissioner of agriculture to develop a program, in consultation with the director of the Pollution Control Agency, for pesticide container deposit and return of triple-rinsed pesticide containers; requires the commissioner to prepare and submit a report on the proposed program, by Jan. 15, 1988, to the House and Senate Agriculture committees;
- increases certain license and registration fees and penalties for certain food handlers, milk and cream testers, and nonresident frozen food manufacturers;
- transfers from the commissioner of agriculture to the Board of Water and Soil Resources (BWSR) the responsibility to adopt model soil loss ordinances; directs the commissioner to contract with the BWSR to establish and administer a conservation reserve program; makes this section effective Oct. 1, 1987;
- increases certain filing and license fees insurance companies pay to the Department of Commerce (DOC);
- increases license fees for:
 - an employer to make wage deductions for insurance, from \$25 to \$250;
 - filing an annual statement from \$10 to \$40;
 - insurance rate service organizations from \$100 to \$1,000;
 - registering subdivided lands by notification, from \$100 to \$150;
 - registering subdivided lands by qualification; from \$250 to \$400;
 - maximum combined filing and registration fee, from \$2,500 to \$3,500;
 - annual reports of land subdividers who register by notification, from \$50 to \$75;
 - annual reports of land subdividers who register by qualification, from \$100 to \$150;

- establishes the Board of Water and Soil Resources (BWSR); provides for the board's membership, member distribution, terms, compensation, removal, vacancies, and nonvoting members; makes this section effective Oct. 1, 1987;
- sets the powers and duties of the BWSR:
 - coordinate water and soil resource planning activities of counties, soil and water conservation districts, watershed districts, watershed management organization, and other local government units;
 - facilitate coordination and communication among state agencies to make expertise available to local government units;
 - coordinate state and local interests with respect to a federal watershed study in Southwestern Minnesota;
 - develop awareness of soil and water resources problems;
 - provide a forum to discuss local water and soil resources management issues;
 - adopt an annual budget; and
 - report biennially to the governor and the Legislature;
- creates a committee on dispute resolution within the BWSR to hear and resolve disputes, appeals, and interventions relating to water policy and watershed plans; makes this section effective Oct. 1, 1987;
- requires the Minnesota Historical Society to deposit fees it collects at historic sites in the state treasury for historic site operations; authorizes the Minnesota humanities commissioner to establish a humanities resource center to ensure balance in public education and in the cultural life of the state; allows the center to transport people and resources to small towns, rural communities, and urban settings to provide high quality educational and cultural programs to schools and community organizations throughout Minnesota;

- increases the surcharge for certified copies of birth certificates from \$2 to \$3 beginning June 3, 1987; directs the Department of Public Safety to charge motor carriers an annual application fee of \$13 to report quarterly fuel tax under the Minnesota Interstate Fuel Tax Compact;
- increases fees for motorized bicycle operator permits:
 - examination and operator's permit from \$4 to \$6;
 - duplicate from \$2 to \$3;
 - renewal permit before age 19 from \$6 to \$9;
 - renewal permit after age 19 from \$10 to \$15;
 - renewal permit duplications from \$3 to \$4.50;
 - written examination and instruction permits from \$4 to \$6;
- increases fees for drivers' licenses and identification cards:
 - class C and B drivers' license to \$15 and \$22.50;
 - class C and B provisional drivers' license to \$9 and \$15;
 - instruction permit to \$6;
 - duplications of driver or provisional license to \$4.50;
 - identification cards to \$9;
- requires the commissioner of finance to deposit five percent of the Motor Vehicle Excise Tax (MVET) revenues in the Highway User Tax Distribution Fund (HUTDF) and the Transit Assistance Fund (TAF); credits 75 percent of the money in the funds to the HUTDF and the remaining 25 percent to TAF;
- provides that in FY'88 and FY'89 the amount from the HUTDF share of the MVET revenues that goes to pay for the Ethanol Development Fund appropriation will transfer twice each year, in an amount equal to the Department of Finance estimate of the amount needed each six months to pay for the ethanol development appropriation; provides that if the estimate is too high in one period, the commissioner must

- reduce the next period's estimate by the same amount; provides that if the estimate is too low in one period, the commissioner must transfer to the general fund from the HUTDF, an additional amount sufficient to fund the appropriation for that period (the amount that transfers to the general fund must not exceed the amount that goes into the highway user fund from MVET revenues in that period);
- requires professional fundraisers to register with the attorney general and sets a \$200 registration fee;
- allows the commissioner of public safety to deposit proceeds from the sale of promotional items in the Children's Trust Fund for the Prevention Child Abuse; requires the commissioner to send biennially to the Legislature and the governor a plan for disbursing money from the trust fund by Jan. 1, of each odd-numbered year;
- provides that fees the state collects under the Minnesota Electrical Act are credited to a special account in the state treasury rather than to the general fund; appropriates money in the special account to the Board for Electricity to administer and enforce the Minnesota Electrical Act, pay indirect costs, compensate contract electrical inspectors, and make refunds;
- increases from \$100 to \$500 the Board of Private Detective and Protection Agent Services license fee; increases the renewal fee from \$100 to \$400;
- increases from \$100 to \$500 the investigation fee the DOC charges to investigate an applicant for a collection agency;
- increases from \$8.5m to \$17.0m the amount of bonds the Metropolitan Council may issue for financial assistance to the Metropolitan Transit Commission;

- defines the BWSR in the law governing metropolitan surface water management, and substitutes that board for the WRB makes this section effective Oct. 1, 1987;
 - requires the first \$18,000 the state collects under the Crime Victims Reparations Act to be deposited in the general fund and credited to the crime victim and witness account in the state treasury;
 - authorizes the commissioner of public safety to establish a toll-free 24-hour child abuse professional consultation telephone line; allows the commissioner to contract for the telephone line with agencies that agree to match 30 percent of the contract amount;
 - increases from 13 to 15 the members of the Board of Peace Officer Standards and Training; requires the governor to appoint two members who are peace officers, one of whom is a member of the Minnesota State Patrol Association;
 - requires peace officer licensure for any person seeking election or appointment to the office of sheriff after June 30, 1987; requires such people to submit proof of licensure as part of the application for office;
 - repeals the following laws that govern:
 - membership, terms, employees, and procedures of the Soil and Water Conservation Board;
 - establishment of the Water Resources Board;
 - development by the Environmental Quality Board of a comprehensive Southern Minnesota Rivers Basin Environmental Conservation and Development Plan;
 - licensing requirements for peace officers;
 - pesticide control law.
- Enactment:** June 2, 1987
Effective: various dates

Bonding/Capital improvements HF0919*—Voss, Munger, D. Nelson, Knickerbocker, Redalen SF1530—Merriam

Chapter 400:

Total: \$492.2m

- authorizes state agencies to acquire and improve public lands and buildings.

Supreme Court—\$32.5m to construct a new judicial building;

Administration—\$31.3m for projects on state buildings that include: removal of asbestos; handicapped access; restoration of the State Capitol, remodeling and renovation; relocation; parking lot construction; demolition of Mechanic Arts High School; construction of a telecenter;

Capitol Area Architectural and Planning Board—\$300,000 to plan a parking ramp;

Natural Resources—\$26.9m for the acquisition of natural habitat and improvement of public outdoor recreational lands; dam safety projects; Reinvest in Minnesota; a Hibbing Core Library; and construction of regional headquarters in New Ulm;

Waste Management Board—\$4.0m for local waste disposal projects and technical and professional services;

Pollution Control Agency—\$66.7m for wastewater treatment facilities, and combined sewer overflow;

Energy and Economic Development—\$46.3m for outdoor recreation; for a stadium, track and field, velodrome and training center in the city of Blaine, and a swimming center, contingent upon whether the national governing body of the U.S. Olympic Committee selects the facility as an official training site and upon issuance of general obligation special tax bonds; and for Duluth Zoo, Great River Road Project, railroad assistance, Duluth Port Authority and convention center;

Iron Range Resources and Rehabilitation Board—\$2.2m to expand Giants Ridge Ski Center;

Military Affairs—\$2.5m includes funds to construct a new national guard armory at Camp Ripley;

Veterans Affairs—\$2.5m for projects at the Minneapolis Veterans Home to renovate food service facilities, demolish Building Number 7, and construct a warehouse;

Agriculture—\$9.0m includes funds for the Conservation Reserve Program;

Minnesota Amateur Sports Commission—\$330,700 to operate and maintain the facilities financed by bonds whose debt service is payable primarily from fund proceeds;

Transportation—\$18.4m for construction of a new central laboratory and research facility, projects at district headquarters, weigh scales, truck stations, rest areas, and bridges;

Minnesota Historical Society—\$54.7m to construct a new state history center, plan and construct Mille Lacs Indian Museum and cultural center, restore the William Le Duc home, pay for the Red River Valley Center, and restore the Meighen Store complex;

Education—\$10.9m includes funds for Faribault academies for the deaf; and constructing, enlarging, and modifying schools to reduce racial imbalance as part of a desegregation plan;

Vocational Technical Education—\$33.2m includes construction projects in specified school districts:

- Albert Lea, \$1.7m
- Alexandria, \$2.1m
- Anoka, \$971,100
- Austin, \$805,200
- Canby Campus, \$70,600
- Duluth, \$2.4m
- Eveleth, \$505,800
- Faribault, \$1.4m
- Hibbing, \$1.3m
- Mankato, \$5.1m
- Moorhead, \$439,500

- Pine City, \$1.3m
- Pipestone, \$827,000
- Red Wing, \$100,800
- St. Paul, \$5.0m
- Thief River Falls, \$1.8m
- Wadena, \$1.8m
- Willmar, \$30,600
- statewide, \$5.1m
- authorizes use of local funds for construction at Hennepin Technical Center and St. Cloud;
- Community Colleges—\$35.0m** includes:
 - Brainerd, \$1.6m
 - Hibbing, \$1.2m
 - Inver Hills, \$3.0m
 - Itasca, \$7.7m
 - Mesabi, \$1.3m
 - Normandale, \$4.9m
 - Northland, \$3.7m
 - North Hennepin, \$970,000
 - Rochester, \$2.6m
 - Vermilion, \$1.5m
 - Willmar, \$3.1m
 - systemwide, \$3.3m
- State Universities—\$52.5m** includes:
 - Bemidji Campus, \$12.5m
 - Mankato Campus, \$2.5m
 - Moorhead Campus, \$5.1m
 - St. Cloud Campus, \$19.4m:
 - includes \$10.0m for an ice hockey center contingent upon whether the national governing body member of the United States Olympic Committee designates the facility as an official training site and upon issuance of general obligation special tax bonds;
 - Southwest Campus, \$2.0m
 - Winona Campus, \$1.5m
 - statewide repairs, \$9.6m
- University of Minnesota—\$47.8m** includes:
 - Crookston Campus, \$1.6m
 - Duluth Campus, \$3.0m
 - Grand Rapids land purchase, \$75,000
 - Morris Campus, \$509,700
 - Rosemount Research Center, \$2.0m
 - Twin Cities campuses, \$37.4m
 - Waseca Campus, \$1.2m
 - systemwide projects, \$2.0

- Corrections—\$2.3m** for construction projects at correction facilities in Lino Lakes, Red Wing, St. Cloud, Sauk Centre, Stillwater, and systemwide;
- Human Services—\$8.4m** includes funds for construction of a nursing home on the Red Lake Indian Reservation, regional treatment centers, juvenile chemical dependency treatment centers, and systemwide appropriations;
- Minnesota Learning—\$4.0m** for plans, working drawings, land acquisition and site preparation for the Minnesota Learning Center for the Arts;
- Bond Sale Expenses—\$452,000** for bond sale expenses;
- Other provisions:**
- provides money from the state building fund to the commissioner of finance to sell and issue bonds;
 - specifies funds agencies use for particular projects;
 - requires an agency to present final plans and specifications to the chairs of the Senate Finance and House Appropriations committees to receive appropriations for a construction project;
 - requires an agency that receives an appropriation to apply for the maximum federal share for each capital improvement project;
 - allows an agency to spend money in excess of the original amount only after the chairs of the Senate Finance and the House Appropriations committees make additional funding recommendations;
 - adds Mystery Cave to the state park system;
 - creates the Cooperative Secondary Facilities Grant Program to encourage public schools to cooperate in providing programs, services, and facilities;
 - establishes the Minnesota Amateur Sports Commission to conduct research, operate facilities and programs, promote and develop amateur sports, and sponsor a series

of Olympic-style statewide amateur athletic games;

- makes money available for flood management of the Red River;
 - sets June 30, 1989 as repeal date for the Cooperative Secondary Facilities Grant Act (Sections 33 to 38);
 - creates a sports and health club tax and dedicates the new revenue to pay debt service on bonds sold to construct amateur sports facilities.
- Enactment:** June 11, 1987
- Effective:** day after enactment

Education Finance— omnibus bill**

HF0753*—K. Nelson, Bauerly, McEachern, Kostohryz
SF0583—R.W. Peterson, Pehler, DeCramer, D.C. Peterson, Mehrkens

Chapter 398:

Total:

\$1,467,236,755; \$1,503,199,155

Article 1—Foundation and General Education Revenue

Total: \$1.1b; \$1.1b

Teacher Retirement:

\$236.7m; \$35.8m

Summer Programs:

\$8.2m; \$0

1987-88

- sets 1987-88 foundation revenue formula at \$1,720 per pupil unit;
 - allows commissioner of education to redistribute current year teacher retirement and Federal Insurance Contributions Act (FICA) obligations among districts pairing and sharing staff;
 - sets equalizing factor at \$74,890 for the 1987-88 school year and for levies for use in that school year;
- 1988-89**
- changes secondary pupil unit weighting from 1.4 to 1.35;

** See Special Session, Chapter 4, Revisor's changes/Miscellaneous funding

- limits Aid to Families with Dependent Children (AFDC) pupil unit weighting at 0.6 more than regular pupil units;
- folds compensatory education, training and experience (T&E), and sparsity revenues into general education formula;
- adds retirement aid, categorical aids and levies into the general education formula; aids include: summer programs, interdistrict cooperation, gifted and talented, arts education, chemical dependency, liability insurance levy, advanced placement and international baccalaureate, and programs of excellence;
- requires school districts to reserve 1.85 percent of their general education revenue which may be used for certain categorical programs;
- phases in levy equity for off-the-formula districts over four years;
- guarantees all districts a "hold-harmless revenue" equaling 1987-88 foundation, retirement, and categorical revenue per pupil unit, plus \$40;
- reduces general education revenue for districts with fund balances of greater than \$600 per actual pupil unit;
- requires districts to reserve \$10 per actual pupil unit of their general education revenue for staff development;
- adds one year buydown for districts with general education levy increases greater than 2 mills; state pays half of the increase over 2 mills;
- imposes an administrative cost freeze for districts that do not comply with pay equity plan.

Article 2—Transportation

Total: \$95.8m; \$87.4m

Postsecondary Education Options Transportation:

\$75,000; \$75,000

Desegregation Transportation:

\$5.2m; \$0

- allows districts to transport students, if a parent or guardian so requests, to a day care center in the district attendance area instead of the student's home;

- sets inflation factors at 4.9 percent in 1987-88, and 4.1 percent in 1988-89 (implied two percent for each year);
- redefines regular and nonregular transportation categories; includes desegregation costs, noon kindergarten, between schools, and late activity in the nonregular category;
- sets desegregation transportation grants for Minneapolis and St. Paul.

Article 3—Special Programs

Total: \$185.3m; \$183.5m

Special Education—Regular:

\$148.5; \$153.0

Special Education—

Summer Programs:

\$5.1m; \$5.3m

Residential Facility:

\$1.5m; \$1.5m

Limited English Proficiency:

\$2.9m; \$3.0m

Secondary Vocational:

\$19.5m; \$12.9m

Indian Language & Culture:

\$588,400; \$588,300

- requires districts to provide special education services to children ages birth to two years;
- requires identical high school diplomas for handicapped students who complete secondary school or its equivalent;
- provides appropriate services in individual instruction on the basis of assessing the child's needs to live and work as independently as possible, including transition needs to postsecondary education and training by grade nine or age 14;
- establishes a state interagency coordinating council for early childhood special education;
- clarifies third party payment obligation for services for a handicapped child;
- establishes community transition interagency committee;
- sets Limited English Proficiency aid at 61 percent of salaries up to \$17,000 beginning in 1987-88;

- sets regular, summer school, and secondary vocational handicapped special education aid at 66 percent of salary, up to \$18,400 beginning in 1987-88;
- sets supply, equipment, and travel aid at 47 percent;
- sets contracted services aid at 52 percent, residential aid at 57 percent, and secondary vocational aid at 39 percent beginning in 1987-88;
- sets new secondary vocational aid formula at 75 percent of difference between salaries and 50 percent of general education revenue, plus 30 percent of other approved expenditures beginning in 1988-89;
- reduces contracted secondary vocational aid to 35 percent for 1987-88;
- establishes resource center at Faribault to serve visually impaired, hearing impaired, and multiple-handicapped children;
- increases secondary vocational levy for Intermediate Districts 916 and 917 from 0.5 mill to 0.7 of a mill;
- funds a legislative commission study of special education, financing, and related services.

Article 4—Community and Adult Education

Total: \$13.6m; \$16.5m

Community Education:

\$2.2m; \$3.3m

Early Childhood Family Education:

\$7.2m; \$8.1m

Adult Basic Education Aid:

\$3.2m; \$4.1m

- requires State Board of Education to appoint a 15-member community education advisory task force;
- requires the task force, to consult with the commissioners of health, human services, and jobs training, to develop a statewide plan to promote a coordinated interagency approach to address needs and develop resources of youth, from birth to age 21;

- allocates an additional 50 cents per capita to school districts which develop a youth development plan and make a community education levy;
- increases state funding for adult literacy programs in adult basic and continuing education (no substantive change in the formula).

Article 5—State Agency Services

Total: \$7.5m; \$7.0m

Teacher Assessment Plans:

\$166,000; \$166,000

Exemplary Teacher Education Programs:

\$135,000; \$135,000

Office on Transition Services:

\$77,000; \$77,000

Early Childhood Family Education:

\$31,500; \$31,500

Community Education Advisory Task Force:

\$25,000; \$0

Management Information Centers:

\$3.4m; \$3.4m

Academic Excellence Foundation:

\$100,000; \$125,000

Health and Wellness Curriculum:

\$30,000; \$0

Administrators Academy:

\$167,300; \$167,300

Education Effectiveness and

Regional Coordinators:

\$690,300; \$690,300

State PER Assistance:

\$428,000; \$661,000

Curriculum and Technology Integration:

\$1.4m; \$722,000

Comprehensive Arts Planning Program:

\$37,500; \$37,500

Educational Cooperative

Service Units:

\$748,000; \$748,000

- provides \$50,000 to the Department of Employee Relations to study and possibly develop of a plan to allow teachers and school boards the option to participate in a state health and benefits program.

Article 6—Other Aids and Levies

Total: \$39.5m; \$55.6m

Gifted & Talented Program:

\$1.4m; \$205,900

Arts Education Aid:

\$1.0m; \$0

Nonpublic Pupil Aid:

\$8.2m; \$8.9m

Chemically Dependency Aid:

\$1.0m; \$153,600

School Lunch:

\$4.6m; \$4.6m

Abatement Aid:

\$6.6m; \$6.6m

Interdistrict Cooperation:

\$2.3m; \$360,000

Desegregation Aid:

\$11.6m; \$0

Tobacco Prevention:

\$633,000; \$659,600

- increases the capital expenditure revenue for districts to \$153 per actual pupil unit;
- reduces capital expenditure mill rate from 9 to 3 mills beginning with the levies certified for 1988-89;
- requires districts to submit plans for the removal of asbestos and PCBs from school buildings or property to receive hazardous substance aid;
- creates a new hazardous substance levy and aid formula in FY'89;
- pays districts a minimum of \$1,080 or \$1.08 per pupil for chemical use programs in FY'88 (folds aid into general education formula in FY'89);
- aids districts \$40 per pupil, but at least \$500 per district in FY'88 for gifted and talented programs (folds aid into general education formula in FY'89);
- authorizes a one mill desegregation levy for St. Paul;
- establishes exceptional need aid and levy;
- allows Minneapolis School District to levy 0.1 mill for health insurance subsidy for pre-1974 teacher retirees;
- increases consolidation levy to four mills for Buhl-Mountain Iron School District;
- repeals leased building levy.

Article 7—Miscellaneous

Total: \$512,000; \$251,200

Council on Quality Education:

\$63,900; \$0

Extended Leaves of Absence:

\$196,900; \$0

Comprehensive Arts Planning Program:

\$37,500; \$37,500

Summer Program Scholarship:

\$213,700; \$213,700

- allows 11th or 12th grade students who have enrolled in a district for at least three consecutive years and whose parents or guardians move to another district, to continue to enroll in the nonresident district if the school board approves;
- allows district compliance with secondary curriculum rules by offering elective secondary courses during summer;
- allows districts to transfer affiliation between regional management information centers, after one year prior written notice;
- requires the Department of Education to maintain an integrated database for each pupil, staff member, and educational program;
- directs districts with 1,000 or more pupils to employ at least one full-time licensed school nurse or contract with a public health agency by July 1, 1988;
- prohibits a school board from reducing the number of licensed school nurses it employed during the 1986-87 school year, except if a district's enrollment declines; a district may then reduce the nursing services proportionately;
- allows school boards to enter into a school site management agreement, establishing necessary management teams;
- removes physical education requirement from teacher education programs;
- strikes requirement for tests of academic knowledge for teacher licensure;

- allows commissioner of education to use \$100,000 yearly to administer alcohol-impaired driver education programs.

