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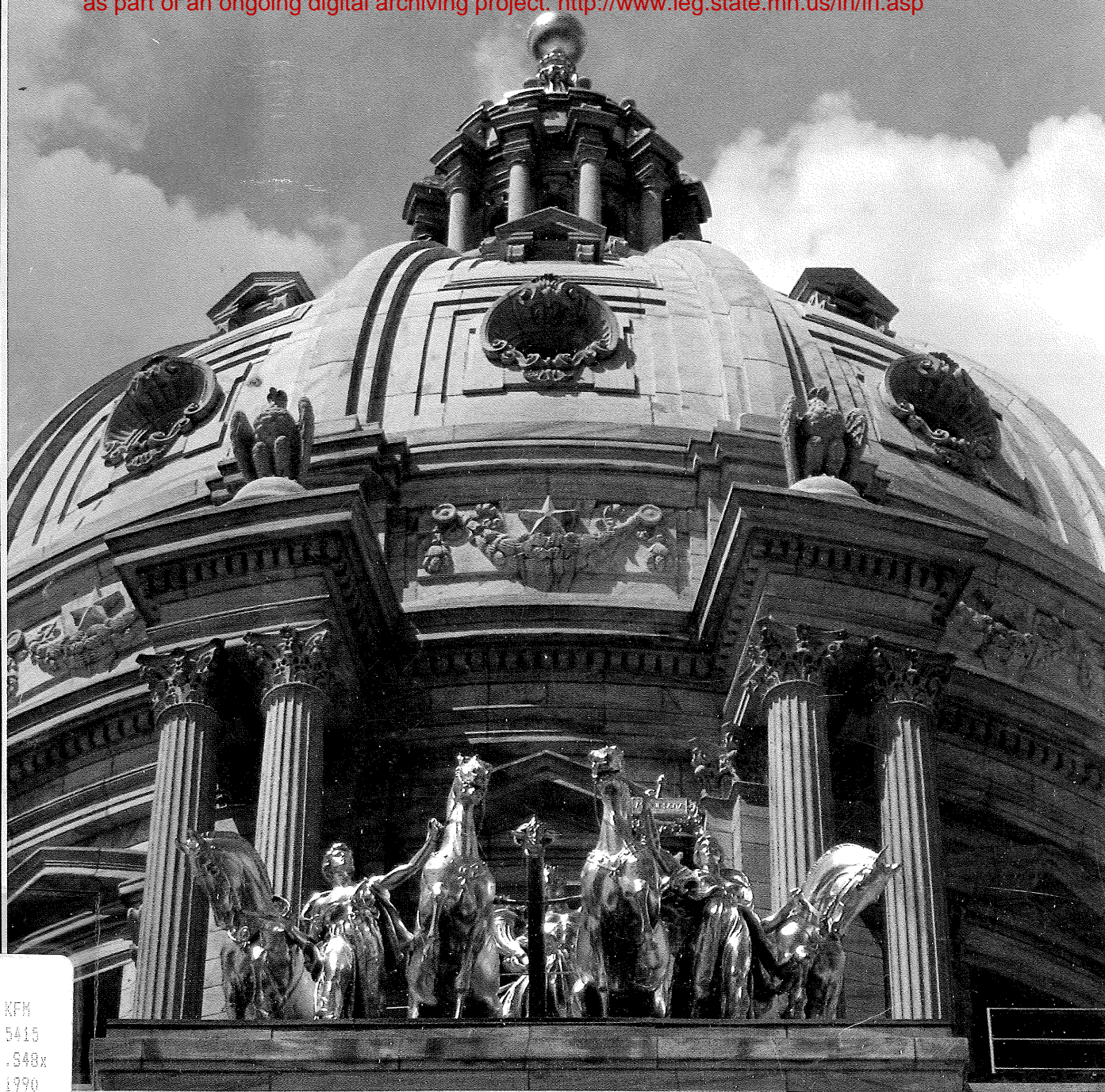
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Session Review

A Publication about the Minnesota State Legislature

Vol. 16, No. 2

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This edition of Session Review is a joint effort of the Senate Publications Office and the House Public Information Office. Staff from Senate Index also contributed to the compilation of the summaries of all the bills signed into law this year. As in past editions of Session Review, highlights of the major bills are presented along with the bill summaries. In addition, an index of the new chapters is presented with Senate File numbers, House File numbers and chief authors.

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On the cover:

The Quadriga at the Capitol. The driver, representing prosperity holds, in his right hand, a cornucopia with the products of Minnesota and, in his left hand, a staff with a sign printed with the word Minnesota. The four horses symbolize the natural elements: earth, wind, fire and water. The two women behind the driver represent civilization; one represents industry and the other symbolizes agriculture. Photo by Tom Olmscheid.



photo by Tom Olmscheid

Budget shortfall resolved

The 1990 session concluded with Legislators accomplishing several major goals: Providing a remedy for the \$145 million budget shortfall, preventing an increase in taxes to offset further erosions in the budget, tightening the controls on the booming lawful gambling industry and providing major new drug abuse prevention efforts.

Wrestling with the solutions to the budget dilemma proved to be one of the more controversial elements of the latter half of the 76th Legislative Session. Not only did Legislators have to solve a budget shortfall for the current biennium, but they also had to provide solutions for an even larger estimated deficit in the next biennium. Senators from both caucuses, the governor and IR House members advocated balancing the budget through cuts in state spending. House DFLers, in contrast, proposed balancing the budget by instituting fewer cuts in spending and by using \$100 million from the State Budget Reserve Fund.

The final days of the Legislative Session were devoted to negotiations between Senate Majority Leader Roger Moe, House Speaker Robert Vanasek and Governor Rudy Perpich on the best methods of reaching a compromise. The agreement reached between the three provided the groundwork for conference committees on major omnibus bills to conclude their work and for future reductions in increases in state spending to offset future budget difficulties. The compromise involves borrowing about \$16 million from the Budget Reserve Fund, with a mechanism to replace the funds by the beginning of the next biennium. In addition, cuts in nearly all areas of state spending are included in the various omnibus bills.

The following pages present highlights of those omnibus packages and the tax package. In addition, highlights of some of the other major new laws are presented.

Omnibus tax legislation

The centerpiece of the Legislature's plan to balance the state budget is the omnibus tax bill enacted this year. Chapter 604, carried by Sen. Douglas Johnson and Rep. Paul Ogren, provides the mechanism for reducing aids to local units of government and lays the foundation for reducing the increase in total state spending by \$300 million over the next three years.

Specifically, the new law is divided into 10 sections, or articles. Article I contains a "taxpayer bill of rights." The new provisions codify some current administrative practices and set forth specific taxpayer rights. For instance, the law provides that the commissioner must publish a statement for taxpayers describing the audit, collection, appeal, and refund processes in simple, nontechnical terms. In addition, the law sets forth the procedure for requesting an abatement of penalty and a procedure for appeal of abatement denial. The new law requires that notices of assessment must include an explanation of the basis for the assessment and a breakdown of the tax, penalty, and interest due. Procedural safeguards in the conduct of taxpayer interviews, an explanation of the taxpayer's rights prior to the interview, and representation of the taxpayer at the interview by an attorney, accountant, agent, or preparer are also contained in the new law. A new office of Taxpayer Rights Advocate in the department is established under the chapter. The law creates new procedures for the administrative review by the commissioner and for judicial review by the Tax Court of jeopardy assessments and jeopardy collections.

In addition, the "taxpayer bill of rights" provisions create two civil causes of action. The first provides that a taxpayer may bring suit against the commission in District Court for damages incurred by the taxpayer if an employee of the department knowingly or negligently fails to release a lien. The second creates a cause of action against the commissioner in District Court for damages incurred by the taxpayer if an employee of the department recklessly or intentionally disregards a state tax law or rule in collecting delinquent taxes. A new procedure for administrative review when the taxpayer alleges that a lien has been filed in error is also created. One of the new provisions exempts amounts received by employers under the Federal Job Training Partnership Act from levy. Another provision increases the notice period prior to levying from a taxpayer from 10 days to 30 days and requires a notice to be sent to the taxpayer explaining the administrative appeals available.



A study of the state and local tax burdens on small businesses relative to their ability to pay is required under the omnibus tax measure, Chap. 604.

A determination by the commissioner to sell seized property before the Tax Court appeal period from an assessment has expired, or before the court renders a decision, is itself appealable under the new law. In addition, a financial institution is allowed a 10 day period before surrendering funds on deposit that have been levied by the commission. Also, uneconomical levies by the department are prohibited. One provision prohibits a levy upon the person of a taxpayer, when the taxpayer has been summoned to appear before the department by a subpoena in connection with the collection of unpaid taxes. Another provision authorizes the owner of property seized by the commission to request a sale of that property within 60 days. The criteria under which the commissioner must release a levy on property is also described under the new law. Three provisions deal with Tax Court authority. The court has the authority to enjoin enforcement by the department of a commissioner's order being appealed and to order the department to comply when the department has failed to issue a refund resulting from a prior decision by the court. In addition, the court may award attorney fees to a taxpayer for the costs associated with both administrative

and judicial appeal if the department is unable to substantially justify its position in a Tax Court proceeding. The court may also, upon petition by a taxpayer, redetermine the amount of interest due on an assessment within one year after a previous decision by the court upholding that assessment has become final. Finally, the new law requires the department to study the costs of implementing an arbitration procedure for settling taxpayer disputes without litigation.

Article II of the bill contains provisions relating to income, gross premiums, and franchise taxes. The new law includes provisions that lower insurance premiums tax rates and eliminate corporate franchise tax rates for qualifying small mutual property casualty insurance companies based on the size of their operations, that update individual income and corporate franchise taxes to federal changes enacted in 1989, that increase the corporate franchise tax rate from 9.5 percent to 9.8 percent, that clarify the corporate alternative minimum tax credit and the credit carryover, that update statutory language relating to the corporate tax credit for qualified research expenses, that permit charitable contribution deductions to be taken in

computing the alternative minimum tax for individuals, that reduce the corporate alternative minimum tax rate from 7 percent to 5.8 percent, and that modify calculation procedures for adjusted current earnings when computing the corporate alternative minimum tax. The new legislation also exempts cooperatives, insurance companies, real estate investment trusts, regulated invested companies, and real estate mortgage investment conduits from the corporate alternative minimum tax.

Another provision in Article II imposes a flat fee as part of the corporate franchise tax liability. The fee is based on the amount of a corporation's total Minnesota property, payroll, and sales or receipts. The flat fee is in addition to the corporation's franchise tax liability under the regular or alternative minimum taxes with exempted corporations, insurance companies, and cooperatives, along with regulated investment companies, real estate mortgage investment corporations, real estate investment trusts, town and farmers' mutual insurance companies, and farm partnerships, not subject to the flat fee. "S" corporations and partnerships, excluding partnerships that derive at least 80 percent of their income from farming, are subject to the flat fee. Article II also delays until Jan. 1, 1992, the effective date for requiring income tax withholding on compensation paid to non-resident public speakers if it is less than \$2,000 or is only a payment for expenses, and directs the Dept. of Revenue to conduct a study of the state and local tax burdens on small businesses relative to their ability to pay.

Article III contains more than 60 provisions relating to property taxes. One provision permits the assessment of a special levy for local water planning and implementation activities, with a

specification that local tax rates are set to generate \$1.5 million for all counties statewide for taxes payable in 1991 and 1992. The new legislation also provides that permits for movement of over-sized manufactured homes may not be issued without a statement from the county auditor and treasurer indicating that all real and personal property taxes have been paid; allows a regional library system to allocate its levy authority among all member cities, towns, and counties within the region; directs assessors to take into account environmental factors in the vicinity of a property when determining the property's market value; provides that golf clubs having food and beverage services must allow equal access for both men and women members in all membership categories; establishes and extends homestead treatment to qualifying manufactured home park cooperatives; and provides that the principal residence of an individual who has a permanent disability qualifies for homestead treatment if the homestead is owned by a parent of the individual.