Article 8—Access to Excellence

Total: \$3.0m; \$1.5m

Teacher Centers:

\$100,000; \$100,000

Mentor Teacher Program:

\$250,000; \$250,000

Local PER Programs:

\$1.0m; \$1.0m

Area Learning Center Planning:

\$100,000; \$0

Program Improvement Grants:

\$1.5m; \$0

- establishes education districts and formation, withdrawal, and staffing procedures;
- establishes enrollment options programs for voluntary school district participation, including considering racial balance when approving or rejecting applications for enrollment;
- requires Board of Teaching to redesign teacher education programs;
- encourages districts to participate in teacher mentoring programs, establishes a teacher mentoring task force;
- establishes an administrators academy;
- establishes a high school graduation incentives program to serve dropouts and potential dropouts;
- redesigns Planning, Evaluating, and Reporting (PER) law;
- establishes program improvement grants for technology cooperation projects, consolidation, or education districts;
- establishes area learning centers focusing on academic and learning skills, trade, and vocational skills, work experience, and transition services;
- authorizes districts to use reserved staff development revenue if they establish an advisory committee and develop a plan.

Article 9—Libraries

Total: \$5.4m; \$5.2m

- requires all counties to belong to a regional library system;
- allows compensating library board members on a per diem basis instead for actual expenses;
- funds basic support grants, multi-county-multitype library systems, and development of an outline computer-based library catalog system.

Article 10—State Agencies

Total: \$21.2m; \$21.6m

Arts School & Resource Center:

\$2.2m; \$2.6m

Faribault Academies:

\$6.4m; \$6.4m

Department of Education:

\$12.6m; \$12.5m

AIDS Education & Services:

\$157,500; \$67,800

- allows continued planning and staff buildup for Arts School to start in September 1989;
- restricts resident enrollment at Arts School to 11th and 12th grade students;
- serves 9th and 10th grade students with one- to two-week seminars.

Enactment: June 4, 1987

Effective: various dates

Federal Reed Act money—appropriation

HF1621*—McLaughlin

SF1379—Pogemiller

Chapter 376:

- appropriates \$2.0m of the federal Reed Act money from the unemployment Compensation Fund to the commissioner of jobs and training for use as follows:
 - \$200,000 for computer systems and programs to provide a single application for unemployment compensation and job service assistance;
 - \$199,900 to fund a one-year pilot project for the job service resume system (the project is a joint venture with five other states);

- \$45,000 to remodel the St. Cloud Job Service Office;
- \$55,000 for specialized employee training, including retraining for employees whom budget reductions have affected ;
- \$25,000 for a statewide work session for job service and unemployment insurance managers;
- \$15,000 to provide support for the Department of Jobs and Training (DJT) job service employer committees;
- \$109,500 to replace obsolete equipment;
- \$550,000 for marketing tools and programs to help implement new employment and training programs;
- \$70,500 for video and other equipment for the test match program;
- \$731,000 to upgrade the DJT's main computer facility (if the Legislature provides funding to upgrade the computer facility, the department can use the \$731,000 for a job search and self-assessment unemployment insurance eligibility system).

Enactment: June 2, 1987

Effective: day after enactment

Health and Human Services—omnibus bill**

HF0243*—G. Anderson, Wynia, Boo, R. Anderson, Greenfield

SF1521—Merriam

Chapter 403:

\$1,919,400 FY'87

\$1,095,436,200 FY'88

\$1,144,512,600 FY'89

Total: \$2,241,868,200

Article 1—Appropriations

Department of Human Services

Total: \$922.9m; \$973.2m

** See Special Session, Chapter 4,
Revisor's changes/Miscellaneous funding

Human Services Management:

\$7.6m; \$7.6m

- includes:
- requirement that allocation of the first year appropriation for equalization aid must be to the same counties and in the same proportion as the distribution of equalization aid for FY'86.

Policy and Program Support Services:

\$4.1m; \$4.3m

Community Social Services:

\$77.6m; \$79.9m

- includes:
- Community Social Services Subsidies—\$48.8m; \$50.6m (for the 1989-91 biennial budget, the base level for community social services is \$49.7m);
- Migrant day care—\$447,400 each year of the county allocation for Title XX community social services; and \$121,700 each year of the biennium from the Day Care Sliding Fee Program to the Migrant Day Care Program;
- Child care—\$125,000 of the appropriation each year for child care must go to grants for new or expanding child care resources and referral programs and developing of child care services;
- requires the commissioner of human services to use semi-independent living services funding for new persons to reduce the number of inappropriate nursing home placements and provide alternative community services to those recipients in intermediate care facilities for the mentally retarded or waived services who are no longer eligible for those services.

Mental Health:

\$17.9m; \$17.8m

- includes:
- Alzheimer's Disease—appropriates \$50,000 to study Alzheimer's disease.

Income Maintenance:

\$600.3m; \$656.8m

- includes:
 - Case Management—\$2.5m for each year of the biennium for case management services to caretakers in priority groups receiving Aid to Families with Dependent Children (AFDC);
 - AFDC, General Assistance (GA), Work Readiness, Minnesota Supplemental Aid—\$135.3m; \$142.9m;
 - AFDC supplementary grants—\$816,800 is available each year of the biennium to the commissioner to use for AFDC supplementary grants; outlines additional costs to determine grant amounts;
 - GA, work readiness assistance level—\$203 per month for units consisting of an adult recipient who is childless and unmarried or living apart from his/her parents or a legal guardian;
 - Medical Assistance (MA) and General Assistance Medical Care (GAMC)—\$417.7m; \$464.7m;
 - reduces payments to MA vendors for certain services they rendered on or after July 1, 1987 by five percent, not including prenatal care and delivery services;
 - includes in the MA appropriation, \$300,000 the second year of the biennium for increased costs related to exceptions to the moratorium on licensure and certification of long-term care beds under Article 4;
 - states that the maximum pharmacy dispensing fee under MA and GAMC is \$4;
 - Preadmission Screening and Alternative Care Grants—\$11.9m; \$17.6m.
- Long-Term Care:**
\$4.7m; \$4.8m
- Chemical Dependency, Hearing Impaired, and Protection Services:**
\$6.3m; \$6.4m

Reimbursement and Facilities**Administration:**

\$204.4m; \$195.6m

- includes:
- Regional Treatment Centers approved complement:
—June 30, 1988 5,049
—June 30, 1989 4,895
- Nursing Homes approved complement:
—June 30, 1988 616.5
—June 30, 1989 605.5

Office of Full Productivity and Opportunity**Total:** \$153,000; \$0**Department of Jobs and Training****Total:** \$34.9m; \$33.1m**Employment and Training:**

\$12.7m; \$11.2m

- includes:
- Minnesota employment and economic development wage subsidies—\$9m each year of the biennium;
- requires the commissioner of jobs and training to develop, in consultation with the commissioners of education, human services, and natural resources, a coordinated plan for enhanced youth education, employment, and service opportunities.

Rehabilitation Services:

\$20.3m; \$20.4m

Community Services:

\$1.9m; \$1.5m

Department of Corrections**Total:** \$97.8m; \$98.9m**Management Services:**

\$3.7m; \$3.9m

Community Services:

\$23.4m; \$24.6m

Correctional Institutions:

\$70.6m; \$70.2m

Sentencing Guidelines Commission**Total:** \$198,000; \$201,100**Corrections Ombudsman****Total:** \$331,000; \$331,000

Department of Health**Total:** \$35.6m; \$35.3m**Preventive and Protective Health Services:**

\$9.9m; \$9.4m

• includes:

- swimming pool surveillance and monitoring—increases by \$54,000 the first year and \$53,000 the second year of the biennium.

Health Delivery Systems:

\$22.7m; \$22.8m

- Community Health Services Subsidy—\$11.8m

Health Support Services:

\$3.1m; \$3.1m

Health Related Boards**Total:** \$3.5m; \$3.5m**Board of Chiropractic Examiners:**

\$174,200; \$162,200

Board of Dentistry:

\$317,100; \$317,400

Board of Medical Examiners:

\$1.3m; \$1.4m

Board of Nursing:

\$867,100; \$867,700

Board of Examiners for Nursing**Home Administrators:**

\$131,900; \$132,000

Board of Optometry:

\$46,900; \$47,000

Board of Pharmacy:

\$405,300; \$405,500

Board of Podiatry:

\$9,600; \$9,600

Board of Psychology:

\$160,300; \$160,100

Board of Veterinary Medicine:

\$80,100; \$80,100

Article 2—**Miscellaneous Provisions**

- requires each health maintenance organization (HMO) to submit a certificate of authority renewal fee of \$10,000 plus 20 cents per person enrolled in the HMO on Dec. 31 of the preceding year; the HMO is to submit the certificate to the commissioner of health each year before April 1 to support the licensed activity;

- increases from \$150 to \$200 the fee to reinstatement a revoked drivers' license due to operating a motor vehicle under the influence of alcohol or a controlled substance.

Cancer Surveillance System

- requires the commissioner of health to establish a statewide population-based cancer surveillance system to:
 - monitor incidence trends of cancer to detect potential public health problems, predict risks, and assist in investigating cancer clusters;
 - more accurately target intervention resources for communities, patients, and their families;
 - inform health professionals and citizens about risks, early detection, and known increases in treatment of cancers in their communities; and
 - promote high quality research to provide better information for cancer control and address public concerns and questions about cancer.

Mental Health Care Delivery System

- requires commissioner of human services to create and ensure unified, accountable, comprehensive mental health services system;
- requires commissioner and county agencies to plan development of the unified mental health system; requires the planning to take place between the effective date of this law and June 30, 1988;
- requires the commissioner to provide technical assistance to counties developing local mental health proposals;
- sets the following priorities for developing required services by Jan. 1, 1990:
 - emergency services;
 - locally available services to all people with serious and persistent and acute mental illness;
 - specialized services available on a regional basis; and
 - education and preventive services;
- requires each county board to develop a biennial plan for mental health services and to:

- develop and coordinate a mental health service system in accordance with the act;
- provide case management;
- provide screening of specified people; and
- administer necessary grants and contracts;
- requires counties to establish a local mental health advisory council;
- requires all providers to develop an individual treatment plan on the basis of diagnostic assessment for all clients;
- requires a county board to provide or contract for education and prevention services;
- requires that emergency services, outpatient services, and community support services be available by July 1, 1988;
- requires that case management activities be a part of community support services by Jan. 1, 1989;
- requires providers to develop an individual community support plan for each client and that day treatment activities be part of the community support plan by July 1, 1989;
- requires that residential treatment services and acute care hospital inpatient treatment be available by July 1, 1988;
- requires that sufficient regional treatment center inpatient services be available by July 1, 1987;
- requires a county to provide case management and other appropriate community support services to all people with serious and persistent mental illness;
- requires a county to designate a case manager within five working days after receiving an application for community support services and requires a case manager to arrange for diagnostic assessment if one is not available;
- requires case managers to develop an individual community support plan, arrange payment, review client progress, and monitor provision of services, for eligible clients;

- requires county screening, by Jan. 1, 1989, of individuals in a residential treatment facility, acute care hospital inpatient, or regional treatment center, if public funds are paying for the care;
- requires counties to submit first proposals by Jan. 1, 1988 and to submit subsequent proposals on the same two-year cycle as the community social services plans;
- eliminates direct funding of community mental health centers with federal block grant money; allows commissioner to retain 10 percent of federal money for planning and evaluation;
- requires the commissioner to establish an information system to collect data about people who suffer from serious and persistent mental illness;
- allows MA payment for case management services to people with serious and persistent mental illness.

Miscellaneous Provisions

- revises the formula for equalization aid to counties and limits the aid to 75 percent of income maintenance expenditures, effective July 1, 1988;
- establishes new formula for public assistance administrative aids to counties;
- eliminates requirement that reimbursements equal at least 80 percent of a county's approved cost for semi-independent living services (SILS) for people with mental retardation or related conditions;
- establishes a mandatory program of enrollment in prepaid health plans for all AFDC recipients in counties with two or more plans under contract to the commissioner of human services; establishes an ombudsman for recipients; sets payment rate at 90 percent of the average MA fee for service costs under AFDC;
- establishes the Children's Health Plan to provide health care services to pregnant women and children under age six who have income under 185 percent of the federal

poverty guideline and who do not have health coverage from any other source; provides for enrollment fees of \$35 and \$25 to obtain prenatal and children's health services.

Medical Assistance (MA) and General Assistance Medical Care (GAMC) Reimbursement

- requires the use of private health coverage before payment of MA;
- provides for payment of certain hospital outlier costs until June 30, 1987;
- caps the pass-through costs for certain inpatient hospital payments, and delays the effective date for one year;
- requires second opinion for certain elective surgeries;
- increases services and payments for services to pregnant women at risk of a poor pregnancy outcome;
- establishes a maximum allowable cost for certain drugs;
- phases out the rateable reductions for inpatient and outpatient hospital care over the biennium; inpatient hospital care is at zero percent in the second year;
- allows a higher MA payment to a hospital participating in a county-managed health care plan that serves residents of one county only;
- establishes an Office of Ombudsman for Older Minnesotans;
- sets a maximum payment for new vendors in MA or GAMC in any year that is no greater than the average payment for that vendor type;
- allows for volume purchase of drugs under competitive bidding provisions;
- clarifies income and asset changes in the MA program; extends MA to people with incomes at 115 percent of the AFDC standard of need; extends MA for families and children to 133-1/3 percent of the AFDC standard;
- places limits on costs that MA will cover for therapy to nursing home residents; facilities may not receive more than 108 percent of their costs,

if they bill for therapy services separate from the nursing home per diem;

- provides for a personal needs allowance of not less than \$40 per month to MA recipients in medical institutions;
- clarifies GAMC eligibility and provides GAMC coverage for outpatient mental health services and day treatment;
- establishes the Indian Family Preservation Act to provide services and grants to organizations assisting in the preservation of Indian families, to help children remain with their parents, or to reunite Indian children with their parents;
- requires the commissioner of human services to appoint an American Indian advisory task force to help form policies and procedures relating to Indian child welfare services and make recommendations regarding grant approval;
- eliminates the Office of Full Productivity and Opportunity.

MEED

- provides for allocation of 7.5 percent of the money available for wage subsidies at the discretion of the commissioner to provide jobs for residents of federally recognized Indian reservations;
- requires that at least 80 percent of the wage subsidy statewide must go to four "target groups," including:
 - households with no income;
 - those eligible for GA or work readiness;
 - those eligible for AFDC; and
 - farm households in severe financial need;
- establishes manufacturing businesses, small nonretail businesses, and businesses that export out of state as priority businesses to receive wage subsidies.

Mortgage Deed Tax

- imposes a tax of 23 cents (formerly 15 cents) on each \$100 of the principal debt or obligation on existing and future mortgages on real property in the state;
- changes deed tax formula to \$1.65 on \$500 or less (previously \$2.20 on \$1,000 or less); when the consideration is \$500 or more, the tax is \$1.65 plus \$1.65 for each additional \$500.

Miscellaneous Provisions

- eliminates provision allowing recovery of illegally used food stamps;
- allows a county agency to collect money owed a decedent (county already has authority to make a claim);
- delays implementation of the chemical dependency consolidated fund for six months;
- requires the commissioner of human services to conduct a mental health study to determine the role of involuntary outpatient treatment for people with mental illness and the suitability of other treatment options;
- requires the commissioner to conduct a study to determine the possibility of using regional treatment centers to care for veterans;
- requires the commissioner to study the needs of elderly citizens with mental retardation or related conditions, and the suitability of existing programs in meeting those needs;
- LINE VETOED** • would establish a process of allocation for money available to the state as a result of the court settlement related to overcharges by oil companies.

Article 3—Welfare Reform**

- requires the commissioner to form an advisory committee to recommend and implement ways to reduce welfare verification procedures at the local level.

AFDC Housing Subsidy

- establishes a state housing subsidy for people who become employed while on AFDC;
- targets recipients likely to become long-term recipients;
- establishes a fixed or sliding scale subsidy;
- provides for subsidy payments up to one year after leaving AFDC.

AFDC Employment and Training Services

- places the following priorities for participation in employment and training services for AFDC recipients:
 - those under age 21;
 - those who have not received a high school diploma or general equivalency diploma; or
 - those who have received AFDC for 24 of the previous 36 months;
- requires every caretaker or child applying for AFDC to register for employment and training services; provides exceptions;
- requires the commissioner to establish an employment search program and requires a principal wage earner in an AFDC-UP assistance unit to participate; provides exceptions for participation;
- sets allocation requirements for employment and training services money going to counties.

Long Term Grant Program

- requires the commissioner to establish a grant program for projects to serve AFDC caretakers who have received AFDC for at least 36 months, AFDC caretakers with substantial barriers to employment, or individuals at risk of long-term dependency on AFDC; requires the projects to help individuals escape or avoid long-term dependency on AFDC;
- disregards all educational grants and loans for purposes of establishing amount of AFDC assistance.

AFDC Case Management Services

- requires case management services for AFDC recipients to provide the following services:
 - assess education, skills and ability of independence;
 - set goals and timetable to complete education and employment goals;
 - coordinate services such as child care, transportation, and education assistance;
 - develop, execute, and monitor a contract between the local agency and caretaker that outlines steps toward self-sufficiency;
- allows counties to employ certified employment and training service providers as case managers;
- requires the state to pay 75 percent of case management services.

General Assistance (GA)

- reduces state aid to 65 percent of all GA grants if county does not provide literacy training;
- requires functionally illiterate GA recipients to participate in literacy training; establishes GA eligibility for a child under 18 who meets certain criteria;
- requires local agencies to work with local educational institutions and job training programs to identify, develop, and use occupational and vocational literacy programs for GA recipients;
- requires local agencies to:
 - assign suitable recipients to occupational and vocational literacy programs;
 - provide child care and transportation to allow recipients to participate in literacy training;
- allows a local agency to pay up to \$200 of direct work readiness expenses for work readiness registrants who complete an employment development plan;
- requires a 25 percent local match for work readiness expenses;
- prohibits work readiness for people who refuse suitable employment within 60 days of application;

** See Special Session, Chapter 4,
Revisor's changes/Miscellaneous funding

- allows GA recipients in chemical dependency facilities to save up to \$1,000 of earned income;
- requires a minor mother on GA to develop a plan to seek self-sufficiency for herself and her child; local agency must provide case management services if minor has no plan; allows local agency to file a petition for a protective order if minor does not comply with the request to develop a plan;
- provides those participating in employment, training, or education programs are eligible for assistance from the child care sliding fee program, if they are eligible under the sliding fee scale;
- requires counties to assure that a person receiving child care assistance from the sliding fee program while attending a post secondary institution prior to July 1, 1987, continues to receive assistance from the regular sliding fee program;
- allows a county to prioritize among eligible groups if it projects that its child care allocation is insufficient;
- requires counties to contribute a minimum of 15 percent of the program cost, excluding amount of set-aside funds;
- requires the commissioner to recover from counties, any ineligible state or federal fund;
- provides that proceeds from the sale of a homestead are not exempt from debts for child support;
- requires withholding of court-ordered child support; requires that every order for child support must include the obligor's social security number and the name and address of the obligor's employer;
- requires a withholding hearing within 45 days of notice;
- requires individual to notify employer of withholding order;
- provides for automatic withholding of child support, effective Aug. 1, 1987, for five counties the commissioner designates, and other voluntary counties; requires that the counties represent at least 25 percent

of the state's population, and represent urban, suburban, and rural areas of the state; allows other counties to volunteer;

- requires counties to submit plans to implement AFDC employment and training services by Oct. 1, 1987;
- establishes a one-county demonstration project to determine the effectiveness of special procedures to provide assistance to applicants or recipients of GA, work readiness, or emergency GA, who do not have a verified address.

*Article 4—Nursing Home Moratorium***

- creates exceptions to the nursing home moratorium;
- establishes a review process to approve additional exceptions to the moratorium;
- prohibits renewal of licenses for nursing home and boarding care home beds in rooms with more than four beds;
- clarifies that a ventilator dependent person is eligible for MA if the person has been hospitalized at least six months and no longer requires inpatient acute care hospital services;
- clarifies that the following types of transactions are not a sale or reorganization of a provider entity under sections of Minnesota Rules:
 - the sale or transfer of a nursing home upon death of an owner;
 - the sale or transfer of a nursing home due to serious illness or disability of an owner as defined under the Social Security Act; or
 - the sale or transfer of the nursing home upon retirement of an owner at 62 years of age or older;
- requires the commissioner to adjust rates of a nursing home that meets the criteria for special dietary needs of its residents;
- provides for depreciation recapture under certain conditions;
- establishes a new appeal process for nursing home appraisals under dispute.

**See Special Session footnote

Article 5—Developmental Achievement Centers

- establishes service principles and rate-setting procedures for day training and habilitation services for adults with mental retardation and related conditions;
- amends county authority to make grants for developmental achievement centers (DACs); allows counties to make grants only for children who don't receive services through public schools;
- clarifies that DAC services:
 - are available only to children who don't qualify for services through public schools because of their chronological age; removes requirement that DACs provide counseling services to parents or guardians of persons with mental retardation;
 - do not include training and habilitation services for residents of intermediate care facilities for the mentally retarded (ICF/MR); clarifies that transportation to DACs is available only to children;
- defines "day training and habilitation services for adults with mental retardation" as services that:
 - include supervision, training, assistance, and supported employment, work-related activities or other community-integrated activities;
 - the county contracts for with a licensed vendor who provides the services in a place other than the person's own home or residence;
- clarifies that day training and habilitation services don't include special education or federally funded vocational services;
- states principles for design and delivery of reimbursed services;
- requires the commissioner to supervise delivery of day training and habilitation services;
- amends Community Social Services Act (CSSA) to include day training and habilitation services for adults and specify that DACs are services for children;

- creates task force to review and make recommendations concerning the roles of DACs and sheltered workshops;
 - repeals current laws governing rate-setting and reporting requirements for DACs and training and habilitation services; repeals provision transferring money from the CSSA account to the MA account to fund training and habilitation services; repeals sections of Minnesota Rules that relate to rate setting for training and habilitation services.
- Enactment:** June 12, 1987
Effective: various dates

Higher Education—omnibus bill
HF1635—G. Anderson
SF1515*—Merriam

Chapter 401:

Total:

\$2,910,500 FY'87
 \$810,380,600 FY'88
 \$843,643,500 FY'89

Higher Education Coordinating Board (HECB)

Total: \$73.1m; \$75.3m

Agency Administration:

Total: \$3.3m; \$2.6m

—Job Skills Partnership Program
 \$150,000; \$0

- transfers employees to the HECB.

—Optometry and Osteopathy

Contract Program

\$294,000; \$214,000

—Optometry Grant Program

\$15,000; \$0

—Post High School Planning Program

\$118,000; \$180,000

- establishes a task force to develop guidelines to interpret unusual circumstances that would qualify an individual as an independent student for financial aid.

State Scholarship and Grants:
 \$60.5m; \$62.8m

- increases living allowance for state scholarship and grant students to \$2,985 in FY'88 and \$2,995 in FY'89;

- delays implementation of eligibility for four full years of scholarships and grants until July 1, 1989;

- provides \$100,000 in FY'88 for short-term living and transportation expenses of AVTI students.

Interstate Tuition Reciprocity:
 \$3.7m; \$4.3

State Work Study:
 \$4.5m; \$4.7m

Income Contingent Loan Program:

\$110,000; \$158,100

- expands income contingent loan program to include chiropractic medicine and public health students;
- requires study to determine whether to include students from other fields.

Minitex Library:

\$759,300; \$759,300

Enterprise Development

Partnerships:

\$200,000; \$0

State Board of Vocational Technical Education (AVTIs)

Total:

\$1.9m FY'87

\$151.7m FY'88

\$156.8m FY'89

Instructional Expenditures:

\$196.9m; \$204.9m

—Repair and Replacement

\$2.7m; \$2.7m

- allows transfers into and out of repair and replacement account; requires transfer report with next budget request;
- allows AVTI board to pay outstanding and future local government assessments if less than five percent of the repair and replacement appropriation.

—Customized Training

\$500,000; \$1.0m

- requires state director to ensure matching contribution toward expenses in customized training through tuition;

- appropriates money for retirement and social security employer's costs in FY'87.

Noninstructional Expenditures:
 \$6.2m; \$5.6m

—Debt Service Payments to School Districts

\$5.4m; \$4.7m

—Veteran Farmer Cooperative Training Programs

\$56,100; \$49,200

—Handicapped Students Services
 \$125,000; \$125,000

State Council on Vocational Technical Education:

\$38,400; \$39,400

State Board for Community Colleges (CCs)

Total: \$65.9m; \$69.8m

Instructional Expenditures:

\$83.8m; \$89.6m

—Special Needs Students

\$220,000; \$220,000

—Repair and Replacement

\$1.1m; \$1.1m

- allows transfers into and out of repair and replacement account; requires transfer report with next budget request;
- allows CC board to pay outstanding and future local government assessments if less than five percent of the repair and replacement appropriation.

Noninstructional Expenditures:
 \$11.0m \$10.9m

State University Board (SUB)

Total:

\$500,000 FY'87

\$130.9m FY'88

\$139.6m FY'89

Instructional Expenditures:

\$182.1m; \$195.0m

—Repair and Replacement

\$2.2m; \$2.2m

- allows transfers into and out of repair and replacement account; requires transfer report with next budget request;
- allows SUB to pay outstanding and future local government assessments if less than five percent of the repair and replacement appropriation;

—Teaching Assistants

- requires the SUB to ensure that classroom teaching assistants for whom English is a second language are proficient in speaking, reading, and writing English.

—Metropolitan State University Program Expansion

\$250,000; \$400,000

- prohibits the SUB and the campuses from planning or developing doctoral level programs or degrees without prior legislative approval;
- funds planning of Materials Science Program at Winona State University; \$50,000 in FY'88 requires report to the Legislature in 1988 in order to obtain FY'89 contingent allocation of \$500,000 for program implementation;
- allocates revenue from science and technology program at Southwest State University to the SUB to continue operating the Science and Technology Resource Center.

Noninstructional Expenditures:

\$9.2m; \$9.3m

- funds interest costs on bonds, but disclaims state commitment or obligation on principal or interest of alleged default on bonds, breach of contract or loan;
- allows the city of Mankato assessment of costs of reconstruction and improvement of Val Imm Drive up to the lesser of \$500,000 or 40 percent of project costs;
- allows the SUB to retain money received in successful litigation;
- provides \$500,000 in FY'87 for assessment of the Tenth Street bridge at St. Cloud State University.

—Construction

- permits the SUB to accept nonstate money to construct buildings on certain campuses during the 1988-89 biennium.

Board of Regents of the University of Minnesota (U of M)

Total:

\$515,500 FY'87

\$387.9m FY'88

\$401.3m FY'89

Operations and Maintenance:

\$313.7m; \$324.7m

- requires yearly report to the Legislature detailing receipt of revenues and their sources.

—Instructional Expenditures

\$344.0m; \$361.0m

—Repair and Replacement

\$6.7m; \$6.7m

- allows transfers into and out of repair and replacement account; requires transfer report with next budget request;
- allows Board of Regents to pay outstanding and future local government assessments if less than five percent of the repair and replacement appropriation;
- requests review of institutional support costs and redirection of any savings into academic programs.

—Teaching Assistants

- requires actions to ensure English proficient classroom teaching assistants.

—Comparable Worth

- requires developing of a new comparable worth plan, with a timely implementation.

—Noninstructional Expenditures

\$95.5m; \$94.7m

—Graduate Fellowship Program

\$2.9m; \$3.1m

Special Appropriations:

\$515,500 FY'87

\$74.2m FY'88

\$76.6m FY'89

- requires a report to the Legislature to determine the future of state funding for special appropriations.

—Rank Funding Adjustment

\$1.7m; \$2.4m

- appropriates a one-time rank funding adjustment to improve both graduate and undergraduate education at the Twin Cities and coordinate campuses, and ensure adequate

counseling for student applicants as a part of Commitment to Focus;

- states that the Commitment to Focus plan and its enrollment targets will provide the basis for future funding;

- requests progress reports on the attainment of anticipated enrollments in following fiscal year.

—Minnesota Extension Service

\$515,500 FY'87

\$14.4m FY'88

\$14.6 FY'89

- increases funding for farmer-lender mediation program in FY'87 by \$515,500.

—Agricultural Research

\$24.2m; \$24.9m

—Veterinary Diagnostic Laboratory

\$1.3m; \$1.4m

—Coleman Leukemia Research Center

\$242,300; \$248,500

—Indigent Patients

\$400,000; \$300,000

—Rural Physicians Associates Program

\$568,800; \$583,200

—Medical Research

\$2.3m; \$2.4m

—Special Hospitals, Service, and Educational Offset

\$9.7m; \$9.9m

—Fellowships for Minority and Disadvantaged Students

\$ 54,900; \$56,300

—General Research

\$2.1m; \$2.2m

—Intercollegiate Athletics

\$3.0m; \$3.1m

—Student Loans Matching Money

\$51,900; \$54,500

—Talented Youth Mathematics Program

\$256,500; \$262,900

—Geological Survey

\$951,900; \$976,100

—Mineral Resources Research Center

\$762,500; \$781,800

—Natural Resources Research Institute

\$2.4m; \$2.5m

—Sea Grant College Program
\$314,700; \$322,700
—Underground Space Center
\$222,000; \$227,600
—Institute for Advanced Studies in
Biological Process Technology
\$770,500; \$936,300
—Industrial Relations Education
\$724,600; \$742,300
—Institute for Human Genetics
\$497,100; \$509,700
—Microelectronics and Information
Science Center
\$661,200; \$678,000
—Productivity Center
\$333,000; \$341,500
—Supercomputer Institute
\$6.2m; \$6.3m

Mayo Medical Foundation
Total: \$851,300; \$908,900
Medical School:

\$674,900; \$728,000
• provides capitation for up to 20
Minnesota resident students per year
of \$8,653 in FY'88 and \$8,878 in
FY'89.

**Family Practice and Graduate
Residency Program:**
\$176,400; \$180,900

• provides capitation of \$14,700 in
FY'88 and \$15,075 in FY'89 for up
to 12 students each year.

Other Provisions

- changes percentage of instructional costs paid to AVTIs from 75 to at least 67 percent;
- requires systems using a credit hour basis to establish tuition on that basis (current law allows across-the-board rate for number of credits);
- requires HECB to establish agenda and timetable for system mission differentiation and intersystem planning, and submit a review and comment to the governor and the Legislature;
- requires the SUB to consider project bidders' qualifications in awarding construction contracts;
- expands the basis upon which the HECB reviews existing and proposed academic programs to include

an institution capacity and its mission;

- requires systems to cooperate with the HECB in providing information (current law requests cooperation of systems);
- defines an "independent student";
- specifies that the HECB inform students about financial aid appeals process, in writing;
- instructs the HECB to equalize work-study job opportunities based on student employment needs at eligible institutions;
- expands voluntary post high school planning program to include grades 8 to 12, and adults; requires biennial review;
- allows AVTIs to adopt fee policy for such things as seminars and instructional materials and use revenue for system;
- changes U of M hospital funding from a yearly lump sum to a monthly allocation;
- requires U of M to develop counseling mechanisms to advise applicants on their postsecondary plans;
- establishes quality assessment task force to study goals, mechanisms, and use of assessment in postsecondary education; requires pilot projects and reports;
- establishes a task force to study common course numbering system;
- establishes a task force on instructional technology to coordinate the development of state-level policy for technology in higher education and K-12;
- sets up an advisory task force to study and make recommendations about methods to provide assistance to adults who are considering beginning or returning to postsecondary studies; requires report to the Legislature.

Enactment: June 11, 1987

Effective: various dates

Rainy River arbitration award
• (See Special Session)

**Revisor's changes/
Miscellaneous funding**
• (See Special Session)

**State Departments—omnibus bill
HF1315*—G. Anderson, Pappas,
Kahn, Krueger
SF1528—Merriam**

Chapter 404:

Total:

\$3,629,000	FY'87
\$458,127,200	FY'88
\$473,052,300	FY'89

Minnesota Legislature

Total: \$33.6m; \$36.0m

Senate:

\$11.6m; \$12.6m

House of Representatives:

\$14.7m; \$16.0m

Legislative Coordinating Commission:

\$4.2m; \$4.4m

• includes:

- Legislative Reference Library
\$727,000; \$757,000
- Revisor of Statutes
\$2.0m; \$2.0m
- Legislative Commission on the
Economic Status of Women
\$123,500; \$130,300
- Legislative Commission on
Employee Relations
\$95,800; \$96,200
- Great Lakes Commission
\$37,200; \$42,200
- Legislative Commission on
Pensions and Retirement
\$555,600; \$563,700
- Legislative Commission to
Review Administrative Rules
\$117,800; \$122,700
- Legislative Commission on Waste
Management
\$113,500; \$118,600

—Legislative Committee on
Planning and Fiscal Policy
\$100,000; \$100,000

—Mississippi River Parkway
Commission
\$27,500; \$22,700

—Legislative Coordinating
Commission
\$348,700; \$410,100

—Legislative Audit Commission
\$2.9m; \$3.0m

Supreme Court

Total: \$8.9m; \$9.0m

Supreme Court Operations:

\$2.5m; \$2.5m

- includes \$50,000 to study gender bias throughout the state judicial system and prepare a report.

Legal Services Surcharge Grant

\$2.6m; \$2.7m

- provides legal services to low-income clients, family farm legal assistance, and improvement of court information systems.

State Court Administrator:

\$3.0m; \$3.0m

State Law Library:

\$723,200; \$748,300

Court of Appeals

Total: \$3.5m; \$3.4m

- includes five additional judges in FY'88, and 11 in FY'89.

Trial Courts

Total: \$17.9m; \$18.2m

Board on Judicial Standards

Total: \$154,800; \$154,700

Board of Public Defense

Total: \$2.3m; \$2.5m

- includes money to the Office of Public Defender.

Governor

Total: \$2.4m; \$2.4m

- appropriates an additional \$300,000 to prepare an application to the U. S. Department of Energy for Minnesota to become the site of the superconducting supercollider.

Lieutenant Governor

Total: \$275,900; \$276,600

Secretary of State

Total: \$1.9m; \$2.1m

Elections and Publications:

\$264,300; \$540,900

Uniform Commercial Code:

\$182,000; \$168,500

Business Services:

\$780,500; \$768,400

Administration:

\$354,500; \$357,300

Fiscal Operations:

\$141,600; \$140,500

Data Services:

\$193,800; \$112,500

State Auditor

Total: \$547,500; \$547,100

State Treasurer

Total: \$513,900; \$512,600

Attorney General

Total: \$17.9m; \$17.8m

Public Administration:

\$1.4m; \$1.4m

Public Resources:

\$5.0m; \$5.0m

- provides funding for Twin City Army Ammunition Plant litigation.

Public Assistance:

\$2.6m; \$2.6m

Public Protection:

\$4.7m; \$4.7m

- includes funds for consumer protection.

Legal Policy and Administration:

\$4.3m; \$4.2m

- includes funds for upgrading computers.

Investment Board

Total: \$1.6m; \$1.6m

Administrative Hearings

Total: \$2.9m; \$2.8m

- provides funds to hire additional hearing officers to speed up workers' compensation cases.

Department of Administration

Total: \$21.4m; \$21.0m

Operations Management:

\$3.7m; \$3.5m

- provides that the commissioner shall report to the Legislature by Jan. 1, 1988 on whether bonding requirements are an impediment to small

businesses in obtaining state contracts.

Information Management:

\$6.2m; \$6.1m

- includes appropriations for 9-1-1 emergency telephone service.

Property Management:

\$6.5m; \$6.7m

- directs the commissioner to compare on the costs of leasing space in privately owned buildings versus constructing new state buildings for state departments and agencies;
- directs the commissioner to determine whether state employees and visitors to the State Capitol need a privately run child day-care and latch-key center.

Administrative Management:

\$5.1m; \$4.7m

- includes funds for public television and radio stations.

Capitol Area Architectural and Planning Board

Total: \$172,000; \$167,000

Department of Finance

Total: \$8.0m; \$7.6m

Fiscal Management and

Administration:

\$1.1m; \$1.1m

Accounting Operations:

\$4.8m; \$4.7m

Budget Analysis and Operations:

\$1.8m; \$1.6m

Cash and Debt Management:

\$210,500; \$154,900

Department of Employee Relations

Total: \$5.2m; \$5.5m

Administration:

\$1.9m; \$2.0m

Equal Opportunity:

\$205,100; \$204,900

Labor Relations:

\$464,800; \$464,100

Personnel:

\$2.6m; \$2.8m

- includes funds to improve job applicant testing and processing.

Department of Revenue**Total:** \$57.3m; \$54.9m**Revenue Administration:**

\$13.8m; \$10.2m

Tax Policy:

\$2.8m; \$2.8m

Taxpayer Service:

\$7.6m; \$7.6m

Operations:

\$11.1m; \$11.1m

Tax Compliance:

\$22.0m; \$23.2m

Tax Court**Total:** \$402,400; \$401,900**Department of Natural Resources****Total:** \$108.9m; \$108.8m**Mineral Resources Management:**

\$3.9m; \$3.7m

—Metallic Minerals

\$3.0m; \$3.0m

- includes funding for copper-nickel test drilling.

—Industrial Minerals

\$514,100; \$363,500

- includes funding for industrial and horticultural peat development, marketing, and promotion.

—Mineland Reclamation

\$377,500; \$376,400

Water Resources Management:

\$4.4m; \$4.3m

- includes funding for a shoreland management plan along Lake Superior.

Forest Management:

\$20.6m; \$20.8m

- includes appropriations for an emergency fire fighting fund.

Parks and Recreation**Management:**

\$14.1m; \$14.1m

Trails and Waterways:

\$7.8m; \$8.2m

Fish and Wildlife:

\$25.7m; \$26.0m

- includes funds to reimburse landowners for agricultural crop damage elk cause.

Enforcement:

\$11.0m; \$11.1m

Field Operations Support:

\$8.7m; \$7.7m

- creates a fleet management program, and provides funds for the sale of lakeshore lots.

Regional Operations Support:

\$3.5m; \$3.5m

Special Services and Programs:

\$4.3m; \$4.4m

- includes an increase in funds for youth programs.

Administrative Management**Services:**

\$5.5m; \$5.5m

Zoological Board**Total:** \$4.5m; \$4.8m

- includes funds appropriated only with dollar-for-dollar private matching grant support.

Pollution Control Agency (PCA)**Total:** \$19.7m; \$20.3m

- requires the Metropolitan Airports Commission and the PCA to study the feasibility of setting up airline landing and user fees for aircraft using the Minneapolis-St. Paul International Airport, basing the rate structure on the level of noise the aircraft produces, so that the fee on the aircraft relates directly to the noise the aircraft causes.

Water Pollution Control:

\$2.7m; \$2.7m

Air Pollution Control:

\$1.7m; \$1.9m

Solid Waste and Hazardous Waste**Pollution Control:**

\$13.1m; \$13.4m

General Support:

\$2.2m; \$2.3m

Waste Management Board**Total:** \$2.2m; \$2.2m

- transfers the technical support in the PCA's nonregulatory waste management programs to the board.

Department of Energy and**Economic Development**

(renamed the Department of Trade and Economic Development in Chapter 312)

Total: \$22.1m; \$22.1m**Minnesota Trade Office:**

\$1.8m; \$1.8m

Economic Development:

\$3.1 m; \$3.1m

Tourism:

\$5.9m; \$5.9m

- includes funds for publications and media marketing of tourism.

Administration:

\$901,800; \$839,500

Community Development

\$8.6m; \$8.6m

- continues funding for economic recovery grants to cities;

- requires the commissioner, along with the Legislative Commission on Minnesota Resources, to study the feasibility of designating metro area county parks as state parks;

- allots money for the maintenance of operation of metro regional parks.

Science and Technology:

\$892,000; \$921,000

- includes funds for Minnesota's Investors' Congress, Midwest Technology Development Institute, and Minnesota Project Innovation.

Financial Management:

\$50,000; \$50,000

Policy Analysis:

\$852,300; \$850,600

Productivity and Quality:

\$100,000; \$100,000

World Trade Center Board

- appropriates for 1988-89 the unexpended balance of 1986-87 allocations.

Housing Finance Agency**Total:** \$9.5m; \$9.5m**State Planning Agency****Total:** \$5.3m; \$5.2m**Minnesota Resources Fund****Total:** \$8.1m; \$8.1m**Legislative Commission on Minnesota Resources:**

\$250,00; \$250,000

Department of Natural Resources:

\$2.9m; \$2.9m

—Groundwater Management

\$300,000; \$300,000

—Water Allocation and Conservation
\$200,000; \$200,000
—Accelerated Land Exchange
\$125,000; \$125,000
—Marketing Department Services
\$135,000; \$135,000
—Ridgeline Trail
\$190,000; \$190,000
—Mississippi River Management
\$135,000; \$136,000
—Brighton Beach Breakwater
\$235,000; \$235,000
—Fish and Wildlife Comprehensive Planning
\$130,000; \$130,000
—Forest Wildlife Habitat Intensification
\$80,000; \$80,000
—Swan Lake Area Wildlife Project
\$975,000; \$976,000
—County Biological Survey
\$87,000; \$88,000
—Glacial Drift Geochemistry
\$100,000; \$100,000
—Regeneration Growth Inventory
\$25,000; \$25,000
—Conservation Corps
\$150,000; \$150,000
Pollution Control Agency:
\$491,000; \$492,000
—Handbooks of Best Management Practices
\$30,000; \$30,000
—Nonpoint Source Pollution Model
\$40,000; \$40,000
—Garvin Brook Final Evaluation
\$75,000; \$75,000
—Lake Runoff Management Evaluation
\$196,000; \$197,000
—Mercury Toxicity
\$150,000; \$150,000
State Planning Agency:
\$512,000; \$513,000
—Pilot Comprehensive Local Water Planning
\$450,000; \$450,000
—Support for Soil and Water Management
\$62,000; \$63,000

Department of Agriculture:
\$245,000; \$245,000
• for biological control of pests.
Minnesota Historical Society:
\$173,000; \$177,000
—Historical Data Base
\$50,000; \$50,000
—Environmental Oral History
\$22,000; \$23,000
—Geographic Resource Marketing
\$22,000; \$23,000
—Heritage Trails
\$22,000; \$23,000
—Indian History Grants in Aid
\$35,000; \$35,000
—Farm Economy Record
\$22,000; \$23,000
University of Minnesota:
\$3.0m; \$3.0m
—Optimize Winter Lake Aeration
\$49,000; \$49,000
—Gas Permeable Membrane Water Treatment
\$87,000; \$88,000
—Dioxins in Bleached Kraft Pulp
\$150,000; \$150,000
—Engineering Solutions to Water Problems
\$350,000; \$350,000
—Groundwater Quality Impacts from Agriculture
\$155,000; \$156,000
—Simple Water Assay
\$25,000; \$25,000
—Accelerated Soil Survey
\$700,000; \$700,000
—Biomass Cash Crop Nursery Establishment
\$92,000; \$92,000
—Undrained Peatlands for Short Rotation Forestry
\$58,000; \$58,000
—Compost and CoCompost Research
\$87,000; \$88,000
—Gamefish Growth Enhancement
\$321,000; \$322,000
—Evaluation of Mosquito Control Activities on Waterfowl
\$60,000; \$60,000
—Ash as a Lime or Fertilizer Source
\$35,000; \$35,000
—Aeromagnetic Mapping
\$400,000; \$400,000

—Industrial Minerals: Clay
\$200,000; \$200,000
—Future Timber Supply Scheduling Techniques
\$73,000; \$73,000
—Biotechnology Applications in Forestry
\$84,000; \$84,000
—Sludge Ash Pilot Project
\$100,000; \$100,000
State University Board:
\$50,000; \$50,000
• includes funds to Bemidji State University for nonenergy peat development.