Revisions in the class rates for taxes payable in 1991 comprise a large portion of Article III's provisions. Agricultural homestead, commercial seasonal, seasonal recreational, employment, federal housing, post secondary student housing, and manufactured home park property tax rates are, as a rule, slightly reduced under the new legislation. Tax rates are scheduled to marginally increase for agricultural homestead property with a market value of \$100,000 or less and that exceeds a house, garage, and one acre of land, and to significantly decrease for similar property with a market value of between \$100,000 and \$110,000. Provisions that modify and clarify the "truth in taxation" procedures that are followed by taxing authorities, that revise

existing statutes concerning the classification, use, and exchange of tax-forfeited lands, and that alter the levy limit base for regional development commissions, are also contained in Article III. In addition, several sections of the new law authorize special levies that fall outside of existing levy limits for such efforts as paying county jail or correctional facility operating and maintenance expenses, unreimbursed 1989 and 1990 county grasshopper control costs, and unreimbursed county court-ordered family-based service and court-ordered out-of-home placement costs for children. Special levies are also authorized to finance a wide variety of activities in Goodhue, Koochiching, Douglas, Mille Lacs, Becker, and Ramsey counties, along with the cities of Rosemount, Maple Grove, Brooklyn Park, Brooklyn Center, Coon Rapids, Bayport, Bemidji, and Windom.

Property tax aids and credits are the subjects of Article IV of the new legislation. One central provision specifies that the class rate for Class 3 public utility real and personal property is 5.38 percent, the class rate for preferential commercialindustrial property is 3.2 percent, and the class rate for non-preferential commercialindustrial property is 4.95 percent, when computing the net tax capacity figures used in calculating homestead and agricultural credit aid (HACA) for aids payable in 1991. Other provisions included in the new law reduce 1990 and 1991 HACA payments to counties and cities, allow the commissioner of revenue to compute HACA at a level of aggregation higher than the unique taxing jurisdiction level, modify the city local government aid calculation for aids payable in 1991 and in subsequent years, change the formula for calculating equalization aid, limit the

photos by Tom Olmscheid



Tax rates for homesteads with a market value between \$100,000 and \$110,000 decrease under Chap. 604.

appropriation for equalization aid to \$19.5 million for aids payable in 1991 and thereafter, and provide for a reduction in 1990 HACA payments for special taxing districts that receive 1990 HACA payments of at least \$150,000. The commissioner of revenue is also authorized to make further reductions in state aids to cities, counties, and special taxing districts by an amount that, when combined with reductions made in Article IV, will total \$175 million.

Article V includes provisions that revise existing property tax refund statutes. A provision that enriches the rent credit schedule by decreasing the income thresholds by approximately 10 percent throughout the schedule serves as the article's highlight. Also contained in the article is new language that provides that the rent attributable to the property tax is determined by using the gross rent which would be payable if all the units had been occupied for the entire calendar year at the rent amounts in effect on May 3 for rent paid in 1990, and April 15 for rent paid in 1991 and succeeding years. Sections that permit the revenue commissioner to adjust the amount of the tax increase which qualifies homesteads for targeting refunds if refund claims exceed annual appropriation amounts, that require landlords to keep copies of certificates of rent paid for three years and eliminate the requirement that copies be filed with the commissioner of revenue, that allow part-year renters and homeowners to qualify for the sum of the

refunds given under both programs, and that repeal a current commercial/ industrial equalization refund effort are also included in Article V.

Article VI represents the sales and lodging tax portion of the omnibus tax legislation. Specifically, the article extends the two percent sales tax rate for farm machinery and logging equipment to all chain saws used for commercial logging and electric generators used in agricultural production, exempts capital equipment used in mining or quarrying from the sales tax for equipment purchases made for new or expanding industrial operations, and expands the sales tax exemption for WATS line calls to qualified providers of telemarketing services that make calls from within the state to a location outside the state. A sales tax exemption for sales of repair and replacement parts and lubricants for ships and barges used in interstate and foreign commerce after Dec. 31, 1983, and a sales and use tax exemption for the sale or lease of items comprising a supercomputing complex if the purchaser or lessee is a corporation whose shares are owned, in part, by the University of Minnesota regents and foundation, are also contained in the new law. Five sections in Article VI relate to lodging taxes. Three sections repeal the authority of cities to impose an additional three percent lodging tax to raise general fund revenues effective Feb. 1, 1990. Another section authorizes the city of Bloomington to impose an additional lodging tax of up

to one percent to fund promotional efforts for the Metropolitan Sports Arena, while another section authorizes the city of Roseville to impose an additional lodging tax of up to two percent to finance construction, debt service, and operating costs for a multi-use speed skating and bandy facility.

Tax increment financing laws are modified by Article VII of the new legislation. Tax increment "pooling" arrangements are restricted by requiring that 75 percent of the increment be spent on activities within the district, to pay debt services on bond financing activities in the district, or to pay or secure payment of debt service on credit enhanced bonds. The provision authorizes 25 percent of the tax increments to be spent outside of the district. In addition, the provision limits the use of tax increments to activities for which binding legal commitments have been made within five years after approval of the district. Provisions that enable counties and municipalities to demand that disputes relating to county road improvements or to county administrative costs payable from tax increment revenues be submitted to binding arbitration, and that authorize the use of tax increments to pay debt service on credit enhanced bonds that financed projects located anywhere within the municipality, are contained in the new law.

Cities of the first class are also authorized to establish a neighborhood revitalization program in a provision included in Article VII. Under the provision, neighborhoods are directed, through citizen participation, to develop comprehensive neighborhood revitalization action plans. The plans are then submitted to a policy board comprised of members of the city council, the county board, the school board, the library and park boards, the mayor, and representatives of the city's legislative delegation. The governing bodies of the county, city, and schools are vested with the ultimate authority to reject or approve all or part of the plans submitted by the neighborhoods. The program's goals are to eliminate blight, to assist in the development of industrial properties that provide jobs for neighborhood residents, to rehabilitate or replace neighborhood commercial facilities, to eliminate hazardous waste, to rehabilitate or construct housing, to remove vacant and boarded up buildings, and to rehabilitate or construct public facilities.

Article VII also specifies that for new economic development districts, a municipality must find that the project will expand or preserve employment or tax base in the state, rather than just the municipality. As an alternative, the municipality may find that the project will

photo by Laura Phillips



Chap. 604 authorizes the city of Bloomington to impose an additional lodging tax to fund promotional efforts for the Metropolitan Sports Arena.

prevent a business from leaving the municipality. Provisions that reduce city local government aid and HACA payments to offset a portion of the increased school aid payments resulting from the use of tax increment financing, that eliminate the obsolescence test for redevelopment districts, and that limit the use of economic development districts to finance manufacturing, warehousing, research and development, and telemarketing projects and to support tourism projects outside of the Metropolitan Area, are also contained in Article VII. Another provision specifies that buildings are not structurally substandard for purposes of the blight test if they are in compliance with the building code for new buildings or can be brought into compliance at less than 15 percent of the cost of constructing a new building of the same type and size.

Article VIII, the education funding portion of the new law, contains several modifications. The provisions redefine the term "district" to include an intermediate district in order to receive health and safety revenues, add health and safety levies and aid to the list of prohibited aids and levies exceptions, extend the Minneapolis school district's \$7.5 million bonding authority from 1990 to 1996, allow the St. Paul school district to bond for \$9 million each year to acquire and improve facilities, permit the Duluth school district to bond for \$9.6 million to acquire and improve existing and new facilities, and allow the White Bear Lake school district to levy \$1.3 million to replace foundation levy reduced through the fund balance reduction provision of the foundation formula. Article VIII also includes a provision that allows the school districts of Coleraine, Lake Superior, Chisholm, Ely, Eveleth, Gilbert, Babbitt, and St. Louis counties to issue bonds for school building acquisition, construction, or improvements.

Court funding issues are addressed by provisions contained in Article IX of the omnibus tax legislation. The new law includes a provision that exempts public authorities or their clients from paying District Court fees for specific types of actions including child support, medical assistance enforcement, civil commitment, appointment of a public conservator or guardian, recovery of overpaid public assistance payments, juvenile protection, and recovery of specific public assistance payments issued by public agencies. Two major provisions adjust aids for counties in the Eighth Judicial District to cover costs associated with the operation of trial courts in calendar year 1991—less the amount of special levy—and allow the Eighth Judicial District to continue the pilot project through 1991. A third significant provision directs the State

Board of Public Defense to determine the expenditures for the board's administration, state public defender, district public defenders, and public defense corporations; and bases the district public defender distribution formula on the results of the weighted case load study, instead of the current formula of giving priority to districts with the greatest number of felonies and gross misdemeanors, and to distressed counties. Article IX also directs counties to provide information on county attorneys' salaries to the State Board of Public Defense in order for the board to determine public defender compensation, and eliminates the two county commissioner positions from the eleven-member ad hoc board charged with appointing district public defenders.

More than 30 miscellaneous provisions are contained in Article X of the omnibus tax package. A major provision included in the article requires recipients of state agency-provided financial assistance to certify to the commissioner of labor and industry that the prevailing wage rate will be paid at project sites. Under this provision, the Greater Minnesota Corporation and the Iron Range Resources and Rehabilitation Board are included in the definition of state agency. "Financial assistance" includes grants awarded for economic development purposes if a single business receives \$200,000 or more of the grant proceeds; a loan, loan guaranty, or loan purchase if a single business receives \$500,000 or more of loan proceeds; or a sales tax reduction, credit, or abatement applying to a geographic area smaller than the entire state granted for economic development purposes. "Financial assistance" does not include local government aid or property tax credits. Rehabilitation of existing housing or new housing construction in which total financial assistance at a single project is less than \$100,000 are also exempted from the prevailing wage requirement. A subsequent provision directs the Dept. of Administration to study and evaluate Minnesota's prevailing wage system, and appropriates \$100,000 for the study effort.

Other key provisions contained in Article X require that beginning in Nov., 1990, forecast unrestricted budgetary General Fund balances are first appropriated to restore the Budget Reserve to a level of \$550 million and then to reduce the property tax levy recognition percent; provide that taxpayers may obtain reconsideration of an assessment order; denial of penalty abatement, or refund denial by filing an administrative appeal with the commissioner of revenue; cancel remaining debts owed to the state under the 1989 Drought Emergency Farm Haylift Program; appropriate \$100,000 to

the commissioner of public safety for a grant to Stearns County to cover investigative costs relating to the Jacob Wetterling kidnapping; and appropriate \$250,000 in FY 1991 for the International Special Olympics and \$250,000 in FY 1991 for the Superbowl to provide for the state's host contribution. Two provisions also exempt clays from the two percent net proceeds tax, and exempt transit systems receiving state transit assistance from the gasoline and special fuel taxes effective for purchases made after Dec. 31, 1990.

Education law reduces spending

This year's funding law for Minnesota's K-12 school system, Chapter 562, broke with tradition and reduced spending for the remainder of the biennium. Although the measure does contain some new spending, overall spending went down, mostly because elementary and secondary public school enrollment has been lower than expected and property tax revenue has been higher than expected. Further savings also comes through a reduction in state contributions to the Teachers Retirement Association; a recent study indicated that employer contributions are greater than necessary to fund the pension fund.

The measure, sponsored by Sen. Randolph Peterson and Rep. Ken Nelson, sets the general education tax capacity rate for FY 1993 at the amount that raises \$887 million, up from \$845 million for FY 1992.

The law allows the commissioner of education to approve proposals from up to ten school districts, one of which is St. Paul, to provide prevention services as an alternative to special education and other compensatory programs. Districts with an approved program may, on a pilot basis, provide instruction and services in the regular education classroom to the eligible pupils. In order to qualify for the program, pupils must be judged to be those who would eventually qualify for special education instruction or related services if the intervention services were not available. The program is authorized through the 1990-91, 1991-92, and 1992-93 school years.

In the area of drug prevention and community programs, the measure establishes a grant program for FY 1991 designed to allow eligible school districts, education districts, and other cooperating districts to develop expanded Early Childhood Family Education (ECFE) programs that effectively integrate the roles of families, regular classroom teachers, and community-based social service agencies. The programs must be for families of children in kindergarten

through grade 3 who need basic knowledge about the physical, mental, emotional, or educational development of their children; basic skills to provide for their children's learning and development; self-esteem; or information about availability or access to community-based social service agencies.

Also established in the measure is a grant program for FY 1991 designed to develop effective programs to help targeted children and young people overcome barriers to learning. Targeted children and young people include those who are school dropouts, have become pregnant, are children of drug or alcohol abusers, or are victims of physical, sexual, or psychological abuse. Grants to implement the programs may then be awarded to six of the planning grant recipients.

The measure also makes some changes in the commissioner review and comment procedure regarding school facility construction. The commissioner has three choices: a positive review and comment, which means the district may proceed; a negative review and comment, which means the district may not proceed; or an unfavorable review and comment, which means that the school board must reconsider construction, and may only proceed if the referendum authorizing the project is approved by 60 percent of the voters.

Another key item contained in the law requires the commissioner of education and the state fire marshal to develop a plan to inspect every public school facility used for educational purposes once every three years. Inspections must begin during the 1990-91 school year.