Department of Labor and Industry
Total: \$16.7m; \$16.5m
Employment Standards:
\$909,900; \$907,400
Workers' Compensation Regulation and Enforcement:
\$4.1m; \$4.0m
• includes additional case settlement staff.
Workers' Compensation State Claims Management:
\$1.7m; \$1.8m
Workers' Compensation Special Compensation Fund:
\$3.9m; \$3.9m
• includes additional general fund reimbursement for injured workers of uninsured or insolvent firms.
Code Enforcement:
\$1.4m; \$1.3m
Occupational Safety and Health Administration (OSHA):
\$1.2m; \$1.2m
General Support:
\$2.2m; \$2.2m
Information Management Services:
\$1.2m; \$1.1m
Workers' Compensation Court of Appeals
Total: \$755,200; \$738,500
Mediation Services
Total: \$1.6m; \$1.6m
• includes appropriation for a labor-management relations center.

Public Employment**Relations Board**

Total: \$60,600; \$60,500

Military Affairs

Total: \$6.3m; \$6.3m

Maintenance of Training**Facilities:**

\$5.0m; \$5.0m

General Support:

\$1.3m; \$1.3m

Veterans Affairs

Total: \$15.6m; \$15.3m

Veterans Benefits and Services:

\$2.5m; \$2.5m

Veterans Homes:

\$13.1m; \$12.8m

- includes 52 additional positions for the Minneapolis Veterans Home.

Human Rights

Total: \$2.6m; \$2.6m

Council on Indian Affairs

Total: \$329,300; \$308,900

- allots funding for preserving Indian burial grounds.

Council on Affairs of Spanish-Speaking People

Total: \$154,300; \$134,500

Council on Black Minnesotans

Total: \$168,700; \$148,700

Council on Asian-Pacific Minnesotans

Total: \$150,000; \$130,000

Council for the Handicapped

Total: \$438,900; \$419,500

Salary Supplement

Total: \$19.7m; \$42.6m

- makes appropriations for pay increases to employees in the executive, judicial, and legislative branches, and Minnesota Historical Society employees whose salaries come from state appropriations.

—General Fund

\$14.5m; \$30.4m

—Game and Fish Fund

\$568,500; \$1.1m

—Trunk Highway Fund

\$5.1m; \$10.3m

—Highway User Tax**Distribution Fund**

\$144,300; \$291,700

—Workers' Compensation

\$208,200; \$421,400

General Contingent Accounts

Total: \$1.5m; \$750,000

Tort Claims

Total: \$318,500; \$318,500

Minnesota State**Retirement System**

Total: \$5.0m; \$5.2m

—Legislators

\$2.1m; \$2.1m

—Judges

\$2.7m; \$2.9m

—Constitutional Officers

\$142,000; \$157,000

—State Employee Supplemental**Benefits**

\$23,000; \$23,000

Public Employees Retirement Association

Total: \$30,000; \$30,000

Minneapolis Employees Retirement Fund

Total: \$10.7m; \$11.4m

Police and Fire Amortization Aid

Total: \$7.5m; \$7.5m

University of Minnesota

Total: \$372,900; \$372,400

Other Provisions

- provides deficiency appropriations to the attorney general, PCA, Department of Labor and Industry, Workers' Compensation Court of Appeals, Department of Finance, and Department of Natural Resources;
- provides lump sum payments to "pre-73" retirees;
- directs the commissioner of administration to arrange a study of the management and operations of the Minnesota Veterans Home, and orders the commissioner of veterans affairs to assess the care and services needs of residents in the homes;
- requires state agency heads to consult with the chairs of the House Appropriations and Senate Finance

committees before entering into an agreement that would increase an agency's rental costs by 10 percent or more per square foot, or would increase the number of square feet an agency rents by 25 percent or more in any fiscal year;

- creates an 18-member Legislative Commission on Planning and Fiscal Policy to study and evaluate state government spending and sources of revenue that support state spending;
 - makes it a misdemeanor to sell purple loosestrife, establishes rules for transporting the plant, and directs the commissioner of natural resources to coordinate a control program to curb its propagation;
 - permits propagation of moose, elk, and caribou on a game farm;
 - increases certain game and fish license fees;
 - changes cross country ski licenses to passes;
 - states that the Legislature intends to leave regulatory functions at the PCA and moves technical and financial assistance functions to the Waste Management Board;
 - increases the secretary of state's corporate and registration filing fees;
 - permits the Housing Finance Agency to make grants for residential housing for low income persons living alone;
 - requires metropolitan area regional parks that get maintenance and operation grant dollars to sell recreational licenses, passes, or registrations, and supply drinking water;
 - creates an office of information systems management in the Department of Administration.
- Enactment:** June 12, 1987
Effective: various dates





Proclamation

WHEREAS: Events have occurred which require an urgent re-examination of Minnesota laws regarding corporate acquisitions; and

WHEREAS: The people of Minnesota are best served by public policies which foster corporate responsibility to investors, employees and community; and

WHEREAS: A review of state laws regarding corporate acquisitions can be accomplished in a brief special session of the Minnesota Legislature; and

WHEREAS: Article IV, Section 12 of the Constitution of the State of Minnesota provides that a special session of the Legislature may be called on extraordinary occasions; and

WHEREAS: Elected leaders of the Legislature have agreed on an agenda and procedures to complete a special session in the shortest time possible;

NOW, THEREFORE, I, Rudy Perpich, Governor of the State of Minnesota, do hereby summon you, members of the Legislature, to convene in Special Session on Thursday, June 25, 1987, at 2 o'clock in the afternoon in the Capitol in Saint Paul, Minnesota.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Minnesota to be affixed at the State Capitol this twenty-fourth day of June in the year of our Lord one thousand nine hundred and eighty-seven, and of the State the one hundred twenty-ninth.

Joan Anderson Grove
SECRETARY OF STATE

Rudy Perpich
GOVERNOR

1987 Special Session

In obedience to the Proclamation of the Honorable Rudy Perpich, Governor of the State of Minnesota, summoning the two Houses of the Legislature to meet in Special Session, the members of the House of Representatives assembled in the Chamber of the House of Representatives at the Capitol in St. Paul on Thursday, the twenty-fifth of June, 1987, at 2:00 p.m.

*Journal of the House of Representatives,
Special Session of the Legislature,
Thursday, June 25, 1987*

House members elected Rep. Robert E. Vanasek (DFL-New Prague) as speaker of the House to replace Rep. Fred C. Norton (DFL-St. Paul), who resigned to accept the governor's appointment to the Court of Appeals.

The new speaker appointed Rep. Ann Wynia (DFL-St. Paul) as the chair of the Rules and Legislative Administration Committee. She also serves as majority leader of the House.

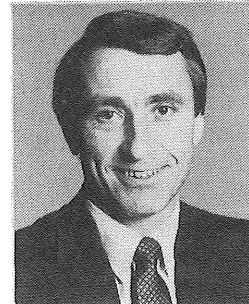
During the session, five bills were introduced, acted upon, and signed by the governor.



Robert E. Vanasek
Speaker of the House



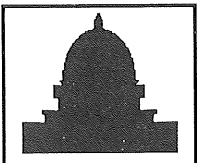
Ann Wynia
Majority Leader



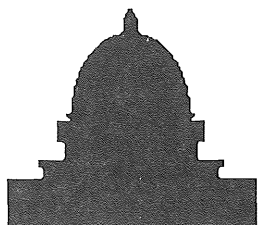
William H. Schreiber
Minority Leader

Special Session

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Special Session



Corporations—

Minnesota Takeover Act

HF0001*—Simoneau, Heap, Sama, O'Connor, Kelly

SF0001—Luther, R.D. Moe, Belanger, Reichgott, Pogemiller

Chapter 1:

- amends the definition of “target company” and “issuing public corporation” to include a corporation that has either its principal place of business or executive office in Minnesota or assets of at least \$1.0m in Minnesota and meets at least one of the following requirements:
 - more than 10 percent of its shareholders reside in Minnesota;
 - more than 10 percent of its shares belong to Minnesota residents;
 - more than 1,000 of its shareholders reside in Minnesota;
- authorizes the corporation’s board of directors, in discharging their duties, to consider the interests of:
 - employees and customers;
 - suppliers and creditors;
 - the state and national economy;
 - the community and society; and
 - the long-term and short-term interests of the corporation and its shareholders;
- prohibits a publicly held corporation, during a tender offer, from entering into or amending agreements that increase the compensation of officers or directors beyond routine compensation increases; makes this provision effective June 26, 1987;

- increases from 10 percent to 25 percent or more the number of outstanding shares required for shareholders of a publicly held corporation to call a special shareholder meeting to consider a business combination;
- prohibits a corporation from purchasing, at a price greater than the average market value, the shares of a shareholder who has beneficially owned more than five percent of the voting power of the corporation for less than six months, unless the purchase is approved by a majority of eligible voting shares or the same offer is made to all shareholders of the corporation; makes this section effective March 1, 1988;
- provides that until July 31, 1989, the control share acquisition law applies to all Minnesota corporations unless the corporation elects otherwise (beginning Aug. 1, 1989 the law does not govern a Minnesota corporation unless the corporation elects to be subject to the law in its bylaws or articles);
- specifies certain information that an acquiring company must provide in the information statement (current law requires the acquiring company to deliver the information statement to the issuing public corporation’s executive office);
- requires shareholders, at the request of the acquiring company, to meet no later than 55 days (currently 20 days) after receiving an information statement to determine the voting rights of the shares acquired in the controlled share acquisition;
- provides that shares acquired as part of a control share acquisition only have voting rights in the special shareholders meeting if they receive a majority of each of the following votes:
 - all shares with voting rights; and
 - all shares with voting rights, excluding those the corporation’s officers, inside directors, and

- acquiring persons own or control;
- provides that disqualified shares regain their voting rights only upon transfer to a third party other than the acquiring person or its affiliates or associates;
- requires the acquiring company to pay or reimburse the issuing public corporation’s expenses of a special meeting; excludes the expenses of opposing the control share acquisition; provides that a corporation need not call a special shareholders meeting if the acquiring company does not provide copies of a financing agreement with financial institution(s) to finance the acquisition;
- allows an issuing corporation to redeem the shares acquired in a control share acquisition at a price equal to market value if:
 - the information statement is not delivered within 10 days after the control share acquisition; or
 - voting rights were not granted to the shares at the special shareholders meeting;
- requires the issuing corporation to call for redemption within 30 days after the event allowing the corporation to redeem the shares; provides that shares must be redeemed by 60 days after the call;
- prohibits an issuing public corporation from engaging in a business combination (i.e., mergers, stock exchanges, sales of subsidiaries or substantial assets, liquidation or dissolution) with an interested shareholder for five years after the share acquisition date, unless a committee of the board of directors, consisting of all the disinterested directors, approved the acquisition or combination before the acquisition date.

Enactment: June 25, 1987

Effective: retroactive to June 1, 1987 unless otherwise specified

Legislative officers—succession
HF0002*—Wynia, Schreiber
SF0002—R.D. Moe, Pogemiller

Chapter 2:

- provides that in the event of the resignation or death of an officer of the Minnesota House of Representatives or Senate, a successor shall perform the duties of the officer as the respective house's rules provide until the body elects a successor at a regular or special session of the Legislature.

Enactment: June 25, 1987

Effective: June 25, 1987

Rainy River arbitration award
HF0003*—Lieder, Kalis,
 Rodosovich
SF0003—R.D. Moe

Chapter 3:

- appropriates \$435,000 from the state building fund to the commissioner of administration to pay an arbitration award for a construction project at Rainy River Community College;
- authorizes the commissioner of finance, upon request of the governor, to sell state bonds in an amount up to \$435,000 to provide the appropriated money from the state building fund.

Enactment: June 25, 1987

Effective: July 1, 1987

Revisor's changes/Miscellaneous funding
SF0005*—Merriam, Morse
 no companion

Chapter 4:

Article 1—Education Aids

- corrects erroneous, ambiguous, omitted, and obsolete references and text in *Acts of the 1987 Regular Session*; eliminates certain redundant, conflicting, and superseded provisions.**

Article 2—Miscellaneous

- creates an exception to the nursing home moratorium for a facility operated on the Red Lake Indian Reservation;***
- appropriates \$75,000 from the general fund to the commissioner of transportation to pay the cost of staffing and operating tourist information centers located on trunk highways, including interstate highways, available until June 30, 1988;
- changes the age limit for caretakers receiving Aid to Families with Dependent Children (AFDC) from under 22 to under 21;****
- exempts the Children's Trust Fund for the Prevention of Child Abuse Advisory Council from expiration;
- gives priority to certain trust fund applicants;
- appropriates \$100,000 in FY'88, and \$100,000 in FY'89, from the Children's Trust Fund to the commissioner of public safety to administer the Children's Trust Fund for the Prevention of Child Abuse Act.

Enactment: June 25, 1987

Effective: July 1, 1987

** Changes Education Finance—omnibus bill, Chapter 398, various articles

*** Changes Health & Human Services—omnibus bill, Chapter 403, Article 4

**** Changes Health & Human Services—omnibus bill, Chapter 403, Article 3

Winona County—solid waste grant
HF0005—Pelowski, V. Johnson,
 Waltman, G. Anderson
SF0006*—Morse, Mehrkens

Chapter 5:

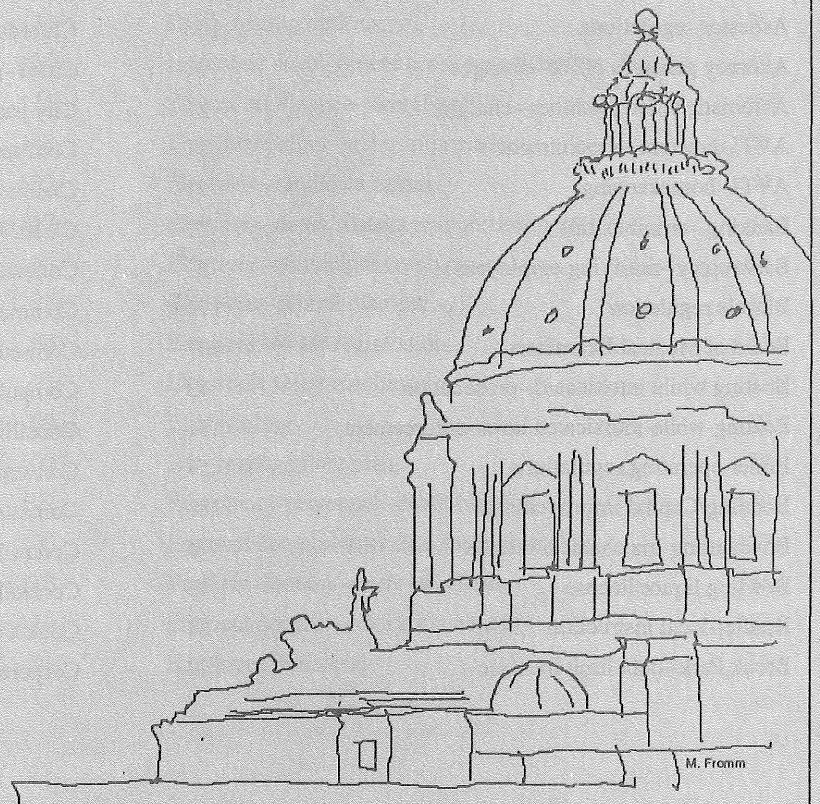
- authorizes the Waste Management Board to disburse the local project grant awarded to Winona County under *Laws 1985, First Special Session*, Chapter 15, section 6;
- provides that if the state issues the necessary permits to Winona County and Winona County abandons the project, the county must repay the grant to the state.

Enactment: June 25, 1987

Effective: day after enactment



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0038	0134*	0182	Employment/Labor	57	0080	0371	0296*	Miscellaneous	157
0039	0312*	0438	Elections	54	0081	0501	0333*	Environment/Natural Resources	87
0040	0838*	0782	Local Bills--Counties	151	0082	0844	0345*	Environment/Natural Resources	78
0041	0028*	0148	Banking	23	0083	0517	0420*	Local Bills--Metro	156
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0087	0979	0916*	Employment/Labor	73	0129	0580*	0491	Employment/Labor	58
0088	1009*	1108	Transportation	177	0130	0630*	0582	Insurance	129
0089	0268	0183*	Transportation	179	0131	0653*	0731	Environment/Natural Resources	90
0090	0226	0225*	Local Bills--Cities/Towns	146	0132	0656*	0736	Employment/Labor	62
0091	0277	0409*	Families/Juveniles	95	0133	0721*	0545	Health/Human Services	118
0092	0430	0482*	Insurance	129	0134	0730*	0764	Crime/Corrections	33
0093	0170*	0047	Miscellaneous	157	0135	0806*	0828	Families/Juveniles	95
0094	0318*	0301	Crime/Corrections	37	0136	0816*	0265	Crime/Corrections	35
0095	1031*	0189	Housing/Real Estate	127	0137	0836*	0808	Environment/Natural Resources	84
0096	1193*	1051	Local Bills--Cities/Towns	143	0138	0867*	0748	Local Bills--Cities/Towns	145
0097	1230*	1426	Insurance	132	0139	0923*	0975	Health/Human Services	115
0098	1263*	1143	Governmental Operations	105	0140	0947*	0940	Local Bills--Counties	151
0099	1416*	1303	Local Bills--Cities/Towns	145	0141	1024*	1046	Health/Human Services	112
0100	1629*	1504	Local Bills--Counties	147	0142	1029*	1050	Legal/Judiciary	142
0101	0016	0025*	Transportation	180	0143	1185*	0371	Education	53
0102	0164	0123*	Insurance	132	0144	1204*	1351	Local Bills--Counties	149
0103	0465	0557*	Local Bills--Counties	150	0145	1371*	1339	Legal/Judiciary	140
0104	1392	0578*	Commerce/Consumer Affairs	24	0146	1376*	1291	Local Bills--Cities/Towns	146
0105	0884	0751*	Banking	23	0147	1444*	1322	Local Bills--Cities/Towns	147
0106	1278	1081*	Families/Juveniles	96	0148	1524*	1396	Health/Human Services	107
0107	1482	1313*	Insurance	132	0149	1172	0385*	Environment/Natural Resources	82
0108	1008	0079*	Health/Human Services	123	0150	0492	0406*	Commerce/Consumer Affairs	30
0109	0403	0461*	Environment/Natural Resources	89	0151	0714	0494*	Local Bills--Cities/Towns	144
0110	0585	0555*	Health/Human Services	111	0152	0285*	0261	Drugs/Alcohol	44
0111	1619	0605*	Crime/Corrections	40	0153	0450*	0542	Banking	23
0112	1467	0607*	Transportation	179	0154	0487*	0710	Commerce/Consumer Affairs	29
0113	0828	0833*	Insurance	129	0155	0755*	0904	Local Bills--Metro	152
0114	1069	0948*	Crime/Corrections	42	0156	0924*	1159	Governmental Operations	97
0115	1129	1097*	Crime/Corrections	34	0157	0940*	0855	Pensions/Retirement	163
0116	1562	1183*	Drugs/Alcohol	43	0158	1412*	1276	Education	52
0117	1561	1204*	Local Bills--Metro	152	0159	1507*	1092	Environment/Natural Resources	93
0118	1442	1296*	Taxes	165	0160	1590*	0649	Education	51
0119	1409	1308*	Environment/Natural Resources	93	0161	0791	0743*	Banking	22
0120	0286*	0742	Legal/Judiciary	143	0162	0217*	1188	Transportation	180
0121	0340*	0284	Environment/Natural Resources	79	0163	0489*	0504	Local Bills--Cities/Towns	146
0122	0357*	0585	Local Bills--Metro	156	0164	0502*	0688	Local Bills--Counties	148
0123	0427*	0390	Crime/Corrections	35	0165	0609*	0854	Economic Development	47
0124	0436*	0429	Agriculture	20	0166	0692*	1457	Legal/Judiciary	134
0125	0466*	1372	Commerce/Consumer Affairs	27	0167	0941*	1028	Crime/Corrections	39
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0171	0142*	0029	Transportation	179	0213	0281*	0415	Elections	56
0172	0240*	0049	Commerce/Consumer Affairs	25	0214	0283*	0100	Elections	55
0173	0270*	0439	Families/Juveniles	93	0215	0308*	0706	Families/Juveniles	96
0174	0332*	0388	Environment/Natural Resources	82	0216	0345*	0164	Local Bills--Cities/Towns	143
0175	0334*	0416	Elections	56	0217	0388*	0421	Crime/Corrections	36
0176	0350*	1259	Drugs/Alcohol	43	0218	0490*	1101	Local Bills--Metro	155
0177	0362*	0330	Local Bills--Counties	149	0219	0542*	0551	Local Bills--Cities/Towns	147
0178	0432*	0425	Education	52	0220	0590*	0391	Crime/Corrections	35
0179	0574*	0631	Housing/Real Estate	128	0221	0624*	0349	Legal/Judiciary	133
0180	0687*	0447	Legal/Judiciary	133	0222	0638*	0550	Elections	54
0181	0792*	0666	Banking	22	0223	0654*	0923	Local Bills--Metro	155
0182	0799*	0711	Local Bills--Counties	150	0224	0674*	0947	Crime/Corrections	42
0183	0809*	1265	Environment/Natural Resources	77	0225	0690*	0690	Crime/Corrections	35
0184	0909*	0801	Environment/Natural Resources	77	0226	0834*	0879	Environment/Natural Resources	78
0185	0931*	0868	Health/Human Services	121	0227	0889*	0844	Local Bills--Cities/Towns	146
0186	0948*	0981	Governmental Operations	99	0228	1141*	1087	Local Bills--Cities/Towns	143
0187	1041*	1478	Families/Juveniles	94	0229	1197*	1163	Legal/Judiciary	138
0188	1266*	1275	Local Bills--Counties	149	0230	1207*	none	Commerce/Consumer Affairs	30
0189	1267*	1206	Insurance	129	0231	1366*	1031	Commerce/Consumer Affairs	28
0190	1314*	1250	Local Bills--Counties	149	0232	1475*	1150	Governmental Operations	97
0191	1420*	0611	Miscellaneous	156	0233	0444*	0460	Insurance	130
0192	1421*	1043	Insurance	132	0234	0526*	0599	Health/Human Services	122
0193	1495*	0990	Drugs/Alcohol	47	0235	0556*	0616	Health/Human Services	111
0194	0147*	0374	Crime/Corrections	43	0236	0561*	0591	Legal/Judiciary	141
0195	0196*	0935	Housing/Real Estate	128	0237	0643*	0539	Crime/Corrections	33
0196	0354*	0453	Governmental Operations	97	0238	0663*	0389	Health/Human Services	111
0197	0642*	0620	Health/Human Services	121	0239	1078*	0956	Environment/Natural Resources	79
0198	1071*	1019	Crime/Corrections	33	0240	1365*	1290	Drugs/Alcohol	47
0199	1120*	1484	Agriculture	19	0241	1390*	1367	Energy/Utilities	77
0200	1515*	1433	Elections	54	0242	0014*	0393	Employment/Labor	63
0201	1563*	1273	Local Bills--Cities/Towns	144	0243	0096*	0231	Miscellaneous	157
0202	0071	0292*	Insurance	129	0244	0151*	0372	Crime/Corrections	32
0203	1393	0577*	Commerce/Consumer Affairs	24	0245	0222	0168*	Legal/Judiciary	134
0204	0456	0094*	Commerce/Consumer Affairs	28	0246	0307	0785*	Legal/Judiciary	138
0205	0065	0153*	Commerce/Consumer Affairs	31	0247	0967	0911*	Education	51
0206	0586	0167*	Governmental Operations	105	0248	1191	0927*	Transportation	176
0207	0373	0353*	Local Bills--Metro	152	0249	1265	1053*	Drugs/Alcohol	47
0208	0866	0853*	Families/Juveniles	96	0250	1595	1345*	Legal/Judiciary	139
0209	1076	1048*	Health/Human Services	109	0251	1645	1524*	Legal/Judiciary	133
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0255	0813*	0774	Transportation	174	0297	0651	0397*	Elections	54
0256	0822*	0728	Commerce/Consumer Affairs	25	0298	0875	0456*	Drugs/Alcohol	47
0257	0955*	0796	Local Bills--Cities/Towns	146	0299	1222	0593*	Health/Human Services	107
0258	0983*	0929	Education	51	0300	0798	0596*	Taxes	165
0259	1026*	1033	Pensions/Retirement	158	0301	0774	0641*	Employment/Labor	73
0260	1083*	1247	Legal/Judiciary	137	0302	0764	0735*	Health/Human Services	112
0261	1274*	1117	Crime/Corrections	42	0303	0302	0858*	Health/Human Services	106
0262	1281*	0873	Drugs/Alcohol	45	0304	0915	0865*	Environment/Natural Resources	77
0263	1327*	1243	Elections	56	0305	1022	0908*	Health/Human Services	109
0264	1181	1099*	Environment/Natural Resources	80	0306	0835	0909*	Environment/Natural Resources	81
0265	1264	1230*	Miscellaneous	157	0307	1115	0915*	Crime/Corrections	37
0266	0239*	0381	Elections	55	0308	1002	1029*	Health/Human Services	123
0267	0401*	0818	Environment/Natural Resources	83	0309	0999	1041*	Health/Human Services	117
0268	0529*	0445	Taxes	167	0310	1375	1152*	Drugs/Alcohol	46
0269	0532*	0469	Transportation	178	0311	1407	1202*	Environment/Natural Resources	84
0270	0591*	0581	Health/Human Services	112	0312	1095	1203*	Governmental Operations	103
0271	0601*	none	Environment/Natural Resources	81	0313	0793	1272*	Governmental Operations	101
0272	0841*	0705	Energy/Utilities	74	0314	1453	1437*	Governmental Operations	98
0273	0854*	0448	Legal/Judiciary	136	0315	0705	1472*	Crime/Corrections	34
0274	0899*	0899	Education	52	0316	1109	1479*	Employment/Labor	57
0275	0859*	0675	Governmental Operations	100	0317	1404	0830*	Commerce/Consumer Affairs	27
0276	0990*	1321	Crime/Corrections	37	0318	0275	0069*	Environment/Natural Resources	80
0277	1030*	1497	Environment/Natural Resources	92	0319	0212	0131*	Transportation	178
0278	1043*	1241	Local Bills--Metro	154	0320	0566	0326*	Governmental Operations	101
0279	1073*	1219	Commerce/Consumer Affairs	30	0321	0323	0465*	Transportation	180
0280	1119*	1005	Local Bills--Counties	151	0322	0578	0587*	Pensions/Retirement	158
0281	1170*	1165	Governmental Operations	104	0323	0379	0905*	Education	53
0282	1200*	0979	Employment/Labor	58	0324	0003*	0010	Employment/Labor	60
0283	1209*	1156	Crime/Corrections	41	0325	0123*	0287	Legal/Judiciary	139
0284	1213*	1132	Pensions/Retirement	161	0326	0141*	0181	Legal/Judiciary	138
0285	1219*	1014	Taxes	166	0327	0169*	0192	Miscellaneous	156
0286	1223*	1213	Local Bills--Counties	150	0328	0294*	0358	Drugs/Alcohol	46
0287	1252*	0882	Legal/Judiciary	136	0329	0384*	0286	Crime/Corrections	40
0288	1304*	1137	Insurance	131	0330	0391*	0458	Crime/Corrections	32
0289	1326*	1267	Commerce/Consumer Affairs	27	0331	0706*	1065	Crime/Corrections	37
0290	1350*	0712	Health/Human Services	108	0332	0913*	none	Employment/Labor	63
0291	0795	0170*	Economic Development	47	0333	1210*	1113	Health/Human Services	115
0292	0210	0089*	Agriculture	18	0334	1312*	1199	Crime/Corrections	39
0293	0417	0080*	Insurance	129	0335	1374*	1174	Governmental Operations	97
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0339	0372	0368*	Housing/Real Estate	127	0381	1148	1114*	Drugs/Alcohol	45
0340	0701	0677*	Energy/Utilities	73	0382	1343	1232*	Commerce/Consumer Affairs	31
0341	0986	0800*	Banking	21	0383	0413	1280*	Transportation	175
0342	0829	0834*	Health/Human Services	110	0384	0713*	0689	Legal/Judiciary	138
0343	1496	0946*	Health/Human Services	111	0385	1542*	1412	Employment/Labor	58
0344	1298	0971*	Taxes	165	0386	0002	0001*	Economic Development	48
0345	0939	1008*	Health/Human Services	108	0387	1060	1261*	Governmental Operations	102
0346	1511	1323*	Legal/Judiciary	137	0388	0042*	none	Drugs/Alcohol	44
0347	0290*	1085	Health/Human Services	125	0389	0606*	0536	Environment/Natural Resources	84
0348	0794*	0708	Environment/Natural Resources	90	0390	0777*	0729	Commerce/Consumer Affairs	27
0349	0291*	0691	Banking	21	0391	0872*	1346	Legal/Judiciary	136
0350	0508*	0506	Housing/Real Estate	127	0392	0887*	0867	Environment/Natural Resources	78
0351	0534*	none	Legal/Judiciary	135	0393	0298	0508*	Transportation	177
0352	0516	0514*	Health/Human Services	120	0394	1113*	1452	Miscellaneous	158
0353	0091	0090*	Environment/Natural Resources	85	0395	0137*	0220	Legal/Judiciary	135
0354	0415	0377*	Governmental Operations	97	0396	0303*	0336	Agriculture	15
0355	0629	0451*	Transportation	176	0397	0404*	0554	Transportation	179
0356	1297	0652*	Governmental Operations	105	0398	0753*	0583	Appropriations	189
0357	0886	0841*	Environment/Natural Resources	87	0399	1283*	0962	Health/Human Services	124
0358	0837	1516*	Appropriations	181	0400	0919*	1530	Appropriations	188
0359	0234*	0246	Employment/Labor	61	0401	1635	1515*	Appropriations	198
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0362	0715*	1161	Employment/Labor	62	0404	1315*	1528	Appropriations	200
0363	0894*	0895	Health/Human Services	117	0405	0416	0282*	Local Bills--Metro	153
0364	0904*	1453	Health/Human Services	122	R001	0083	0095*	Resolutions	164
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0366	0943*	1428	Commerce/Consumer Affairs	24	R003	0757	0653*	Resolutions	164
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0368	1015*	0992	Crime/Corrections	31	R005	0567*	0661	Resolutions	164
0369	1054*	1073	Health/Human Services	124	R006	0462*	1171	Resolutions	165
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0371	1127*	0880	Energy/Utilities	74	R008	1145*	1526	Resolutions	164
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0373	1351*	1240	Environment/Natural Resources	79	R010	0564*	0526	Resolutions	164
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0376	1621*	1379	Appropriations	192	Δ003	0003*	0003	Appropriations	208
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0014*	0242	0393	Employment/Labor	63	0210	0292	0089*	Agriculture	18
0016	0101	0025*	Transportation	180	0212	0319	0131*	Transportation	178
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0026*	0072	0056	Insurance	132	0222	0245	0168*	Legal/Judiciary	134
0027*	0012	0272	Commerce/Consumer Affairs	24	0226	0090	0225*	Local Bills--Cities/Towns	146
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0029*	0073	none	Transportation	175	0234*	0359	0246	Employment/Labor	61
0034*	0002	0035	Legal/Judiciary	133	0235*	0042	0024	Education	53
0041*	0003	0037	Families/Juveniles	95	0239*	0266	0381	Elections	55
0042*	0388	none	Drugs/Alcohol	44	0240*	0172	0049	Commerce/Consumer Affairs	25
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0065	0205	0153*	Commerce/Consumer Affairs	31	0246	0295	0300*	Education	52
0066*	R002	0008	Resolutions	164	0250	0025	0245*	Local Bills--Cities/Towns	145
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0074	0047	0073*	Environment/Natural Resources	81	0268	0089	0183*	Transportation	179
0083	R001	0095*	Resolutions	164	0270*	0173	0439	Families/Juveniles	93
0088*	0210	0538	Legal/Judiciary	141	0275	0318	0069*	Environment/Natural Resources	80
0091	0353	0090*	Environment/Natural Resources	85	0277	0091	0409*	Families/Juveniles	95
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0098	0024	0117*	Local Bills--Counties	151	0283*	0214	0100	Elections	55
0102*	0170	0961	Environment/Natural Resources	78	0285*	0152	0261	Drugs/Alcohol	44
0120	0378	0051*	Health/Human Services	112	0286*	0120	0742	Legal/Judiciary	143
0123*	0325	0287	Legal/Judiciary	139	0290*	0347	1085	Health/Human Services	125
0124	0294	0184*	Energy/Utilities	76	0291*	0349	0691	Banking	21
0126	0048	0136*	Transportation	179	0294*	0328	0358	Drugs/Alcohol	46
0127*	0016	0249	Families/Juveniles	94	0298	0393	0508*	Transportation	177
0130*	0013	0193	Local Bills--Counties	151	0302	0303	0858*	Health/Human Services	106
0134*	0038	0182	Employment/Labor	57	0303*	0396	0336	Agriculture	15
0137*	0395	0220	Legal/Judiciary	135	0307	0246	0785*	Legal/Judiciary	138
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0332*	0174	0388	Environment/Natural Resources	82	0454	0064	0341*	Insurance	129
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0345*	0216	0164	Local Bills--Cities/Towns	143	0465	0103	0557*	Local Bills--Counties	150
0348*	0034	0299	Local Bills--Counties	147	0466*	0125	1372	Commerce/Consumer Affairs	27
0350*	0176	1259	Drugs/Alcohol	43	0469*	0058	0407	Local Bills--Cities/Towns	147
0354*	0196	0453	Governmental Operations	97	0470*	0126	0443	Health/Human Services	117
0357*	0122	0585	Local Bills--Metro	156	0471	0030	0403*	Governmental Operations	101
0362*	0177	0330	Local Bills--Counties	149	0483	0028	0279*	Local Bills--Cities/Towns	143
0364*	0018	0275	Miscellaneous	156	0487*	0154	0710	Commerce/Consumer Affairs	29
0369*	0023	0264	Health/Human Services	114	0489*	0163	0504	Local Bills--Cities/Towns	146
0371	0080	0296*	Miscellaneous	157	0490*	0218	1101	Local Bills--Metro	155
0372	0339	0368*	Housing/Real Estate	127	0492	0150	0406*	Commerce/Consumer Affairs	30
0373	0207	0353*	Local Bills--Metro	152	0499*	0053	0348	Local Bills--Metro	155
0375*	0252	0586	Crime/Corrections	32	0501	0081	0333*	Environment/Natural Resources	87
0376	0062	0248*	Elections	53	0502*	0164	0688	Local Bills--Counties	148
0379	0323	0905*	Education	53	0505*	0043	1058	Local Bills--Cities/Towns	144
0384*	0329	0286	Crime/Corrections	40	0508*	0350	0506	Housing/Real Estate	127
0388*	0217	0421	Crime/Corrections	36	0510*	0074	0617	Local Bills--Counties	148
0391*	0330	0458	Crime/Corrections	32	0513	0169	0365*	Environment/Natural Resources	93
0392	0337	0478*	Insurance	130	0515	0063	0324*	Crime/Corrections	35
0400*	0035	0334	Environment/Natural Resources	78	0516	0352	0514*	Health/Human Services	120
0401*	0267	0818	Environment/Natural Resources	83	0517	0083	0420*	Local Bills--Metro	156
0403	0109	0461*	Environment/Natural Resources	89	0519	0007	0087*	Legal/Judiciary	141
0404*	0397	0554	Transportation	179	0523*	0361	0487	Elections	55
0413	0383	1280*	Transportation	175	0526*	0234	0599	Health/Human Services	122
0415	0354	0377*	Governmental Operations	97	0529*	0268	0445	Taxes	167
0416	0405	0282*	Local Bills--Metro	153	0532*	0269	0469	Transportation	178
0417	0293	0080*	Insurance	129	0534*	0351	none	Legal/Judiciary	135
0418	0061	0161*	Veterans/Military	181	0536	0011	0402*	Legal/Judiciary	139
0419	0020	0137*	Agriculture	15	0542*	0219	0551	Local Bills--Cities/Towns	147
0420	0009	0258*	Energy/Utilities	74	0550	0026	0499*	Legal/Judiciary	140
0424*	0036	0498	Veterans/Military	181	0554*	0253	0450	Environment/Natural Resources	88
0427*	0123	0390	Crime/Corrections	35	0555*	0127	0572	Crime/Corrections	36
0430	0092	0482*	Insurance	129	0556*	0235	0616	Health/Human Services	111
0432*	0178	0425	Education	52	0557*	0044	0799	Health/Human Services	110
0436*	0124	0429	Agriculture	20	0558	0022	0529*	Health/Human Services	124
0439	0004	0085*	Legal/Judiciary	140	0561*	0236	0591	Legal/Judiciary	141
0444*	0233	0460	Insurance	130	0564*	R010	0526	Resolutions	164