Collective bargaining is also addressed in the chapter. One section allows education district agreements to include a provision permitting the education district to negotiate a collective bargaining agreement for teachers on behalf of all of its member school districts. The law outlines various requirements that must be met before the education district may bargain on behalf of its member districts. In addition, the measure specifies the education districts' authority to raise revenue. The eligible education districts with a collective bargaining provision may also apply to the commissioner of education for additional education district revenue; the commissioner of education and the commissioner of mediation services may select up to two education districts to receive the additional revenue.

The chapter provides a new way to obtain a teacher's license. The alternative preparation program is open only to people who have a bachelor's degree; pass an examination of reading, writing, and mathematics; have been offered a job to

teach in a district, group of districts, or an education district allowed to offer the alternative preparation program; have a college major in the subject area to be taught or have five years of experience in a related field; and can document successful experiences working with children. The preparation program must contain a number of different elements, including staff development conducted by a resident mentorship team, formal instruction and peer coaching during the school year, and assessment, supervision and evaluation of the candidate. The Board of Teaching must approve alternative preparation programs based on criteria adopted by the board, and the programs must be affiliated with a postsecondary institution that has a teacher preparation program. The resident mentorship team recommends whether the candidate should be awarded the standard entrance license.

The law also makes permanent the \$25 per pupil penalty for school districts and other public employers that do not have a collective bargaining agreement completed by Jan. 15 of each even-numbered calendar year. However, the penalty will not be imposed if the employer and the teachers have submitted all unresolved items to interest arbitration by Dec. 31 preceding the deadline and have filed final positions on all unresolved items with the commissioner of mediation services before Jan. 15. In addition the arbitration panel must issue its decision within 60 days after the final positions were filed.

Also addressed in the law are maximum effort capital loans for school districts. The law limits the types of building projects for which the loans may be used, requires districts or joint powers districts intending to apply for a loan to submit a proposal to the commissioner of education for review and comment, and outlines the criteria the commissioner must use in the review and comment. The district proposing the project must present its project to the school boards of all adjacent districts, and each board must submit a written evaluation of the project.

Additional provisions in the law include: development by the Dept. of Education of guidelines and model plans for parental involvement programs; and the establishment of a task force on mathematics, science, technology, and international education to study the feasibility of a resource center and school for mathematics, science, technology, and international education in Minnesota.

Higher education cuts spending

Chapter 591, the higher education finance bill, follows the example of the K-12



funding measure by cutting state spending. The law, carried by Sen. Gene Waldorf and Rep. Lyndon Carlson, reduces state spending by about \$21 million, most of which is cut from grants and scholarships awarded to students. Unexpectedly high federal funding for the grants and scholarships made the cuts possible.

The law prohibits the state universities, community colleges, and technical colleges from establishing off-campus centers or other permanent sites off the campuses to provide academic programs, courses, or student services without authorizing legislation. The measure also requests that the University of Minnesota refrain from establishing any such off-campus sites without authorizing legislation. The provision includes an exemption that allows Metropolitan State University to establish sites in the seven-county Metropolitan Area. The Higher Education Coordinating Board (HECB) must, by Nov. 1, 1990, compile an inventory of all existing off-campus sites and centers for each postsecondary institution and system. The Higher Education Advisory Council (HEAC) must determine categories of off-campus sites and criteria to use in placing sites within categories; the HECB, along with the postsecondary governing boards, must then review the categories and criteria and other information, and report its findings and recommendations by Feb. 15, 1991.



An alternative preparation procedure for obtaining a teacher's license is outlined in Chap. 562.

The new law further prohibits the boards of the state universities, the community colleges, and the technical colleges, and their campuses, from entering into new long-term lease arrangements, significantly increasing the course offerings at off-campus sites, entering into any new 2 + 2 arrangements, or significantly increasing staffing at off-campus sites, effective from the enactment date of the law until the end of the 1990-91 academic year. Again, the measure provides an exemption for Metropolitan State University.

In addition, the law requires the governing board of the community college system, the technical college system, and the state university system to develop plans for managing enrollments. Those systems, along with the University of Minnesota, are also required to submit plans for providing undergraduate and practitioner-oriented graduate programs in the seven-county Metropolitan Area.

The measure also contains a number of rural health initiatives. The law establishes a pre-nursing grant program to provide grants to eligible students who are entering or enrolled in registered nurse or licensed practical nurse programs, as long as they have no previous nursing training and agree to practice in a designated rural area. A Rural Physician Education Account is also established in the bill. The money in the account is to be used to establish a loan forgiveness program for eligible medical students agreeing to practice in

designated rural areas. Two nursing grant programs not linked to rural Minnesota are also established in the law.

Also provided for in the chapter is a death benefit program and an education benefit program for the families of public safety officers killed in the line of duty; and the authority for reciprocity with the Canadian province of Manitoba.

Health and human services omnibus appropriations

Modification of the state's child care and job training programs, as well as the creation of a fund intended to benefit displaced workers, are among the major provisions of a \$98 million supplemental appropriation for the Depts. of Health, Human Services, Corrections, Jobs and Training, and other boards and agencies.

In response to financial restrictions, Chapter 568 divides the child care fund into two distinct programs, a sliding fee program for the working poor and an entitlement program for AFDC/STRIDE participants. The legislation appropriates an additional \$5 million to the sliding fee fund, and specifies that no new working poor families may be accepted into the program during fiscal year (FY) 1991 unless the county can show that the county's spending will not exceed 95 percent of FY 1990 spending. Families terminated during FY 1990 due to lack of money must be reinstated as funds

become available, and families enrolled as of July 1, 1990, will be continued until no longer eligible.

Under the AFDC child care program, families are guaranteed child care assistance if they are participating in the STRIDE program, are AFDC recipients who are employed, or have left AFDC and are in their transition year.

The legislation limits participation in the STRIDE program to mandatory job search participants; mandatory school attendees; current participants as of May 1, 1990; recipients in families where the youngest child will age out; caretakers under age 20 without a high school education; recipients who received AFDC for 48 of the prior 60 months; caretakers in the self-employment demonstration project; and participants in New Chance. If extra funds become available, other groups may be taken into the program, with the top priority being persons who have received AFDC for 42 months of the prior 60.

The new law also creates a dedicated fund to provide for dislocated worker programs. The programs will be financed through a special assessment paid by employers at the rate of one-tenth of one percent per year on all wages. The commissioner of jobs and training is designated as fiscal agent of the fund, up to five percent of which may be used for department administrative costs. The chapter also directs the governor to appoint a commission to study and make recommendations regarding worker displacement caused by takeovers, buy outs, and business transfers. The commission must provide recommendations to the Legislature by Feb. 1, 1991. The wage assessment becomes effective Jan. 1, 1991.

The chapter, carried by Rep. Lee Greenfield and Sen. Don Samuelson, contains a number of provisions designed to improve the quality and availability of rural health care, at the cost of \$1.4 million. Among the initiatives is the Rural Hospital Planning and Transition Grant program, which allows grants to be distributed to eligible hospitals for developing strategic plans and implementing transition projects. Hospitals are eligible if they are located in a rural area, have 100 or fewer licensed beds, have experienced losses in two of the last three years, are not for profit, and have not been awarded a federal transition grant. The grants are limited to \$50,000 a year, for a maximum of two years. Other programs set up to aid rural hospitals include reimbursement for Emergency Medical Services training; a seven percent increase in state reimbursement for ambulances; a summer intern program for high school juniors and seniors interested in a career in



Nursing home reimbursement provisions are modified under the omnibus health and human services appropriations measure, Chap. 568.

health care; an ambulance sales tax and license exemption; scholarships for nursing students; a loan forgiveness program to educate doctors willing to practice in rural Minnesota; and increased funding for the Rural Physicians Associates Program at the University of Minnesota.

The Dept. of Human Services received a total supplemental allocation of approximately \$96 million through Chapter 568. Of that amount, \$88 million is for a variety of health care grants. The appropriation for Medical Assistance (MA) totals \$57 million over a period of two years, while General Assistance Medical Care (GAMC) receives \$24 million, and Alternative Care Grants \$7 million.

One of the more controversial elements of the MA budget is the modification that it makes in the "rental" system of property reimbursement for nursing homes. Three categories of nursing homes are affected: homes receiving full rental reimbursement, classified as Group A; homes with frozen property rates that are to phase down to full rental reimbursement, classified as Group B; and homes phasing up to full rental reimbursement, classified as Group C. For the rate year beginning July 1, 1990, Group A homes will be reimbursed at the full rental level. Group B homes will receive the greater of: 87 percent of the rate in effect on July 1, 1989; the full rental rate in effect on July 1, 1990; or 100 percent of the home's allowable principal and interest expense, plus their equipment allowance multiplied by resident days and divided by capacity days. Group C homes will be reimbursed at the lesser of 116 percent of the rate in effect on July 1, 1989, or the full rental rate in effect on July 1, 1990. A

supplemental allocation of \$298,000 is added to the system under this legislation.

The Alternative Care Grant program received \$7 million in additional funding and was reorganized in an attempt to ensure future financial stability. For FY 1991 only, the new law requires that the program's appropriation be set aside for unreimbursed services provided before Apr. 1, 1990. The remaining funds must be allocated to counties in proportion to each county's share of the actual payments plus claims for services provided in the basic year. No reallocation of money between counties will be made. Following FY 1991, the allocation formula is altered so that the appropriation will cover only individuals who would be eligible for Medical Assistance within 180 days of admission to a nursing home. The allocation to each county will be in proportion to the previous year's allocation, plus inflation, or will be prorated if the funding level is less than that of the previous year.

Another element of the Dept. of Human Services budget is a \$17 million allocation for a number of social services programs. Several chemical dependency programs are funded, including a \$9.5 million allocation for the Chemical Dependency Treatment Fund, \$300,000 each for chemical dependency plans for American Indian and African-American youth. Chemical dependency services for mothers and children receive \$900,000 under the chapter.

A total of \$813,000 is cut from a variety of mental health programs. The legislation adds language specifying that service must be provided as close to a patient's county of residence as possible, and clarifying

that the mission of the regional treatment centers is primarily provision of acute care inpatient treatment. The commissioner of human services is directed to evaluate the need for state-operated community facilities in this context. The children eligible for entitled residential treatment services are now those with "severe emotional disturbances," narrowed from the existing law which targets children with "emotional disturbances." The measure allows parents and children to request case management services, and clarifies the definition of the services. County boards are required to provide mental health emergency services for children's families when clinically appropriate. However, the state is allowed, if certain criteria are met, to waive the requirement that evening, weekend, and holiday service be provided by a mental health professional. In addition, county boards are required to provide a notification in plain language of potential eligibility for case management and family community support services.

Family support grants are trimmed by \$3.3 million. This includes a \$265 million reduction in the expenditure for child support collections. Family support administration was cut by \$5 million,



realized primarily through elimination of food stamp employment training.

The budget for health care administration was increased by \$1.1 million. A total of \$135,000 is appropriated for a program to pay the insurance premiums of individuals who have AIDS and are unable to continue to make payments. Also included are appropriations for a GAMC pilot program, \$25,000 for a study of the prescription drug industry, and \$70,000 for a demonstration project involving persons without health insurance.

The Dept. of Health took an overall reduction of \$345,000. A total of \$473,000 is saved through eliminating a number of non-smoking initiatives, and an additional \$500,000 is taken from the Community Health Services Block Grant Program. New spending authorized by the legislation includes \$56,000 to validate the respiratory health findings of the Childhood Respiratory Health Feasibility Study. Also authorized is \$70,000 to finance the drawing up of legislation dealing with the licensure of residential care homes. A total of \$140,000 is targeted for health providers to pay for increased rental costs.

The Dept. of Jobs and Training had funding reduced by \$917,000 by the new

law, the bulk of which is a result of a \$600,000 cut in wage subsidy programs administered by the department.

The Dept. of Corrections received a \$3.5 million supplemental budget allocation. The Moose Lake Women's Unit was appropriated \$1.75 million, and granted 24 new positions. Portions of a bill for drug abuse prevention efforts are contained in the new law. A total of \$350,000 was targeted for chemical dependency services in correctional facilities. Other programs receiving funding include intensive community supervision, allocated \$650,000; \$175,000 for Battered Women Grants; \$19,000 for a drug testing pilot program; \$31,000 for offender chemical dependency assessment; and \$357,000 for juvenile county probation services. The sex offender pilot program had its funding reduced by \$500,000.

Other minor appropriations changes include an \$8,000 increase for the Sentencing Guidelines Commission, and a \$275,000 reduction for the Veterans Nursing Homes Board. The Board of Social Work received an \$82,000 increase, and the Board of Psychology a \$46,000 increase. The Board of Pharmacy was allocated an additional \$5,000, and the Board of Optometry an additional \$8,000.

photo by Tom Olmscheid



Additional funding for the Dept. of Corrections is contained in Chap. 568.

Omnibus state departments appropriations

Provisions that trim \$17 million from Minnesota state agency operational budgets are contained in Chapter 594, the omnibus state departments appropriations package, carried by Sen. Carl Kroening and Rep. Phyllis Kahn.

While nearly every state agency budget was reduced by varying amounts under the legislation, two agencies sustained noticeably larger cuts. The State Planning Agency is slated for a ten percent reduction totaling \$601,000, while the Dept. of Finance is scheduled for a five percent cut amounting to \$245,000. In addition, the legislation's provision concerning the Dept. of Finance's appropriation includes directives requiring the commissioner to reduce the department's 1992-93 biennial budget base by five percent and to abolish the position of deputy commissioner.

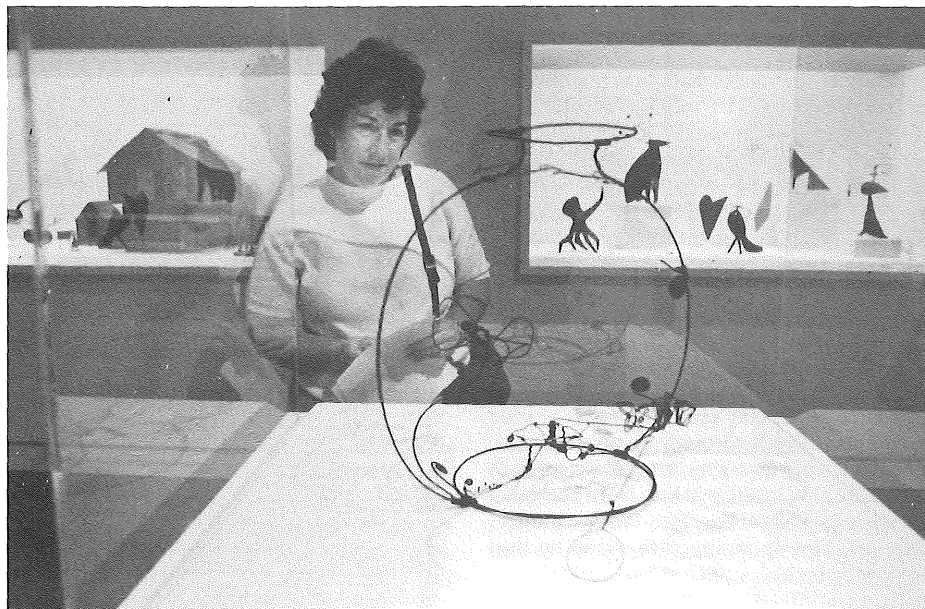
Specifically, Chapter 594 includes appropriation reductions of \$1.1 million for the Legislature, with nearly \$500,000 in new spending authorized to meet redistricting expenses and to cover Revisor of the Statutes' printing and computer room expansion costs. Funding for the Minnesota Supreme Court is cut by \$199,000, but there is an appropriation of \$62,000 for matching federal grants to train judges in drug laws and to develop and implement court case management strategies. The Attorney General's Office is earmarked for a \$274,000 budget reduction. However, the office will receive \$70,000 to finance lawful gambling prosecution efforts. Funding for the Dept. of Administration is reduced by \$344,000, but there is an appropriation of \$163,000 cover carry-over legal fees and to meet construction costs at Duluth's Minnesota Public Radio Station. The Dept. of Employee Relations' appropriation is reduced by \$192,000, but statutory language is included authorizing the commissioner to spend up to \$300,000 from the Public Employees Insurance Trust Fund. The Dept. of Revenue faces a total cut of more than \$1.5 million, but a separate appropriation of \$400,000 is included to add seven lawful gambling regulatory positions. While a general reduction of \$101,000 is specified for the Minnesota Zoo, supplemental appropriations of \$230,000 are authorized to meet costs associated with a coral reef shark exhibit and a dinosaur exhibit. The Dept. of Labor and Industry is scheduled for a \$2.5 million budget reduction; \$15,000 is appropriated to fund a study of long-term workers' compensation cases.

Reduced minerals diversification and beaver dam control activities, combined with general reductions, comprise the

Dept. of Natural Resources' scheduled \$1.5 million budget cut. However, the department's reductions are slated to be offset by additional funding for, among other things, a shiitake mushroom demonstration project, a carbon dioxide absorption study, and a snowmobile grants-in-aid program. The Pollution Control Agency's budget is reduced by \$1.7 million. An appropriation of \$400,000 is contained in the legislation to fund the Individual On-Site Treatment and Site Response Property Transfer Programs, along with resource recovery operator training activities. The Office of Waste Management faces a total of more than \$1.8 million in cuts. However, a \$285,000 appropriation is included to fund seven additional administrative positions in the agency's Capital Assistance Program. Reductions of \$1.6 million are scheduled for the Dept. of Trade and Economic Development. Nearly \$800,000 in appropriations is slated to support activities by the Minnesota Council for Quality, Celebrate 1990, the Jobs Skills Partnership Board, the Minnesota Trade Office, along with the Region One Development Commission. An appropriation of \$67,000 is included for Scott County to cover costs incurred by the county in implementing the state takeover of trial court costs in the Eighth Judicial District. In addition, the legislation contains a total of \$5.2 million in budget cuts made by reducing the state's contribution to various pension systems.

Under Chapter 594's provisions, the following state agencies and departments also experienced appropriation reductions: the Court of Appeals, \$45,000; the Judicial Standards Board, \$3,000; the Board of Public Defense, \$100,000; the Secretary of State, \$31,000; the State Treasurer, \$57,000; the State Auditor, \$12,000; the Governor and Lieutenant Governor, \$130,000; the State Board of Investment, \$34,000; the Capitol Area Architectural and Planning Board, \$13,000; the Tax Court, \$9,000; the Housing Finance Agency, \$3 million; the Amateur Sports Commission, \$9,000; the Bureau of Mediation Services, \$36,000; the Legislative Commission on Minnesota Resources, \$72,000; the Dept. of Military Affairs, \$189,000; the Dept. of Human Rights, \$60,000; the Minnesota Council on Disability, \$10,000; and the Dept. of Veterans Affairs, \$52,000.

Water use processing fees are also scheduled to increase under the new law. Most large water users will experience the increase, including those using once-through cooling systems. Several court filing fees are also increased, including a range of appellate court costs. All told, the fee increases are expected to raise about \$7 million in new revenues for the state.



Chap. 565, the omnibus semi-states funding measure includes funds to match a grant from the National Endowment for the Arts.

Also included in Chapter 594 is a provision that prohibits the Pollution Control Agency from allowing, by permit or otherwise, the burning of wastes that contain PCB levels of 50 ppm or greater unless an environmental impact statement is completed. The Pollution Control Agency is also barred from renewing waste burning permits for waste containing 50 ppm or more of PCB's if an environmental impact statement is not completed. Experimental burnings of small quantities of waste containing PCB levels greater than the 50 ppm threshold are exempted from the restrictions.

Agriculture, transportation, and semi-states omnibus funding

Chapter 565 is a major omnibus measure providing funding for the Depts. of Agriculture and Transportation, as well as a number of semi-state agencies, including the Board of Water and Soil Resources, the World Trade Center Corporation, and the Historical Society. The overall impact of the legislation, carried by Rep. Jim Rice and Sen. Keith Langseth, is to reduce appropriations by approximately \$11 million for the biennium ending June 30, 1991.

The bulk of the savings in the bill is a result of reducing the Motor Vehicle Excise Tax Transfer from 35 percent to 30 percent, resulting in a \$12.5 million reduction in the funds available to various Dept. of Transportation programs. This reduction is partially offset by a \$1.5 million appropriation to the Transit Assistance Fund. However, several programs took appropriation cuts, including the Trunk Highway Fund, which had its funding reduced by a total of \$3.1

million. The County State Aid Highway Fund is reduced by \$2.7 million, and the Municipal State Aid Street Fund by \$800,000. A total of \$650,000 of the municipal reduction is in the appropriation for light rail transit. The bill includes a rider that directs the department not to reduce the highway development program for construction activities.

The legislation also contains a \$58,000 appropriation for the Transportation Regulation Board, as well as \$134,000 for the Transportation Study Board. A reduction of \$1.5 million from the budget of the Regional Transit Board is a result of transferring funding responsibility for metro mobility services to the Dept. of Human Services.

Much of the new spending in the measure is channeled to programs administered by the Dept. of Public Safety. A total of \$701,000 is earmarked for various drug initiatives. This includes \$160,000 for community-based crime and drug prevention programs, \$40,000 for implementation of new chemical regulations, \$326,000 for narcotic investigation activities, and \$175,000 for drug prevention support services. Seven positions are also added to the department. In addition, a total of \$833,000 is appropriated for seven positions in the lawful gambling enforcement area. This appropriation is in addition to the \$1.3 million allocated to the Dept. of Gaming for lawful gambling regulatory activities.

The Dept. of Agriculture will receive a general increase of \$747,000 in 1990, followed by a \$497,000 reduction in 1991. A total of \$597,000 of the 1991

increase is to reimburse counties and townships for up to 50 percent of the costs incurred for grasshopper control activities undertaken during calendar year 1989.

Funding for the Dept. of Commerce was reduced by \$85,000. The savings will be realized by delaying completion of a report to the Legislature regarding the cost effectiveness of the services provided by certain health care professionals. The World Trade Center received a \$25,000 appropriation to conduct the World Export Processing Zone Association international convention.

The Minnesota Historical Society took a reduction of \$125,000 in their operating budget, although the Humanities Commission received \$25,000 to plan a Humanities Center. The Arts Board had funding cut by \$125,000. However, this was offset by a \$116,000 appropriation to match a grant from the National Endowment to the Arts.

Appropriation reductions will be absorbed by a number of other state agencies. The budget for the Board of Peace Officer Standards and Training was reduced by \$75,000, the Board of Water and Soil Resources by \$200,000, and the Board of Animal Health by \$40,000. Funding for the Dept. of Public Service was cut by \$50,000. The Indian Affairs Council received a supplementary allocation of \$140,000.

Other significant provisions contained in the legislation include language allowing agencies to transfer appropriations between years of the biennium and requiring that appropriation reductions not be added to the budget base for the 1992-1993 biennium. The Drug Abuse Resistance Education Advisory Council is also brought into existence by the measure.

Omnibus bonding legislation

Chapter 610, the omnibus bonding bill carried by Rep. Wayne Simoneau and Sen. Michael Freeman, contains a total of \$387.4 million in increased bonding authority. In addition to the bonding funds, the legislation specifies that a constitutional amendment that revises the distribution formula for the state's lottery proceeds must be submitted to voters for approval during the 1990 general election. If approved, the amendment will, in effect, dedicate 40 percent of net lottery proceeds to the Environmental Trust Fund, 25 percent to the Greater Minnesota Corporation, and 35 percent to cover debt service on the 1990 bonding bill. Currently, lottery proceeds are divided equally between the Environmental Trust Fund and the Greater

Minnesota Corporation. The legislation also authorizes a joint legislative study to determine ways to improve the planning and funding process for financing future state capital projects.

Chapter 610 dedicates bonds totalling \$219.5 million for constructing and remodeling educational facilities throughout the state. Specifically, the new law allocates \$27.8 million in additional bonding to the Dept. of Education, with the largest portion, \$23 million, designated to fund the Maximum Effort School Loan Program. The Community College System is slated to receive \$50.5 million in bonds, with the funds targeted toward making physical improvements to community colleges in Austin, Brainerd, Fergus Falls, Hibbing, Lakewood, Rainy River, Vermilion, Willmar, and Worthington, along with centers in Cambridge, Fond du Lac, and Rochester. State Universities located in Bemidji, Moorhead, Marshall, and the Twin Cities are scheduled to receive \$38.5 million of the \$44.4 million in bonds channeled to the State University System. A total of \$25.3 million in capital improvement bonding is allocated for technical colleges.

The University of Minnesota is slated to receive nearly \$71.5 million in increased bonding authority from the legislation, with \$16.5 million directed toward the construction of a biological sciences building addition on the Twin Cities campus and \$10 million earmarked for construction of a campus center facility on the Duluth campus.