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0569*	0128	0481	Environment/Natural Resources	88	0729	0021	0306*	Local Bills--Cities/Towns	144
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0575*	R007	1401	Resolutions	164	0735*	0402	0576	Local Bills--Counties	148
0576	0336	0463*	Commerce/Consumer Affairs	25	0737*	R004	0794	Resolutions	164
0578	0322	0587*	Pensions/Retirement	158	0742	0049	0440*	Legal/Judiciary	137
0580*	0129	0491	Employment/Labor	58	0750*	0057	0715	Local Bills--Counties	150
0585	0110	0555*	Health/Human Services	111	0753*	0398	0583	Appropriations	189
0586	0206	0167*	Governmental Operations	105	0755*	0155	0904	Local Bills--Metro	152
0590*	0220	0391	Crime/Corrections	35	0757	R003	0653*	Resolutions	164
0591*	0270	0581	Health/Human Services	112	0764	0302	0735*	Health/Human Services	112
0593*	0254	0613	Crime/Corrections	38	0774	0301	0641*	Employment/Labor	73
0594	0085	0673*	Health/Human Services	108	0777*	0390	0729	Commerce/Consumer Affairs	27
0598	0059	0059*	Drugs/Alcohol	43	0791	0161	0743*	Banking	22
0601*	0271	none	Environment/Natural Resources	81	0792*	0181	0666	Banking	22
0603	0029	0291*	Drugs/Alcohol	46	0793	0313	1272*	Governmental Operations	101
0606*	0389	0536	Environment/Natural Resources	84	0794*	0348	0708	Environment/Natural Resources	90
0609*	0165	0854	Economic Development	47	0795	0291	0170*	Economic Development	47
0624*	0221	0349	Legal/Judiciary	133	0798	0300	0596*	Taxes	165
0629	0355	0451*	Transportation	176	0799*	0182	0711	Local Bills--Counties	150
0630*	0130	0582	Insurance	129	0806*	0135	0828	Families/Juveniles	95
0638*	0222	0550	Elections	54	0809*	0183	1265	Environment/Natural Resources	77
0642*	0197	0620	Health/Human Services	121	0813*	0255	0774	Transportation	174
0643*	0237	0539	Crime/Corrections	33	0816*	0136	0265	Crime/Corrections	35
0651	0297	0397*	Elections	54	0822*	0256	0728	Commerce/Consumer Affairs	25
0653*	0131	0731	Environment/Natural Resources	90	0823*	0076	0701	Employment/Labor	57
0654*	0223	0923	Local Bills--Metro	155	0828	0113	0833*	Insurance	129
0656*	0132	0736	Employment/Labor	62	0829	0342	0834*	Health/Human Services	110
0663*	0238	0389	Health/Human Services	111	0830*	0077	0206	Governmental Operations	104
0668*	0075	0598	Health/Human Services	114	0834*	0226	0879	Environment/Natural Resources	78
0674*	0224	0947	Crime/Corrections	42	0835	0306	0909*	Environment/Natural Resources	81
0687*	0180	0447	Legal/Judiciary	133	0836*	0137	0808	Environment/Natural Resources	84
0688*	0014	0659	Drugs/Alcohol	43	0837	0358	1516*	Appropriations	181
0690*	0225	0690	Crime/Corrections	35	0838*	0040	0782	Local Bills--Counties	151
0692*	0166	1457	Legal/Judiciary	134	0839*	0056	0783	Energy/Utilities	76
0701	0340	0677*	Energy/Utilities	73	0841*	0272	0705	Energy/Utilities	74
0705	0315	1472*	Crime/Corrections	34	0844	0082	0345*	Environment/Natural Resources	78
0706*	0331	1065	Crime/Corrections	37	0845	0052	0793*	Commerce/Consumer Affairs	29
0711	0019	0097*	Legal/Judiciary	141	0854*	0273	0448	Legal/Judiciary	136
0713*	0384	0689	Legal/Judiciary	138	0859*	0275	0675	Governmental Operations	100
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0875	0298	0456*	Drugs/Alcohol	47	1031*	0095	0189	Housing/Real Estate	127
0884	0105	0751*	Banking	23	1034*	0078	0455	Drugs/Alcohol	47
0886	0357	0841*	Environment/Natural Resources	87	1038	0069	0922*	Miscellaneous	157
0887*	0392	0867	Environment/Natural Resources	78	1041*	0187	1478	Families/Juveniles	94
0889*	0227	0844	Local Bills--Cities/Towns	146	1042*	0054	0988	Transportation	175
0894*	0363	0895	Health/Human Services	117	1043*	0278	1241	Local Bills--Metro	154
0899*	0274	0899	Education	52	1049*	0046	1074	Employment/Labor	61
0904*	0364	1453	Health/Human Services	122	1050	0060	0157*	Legal/Judiciary	142
0905	0068	0863*	Miscellaneous	158	1054*	0369	1073	Health/Human Services	124
0909*	0184	0801	Environment/Natural Resources	77	1057	0079	0053*	Local Bills--Cities/Towns	145
0913*	0332	none	Employment/Labor	63	1060	0387	1261*	Governmental Operations	102
0915	0304	0865*	Environment/Natural Resources	77	1069	0114	0948*	Crime/Corrections	42
0916*	0365	0820	Governmental Operations	98	1071*	0198	1019	Crime/Corrections	33
0919*	0400	1530	Appropriations	188	1073*	0279	1219	Commerce/Consumer Affairs	30
0923*	0139	0975	Health/Human Services	115	1076	0209	1048*	Health/Human Services	109
0924*	0156	1159	Governmental Operations	97	1078*	0239	0956	Environment/Natural Resources	79
0931*	0185	0868	Health/Human Services	121	1081	0380	1057*	Health/Human Services	122
0939	0345	1008*	Health/Human Services	108	1083*	0260	1247	Legal/Judiciary	137
0940*	0157	0855	Pensions/Retirement	163	1087	0379	0862*	Transportation	174
0941*	0167	1028	Crime/Corrections	39	1095	0312	1203*	Governmental Operations	103
0943*	0366	1428	Commerce/Consumer Affairs	24	1096	0296	0317*	Pensions/Retirement	159
0947*	0140	0940	Local Bills--Counties	151	1106	0084	0480*	Local Bills--Cities/Towns	144
0948*	0186	0981	Governmental Operations	99	1107	0065	0470*	Local Bills--Cities/Towns	144
0949*	0367	0772	Commerce/Consumer Affairs	28	1109	0316	1479*	Employment/Labor	57
0955*	0257	0796	Local Bills--Cities/Towns	146	1112*	0370	0998	Health/Human Services	118
0967	0247	0911*	Education	51	1113*	0394	1452	Miscellaneous	158
0978	0066	0698*	Education	52	1115	0307	0915*	Crime/Corrections	37
0979	0087	0916*	Employment/Labor	73	1119*	0280	1005	Local Bills--Counties	151
0983*	0258	0929	Education	51	1120*	0199	1484	Agriculture	19
0986	0341	0800*	Banking	21	1127*	0371	0880	Energy/Utilities	74
0990*	0276	1321	Crime/Corrections	37	1129	0115	1097*	Crime/Corrections	34
0999	0309	1041*	Health/Human Services	117	1141*	0228	1087	Local Bills--Cities/Towns	143
1002	0308	1029*	Health/Human Services	123	1145*	R008	1526	Resolutions	164
1008	0108	0079*	Health/Human Services	123	1148	0381	1114*	Drugs/Alcohol	45
1009*	0088	1108	Transportation	177	1155	0070	1015*	Employment/Labor	57
1015*	0368	0992	Crime/Corrections	31	1159*	0372	1071	Pensions/Retirement	159
1022	0305	0908*	Health/Human Services	109	1170*	0281	1165	Governmental Operations	104
1024*	0141	1046	Health/Human Services	112	1172	0149	0385*	Environment/Natural Resources	82
1026*	0259	1033	Pensions/Retirement	158	1181	0264	1099*	Environment/Natural Resources	80
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1197*	0229	1163	Legal/Judiciary	138	1392	0104	0578*	Commerce/Consumer Affairs	24
1200*	0282	0979	Employment/Labor	58	1393	0203	0577*	Commerce/Consumer Affairs	24
1204*	0144	1351	Local Bills--Counties	149	1404	0317	0830*	Commerce/Consumer Affairs	27
1207*	0230	none	Commerce/Consumer Affairs	30	1407	0311	1202*	Environment/Natural Resources	84
1209*	0283	1156	Crime/Corrections	41	1409	0119	1308*	Environment/Natural Resources	93
1210*	0333	1113	Health/Human Services	115	1412*	0158	1276	Education	52
1213*	0284	1132	Pensions/Retirement	161	1416*	0099	1303	Local Bills--Cities/Towns	145
1219*	0285	1014	Taxes	166	1417*	0374	1293	Health/Human Services	118
1222	0299	0593*	Health/Human Services	107	1419*	0375	1201	Governmental Operations	100
1223*	0286	1213	Local Bills--Counties	150	1420*	0191	0611	Miscellaneous	156
1230*	0097	1426	Insurance	132	1421*	0192	1043	Insurance	132
1252*	0287	0882	Legal/Judiciary	136	1442	0118	1296*	Taxes	165
1263*	0098	1143	Governmental Operations	105	1444*	0147	1322	Local Bills--Cities/Towns	147
1264	0265	1230*	Miscellaneous	157	1453	0314	1437*	Governmental Operations	98
1265	0249	1053*	Drugs/Alcohol	47	1467	0112	0607*	Transportation	179
1266*	0188	1275	Local Bills--Counties	149	1475*	0232	1150	Governmental Operations	97
1267*	0189	1206	Insurance	129	1482	0107	1313*	Insurance	132
1274*	0261	1117	Crime/Corrections	42	1495*	0193	0990	Drugs/Alcohol	47
1278	0106	1081*	Families/Juveniles	96	1496	0343	0946*	Health/Human Services	111
1281*	0262	0873	Drugs/Alcohol	45	1503	0067	0721*	Veterans/Military	181
1283*	0399	0962	Health/Human Services	124	1507*	0159	1092	Environment/Natural Resources	93
1297	0356	0652*	Governmental Operations	105	1511	0346	1323*	Legal/Judiciary	137
1298	0344	0971*	Taxes	165	1515*	0200	1433	Elections	54
1304*	0288	1137	Insurance	131	1521*	0168	1404	Local Bills--Counties	150
1312*	0334	1199	Crime/Corrections	39	1524*	0148	1396	Health/Human Services	107
1314*	0190	1250	Local Bills--Counties	149	1542*	0385	1412	Employment/Labor	58
1315*	0404	1528	Appropriations	200	1544	0071	1349*	Governmental Operations	101
1326*	0289	1267	Commerce/Consumer Affairs	27	1561	0117	1204*	Local Bills--Metro	152
1327*	0263	1243	Elections	56	1562	0116	1183*	Drugs/Alcohol	43
1343	0382	1232*	Commerce/Consumer Affairs	31	1563*	0201	1273	Local Bills--Cities/Towns	144
1350*	0290	0712	Health/Human Services	108	1590*	0160	0649	Education	51
1351*	0373	1240	Environment/Natural Resources	79	1595	0250	1345*	Legal/Judiciary	139
1355*	0055	1295	Local Bills--Cities/Towns	145	1619	0111	0605*	Crime/Corrections	40
1356	0086	0737*	Health/Human Services	107	1621*	0376	1379	Appropriations	192
1365*	0240	1290	Drugs/Alcohol	47	1622*	0377	1007	Legal/Judiciary	134
1366*	0231	1031	Commerce/Consumer Affairs	28	1629*	0100	1504	Local Bills--Counties	147
1371*	0145	1339	Legal/Judiciary	140	1635	0401	1515*	Appropriations	198
1374*	0335	1174	Governmental Operations	97	1645	0251	1524*	Legal/Judiciary	133
1375	0310	1152*	Drugs/Alcohol	46	none	0051	1067*	Local Bills--Cities/Towns	143
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0002	Δ002	0002*	Governmental Operations	208	0161*	0061	0418	Veterans/Military	181
0003	Δ003	0003*	Appropriations	208	0164	0216	0345*	Local Bills--Cities/Towns	143
0005*	Δ004	none	Miscellaneous	208	0167*	0206	0586	Governmental Operations	105
0006*	Δ005	0005	Local Bills--Counties	208	0168*	0245	0222	Legal/Judiciary	134
0008	R002	0066*	Resolutions	164	0170*	0291	0795	Economic Development	47
0010	0324	0003*	Employment/Labor	60	0181	0326	0141*	Legal/Judiciary	138
0024	0042	0235*	Education	53	0182	0038	0134*	Employment/Labor	57
0025*	0101	0016	Transportation	180	0183*	0089	0268	Transportation	179
0029	0171	0142*	Transportation	179	0184*	0294	0124	Energy/Utilities	76
0035	0002	0034*	Legal/Judiciary	133	0189	0095	1031*	Housing/Real Estate	127
0037	0003	0041*	Families/Juveniles	95	0191	0017	0166*	Local Bills--Counties	151
0044*	0338	0057	Transportation	180	0192	0327	0169*	Miscellaneous	156
0047	0093	0170*	Miscellaneous	157	0193	0013	0130*	Local Bills--Counties	151
0049	0172	0240*	Commerce/Consumer Affairs	25	0204	0033	0202*	Legal/Judiciary	134
0051*	0378	0120	Health/Human Services	112	0206	0077	0830*	Governmental Operations	104
0053*	0079	1057	Local Bills--Cities/Towns	145	0208*	0008	0245	Governmental Operations	105
0056	0072	0026*	Insurance	132	0211*	0005	0255	Drugs/Alcohol	43
0059*	0059	0598	Drugs/Alcohol	43	0220	0395	0137*	Legal/Judiciary	135
0069*	0318	0275	Environment/Natural Resources	80	0225*	0090	0226	Local Bills--Cities/Towns	146
0073*	0047	0074	Environment/Natural Resources	81	0231	0243	0096*	Miscellaneous	157
0079*	0108	1008	Health/Human Services	123	0245*	0025	0250	Local Bills--Cities/Towns	145
0080*	0293	0417	Insurance	129	0246	0359	0234*	Employment/Labor	61
0085*	0004	0439	Legal/Judiciary	140	0248*	0062	0376	Elections	53
0086	0032	0023*	Health/Human Services	106	0249	0016	0127*	Families/Juveniles	94
0087*	0007	0519	Legal/Judiciary	141	0258*	0009	0420	Energy/Utilities	74
0089*	0292	0210	Agriculture	18	0260	0212	0230*	Elections	54
0090*	0353	0091	Environment/Natural Resources	85	0261	0152	0285*	Drugs/Alcohol	44
0093	0015	0001*	Agriculture	19	0264	0023	0369*	Health/Human Services	114
0094*	0204	0456	Commerce/Consumer Affairs	28	0265	0136	0816*	Crime/Corrections	35
0095*	R001	0083	Resolutions	164	0272	0012	0027*	Commerce/Consumer Affairs	24
0097*	0019	0711	Legal/Judiciary	141	0275	0018	0364*	Miscellaneous	156
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0117*	0024	0098	Local Bills--Counties	151	0284	0121	0340*	Environment/Natural Resources	79
0123*	0102	0164	Insurance	132	0286	0329	0384*	Crime/Corrections	40
0128*	0027	0447	Drugs/Alcohol	46	0287	0325	0123*	Legal/Judiciary	139
0131*	0319	0212	Transportation	178	0291*	0029	0603	Drugs/Alcohol	46
0136*	0048	0126	Transportation	179	0292*	0202	0071	Insurance	129
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0301	0094	0318*	Crime/Corrections	37	0425	0178	0432*	Education	52
0302*	0010	0316	Legal/Judiciary	134	0429	0124	0436*	Agriculture	20
0306*	0021	0729	Local Bills--Cities/Towns	144	0438	0039	0312*	Elections	54
0317*	0296	1096	Pensions/Retirement	159	0439	0173	0270*	Families/Juveniles	93
0324*	0063	0515	Crime/Corrections	35	0440*	0049	0742	Legal/Judiciary	137
0326*	0320	0566	Governmental Operations	101	0443	0126	0470*	Health/Human Services	117
0330	0177	0362*	Local Bills--Counties	149	0445	0268	0529*	Taxes	167
0333*	0081	0501	Environment/Natural Resources	87	0447	0180	0687*	Legal/Judiciary	133
0334	0035	0400*	Environment/Natural Resources	78	0448	0273	0854*	Legal/Judiciary	136
0336	0396	0303*	Agriculture	15	0450	0253	0554*	Environment/Natural Resources	88
0338	0031	0011*	Local Bills--Counties	151	0451*	0355	0629	Transportation	176
0341*	0064	0454	Insurance	129	0453	0196	0354*	Governmental Operations	97
0345*	0082	0844	Environment/Natural Resources	78	0455	0078	1034*	Drugs/Alcohol	47
0348	0053	0499*	Local Bills--Metro	155	0456*	0298	0875	Drugs/Alcohol	47
0349	0221	0624*	Legal/Judiciary	133	0457*	0037	0333	Commerce/Consumer Affairs	23
0353*	0207	0373	Local Bills--Metro	152	0458	0330	0391*	Crime/Corrections	32
0358	0328	0294*	Drugs/Alcohol	46	0460	0233	0444*	Insurance	130
0365*	0169	0513	Environment/Natural Resources	93	0461*	0109	0403	Environment/Natural Resources	89
0368*	0339	0372	Housing/Real Estate	127	0463*	0336	0576	Commerce/Consumer Affairs	25
0371	0143	1185*	Education	53	0465*	0321	0323	Transportation	180
0372	0244	0151*	Crime/Corrections	32	0469	0269	0532*	Transportation	178
0374	0194	0147*	Crime/Corrections	43	0470*	0065	1107	Local Bills--Cities/Towns	144
0377*	0354	0415	Governmental Operations	97	0478*	0337	0392	Insurance	130
0381	0266	0239*	Elections	55	0480*	0084	1106	Local Bills--Cities/Towns	144
0385*	0149	1172	Environment/Natural Resources	82	0481	0128	0569*	Environment/Natural Resources	88
0388	0174	0332*	Environment/Natural Resources	82	0482*	0092	0430	Insurance	129
0389	0238	0663*	Health/Human Services	111	0487	0361	0523*	Elections	55
0390	0123	0427*	Crime/Corrections	35	0491	0129	0580*	Employment/Labor	58
0391	0220	0590*	Crime/Corrections	35	0494*	0151	0714	Local Bills--Cities/Towns	144
0393	0242	0014*	Employment/Labor	63	0498	0036	0424*	Veterans/Military	181
0397*	0297	0651	Elections	54	0499*	0026	0550	Legal/Judiciary	140
0402*	0011	0536	Legal/Judiciary	139	0504	0163	0489*	Local Bills--Cities/Towns	146
0403*	0030	0471	Governmental Operations	101	0506	0350	0508*	Housing/Real Estate	127
0406*	0150	0492	Commerce/Consumer Affairs	30	0508*	0393	0298	Transportation	177
0407	0058	0469*	Local Bills--Cities/Towns	147	0514*	0352	0516	Health/Human Services	120
0409*	0091	0277	Families/Juveniles	95	0526	R010	0564*	Resolutions	164
0415	0213	0281*	Elections	56	0529*	0022	0558	Health/Human Services	124
0416	0175	0334*	Elections	56	0536	0389	0606*	Environment/Natural Resources	84
0417	0006	0191*	Local Bills--Cities/Towns	146	0538	0210	0088*	Legal/Judiciary	141
0420*	0083	0517	Local Bills--Metro	156	0539	0237	0643*	Crime/Corrections	33

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0542	0153	0450*	Banking	23	0690	0225	0690*	Crime/Corrections	35
0545	0133	0721*	Health/Human Services	118	0691	0349	0291*	Banking	21
0550	0222	0638*	Elections	54	0698*	0066	0978	Education	52
0551	0219	0542*	Local Bills--Cities/Towns	147	0701	0076	0823*	Employment/Labor	57
0554	0397	0404*	Transportation	179	0705	0272	0841*	Energy/Utilities	74
0555*	0110	0585	Health/Human Services	111	0706	0215	0308*	Families/Juveniles	96
0557*	0103	0465	Local Bills--Counties	150	0708	0348	0794*	Environment/Natural Resources	90
0572	0127	0555*	Crime/Corrections	36	0710	0154	0487*	Commerce/Consumer Affairs	29
0576	0402	0735*	Local Bills--Counties	148	0711	0182	0799*	Local Bills--Counties	150
0577*	0203	1393	Commerce/Consumer Affairs	24	0712	0290	1350*	Health/Human Services	108
0578*	0104	1392	Commerce/Consumer Affairs	24	0715	0057	0750*	Local Bills--Counties	150
0581	0270	0591*	Health/Human Services	112	0721*	0067	1503	Veterans/Military	181
0582	0130	0630*	Insurance	129	0725*	0050	1377	Local Bills--Cities/Towns	146
0583	0398	0753*	Appropriations	189	0728	0256	0822*	Commerce/Consumer Affairs	25
0585	0122	0357*	Local Bills--Metro	156	0729	0390	0777*	Commerce/Consumer Affairs	27
0586	0252	0375*	Crime/Corrections	32	0731	0131	0653*	Environment/Natural Resources	90
0587*	0322	0578	Pensions/Retirement	158	0735*	0302	0764	Health/Human Services	112
0591	0236	0561*	Legal/Judiciary	141	0736	0132	0656*	Employment/Labor	62
0593*	0299	1222	Health/Human Services	107	0737*	0086	1356	Health/Human Services	107
0596*	0300	0798	Taxes	165	0742	0120	0286*	Legal/Judiciary	143
0598	0075	0668*	Health/Human Services	114	0743*	0161	0791	Banking	22
0599	0234	0526*	Health/Human Services	122	0748	0138	0867*	Local Bills--Cities/Towns	145
0605*	0111	1619	Crime/Corrections	40	0751*	0105	0884	Banking	23
0607*	0112	1467	Transportation	179	0764	0134	0730*	Crime/Corrections	33
0611	0191	1420*	Miscellaneous	156	0772	0367	0949*	Commerce/Consumer Affairs	28
0613	0254	0593*	Crime/Corrections	38	0774	0255	0813*	Transportation	174
0616	0235	0556*	Health/Human Services	111	0782	0040	0838*	Local Bills--Counties	151
0617	0074	0510*	Local Bills--Counties	148	0783	0056	0839*	Energy/Utilities	76
0620	0197	0642*	Health/Human Services	121	0785*	0246	0307	Legal/Judiciary	138
0631	0179	0574*	Housing/Real Estate	128	0793*	0052	0845	Commerce/Consumer Affairs	29
0641*	0301	0774	Employment/Labor	73	0794	R004	0737*	Resolutions	164
0649	0160	1590*	Education	51	0796	0257	0955*	Local Bills--Cities/Towns	146
0652*	0356	1297	Governmental Operations	105	0799	0044	0557*	Health/Human Services	110
0653*	R003	0757	Resolutions	164	0800*	0341	0986	Banking	21
0659	0014	0688*	Drugs/Alcohol	43	0801	0184	0909*	Environment/Natural Resources	77
0661	R005	0567*	Resolutions	164	0808	0137	0836*	Environment/Natural Resources	84
0666	0181	0792*	Banking	22	0818	0267	0401*	Environment/Natural Resources	83
0673*	0085	0594	Health/Human Services	108	0820	0365	0916*	Governmental Operations	98
0675	0275	0859*	Governmental Operations	100	0828	0135	0806*	Families/Juveniles	95
0677*	0340	0701	Energy/Utilities	73	0830*	0317	1404	Commerce/Consumer Affairs	27
0688	0164	0502*	Local Bills--Counties	148	0833*	0113	0828	Insurance	129
0689	0384	0713*	Legal/Judiciary	138	0834*	0342	0829	Health/Human Services	110

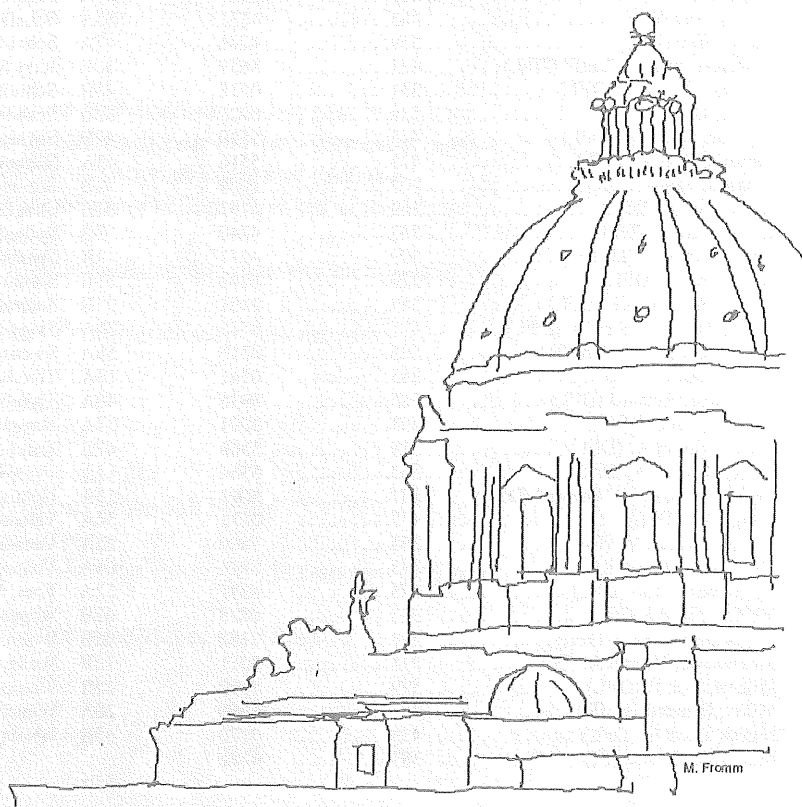
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0841*	0357	0886	Environment/Natural Resources	87	0992	0368	1015*	Crime/Corrections	31
0844	0227	0889*	Local Bills--Cities/Towns	146	0998	0370	1112*	Health/Human Services	118
0853*	0208	0866	Families/Juveniles	96	1005	0280	1119*	Local Bills--Counties	151
0854	0165	0609*	Economic Development	47	1007	0377	1622*	Legal/Judiciary	134
0855	0157	0940*	Pensions/Retirement	163	1008*	0345	0939	Health/Human Services	108
0858*	0303	0302	Health/Human Services	106	1014	0285	1219*	Taxes	166
0862*	0379	1087	Transportation	174	1015*	0070	1155	Employment/Labor	57
0863*	0068	0905	Miscellaneous	158	1019	0198	1071*	Crime/Corrections	33
0865*	0304	0915	Environment/Natural Resources	77	1028	0167	0941*	Crime/Corrections	39
0867	0392	0887*	Environment/Natural Resources	78	1029*	0308	1002	Health/Human Services	123
0868	0185	0931*	Health/Human Services	121	1031	0231	1366*	Commerce/Consumer Affairs	28
0873	0262	1281*	Drugs/Alcohol	45	1033	0259	1026*	Pensions/Retirement	158
0879	0226	0834*	Environment/Natural Resources	78	1041*	0309	0999	Health/Human Services	117
0880	0371	1127*	Energy/Utilities	74	1043	0192	1421*	Insurance	132
0882	0287	1252*	Legal/Judiciary	136	1046	0141	1024*	Health/Human Services	112
0895	0363	0894*	Health/Human Services	117	1048*	0209	1076	Health/Human Services	109
0899	0274	0899*	Education	52	1050	0142	1029*	Legal/Judiciary	142
0904	0155	0755*	Local Bills--Metro	152	1051	0096	1193*	Local Bills--Cities/Towns	143
0905*	0323	0379	Education	53	1053*	0249	1265	Drugs/Alcohol	47
0908*	0305	1022	Health/Human Services	109	1057*	0380	1081	Health/Human Services	122
0909*	0306	0835	Environment/Natural Resources	81	1058	0043	0505*	Local Bills--Cities/Towns	144
0911*	0247	0967	Education	51	1063	0360	0463*	Governmental Operations	102
0915*	0307	1115	Crime/Corrections	37	1065	0331	0706*	Crime/Corrections	37
0916*	0087	0979	Employment/Labor	73	1067*	0051	none	Local Bills--Cities/Towns	143
0922*	0069	1038	Miscellaneous	157	1071	0372	1159*	Pensions/Retirement	159
0923	0223	0654*	Local Bills--Metro	155	1073	0369	1054*	Health/Human Services	124
0927*	0248	1191	Transportation	176	1074	0046	1049*	Employment/Labor	61
0929	0258	0983*	Education	51	1081*	0106	1278	Families/Juveniles	96
0935	0195	0196*	Housing/Real Estate	128	1085	0347	0290*	Health/Human Services	125
0940	0140	0947*	Local Bills--Counties	151	1087	0228	1141*	Local Bills--Cities/Towns	143
0946*	0343	1496	Health/Human Services	111	1092	0159	1507*	Environment/Natural Resources	93
0947	0224	0674*	Crime/Corrections	42	1097*	0115	1129	Crime/Corrections	34
0948*	0114	1069	Crime/Corrections	42	1099*	0264	1181	Environment/Natural Resources	80
0956	0239	1078*	Environment/Natural Resources	79	1101	0218	0490*	Local Bills--Metro	155
0961	0170	0102*	Environment/Natural Resources	78	1108	0088	1009*	Transportation	177
0962	0399	1283*	Health/Human Services	124	1110	0045	1028*	Employment/Labor	60
0971*	0344	1298	Taxes	165	1113	0333	1210*	Health/Human Services	115
0975	0139	0923*	Health/Human Services	115	1114*	0381	1148	Drugs/Alcohol	45
0979	0282	1200*	Employment/Labor	58	1117	0261	1274*	Crime/Corrections	42
0981	0186	0948*	Governmental Operations	99	1132	0284	1213*	Pensions/Retirement	161
0988	0054	1042*	Transportation	175	1137	0288	1304*	Insurance	131
0990	0193	1495*	Drugs/Alcohol	47	1143	0098	1263*	Governmental Operations	105