The Minnesota Historical Society is scheduled to receive a total of \$3.5 million in additional bonding, with \$2.3 million directed toward completing construction on the State History Center. The preparation of preliminary plans for an interpretive center at the Battle Point Historic Site in Cass County is financed by \$50,000 in bonding authorized for the Indian Affairs Council. The Dept. of Public Safety is slated to receive \$545,000 in bond funding to remodel the Bureau of Criminal Apprehension Building. Construction of a new district headquarters building in Brainerd, replacement and rehabilitation of local bridges, and participation in a federal aid demonstration program comprise more than \$17.7 million of the Dept. of

photo by Paul Battaglia



Omnibus bonding legislation authorizes \$2.3 million for completion of the State History Center.

Transportation's \$21.7 million bonding allocation.

A total of \$8 million of the Dept. of Administration's \$16.7 million bonding authorization is targeted toward completing the renovation of the Centennial Building. The Minnesota Amateur Sports Commission is scheduled to evenly divide \$5 million in bonding for construction of a Holmenkollen ski jump in Bloomington and an indoor national shooting sports center at Giant's Ridge in Biwabik. Bond financing totaling \$300,000 is allocated to the Capitol Area Architectural and Planning Board for the establishment of a Roy Wilkins memorial in the Capitol Area. The Housing Finance Agency is designated to receive \$1.5 million in bonding to finance transitional housing efforts.

The Dept. of Military Affairs is authorized to receive \$200,000 in bonds to prepare plans for construction of an education center at Camp Ripley. Approximately \$12.7 million of the Dept. of Natural Resources' \$17.9 million bonding allocation is directed toward funding the Reinvest in Minnesota (RIM) Program, flood plain management efforts, along with state park and trail improvements. The majority of the Pollution Control Agency's \$58.2 million bond funding is channeled toward covering the state's share of costs associated with completing municipal combined sewer overflow projects. The Board of Water and Soil Resources is slated to receive \$2.4 million in bond funding to finance the RIM Resources Program. The Dept. of Trade and Economic Development's \$7.5 million bonding is dedicated to acquire and improve Metropolitan Area and local recreational open space lands, and to partially finance the construction of a parking facility at the Minneapolis Convention Center.

The Office of Waste Management's \$7 million bonding allocation is directed toward funding grants provided by the Capital Assistance Program. Construction of two new medium security buildings at the Minnesota Correctional Facility in Lino Lakes, and conversion of the Minnesota Correctional Facility in Faribault comprise more than \$8.7 million of the Dept. of Correction's \$13.1 million bonding allocation. The Dept. of Health is scheduled to receive \$1.4 million in bonding to renovate laboratories at the current Health Building and to remodel the building's heating, ventilating, and air conditioning systems. The Dept. of Human Services' \$22.7 million bond funding is dedicated to constructing new, and remodeling existing, regional treatment centers located throughout the state. The Dept. of Jobs and Training is slated to receive \$750,000 in bonding to construct

and renovate a regional Job Service Office in south Minneapolis. The Veterans Homes Board's \$1.7 million bond allocation is dedicated to upgrading existing Minnesota Veterans Homes in Minneapolis and Hastings.

Bovine growth hormone

Finding that biosynthetic bovine somatotropin (BST) has not been fully researched to provide conclusive evidence concerning animal health effects, the Legislature enacted a new law severely restricting the use of the growth hormone that, when injected, is proven to increase milk production in dairy cows. Restrictions regarding the use of BST are contained in Chapter 526, wholesale drug distributor licensing legislation carried by Sen. Don Samuelson and Rep. Lee Greenfield.

Under Chapter 526's provisions, the BST restrictions remain in effect only as long as similar general use restrictions are enforced in both Minnesota and Wisconsin, or in states producing 40 percent or more of the nation's milk as determined by specified U.S. Dept. of Agriculture statistics. In addition, the law specifies that wholesale drug manufacturers and distributors are prohibited from selling BST for one full year after the legislation's date of enactment. However, the new law allows licensed veterinarians and veterinarian assistants to use BST for medical or research purposes during the one-year moratorium.

Grasshopper control

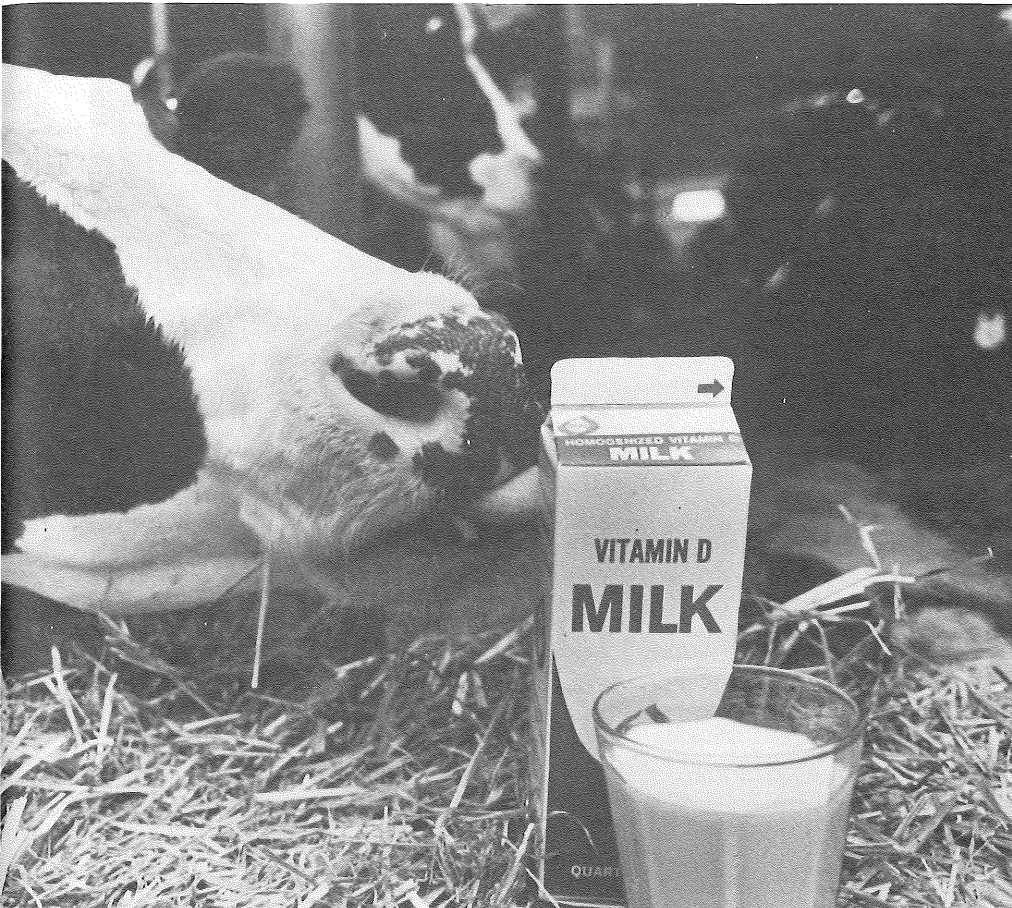
Legislation designed to support a large-scale grasshopper control effort throughout Minnesota comprises Chapter 607, sponsored by Sen. Charles Berg and Rep. Clair Nelson.

Chapter 607 permits town boards within designated grasshopper control zones to appoint grasshopper control advisory committees charged with approving the issuance of grasshopper control orders; requires the commissioner of agriculture to seek the review and approval of the commissioner of natural resources before any grasshopper control measures are applied to streams, lakes, waterways, or public waters; permits the commissioner of agriculture, upon written request from an individual or organization and in consultation with the commissioner of natural resources, to exempt a parcel of land deemed to be of "particular, unique scientific or natural significance or is particularly sensitive to the use of insecticides" from grasshopper control measures; and requires owners of exempted land to mail a notice to adjoining landowners informing them of the exemption, and directs the commissioner of agriculture to reimburse adjoining landowners for control costs to



the extent funds are available and under specified conditions.

The legislation also directs the commissioner of agriculture, in consultation with the Minnesota Extension Service entomologist, to prepare a list of registered pesticides and their federal label requirements for use in the grasshopper control program. The selected pesticides must minimize the adverse impact on the environment and on foraging bees. The Minnesota Extension Service is required to hold meetings in grasshopper control zone areas that explain the methods and procedures necessary to minimize the adverse effects on foraging bees, and mandates that honeybee colony owners notify the commissioner of agriculture as to the number and location of the colonies. The agriculture commissioner must then prepare and update maps showing the locations of all registered honeybee colonies, and develop guidelines for a voluntary system to facilitate the exchange of information between registered honeybee colony owners and pesticide applicators regarding the pesticide selected for use, the anticipated date and time of the pesticide application, and the location of the honeybee colonies.



Restrictions on the use of BST, a bovine growth hormone that increases milk production, are in Chap. 526.

In addition, Chapter 607 establishes an appeals process for landowners ordered to control grasshoppers and who are then billed for control costs by a county. The law also specifies that individuals controlling the surface of property designated as public utility easements are responsible for implementing grasshopper control efforts.

A total of \$605,000 in general fund appropriations is contained in the new law to finance 1990 grasshopper control activities. Of this appropriation, up to \$20,000 is designated to develop a system to prevent adverse effects on foraging bees, up to \$30,000 is designated to provide reimbursement payments to owners of property adjacent to property exempted from grasshopper control, with the remaining funds designated to pay up to 50 percent of the costs incurred by townships and counties in implementing grasshopper control measures. Any funds remaining from the original appropriation as of Oct. 1, 1990, are targeted to provide supplemental financing to county and district agricultural societies and to the State Board of Vocational Technical Education. Additional general fund appropriations of \$20,000 and \$100,000 are included in Chapter 607 to support integrated pest management demonstration projects, and to conduct a

timber harvesting generic environmental impact statement.

Toxic pollution restrictions

Reducing and controlling toxic pollution in Minnesota is the goal of Chapter 560. The new law, sponsored by Rep. Willard Munger and Sen. Bob Lessard, provides guidelines and regulations for toxic pollution control.

Under Article I of the Minnesota Toxic Pollution Prevention Act, a Pollution Prevention Assistance Program is created to provide prevention assistance to persons who use, generate, or release toxic pollutants. The program emphasizes techniques and processes that minimize the transfer of pollutants from one environmental medium to another and focuses primarily on toxic pollutants. Aspects of the program include efforts to assemble, catalog, and disseminate information on pollution prevention, to provide technical research and assistance to identify alternative methods that may be applied to prevent pollution, and to conduct seminars, workshops and training programs on pollution prevention information.

Additionally, the director of the Office of Waste Management may issue grants for

projects to study or demonstrate the feasibility of applying specific technologies and methods to prevent pollution. An "eligible recipient" is defined as a person who uses, generates, or releases toxic pollutants, hazardous substances, or hazardous waste. Grants may be awarded up to a maximum of two-thirds of the total cost of the project, but may not be spent for capital improvements or equipment. The governor may issue annual awards in the form of a commendation for excellence in pollution prevention.

The new law requires facilities to develop plans to prevent toxic pollution. Persons operating a facility using a minimum of 10,000 pounds of toxic chemicals or manufacturing or processing a minimum of 25,000 pounds of toxic chemicals must prepare and maintain a toxic pollution prevention plan. Each plan must establish a program for steps that could be taken during the three years following the plan due date that eliminate or reduce the generation or release of toxic pollutants reported by the facility. The plan must include a description of the current processes generating or releasing toxic pollutants with descriptions of the types, sources, and quantities of toxic pollutants being generated or released by the facility; a description of the current and past practices used to eliminate or reduce the generation or release of toxic pollutants at the facility; and an evaluation of the effectiveness of these practices. The plan must also include an assessment of technically and economically practical options available to eliminate or reduce the generation or release of toxic pollutants at the facility, including options such as changing the raw materials, changing the operation of technical equipment and technology, altering personnel training, and changing other practices used at the facility. In addition, a statement of objectives and a schedule for achieving those objectives must also be included in the plan.

Persons operating a facility using, manufacturing, or processing toxic chemicals must pay pollution prevention fees to the director of the Office of Waste Management. Fees must be deposited in the state treasury and credited to the Environmental Fund. Those facilities required to submit a toxic chemical release form to the commissioner must pay \$150 for each toxic pollutant reported released plus a fee based on the total pounds of toxic pollutants reported as released from each facility. Facilities reporting less than 25,000 pounds annually of toxic pollutants released must pay \$500, and facilities reporting annual releases of toxic pollutants in excess of

25,000 pounds must be assessed a graduated fee at the rate of two cents per pound of toxic pollutants reported, not to exceed a total of \$30,000 per facility. Persons who generate more than 1,000 kilograms of hazardous waste per month but who are not subject to the above fees must pay \$500 per facility.