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1152*	0310	1375	Drugs/Alcohol	46	1321	0276	0990*	Crime/Corrections	37
1156	0283	1209*	Crime/Corrections	41	1322	0147	1444*	Local Bills--Cities/Towns	147
1159	0156	0924*	Governmental Operations	97	1323*	0346	1511	Legal/Judiciary	137
1161	0362	0715*	Employment/Labor	62	1339	0145	1371*	Legal/Judiciary	140
1163	0229	1197*	Legal/Judiciary	138	1345*	0250	1595	Legal/Judiciary	139
1165	0281	1170*	Governmental Operations	104	1346	0391	0872*	Legal/Judiciary	136
1171	R006	0462*	Resolutions	165	1349*	0071	1544	Governmental Operations	101
1174	0335	1374*	Governmental Operations	97	1351	0144	1204*	Local Bills--Counties	149
1183*	0116	1562	Drugs/Alcohol	43	1367	0241	1390*	Energy/Utilities	77
1188	0162	0217*	Transportation	180	1372	0125	0466*	Commerce/Consumer Affairs	27
1199	0334	1312*	Crime/Corrections	39	1379	0376	1621*	Appropriations	192
1201	0375	1419*	Governmental Operations	100	1396	0148	1524*	Health/Human Services	107
1202*	0311	1407	Environment/Natural Resources	84	1401	R007	0575*	Resolutions	164
1203*	0312	1095	Governmental Operations	103	1404	0168	1521*	Local Bills--Counties	150
1204*	0117	1561	Local Bills--Metro	152	1412	0385	1542*	Employment/Labor	58
1206	0189	1267*	Insurance	129	1426	0097	1230*	Insurance	132
1213	0286	1223*	Local Bills--Counties	150	1428	0366	0943*	Commerce/Consumer Affairs	2
1219	0279	1073*	Commerce/Consumer Affairs	30	1433	0200	1515*	Elections	54
1230*	0265	1264	Miscellaneous	157	1437*	0314	1453	Governmental Operations	98
1232*	0382	1343	Commerce/Consumer Affairs	31	1452	0394	1113*	Miscellaneous	158
1240	0373	1351*	Environment/Natural Resources	79	1453	0364	0904*	Health/Human Services	122
1241	0278	1043*	Local Bills--Metro	154	1457	0166	0692*	Legal/Judiciary	134
1243	0263	1327*	Elections	56	1472*	0315	0705	Crime/Corrections	34
1247	0260	1083*	Legal/Judiciary	137	1478	0187	1041*	Families/Juveniles	94
1250	0190	1314*	Local Bills--Counties	149	1479*	0316	1109	Employment/Labor	57
1259	0176	0350*	Drugs/Alcohol	43	1484	0199	1120*	Agriculture	19
1261*	0387	1060	Governmental Operations	102	1497	0277	1030*	Environment/Natural Resources	92
1265	0183	0809*	Environment/Natural Resources	77	1504	0100	1629*	Local Bills--Counties	147
1267	0289	1326*	Commerce/Consumer Affairs	27	1515*	0401	1635	Appropriations	198
1272*	0313	0793	Governmental Operations	101	1516*	0358	0837	Appropriations	181
1273	0201	1563*	Local Bills--Cities/Towns	144	1521	0403	0243*	Appropriations	192
1275	0188	1266*	Local Bills--Counties	149	1524*	0251	1645	Legal/Judiciary	133
1276	0158	1412*	Education	52	1526	R008	1145*	Resolutions	164
1280*	0383	0413	Transportation	175	1528	0404	1315*	Appropriations	200
1290	0240	1365*	Drugs/Alcohol	47	1530	0400	0919*	Appropriations	188
1291	0146	1376*	Local Bills--Cities/Towns	146	none	0073	0029*	Transportation	175
1293	0374	1417*	Health/Human Services	118	none	0230	1207*	Commerce/Consumer Affairs	30
1295	0055	1355*	Local Bills--Cities/Towns	145	none	0271	0601*	Environment/Natural Resources	81
1296*	0118	1442	Taxes	165	none	0332	0913*	Employment/Labor	63
1303	0099	1416*	Local Bills--Cities/Towns	145	none	0351	0534*	Legal/Judiciary	13
1308*	0119	1409	Environment/Natural Resources	93	none	0388	0042*	Drugs/Alcohol	44

Information



M. Fromm

Minnesota House of Representatives 1987 Membership

District/Member/Party	Room*	Phone 296-
10B Anderson, Bob (IR).....	317.....	4946
20A Anderson, Glen H. (DFL).....	365.....	4228
6A Battaglia, David P. (DFL).....	517.....	2190
18B Bauerly, Jerry J. (DFL).....	371.....	5377
56B Beard, Patrick "Pat" (DFL).....	453.....	3135
6B Begich, Joseph R. (DFL).....	477.....	5063
53A Bennett, Tony (IR).....	307.....	2907
16B Bertram, Jeff (DFL).....	565.....	4373
33B Bishop, David T. (IR).....	357.....	0573
41B Blatz, Kathleen A. (IR).....	259.....	4218
8B Boo, Ben (IR).....	311.....	2228
11A Brown, Chuck (DFL).....	569.....	4929
43A Burger, John (IR).....	225.....	9188
14B Carlson, Douglas W. (IR).....	203.....	4308
46B Carlson, Lyndon R. (DFL).....	379.....	4255
47B Carruthers, Phil (DFL).....	567.....	3709
60A Clark, Karen (DFL).....	407.....	0294
48A Clausnitzer, Dale A. (IR).....	241.....	5502
21B Cooper, Roger M. (DFL).....	323.....	4346
9B Dauner, Marvin K. (DFL).....	581.....	6829
27A DeBlick, Norman R. (DFL).....	401.....	5374
23A Dempsey, Terry M. (IR).....	261.....	9303
21A Dille, Stephen E. (IR).....	227.....	4344
24A Dom, John W. (DFL).....	533.....	3248
42B Forsythe, Mary (IR).....	245.....	4363
24B Frederick, Marcel "Sal" (IR).....	303.....	5513
32A Frerichs, Don L. (IR).....	389.....	4378
61A Greenfield, Lee (DFL).....	417.....	0173
17B Gruenes, David B. (IR).....	201.....	6316
33A Gutknecht, Gil (IR).....	309.....	9249
30A Hartle, Dean P. (IR).....	233.....	5368
31A Haukoos, M. R. "Bob" (IR).....	279.....	8216
45B Heap, Jim (IR).....	281.....	7026
41A Himle, John (IR).....	247.....	7803
29A Hugoson, Gene (IR).....	221.....	3240
49B Jacobs, Joel (DFL).....	485.....	4231
7B Jaros, Mike (DFL).....	559.....	4246
57B Jefferson, Richard "Jeff" (DFL).....	431.....	8659
19B Jennings, Loren G (DFL).....	331.....	0518
36B Jensen, Bob (DFL).....	539.....	6926
51A Johnson, Alice M. (DFL).....	423.....	5510
4A Johnson, Bob A. (DFL).....	413.....	5516
34A Johnson, Virgil J. (IR).....	207.....	1069
58B Kahn, Phyllis (DFL).....	369.....	4257
29B Kalis, Henry J. (DFL).....	543.....	4240
67A Kelly, Randy C. (DFL).....	509.....	4277
36A Kelso, Becky (DFL).....	329.....	1072
4B Kinkel, Anthony G. (DFL).....	349.....	2451
9A Kludt, Kenneth "Ken" J. (DFL).....	421.....	5515
43B Knickerbocker, Gerald (IR).....	283.....	4315
52B Knuth, Daniel J. (DFL).....	345.....	0141
54B Kostohryz, Richard (DFL).....	585.....	4936
12B Krueger, Rick (DFL).....	433.....	3201
50A Larsen, Ernest A. (DFL).....	575.....	5369
19A Lasley, Harold F. (DFL).....	553.....	5364
2A Lieder, Bernard L. "Bernie" (DFL).....	527.....	5091
59A Long, Dee (DFL).....	437.....	0171
17A Marsh, Marcus M. (IR).....	295.....	7806
35B McDonald, K. J. (IR).....	273.....	8872
22A McEachern, Bob (DFL).....	375.....	4237
39A McKasy, Bert J. (IR).....	313.....	6828
60B McLaughlin, Peter (DFL).....	577.....	7152
55B McPherson, Harriet A. (IR).....	211.....	5511
39B Milbert, Bob P. (DFL).....	579.....	4192
20B Miller, Howard G. (IR).....	353.....	5066
5B Minne, Lona A. (DFL).....	439.....	0172
38A Morrison, Connie (IR).....	387.....	4212

District/Member/Party	Room*	Phone 296-
7A Munger, Willard (DFL).....	479.....	4282
8A Murphy, Mary (DFL).....	557.....	2676
11B Nelson, Clair L. (DFL).....	515.....	4317
49A Nelson, Darby (DFL).....	501.....	1729
62A Nelson, Ken (DFL).....	367.....	4244
3A Neuenschwander, Bob (DFL).....	337.....	1188
66B O'Connor, Richard "Rich" (DFL).....	593.....	7807
14A Ogren, Paul Anders (DFL).....	449.....	7808
44A Olsen, Sally (IR).....	255.....	3964
2B Olson, Edgar L. (DFL).....	529.....	4265
28B Olson, Katy (DFL).....	523.....	5373
16A Omann, Bernie (IR).....	229.....	6612
22B Onnen, Tony D. (IR).....	277.....	1534
64B Orenstein, Howard R. (DFL).....	521.....	4199
66A Osthoff, Tom (DFL).....	591.....	4224
59B Otis, Todd H. (DFL).....	403.....	9281
37B Olzment, Dennis D. (IR).....	287.....	4306
65B Pappas, Sandra L. (DFL).....	327.....	9714
42A Pauly, Sidney J. (IR).....	291.....	7449
34B Pelowski, Gene P. (DFL).....	531.....	8637
18A Peterson, Jerome "J. P." (DFL).....	597.....	6746
10A Poppenhagen, Dennis J. (IR).....	301.....	5387
56A Price, Leonard "Len" (DFL).....	507.....	3018
50B Quinn, Joseph (DFL).....	545.....	2439
23B Quist, Allen J. (IR).....	213.....	7065
32B Redalen, Elton R. (IR).....	251.....	9278
31B Reding, Leo J. (DFL).....	537.....	4193
46A Rest, Ann H. (DFL).....	429.....	4176
57A Rice, James I. (DFL).....	381.....	4262
12A Richter, Don H. (IR).....	223.....	4293
40B Riveness, Phillip J. (DFL).....	445.....	7158
25B Rodosovich, Peter (DFL).....	451.....	8237
63A Rose, John T. (IR).....	209.....	4342
5A Rukavina, Tom (DFL).....	473.....	0170
58A Sarna, John (DFL).....	563.....	4219
35A Schafer, Gary L. (IR).....	215.....	8634
47A Scheid, Linda J. (DFL).....	583.....	3751
30B Jerry Schoenfeld (DFL).....	343.....	8635
48B Schreiber, William H. "Bill" (IR).....	267.....	4128
38B Seaberg, Arthur W. (IR).....	393.....	3533
44B Segal, Gloria M. (DFL).....	415.....	9889
45A Shaver, Craig H. (IR).....	243.....	9934
51B Simoneau, Wayne (DFL).....	335.....	4331
61B Skoglund, Wes (DFL).....	409.....	4330
3B Solberg, Loren A. (DFL).....	571.....	2365
1B Sparby, Wally A. (DFL).....	351.....	9918
53B Stanius, Brad G. (IR).....	315.....	5363
27B Steensma, Andy (DFL).....	471.....	4336
26A Sviggum, Steve A. (IR).....	237.....	2273
55A Swenson, Douglas G. (IR).....	321.....	4124
13A Thiede, Paul M. (IR).....	217.....	4333
40A Tjornhom, Chris M. (IR).....	239.....	5375
37A Tompkins, Eileen J. (IR).....	231.....	5506
67B Trimble, Steve (DFL).....	491.....	4201
1A Tunheim, Jim (DFL).....	525.....	9635
15A Uphus, Sylvester B. (IR).....	253.....	5185
54A Valento, Don J. (IR).....	359.....	7153
25A Vanasek, Robert E. (DFL).....	463.....	4229
64A Vellenga, Kathleen O. (DFL).....	549.....	8799
52A Voss, Gordon O. (DFL).....	443.....	4226
62B Wagenius, Jean D. (DFL).....	551.....	4200
26B Waltman, Bob (IR).....	289.....	9236
15B Welle, Alan W. (DFL).....	503.....	6206
13B Wenzel, Steve (DFL).....	487.....	4247
28A Winter, Theodore "Ted" (DFL).....	411.....	5505
63B Wynia, Ann (DFL).....	459.....	3824
65A	5158

*All rooms are in the State Office Building, St. Paul, MN 55155
Revised August 1987

How the Legislature Works

Minnesota House of Representatives

Members:

134 (one from each House district)

Term: two years

Requirements:

- qualified voter
- 21 years old
- Minnesota resident--one year
- resident of district at least six months before election

Responsibilities

Legislative

- introduce and study ideas (bills) for laws (all revenue and appropriation bills begin in the House)
- serve on standing committees
- pass state laws (bills must pass both the House and Senate)
- can override governor's veto

Judicial

- judge election qualifications of members
- can expel its members
- can impeach or remove members of executive and judicial branches

Other

- respond to the needs and concerns of constituents
- elect regents to the University of Minnesota

Organization

Full House

- begins regular session every odd-numbered year in January (meets four to five months each year in a two-year biennium)
- organizes on basis of majority and minority caucuses
- elects a member as presiding officer (Speaker of the House)

Speaker of the House

- names number, function, chairs, and majority members of committees
- designates number of committee members the minority appoints

Standing Committees

- study and research bills
- hear public testimony on bills
- make recommendations to the full House

Conference Committees

- resolve differences when the House and Senate pass different versions of a bill
- consist of three or five members of each body

Minnesota Senate 1987 Membership

District/Member/Party	Room*	Phone 296-
22 Adkins, Betty A. (DFL)	235 Cap.	5981
12 Anderson, Don (IR)	153 SOB	6455
29 Beckman, Tracy L. (DFL)	G-10 Cap.	5713
41 Belanger, William V., Jr (IR)	107 SOB	5975
32 Benson, Duane D. (IR)	147 SOB	3903
11 Berg, Charles A. (DFL)	328 Cap.	5094
60 Berglin, Linda (DFL)	G-29 Cap.	4261
21 Bernhagen, John (IR)	113 SOB	4131
16 Bertram, Joe, Sr. (DFL)	323 Cap.	2084
62 Brandl, John E. (DFL)	306 Cap.	4837
33 Brataas, Nancy (IR)	139 SOB	4848
14 Chmielewski, Florian (DFL)	325 Cap.	4182
64 Cohen, Richard J. (DFL)	G-27 Cap.	5931
50 Dahl, Gregory L. (DFL)	111 Cap.	5003
18 Davis, Charles R. (DFL)	G-24 Cap.	2302
27 DeCramer, Gary M. (DFL)	303 Cap.	6820
5 Dicklich, Ronald R. (DFL)	235 Cap.	2859
56 Diessner, A. W. "Bill" (DFL)	323 Cap.	8298
31 Frank, Don (DFL)	G-10 Cap.	2877
50 Frederick, Mel (IR)	119 SOB	4123
20 Frederickson, David J. (DFL)	G-24 Cap.	5640
23 Frederickson, Dennis R. (IR)	143 SOB	8138
40 Freeman, Michael O. (DFL)	122 Cap.	9307
8 Gustafson, Jim (IR)	115 SOB	4314
54 Hughes, Jerome M. (DFL)	328 Cap.	4183
15 Johnson, Dean E. (IR)	105 SOB	3826
6 Johnson, Douglas J. (DFL)	205 Cap.	8881
48 Jude, Tad (DFL)	326 Cap.	4248
53 Knaak, Fritz (IR)	149 SOB	1253
38 Knutson, Howard A. (IR)	121 SOB	4120
57 Kroening, Carl W. (DFL)	124 Cap.	4302
55 Laidig, Gary W. (IR)	141 SOB	4351
9 Langseth, Keith (DFL)	G-24 Cap.	3205
67 Lantry, Marilyn M. (DFL)	G-28 Cap.	8017
10 Larson, Cal (IR)	145 SOB	5655
3 Lessard, Bob (DFL)	328 Cap.	4136
47 Luther, William P. (DFL)	205 Cap.	8869
63 Marty, John J. (DFL)	235 Cap.	5645
44 McQuaid, Phyllis W. (IR)	135 SOB	1279
26 Mehrkens, Lyle G. (IR)	127 SOB	8075
49 Merriam, Gene (DFL)	122 Cap.	4154
39 Metzen, James (DFL)	303 Cap.	4370
65 Moe, Donald M. (DFL)	309 Cap.	4264
2 Moe, Roger D. (DFL)	208 Cap.	2577
34 Morse, Steven (DFL)	G-24 Cap.	5649
52 Novak, Steven G. (DFL)	301 Cap.	4334
43 Olson, Gen (IR)	133 SOB	1282
17 Pehler, James C. (DFL)	G-9 Cap.	4241
61 Peterson, Donna C. (DFL)	G-24 Cap.	4274
19 Peterson, Randolph W. (DFL)	G-9 Cap.	8018
31 Piper, Pat (DFL)	325 Cap.	9248
58 Pogemiller, Lawrence J. (DFL)	306 Cap.	7809
25 Purfeerst, Clarence M. (DFL)	303 Cap.	4167
45 Ramstad, Jim (IR)	123 SOB	9251
46 Reichgott, Ember D. (DFL)	G-9 Cap.	2889
35 Renneke, Earl W. (IR)	117 SOB	4125
13 Samuelson, Don (DFL)	124 Cap.	4875
36 Schmitz, Robert J. (DFL)	235 Cap.	7157
7 Solon, Sam G. (DFL)	303 Cap.	4188
59 Spear, Allan H. (DFL)	G-27 Cap.	4191
42 Storm, Donald A. (IR)	125 SOB	6238
1 Stumpf, LeRoy A. (DFL)	306 Cap.	8660
24 Taylor, Glen (IR)	103 SOB	9457
28 Vickerman, Jim M. (DFL)	G-29 Cap.	5650
66 Waldorf, Gene (DFL)	124 Cap.	3809
37 Wegscheid, Darril (DFL)	309 Cap.	8091
4 Willet, Gerald L. (DFL)	111 Cap.	4147

How the Legislature Works

Minnesota Senate

Members:

67 (each Senate district includes two House districts)

Term: four years

Requirements:

- qualified voter
- 21 years old
- Minnesota resident--one year
- resident of district at least six months before election

Responsibilities

Legislative

- introduce and study ideas (bills) for laws
- serve on standing committees
- pass state laws (bills must pass both the House and Senate)
- can override governor's veto

Judicial

- judge election qualifications of members
- can expel its members
- can impeach or remove members of executive and judicial branches

Other

- respond to the needs and concerns of constituents
- elect regents to the University of Minnesota
- confirm governor's appointments

Organization

Full Senate

- begins regular session every odd-numbered year in January (meets four to five months each year)
- organizes on basis of majority and minority caucuses
- elects a member as presiding officer (President of the Senate)

Chair of Rules and Administration (usually Majority Leader)

- designates number, function, chairs, and majority members of committees
- designates number of committee members the minority appoints

Standing Committees

- study and research bills
- hear public testimony on bills
- make recommendations to the full Senate

Conference Committees

- resolve differences when the House and Senate pass different versions of a bill
- consist of three or five members of each body

1987 Minnesota House and Senate Membership

1 A • Jim Tunheim-DFL
B • Wally A Sparby-DFL
Sen LeRoy A Stumpf-DFL

2 A • Bernard L "Bernie" Lieder-DFL
B • Edgar L Olson-DFL
Sen Roger D Moe-DFL

3 A • Bob Neuenschwander-DFL
B • Loren A Solberg-DFL
Sen Bob Lessard-DFL

4 A • Bob A Johnson-DFL
B • Anthony G Kinkel-DFL
Sen Gerald L Willet-DFL

5 A • Tom Rukavina-DFL
B • Lona A Minne-DFL
Sen Ronald R Dicklich-DFL

6 A • David P Battaglia-DFL
B • Joseph R Begich-DFL
Sen Douglas J Johnson-DFL

7 A • Willard Munger-DFL
B • Mike Jaros-DFL
Sen Sam G Solon-DFL

8 A • Mary Murphy-DFL
B • Ben Boo-IR
Sen Jim Gustafson-IR

9 A • Kenneth "Ken" J Kludt-DFL
B • Marvin K Dauner-DFL
Sen Keith Langseth-DFL

10 A • Dennis J Poppenhagen-IR
B • Bob Anderson-IR
Sen Cal Larson-IR

11 A • Chuck Brown-DFL
B • Clair L Nelson-DFL
Sen Charles A Berg-DFL

12 A • Don H Richter-IR
B • Rick Krueger-DFL
Sen Don Anderson-IR

13 A • Paul M Thiede-IR
B • Steve Wenzel-DFL
Sen Don Samuelson-DFL

14 A • Paul Anders Ogren-DFL
B • Douglas W Carlson-IR
Sen Florian Chmielewski-DFL

15 A • Sylvester B Uphus-IR
B • Alan W Welle-DFL
Sen Dean E Johnson-IR

16 A • Bernie Omann-IR
B • Jeff Bertram-DFL
Sen Joe Bertram, Sr-DFL

17 A • Marcus M Marsh-IR
B • David B Gruenes-IR
Sen James Pehler-DFL

18 A • Jerome "JP" Peterson-DFL
B • Jerry J Bauerly-DFL
Sen Charles R Davis-DFL

19 A • Harold F Lasley-DFL
B • Loren G Jennings-DFL
Sen Randolph W Peterson-DFL

20 A • Glen H Anderson-DFL
B • Howard G Miller-IR
Sen David J Frederickson-DFL

21 A • Stephen E Dille-IR
B • Roger M Cooper-DFL
Sen John Bernhagen-IR

22 A • Bob McEachern-DFL
B • Tony Onnen-IR
Sen Betty A Adkins-DFL

23 A • Terry M Dempsey-IR
B • Allen J Quist-IR
Sen Dennis R Frederickson-IR

24 A • John W Dorn-DFL
B • Marcel "Sal" Frederick-IR
Sen Glen Taylor-IR

25 A • Robert E Vanasek-DFL
B • Peter Rodosovich-DFL
Sen Clarence M Purfeerst-DFL

26 A • Steve A Sviggum-IR
B • Bob Waltman-IR
Sen Lyle G Mehrkens-IR

27 A • Norman R DeBleek-DFL
B • Andy Steensma-DFL
Sen Gary M DeCramer-DFL

28 A • Theodore "Ted" Winter-DFL
B • Katy Olson-DFL
Sen Jim M Vickerman-DFL

29 A • Gene Hugoson-IR
B • Henry J Kalis-DFL
Sen Tracy L Beckman-DFL

30 A • Dean P Hartle-IR
B •
Sen Mel Frederick-IR

31 A • M R "Bob" Haukoos-IR
B • Leo J Reding-DFL
Sen Pat Piper-DFL

32 A • Don L Frerichs-IR
B • Elton R Redalen-IR
Sen Duane D Benson-IR

33 A • Gil Gutknecht-IR
B • David T Bishop-IR
Sen Nancy Brataas-IR

34 A • Virgil J Johnson-IR
B • Gene P Pelowski-DFL
Sen Steven Morse-DFL

35 A • Gary L Schafer-IR
B • K J McDonald-IR
Sen Earl W Renneke-IR

36 A • Becky Kelso-DFL
B • Bob Jensen-DFL
Sen Robert J Schmitz-DFL

37 A • Eileen J Tompkins-IR
B • Dennis D Ozment-IR
Sen Darril Wegscheid-DFL

38 A • Connie Morrison-IR
B • Arthur W Seaberg-IR
Sen Howard A Knutson-IR

39 A • Bert J McKasy-IR
B • Bob Milbert-DFL
Sen James P Metzen-DFL

40 A • Chris M Tjornhom-IR
B • Phillip J Riveness-DFL
Sen Michael O Freeman-DFL

41 A • John Himle-IR
B • Kathleen A Blatz-IR
Sen William V Belanger, Jr.-IR

42 A • Sidney J Pauly-IR
B • Mary Forsythe-IR
Sen Donald A Storm-IR

43 A • John Burger-IR
B • Gerald Knickerbocker-IR
Sen Gen Olson-IR

44 A • Sally Olsen-IR
B • Gloria M Segal-DFL
Sen Phyllis W McQuaid-IR

45 A • Craig H Shaver-IR
B • Jim Heap-IR
Sen Jim Ramstad-IR

46 A • Ann H Rest-DFL
B • Lyndon R Carlson-DFL
Sen Ember D Reichgott-DFL

47 A • Linda J Scheid-DFL
B • Phil Carruthers-DFL
Sen William P Luther-DFL

48 A • Dale A Clausnitzer-IR
B • William H "Bill" Schreiber-IR
Sen Tad Jude-DFL

49 A • Darby Nelson-DFL
B • Joel Jacobs-DFL
Sen Gene Merriam-DFL

50 A • Ernest A Larsen-DFL
B • Joseph Quinn-DFL
Sen Gregory L Dahl-DFL

51 A • Alice M Johnson-DFL
B • Wayne Simoneau-DFL
Sen Don Frank-DFL

52 A • Gordon O Voss-DFL
B • Daniel J Knuth-DFL
Sen Steven G Novak-DFL

53 A • Tony Bennett-IR
B • Brad G Stanius-IR
Sen Fritz Knaak-IR

54 A • Don J Valento-IR
B • Richard Kostohryz-DFL
Sen Jerome M Hughes-DFL

55 A • Douglas G Swenson-IR
B • Harriet A McPherson-IR
Sen Gary W Laidig-IR

56 A • Leonard "Len" Price-DFL
B • Patrick "Pat" Beard-DFL
Sen A W (Bill) Diessner-DFL

57 A • James I Rice-DFL
B • Richard "Jeff" Jefferson-DFL
Sen Carl W Kroening-DFL

58 A • John Sarna-DFL
B • Phyllis Kahn-DFL
Sen Lawrence J Pogemiller-DFL

59 A • Dee Long-DFL
B • Todd H Otis-DFL
Sen Allan H Spear-DFL

60 A • Karen Clark-DFL
B • Peter McLaughlin-DFL
Sen Linda Berglin-DFL

61 A • Lee Greenfield-DFL
B • Wes Skoglund-DFL
Sen Donna C Peterson-DFL

62 A • Ken Nelson-DFL
B • Jean D Wagenius-DFL
Sen John E Brandl-DFL

63 A • John T Rose-IR
B • Ann Wynia-DFL
Sen John J Marty-DFL

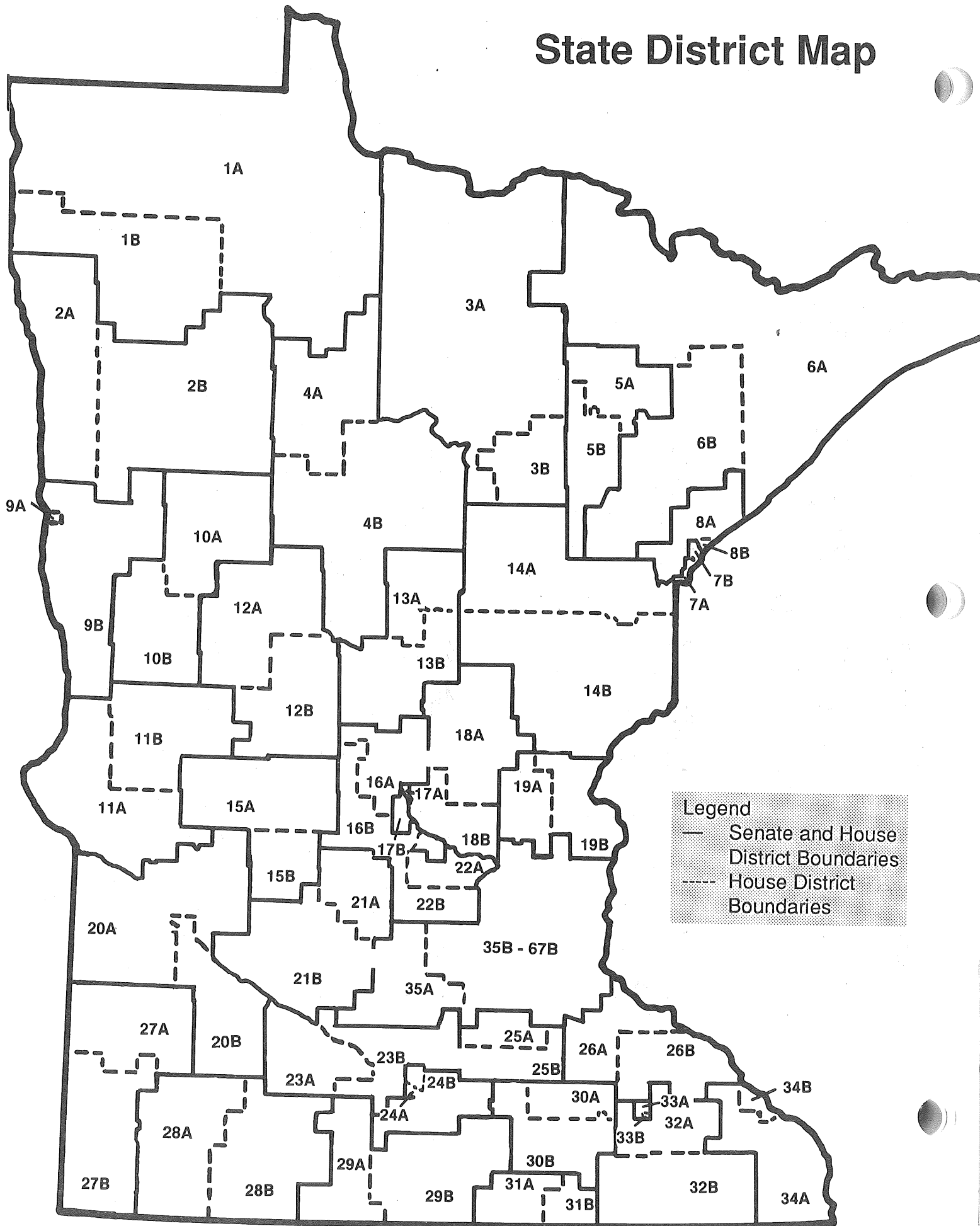
64 A • Kathleen O Vellenga-DFL
B • Howard R Orenstein-DFL
Sen Richard J Cohen-DFL

65 A •
B • Sandra L Pappas-DFL
Sen Donald M Moe-DFL

66 A • Tom Osthoff-DFL
B • Richard "Rich" O'Connor-DFL
Sen Gene Waldorf-DFL

67 A • Randy C Kelly-DFL
B • Steve Trimble-DFL
Sen Marilyn M Lantry-DFL

State District Map





1997

How a Bill Becomes Law in Minnesota

A bill is an idea for a new law, or an idea to abolish or change an existing law. Several thousand bills enter the legislative process in Minnesota each time the Legislature meets.

Minnesota has a bicameral Legislature, or two groups of elected citizens (senators in the Senate, representatives in the House of Representatives) who study, discuss, and vote on bills, acting for the people of Minnesota. Bills begin their legislative journey in either the House or the Senate, or both. To become a law, all bills must pass in both the House and Senate, and go to the governor for his signature.

The Idea

Anyone can propose an idea for a bill—an individual, consumer group, corporation, professional association, governmental unit, or the governor. Most frequently, ideas come from members of the Legislature.

Revisor of Statutes

The revisor puts the idea into the proper legal form as a bill for introduction into the House of Representatives or the Senate, usually both. The revisor also updates *Minnesota Statutes* to include all new laws.

Chief Author

The legislator who sponsors and introduces the bill in the Legislature is the chief author. The chief author's name appears on the bill with the bill's file number for identification as it moves through the legislative process. The chief author may select up to four other authors, whose names also appear on the bill.

Introduction in the Legislature

When the author introduces a bill in the House, it gets a House File (HF) number (HF264, for example), indicating the chronological order of the bill's introduction. In the Senate, the bill gets a Senate File (SF) number (SF224, for example). Each House File usually has a companion Senate File. All revenue-raising bills must begin in the House.

Committee Consideration

At introduction, the bill has its first reading. (The Minnesota Constitution requires three readings on three separate days for all bills.) The presiding officer of the House or Senate refers the bill to an appropriate committee for action. All committee meetings are open to the public. A committee may: recommend passage of a bill in its original form; recommend passage after amendment by the committee; or make no recommendation, in which

case a bill may die when the session ends. After acting on a bill, the committee sends a report stating its actions and recommendations to the House or Senate.

General Orders

After approval of the committee report in the House and Senate, the bill has its second reading and goes onto General Orders—a list of bills waiting House action. House members, acting as the Committee of the Whole, discuss bills, debate the issues, adopt amendments, and present arguments. They may recommend; that a bill "do pass," postponement, or further committee action.

Calendar

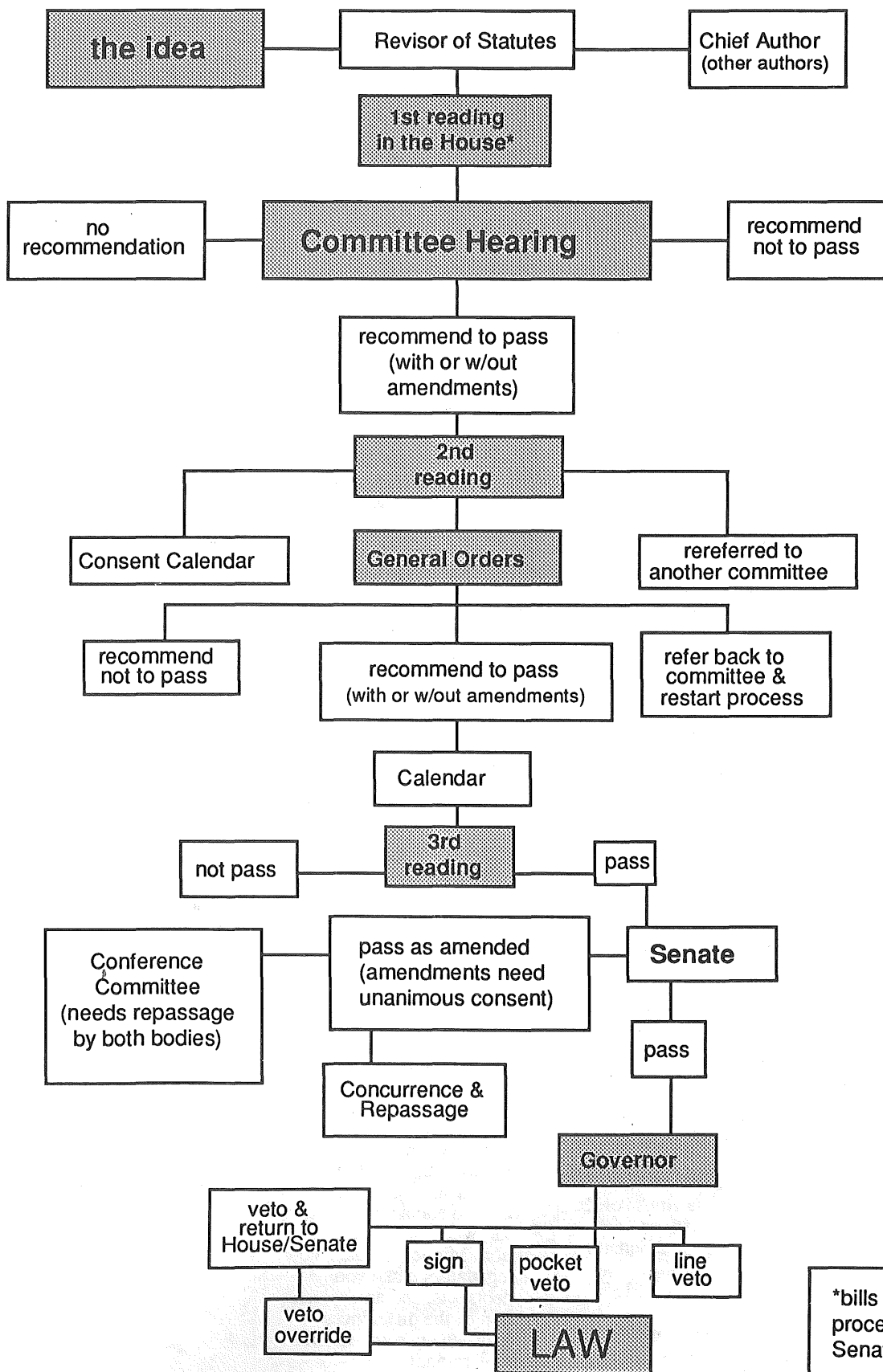
The calendar is a list of bills the Committee of the Whole recommends to pass. At this point, a bill has its third reading. Amendments to a bill on the Calendar must have the unanimous consent of all House members in this final vote. By committee recommendation, non-controversial bills may bypass General Orders and go directly onto a Consent Calendar, usually passing without debate. Every bill requires a majority vote of the full membership of the House and Senate to pass.

Conference Committee

If the House and Senate do not agree on a bill, a conference committee of three or five senators, and an equal number of representatives, meets to reach an agreement. If both bodies then pass the bill in compromise form, it goes to the governor.

Governor

When a bill arrives at the governor's office, the governor may: sign it, and the bill becomes law; veto it (return it with a "veto message" stating the objections); pocket veto the bill (take no action and let adjournment of the Legislature, in effect, veto the bill); or line veto portions of appropriation bills. If the governor does not sign or veto a bill within three days after receiving it, and the Legislature is in session, the bill automatically becomes law.



Where to Get Answers

Chief Clerk's Office
Rm 211, State Capitol
St. Paul, MN 55155
(612) 296-2314

House Index Department
Rm 211, State Capitol
St. Paul, MN 55155
(612) 296-6646

House Public Information Office
175 State Office Building
St. Paul, MN 55155
(612) 296-2146

Legislators

Who represents you at the State Capitol?

The House Public Information Office can tell you which legislative district you live in, and who represents that district.

Legislators' districts, addresses, phone numbers, office locations, biographical details, and photos.

The House Public Information Office publishes the *Official Directory of the Minnesota Legislature* and the *Members Directory*, both including legislators' committee assignments. You can get copies in the House Public Information Office when available.

What legislation did your representative introduce?

The House Index Department has a Cathode Ray Tube (CRT) which shows information on a television-like screen. The CRT lists each member's name and the bills he/she sponsored in the current session. Staff members can help you use the CRT.

Where members sit in the House Chamber

The House Public Information Office publishes a *Seating Arrangement of the Minnesota Legislature* with members' photos.

United States Congress

The House Public Information Office can give you names of Minnesota's members of Congress.

To write your legislator, address him/her as follows:

The Honorable (name)
Minnesota House of Representatives
(or Minnesota Senate)
State Capitol
St. Paul, MN 55155

Dear Representative (or Senator) name:

Bills

Need a copy of a bill?

The Chief Clerk's Office can give you copies of bills and resolutions.

Want to know a bill's author, status, or committee assignment?

The computerized House Index tracks all bills through the legislative process. You can get the information you want about bills on the CRT. House Index lists bills by committee and by over 150 topics (e.g., environment, taxes, education) on the CRT.

You can call *House Calls* for up-to-date committee meeting times and agendas, (612) 296-9283.

During sessions, you can call the *House Bill Status Line* for a 24-hour recorded message on the day's committee action on bills, (612) 297-1264.

Committees

Standing committees and committee assignments

The Members Directory lists committees and committee assignments. Both are available in the House Public Information Office and Chief Clerk's Office.

Government

The Legislature - how it works

The House Public Information Office has brochures on Minnesota and its government, including: *How a Bill Becomes a Law*; *Citizen's Participation Course*, a test-yourself quiz on the legislature; and *The Government is for Everyone* information packet with single sheets on how to contact your legislator, where to get information, Minnesota facts, how legislators make voting decisions, and an explanation of the differences between state and federal government.

For youngsters, the House Information Office provides *The Road to Minnesota Laws*, a cartoon version of how a bill becomes a law; and a coloring book.

Proceedings in the House

The Chief Clerk's Office can answer your questions. The office publishes the *Journal of the House*, the official daily record of legislative action.

House Agendas

The Chief Clerk's Office has copies of the schedules of House floor action (e.g., *Calendar*, *General Orders*).

Structure of Government

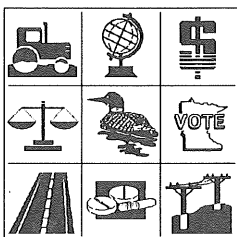
The House Information Office publishes *Three Branches of Government*, a brochure showing the structure of state government. Staff members can help you find various state departments and agencies, and furnish phone numbers.

Capitol Tours

The Minnesota Historical Society gives regular daily tours of the State Capitol, (612) 296-2881.

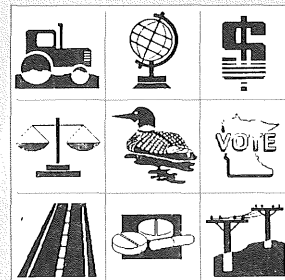
In the Senate

The Secretary of the Senate's Office (612) 296-2343 and Senate Information (612) 296-0504, Room 231, State Capitol, provide services similar to the Chief Clerk's Office and House Index. The Senate Information Office also provides services similar to those of House Information. Call the Senate Hotline, (612) 296-8088, for committee meeting schedules.





Minnesota House of Representatives Public Information Office
175 State Office Building, 100 Constitution Avenue
St. Paul, Minnesota • 55155-1298



Government is for Everyone...Be a Part of it

For information on:

- who your representative is
- legislators' districts, addresses, phone numbers
- bills
- committee meeting schedules
- committee action
- and other questions about state government

Contact: HOUSE INFORMATION OFFICE • (612) 296-2146
Committee Hotline: (612) 296-9283