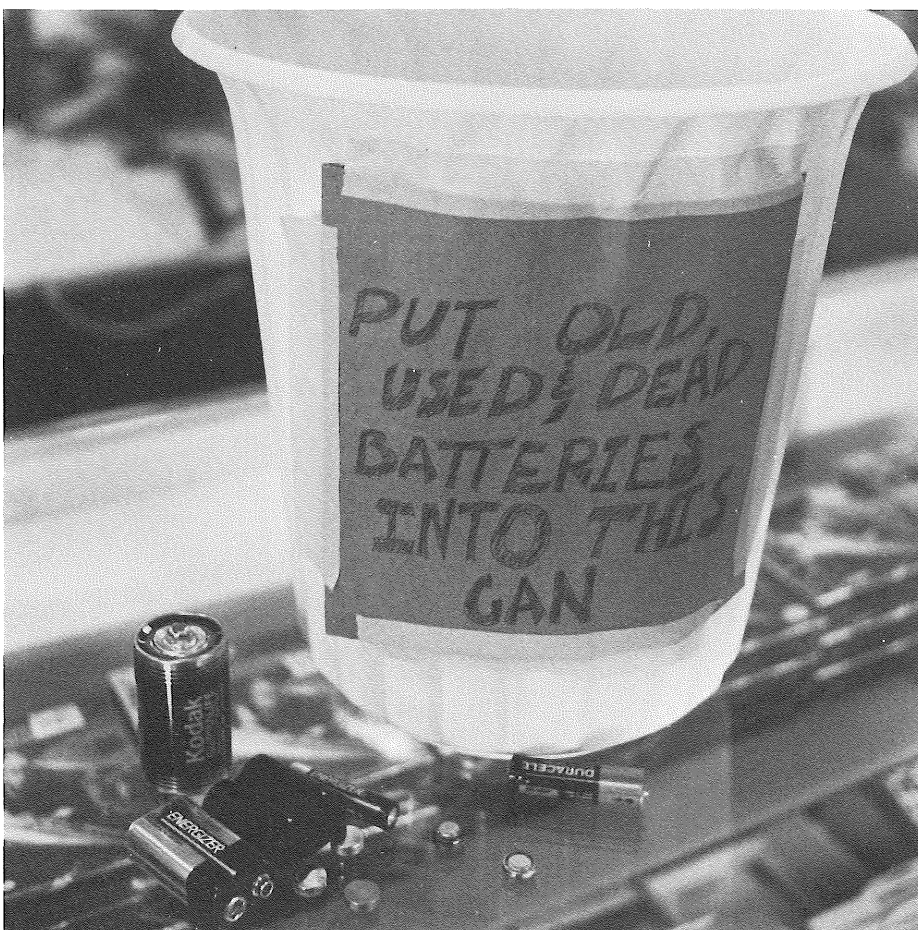
Persons required to develop toxic pollution prevention plans must submit annual progress reports to the commissioner of the Pollution Control Agency summarizing each objective established in the plan as well as the progress made in the past year. The progress report must also include an explanation of the methods through which elimination or reduction of toxic pollutants has been achieved, and, if necessary, an explanation of the reasons objectives were not achieved during the previous year. Under the new law, the commissioner must review all progress reports, and may request a copy of the facility's entire prevention plan if the report does not contain all the necessary information.

A total of \$847,000 is appropriated from the Environmental Fund to the Office of Waste Management for pollution prevention grants and for other assistance to eligible recipients. Another \$45,000 is appropriated from the Environmental Fund to the Pollution Control Agency for pollution prevention purposes, and \$48,000 is appropriated to the Dept. of Public Safety to ensure timely and accurate submittal of the toxic chemical release forms and annual progress reports.

Article II is the Comprehensive Chlorofluorocarbon Reduction and Recycling Act and specifies regulations relating to chlorofluorocarbon (CFC) and halon reduction and recycling. Under the new law, a person who processes automobiles for salvage must remove CFCs for recycling prior to disposal or sale of the materials containing CFCs. Additionally, a person processing scrap refrigerators, central air conditioning units, or freezers must remove and recycle, destroy, or properly dispose of the CFCs.

The legislation requires that a person servicing or removing mobile air conditioning equipment or servicing refrigerators, central air conditioning units, or freezers must recapture CFCs, provide storage for the recaptured CFCs, and transfer the CFCs to a recycler; or recapture CFCs and recycle the CFCs to an allowed use.

Under Chapter 560, a person may not offer for sale or sell CFC coolants in containers weighing less than 15 pounds that are designed, or are suitable, for use in motor vehicle air conditioners except



New regulations concerning the disposal of dry cell batteries and the sale of products containing rechargeable batteries are contained in Chap. 409.

to persons who possess CFC recycling equipment and who present proof of ownership of CFC recycling equipment at the time of purchase. The sale of solvents containing CFCs in containers weighing 15 pounds or less is also prohibited. Additionally, a person may not offer for sale or sell CFC propelled party streamers or CFC noise horns.

In addition, the legislation requires that a person who recharges, services, or retires fire extinguishers must recapture and recycle halons.

The new law does not require recycling of rigid or flexible foam and does not apply to processes using CFCs or halons on medical devices, in sterilization processes in health care facilities, or by a person or facility in manufacturing or selling medical devices.

Battery disposal

New regulations relating to the disposal of dry cell batteries are created in Chapter 409. The new law, sponsored by Rep. Jean Wagenius and Sen. Gregory Dahl, prohibits the placement of dry cell batteries containing mercuric oxide electrode, silver oxide electrode, nickel-cadmium, or sealed lead-acid in mixed municipal solid

waste; requires labeling of these batteries by electrode content; establishes maximum content levels of mercury in batteries; requires that batteries in various consumer products be easily removable; and provides a misdemeanor penalty and fines for violation of these requirements.

Specifically, the new law prohibits the disposal of a dry cell battery in a mixed municipal solid waste if the battery contains mercuric oxide electrode, silver oxide electrode, nickel-cadmium, or sealed lead-acid and was purchased for use by a government agency or an industrial, communications, or medical facility. Manufacturers of these batteries must ensure that a system for the proper collection, transportation, and processing of waste batteries exists for purchasers in Minnesota, and must clearly inform each purchaser of the prohibition on disposal of waste batteries. Manufacturers are also required to notify purchasers of the system or systems available for waste battery collection, transportation, and processing.

Under the new law, the manufacturer of a button cell battery sold in Minnesota must ensure that each battery is clearly identifiable as to the type of electrode used in the battery. A manufacturer may

not sell, distribute, or offer for sale in Minnesota an alkaline manganese battery that contains more than .30 percent mercury by weight. After Feb. 1, 1992, manufacturers may not sell, distribute, or offer for sale an alkaline manganese battery containing more than 0.025 percent mercury by weight.

"Rechargeable consumer product" is defined in the new statute as a product that contains a rechargeable battery and that is primarily used or purchased to be used for personal, family, or household purposes. A manufacturer may also not sell, distribute, or offer for sale in Minnesota a rechargeable consumer product unless the battery can be easily removed by the consumer or is contained in a battery pack separate from the product for easy removal. Under the new law, the rechargeable consumer product and the battery must be labeled in a manner that is clearly visible to the consumer. The label must indicate that the battery be recycled or disposed of properly and that the battery be clearly identifiable as to the type of electrode used in the battery.

Chapter 409 makes the violation of any of these provisions a misdemeanor. Manufacturers in violation of the new law are subject to a minimum fine of \$100 per violation.

Groundwater protection

Chapter 597, sponsored by Sen. Steven Morse and Rep. Len Price, makes several changes to the 1989 Groundwater Protection Act.

The new law clarifies requirements for water well construction and ownership, and clarifies provisions for at-grade monitoring wells. Under provisions in Chapter 597, the seller of real property may provide a statement, in place of a disclosure statement, indicating that they have no knowledge of any wells on the property. Compliance with the disclosure provisions is required by Oct. 1, 1990, instead of July 1, 1990. The law also provides that failure to comply with the well identification requirements does not impair the validity of the conveyance or the record.

The legislation requires that a licensed contractor must file a report of the sealing of a well with the commissioner of health to remove liability, and must file a sealed well report when a local unit of government cost-shares the sealing of wells. The new law allows a property owner's agent or the well contractor to provide the well notification to the commissioner of health, and provides that only persons constructing drive point wells on the property they own or lease

for farming or as a place of abode are exempt from the well notification fee. The commissioner of health must establish, by rule, reduced well isolation distances for pesticide and fertilizer facilities which have spill prevention safeguards. The application fee for an individual well contractor's license is set at \$50, and a \$50 application fee for monitoring well contractor registration is also established.

Separate licenses are established for persons who are not licensed well drillers, so that they may install or repair well screens; construct, repair, or seal drive point or dug wells; install well pumps or pumping equipment; seal wells; or contract, repair, or seal dewatering wells. Chapter 597 expands the commissioner of health's regulatory and licensing powers relating to borings, dewatering wells, and the repair and sealing of unconventional wells. The legislation also directs the commissioner of health to adopt rules for the issuance of licenses to persons constructing, repairing, and sealing dewatering wells, and to persons repairing and sealing unconventional wells.

Chapter 597 also provides regulations for bulk pesticide storage. The legislation requires that a responsible party must take all reasonable action necessary to minimize or abate an agricultural chemical spillage incident. It allows the 1990 response and reimbursement fees to continue through Mar. 1, 1991; exempts pesticides sold for use outside of the state from the fees; and places a \$1,000 fee on sites where pesticides are stored for use outside of the state. Bulk pesticide stored for ten consecutive days or less is exempt from the permit requirements. The new law requires that persons wishing to build or substantially alter a bulk storage facility must obtain a permit before doing so. The application fee for the permit is established at \$50, and an additional application fee of \$250 is required from applicants that begin construction or substantial alteration prior to the application.

Under provisions in the new law, pesticide registration fees and application fees are amended. The legislation increases the pesticide special local need application fee from \$125 to \$150; increases the pesticide experimental use application fee from \$135 to \$150; and clarifies that a chemigation permit is required for fertilizer chemigation from any source of irrigation water. The new law makes the minimum pesticide registration fee nonrefundable, and requires payment of the minimum fee by Dec. 31 of the preceding year for which the application is made. The date for reporting pesticide sales for the prior year is established at Mar. 1.

Under Chapter 597, Superfund appropriations to the commissioner of finance are included in the budgets of the Pollution Control Agency and the Dept. of Agriculture. The new law amends the 1989 state department's omnibus appropriations measure to change the appropriation of Superfund to the commissioner of finance and allow access to the fund by the commissioner of agriculture and the Pollution Control Agency. The legislation also extends the Nitrogen Fertilizer Task Force from May 1, 1990, to Aug. 1, 1990.

"Once-through system" is defined in Chapter 597 as a space heating, ventilating, air conditioning (HVAC), or refrigeration system used for any type of temperature or humidity control application, utilizing groundwater, that circulates through the system and is then

photo by Tom Olmscheid



Chap. 597 refines the Groundwater Protection Act.

discharged without recirculating the majority of the water in the system components or reusing it for another purpose.

The new law requires existing once-through systems using an excess of five million gallons per year to convert to water efficient alternatives within the design life of the existing equipment. All permits for once-through systems must have terminated by the end of their design life but not later than Dec. 31, 2010. Chapter 597 requires that the water use processing fee must be based on the amount of water used during the year. A fee may not be imposed on any state or federal agency.

After July 1, 1993, at least 50 percent of the revenue from once-through systems must be used for grants, loans, or other financial assistance, as appropriated by the Legislature. The law directs the Legislative Water Commission to investigate the need and feasibility of using state bonding, grants, loans, or other financial assistance for conversion of once-through systems by nonprofit entities.

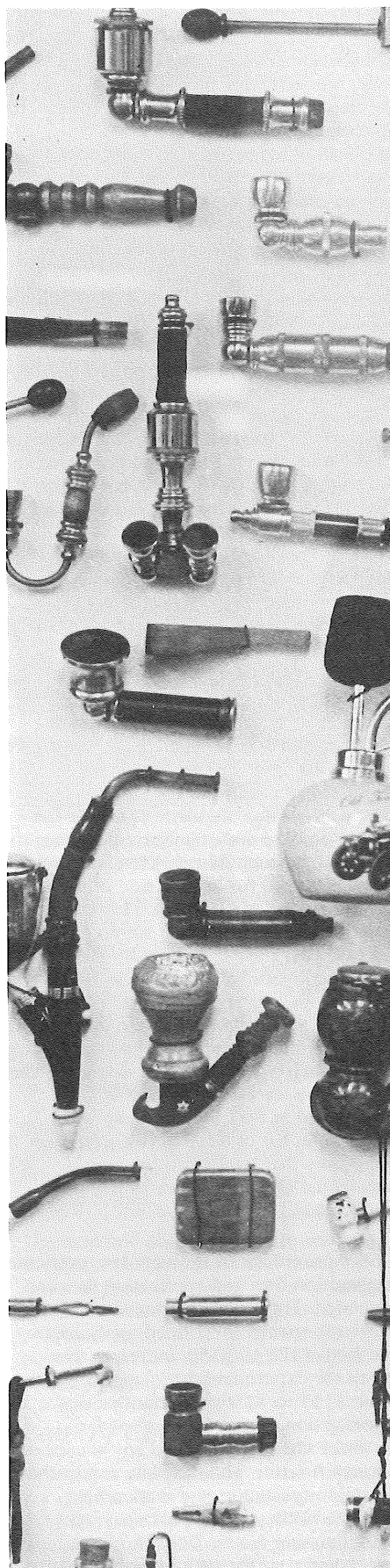
An appropriation of \$75,000 is made from the environmental account to the commissioner of agriculture for legal costs related to agricultural chemical incident responses.

Aquaculture regulation

Regulations relating to aquaculture, the raising of fish in fish farms, are contained in Chapter 502. The new law, sponsored by Sen. Charles Berg and Rep. Mary Jo McGuire, provides that the commissioner is to coordinate aquaculture programs in the state. The commissioner is also to direct the development of Minnesota aquaculture and maintain a data base of aquaculture research, demonstrations, and other related information. Finally, the commissioner is directed to prepare an annual report on the amount of fish and aquaculture products consumed in the state, where the products were produced, the opportunities for aquaculture development and impediments to the development of aquaculture in Minnesota.

The new law also regulates the transportation of minnows and changes minnow license requirements. The legislation also expands the definition of "peace officer" to include conservation officers.

Under Chapter 502, the commissioner may not restrict aquaculture by the Leech Lake Band, or Leech Lake Band members, providing it is conducted in accordance with state policies, laws, and regulations relating to aquaculture. In addition, the law provides that the issuance of the



Tougher penalties for drug offenses, including the sale or possession of marijuana, are in Chap. 602.

commercial fishing licenses may not be restricted because a person holds other licenses under the game and fish laws. Another provision contained in the new law permits the commissioner to issue commercial fishing licenses for the taking of rough fish on Lake of the Woods.

Specifically, the law allows a minnow retailer to transport minnows by common carrier without a minnow retailer's vehicle license. The minnow retailer must provide information pertaining to product, quantity and destination of the shipment if requested by the commissioner of agriculture.

Chapter 502 includes conservation officers under the definition of "peace officer." The officers are authorized to issue and serve a search warrant, and must notify the chief of police of an organized full-time police department, a sheriff, or a deputy sheriff prior to execution of the service.

Omnibus DWI legislation

Provisions that strengthen penalties for DWI offenses in Minnesota comprise Chapter 602, new legislation sponsored by Sen. Allan Spear and Rep. Ann Rest.

Article I provides for the administrative impoundment of registration plates for alcohol-related driver's license revocations. Specifically, the article directs the commissioner of public safety to issue a registration plate impoundment order when an individual's driver's license or driving privileges are revoked for a third violation within five years, or a fourth or subsequent violation within ten years. The order must require the impoundment of the registration plates of the vehicle involved in the violation and all vehicles owned by, registered, or leased in the name of the violator. Specified rental vehicles and vehicles registered in other states are exempt from the impoundment requirement. If the vehicle involved in the violation is accessible to the peace officer at the time the impoundment order is issued, the officer is instructed to seize and destroy the registration plates. However, if the vehicle is inaccessible to the peace officer at the time the impoundment is ordered, the DWI offender is given seven days after issuance of the impoundment notice to surrender all registration plates to a Minnesota police department, sheriff, or the state patrol, along with a copy of the impoundment order.

Impoundment orders may be rescinded if an individual other than the DWI violator files a sworn statement with the commissioner of public safety that he or she is the registered owner of the vehicle from which the plates have been

impounded, is the current owner or possessor of the vehicle used in the violation, was not a passenger in the vehicle at the time of the violation, and knows that the DWI violator may not drive, operate, or be in physical control of a vehicle without a valid driver's license. Two provisions also provide for the administrative and judicial review of actions taken by peace officers when executing impoundment orders. Another provision permits a DWI violator or registered owner to apply to the commissioner of public safety for new registration plates, but mandates that the new plates bear a special series of letters or numbers that are readily identifiable to traffic law enforcement officers. The commissioner is allowed to authorize the issuance of the special plates only if a member of the violator's household has a valid driver's license, the violator or registered owner has a limited driver's license, the registered owner is not the violator and he or she has a valid or limited driver's license, or a member of the registered owner's household has a valid driver's license. Non-compliance with the impoundment order, operation of a motor vehicle on a street or highway when the vehicle is subject to the impoundment order, or failure to notify the commissioner of public safety of the impoundment order when requesting new plates, qualifies as a misdemeanor.

Article II modifies procedures for chemical use assessments, programs, and funding. Under the new law, the term "alcohol problem screenings" is changed to "chemical use assessments." The new provisions mandate that chemical use assessment reports include recommendations specifying the level of care needed for individual offenders; recommendations detailing other appropriate remedial action or care needed for offenders such as educational programs, one-on-one counseling, and programs or types of treatment that address mental health concerns; and, in cases where no level of care or action was recommended for individual offenders, a specific explanation and justification for the recommendation. The article also requires courts to conduct chemical use assessments when a child is deemed or alleged to be delinquent, and directs the commissioner of public safety to reimburse counties for the cost of the assessments at a rate determined by the commissioner.

Article III of the new legislation provides enhanced penalties for DWI repeat offenders. Article IV, relating to criminal vehicular homicide, contains provisions that remove a current requirement that negligence be proven for conviction of criminal vehicular operation if a driver's alcohol concentration is at least .10, that

impose penalties of up to three years in prison and a \$10,000 fine for an individual convicted of criminal vehicular operation resulting in substantial bodily harm, that expand the crime of aggravated driving while intoxicated, and that prohibit the constructive possession of alcohol in a private motor vehicle.

Article V expands the definition of alcohol "possession," and clarifies provisions contained in current laws relating to the consumption and purchase of alcohol.

Article VI specifies that it is a crime if an individual operates, or attempts to operate, an aircraft while under the influence of alcohol or a controlled substance, and outlines a variety of enforcement and testing procedures to implement the new provisions. Specifically, if an individual's alcohol concentration is .04 or greater within two hours of operating or attempting to operate an aircraft, or if an individual is knowingly under the influence of chemicals deemed as "hazardous substances" that affect the nervous system, brain, or muscles so substantially that they impair an individual's ability to operate an aircraft, the individual is guilty of a gross misdemeanor. A misdemeanor penalty applies to an individual that has consumed alcohol or used controlled substances within eight hours of operating an aircraft, or an individual that knowingly permits a person violating the alcohol and controlled substance provisions to operate an aircraft. Article VI also includes a provision that requires the commissioner of public safety, upon determining that a nonresident's privilege to operate an aircraft in Minnesota has been denied, to inform the appropriate federal authorities

and any state in which a nonresident operates an aircraft or has a license to operate an aircraft.

Article VII, relating to controlled substance offenses, makes it a third degree crime if an individual sells five kilograms or possesses ten kilograms of marijuana; removes statutory language making it a fourth degree crime if an individual sells marijuana to a minor; and makes it a fifth degree crime if an individual possesses marijuana with the intent to sell, except for a small amount for "no remuneration." The article also includes a provision that makes it a felony, punishable by up to 35 years in prison and a \$1.25 million fine, for an individual to cross a state or international border into Minnesota while possessing an amount of a controlled substance that constitutes a first degree controlled substance crime. Article VIII permits the transfer of convicted felons to prison pending completion of a presentence investigation. The new provision applies to individuals convicted of felonies for which the sentencing guidelines presume that the defendant will be committed to the commissioner of corrections under an executed sentence, and for which no motion for a sentencing departure has been made by counsel.

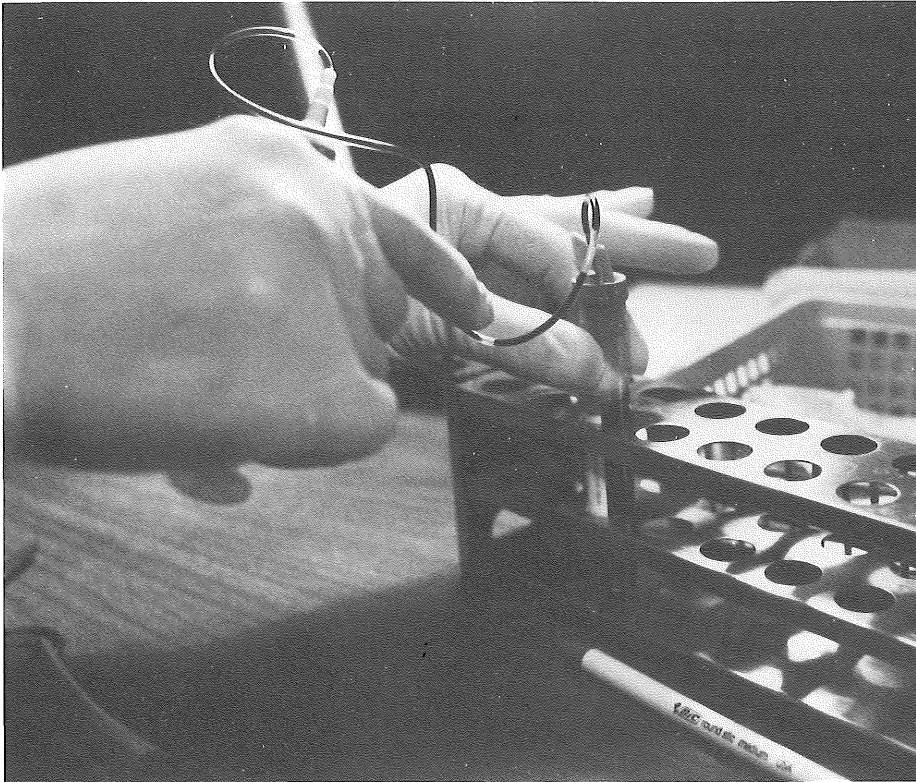
Minimum wage increase

Chapter 418, sponsored by Sen. Marilyn Lantry and Rep. Randy Kelly, raises the minimum wage in Minnesota. An employer with less than \$362,500 in annual gross receipts is considered a "small employer," and must pay each employee at least \$4.00 an hour beginning Jan. 1, 1991. A "large employer" is defined as one with more

photos by Tom Olmscheid



A new minimum wage is set by Chap. 418. Small employers must pay \$4.00 per hour beginning Jan. 1, 1991.



The law also prohibits a lessor, without permission from a lessee, from contacting a lessee at the lessee's place of work, or at any unusual time or place, regarding the recovery or repossession of property. The measure also regulates the lessor's communications with others concerning the lessee.

Also included in the law are: requirements for the form upon which is provided the required information; regulations for advertisements for rental-purchase agreements; conditions relating to the enforceability of a rental-purchase agreement with respect to default; an option for early purchase; and penalties and remedies.

Bone marrow donor drive

Encouraging persons to volunteer as bone marrow donors is the intent of Chapter 536, carried by Sen. Gene Merriam and Rep. Charlie Weaver. The legislation creates three programs related to this objective. First, the commissioner of health is directed to educate state residents about the need for bone marrow donors, the procedures and the medical risks involved. The educational program is to be conducted through the press, radio and television, and will involve placing information in health care facilities, blood banks, and drivers' license issuance and renewal facilities.

A second provision of the legislation requires employers of twenty or more persons to grant paid leaves of absence to an employee who wishes to donate bone marrow. The combined length of the leaves may be up to 40 work hours.

Finally, the commissioner of health, in conjunction with the commissioner of employee relations, is directed to conduct a bone marrow donor drive aimed at state employees. The drive is to be completed by June 30, 1991.

A total of \$55,000 was appropriated for the various programs, including \$40,000 for bone marrow donor education and \$15,000 to pay the costs of typing the tissue of the first 200 state employees recruited through the donor drive.

Two-tier hockey requirement repealed

Chapter 425 repeals the requirement that the Minnesota State High School League conduct a two-tier hockey tournament, as well as the requirement that the league develop a plan to conduct a two-tier tournament and report it to the Legislature. The requirement, approved by the 1989 Legislature, was an attempt to allow more young people a greater opportunity to participate in a state high

Chap. 536 creates three programs to encourage bone marrow donors.

than \$362,500 in annual gross receipts, and as of Jan. 1, 1991, must pay each employee at least \$4.25 an hour.

The new law prohibits employers from paying a "training" or "student" wage, as some employers are currently allowed to do. Any federally covered employer who ceases to be covered under the federal law because of the 1989 amendments to the Federal Fair Labor Standards Act must pay employees no less than the minimum wage in effect for such employees prior to the changes in federal law.

Of the estimated 150,000 state workers who are affected by the law, approximately two-thirds are women, and approximately one-third are heads of households. The increase will mainly affect the hospitality and service industry.

Rent-to-own contracts regulated

Rental-purchase agreements, or "rent-to-own" agreements, are regulated under Chapter 527, a consumer protection measure sponsored by Rep. Rich O'Connor and Sen. Gregory Dahl. The law applies to agreements for personal property for personal, family, or household use.

Under the law, rental-purchase agreements must contain: the total dollar amount of payments necessary to acquire ownership

of the property accompanied by an explanation; the total number, amounts, and timing of all payments and other charges that are paid to or through the lessor and are necessary to acquire ownership of the property; a statement that the lessee is liable for loss or damage to the property and the maximum amount for which the lessee may be liable, which is limited in the measure; the cash price of the merchandise; and the difference between the total dollar amount of payments and the cash price of the leased property. Cash price is defined as "an amount equal to the equivalent fair market value for goods offered under a consumer credit sale," as provided under current statute. In addition, the chapter requires the commissioner of commerce to adopt rules governing cash price limits for the agreements and provides for their effective date.

Lessees also have reinstatement rights provided for in the law. A lessee who fails to make timely lease payments may reinstate the original agreement without losing anything if, after failing to make the payment, the lessee surrendered the property to the lessor within seven days of a request made by the lessor; and, if the lessee has paid less than 60 percent of the total of payments and not more than 60 days have passed since the lessee returned the property. If the lessee has paid more than 60 percent of the total, the time limit is extended to 180 days.

school hockey tournament. Supporters of withdrawing the requirement said that the Legislature had no business being involved in the issue. The measure was sponsored by Sen. Roger Moe and Rep. Robert Milbert.

Lawful gambling regulation changes

Chapter 590, sponsored by Sen. Marilyn Lantry and Rep. Joe Quinn, amends legislation regulating lawful gambling. It further regulates the burgeoning gambling industry through greater surveillance of contributions and expenditures, new requirements for persons working within the industry and greater restrictions on the actual conduct of games.

In an effort to more clearly define the ways in which lawful gambling profits may be used, the concept of "lawful purpose" is redefined in Chapter 590. Specifically these purposes include contributions to or expenditures by 501(c)(3) organizations (organizations exempt from the payment of federal income taxes under section 501 (c)(3) of the Internal Revenue Code). Permitted uses of lawful gambling profits include contributions to public or private nonprofit educational institutions; individuals or families, for relief of hardship; recreational, community and athletic facilities and activities that are intended for young people as long as the

facilities do not discriminate on the basis of gender; and contributions or expenditures by religious organizations. Expenditures for property taxes, up to \$7,200 a year or \$600 a month, and local and federal gambling taxes are also allowed as lawful purpose expenditures. In addition, there is a new provision regarding state gambling taxes which allows organizations to claim two percent of the tax on the ideal gross on pull-tabs and tipboards as lawful purpose as well as ten percent of the gross profit on bingo. The state unrelated business income tax is now a lawful purpose expenditure as well.

Specifically excluded from the definition of "lawful purpose" are campaign contributions, lobbying expenses, unauthorized building expenses, contributions to gambling organizations' national parent organizations in return for anything of value, and contributions from one gambling organization to another unless sanctioned by the board. Organizations are also prohibited from paying rent to themselves or to an affiliate organization.

The amount that an organization may spend on lawful purposes was changed. The change was made to increase from 55 to 60 percent the maximum percentage of gross profits (less gambling taxes) that may be used for bingo expenses. The 50 percent expense maximum that applies to other forms of gambling (pull-tabs, tipboards, etc.) may be applied to gross

profits less only the "combined receipts" tax. Unlawful expenditure of gross profits from lawful gambling is a crime under the penalty provisions of the new law. Penalties vary depending on the amount of money involved. Furthermore, to discourage organizations from obtaining loans which are dependent on gambling receipts, the new law also prohibits organizations from entering into lending agreements that use gambling proceeds as collateral.

In order to track expenditures and contributions more accurately the law authorizes the Gambling Control Board to adopt standards regulating organizations' handling of contributions and expenditures. One new standard requires that rent and all expenditures of gambling receipts, after prizes, be made from an organization's gambling account except in cases of emergency. All organizations must also submit itemized expenditure and contribution reports to the Gambling Control Board on a monthly basis. The 501(c)(3) organizations receiving contributions or claiming gambling profit expenditures must meet board specified standards that regulate the amount those organizations may spend on administration and operating costs. In addition, recipient organizations must also register with the board. Annual audits will now require that an organization's gambling account be reconciled with an organization's reports to the board.

photo by Tom Olmscheid



The requirement that there be a two-tier high school hockey tournament was repealed by Chap. 425.

Chapter 590 also contains provisions for increased regulation of distributors and manufacturers of gambling equipment, gambling managers and gambling employees. The board may now require fingerprinting of any person involved in conducting gambling. Any distributor, manufacturer, or gambling manager will be denied a license if the person has ever been convicted of a felony. Distributors are prohibited from recruiting gambling managers for organizations, identifying gambling sites for organizations, and from buying gambling equipment from anyone other than a manufacturer or selling equipment to anyone other than a licensed organization or Indian tribe. Manufacturers are prohibited by the law from being licensed as distributors. Both distributors and manufacturers are prohibited from extending more than 30 days credit for the sale of gambling equipment. Furthermore, gambling managers are restricted to the management of only one gambling organization. The bond amount for gambling managers is raised from \$10,000 to \$25,000 and the fee for a gambling manager license mandated by the new law is \$100. Gambling managers will also be required to complete some training.

In an attempt to cut down on insider information Chapter 590 also prescribes new gaming guidelines. The new law requires that an organization must post the "major prizes" in a pull-tab deal that have been awarded. A "major prize" is defined as any prize that is at least 50 times the face value of a pull-tab. Any prize winner of \$50 or more is required to present identification to a gambling employee. The act of employees providing insider information or customers receiving insider information is a gross misdemeanor on the first offense and a felony on any second offense in a five year period.

Gaming equipment is also subject to new regulation under the new provision. Last fall's Legislative Task Force on Lawful Gambling found that it is difficult to insure the legality of pull-tabs when they are manufactured outside of Minnesota. Therefore, beginning July 1, 1992 all pull-tabs must be manufactured in Minnesota and marked accordingly. All video games of chance currently legal in Minnesota, including poker and blackjack video machines, will be prohibited effective Jan. 1, 1992. This prohibition, however, will not affect any compact between the state and an Indian tribe. Furthermore, switches on video games that allow the cancellation of credits or replays are illegal. Organizations are also barred by the new law from accepting a check in payment for gambling equipment or chances. In addition, local units of

government are authorized to enact provisions regulating video games of chance more strictly than the state. To conform with the new law, manufacturers must display pertinent information about their product on the flare of each pull-tab or tipboard. Manufacturers and distributors must also file their prices for gambling equipment monthly with the Gambling Control Board. Chapter 590 directs the board to require manufacturers to submit samples of gambling equipment for testing. Employees of the board and the Depts. of Revenue and Public Safety are also given the authority to remove gambling equipment from the inventory of distributors or organizations for testing purposes.

Some provisions of the law enact new regulations relating to premise permits. Previously an organization was required to have a separate license for each gambling site. The law now requires that each organization have one license, issued at no cost, but a separate permit for each site where it conducts gambling. The annual fee for a premise permit is the same as that previously charged for a license (from \$75 to \$200, depending on the types of gambling being conducted). This arrangement will enable the board to more easily rescind an organization's license (at all premises) in the event of a violation. The board may limit the number of permits issued to an organization. The new law also makes it necessary for organizations to receive affirmative local approval in order to open a lawful gambling site. The board is not permitted to issue a premise permit or a bingo hall license without receiving a

resolution from the city council or county board approving the premise permit or bingo hall license.

Organizations involved in bingo are also affected by the new law. No bingo hall license will be issued to any person who has ever been convicted of a felony. Bingo hall operators are prohibited from assisting or participating in the conduct of lawful gambling in a bingo hall. Bingo operations will be allowed to increase the number of bingo occasions during one week from 18 to 21. In addition, the law allows an increase in the number of days, from six to 12, an organization may conduct bingo at a county fair, the state fair, or a civic celebration. All bingo cards sold after Dec. 30, 1990 are to be individually numbered and maintained in numerical order as mandated by the new law.

Administrative changes in the new law transfer the powers and duties relating to video games of chance from the Division of Liquor Control to the Division of Gambling Enforcement of the Dept. of Public Safety. In addition, the position of executive assistant to the director of the Division of Gambling Control in the Dept. of Gaming is created. Technical provisions relating to the administration of the state lottery are also enacted.

Two extensively publicized provisions were ultimately not incorporated into the final bill. One provision would have placed a 1993 sunset date on the entire lawful gambling operation in Minnesota. Another provision would have allowed the board to issue up to 100 licenses for video pull-tab devices to be used on an experimental basis.



Chap. 548 requires that bottom-load dump trucks be equipped with flaps attached to the rear of the axles and that trucks carrying sand, gravel, dirt or similar material be properly loaded or securely covered.

Family law changes

Chapter 574 amends laws relating to maintenance and support orders, and child custody proceedings. The legislation, sponsored by Sen. Allan Spear and Rep. Randy Kelly, also enacts numerous technical changes and includes an appropriation of \$890,000 to improve the access of low-income clients to legal representation in family law matters.

Statutes relating to joint custody are amended to allow the court to presume that joint legal custody is not in the best interest of a child if domestic abuse has occurred between the parents. If the court awards joint custody in such a case over the protests of one party, the court must submit detailed findings which demonstrate that joint custody is in the best interests of the child.

Chapter 574 also establishes special standards and procedures to be applied if a parent or other person seeking custody or visitation rights has been convicted of certain crimes. The person seeking custody or visitation has the burden of proving that it is in the best interests of the child. In addition, a sentencing court is required to refer a case to family court if a person who has court-ordered custody or visitation is convicted of certain crimes.

To more clearly define what constitutes "mediation," the new law establishes the purpose of mediation. Mediation is intended to develop an agreement that is supportive of the child's best interests, but mediators have no coercive authority. A mediation agreement cannot be made enforceable unless the parties and their counsel ask the court to adopt the agreement.

Child support guidelines, used to determine child support payments, are amended by the new law. The court is required to specify a dollar amount when making its decision. Under the new law, the assessment of a child support payment amount excludes from the definition of "net income" any income earned in excess of a 40-hour work week. Furthermore, if one spouse presents a motion for modification of support, income earned in excess of a 40-hour work week is not to be considered in determining the modification. If the obligor has not made past support payments in full, however, the new law requires the obligor to use income from excess employment to make backpayments.

In addition, Chapter 574 allows modifications of maintenance or support orders to be retroactive in certain cases. In cases where a party seeking



The first Sunday in June is designated Ethnic American Day under Chap. 405.

modification is precluded from serving a motion due to physical or mental disability or due to material misrepresentation of another party, and the motion is promptly served when the party is no longer precluded from doing so, the modification may be retroactive. This provision is contingent on the Dept. of Human Services obtaining a waiver of, or change in, the federal AFDC requirements that prohibit retroactive modification.

Under the new law, the court must consider and evaluate an amended set of factors in determining the best interests of the child in a custody case. In addition to modifying old factors, Chapter 574 also asks that the court consider new factors that take into account the child's care-

taker; the interaction and interrelationship of the child with siblings or any other person who may significantly affect the child's best interests; and the effect on the child of the actions of an abuser if related to domestic abuse. The new law also specifies that the court may not use one factor to the exclusion of all others.

Tort reform

Chapter 555, sponsored by Sen. Ember Reichgott and Rep. Howard Orenstein, makes several changes in the laws relating to civil liability issues.

The measure addresses the reduction of damages in an action under no-fault automobile insurance by providing that the deduction for basic economic loss

benefits must be made before the claimant's damages are reduced under the comparative fault statute. The collateral source statute is amended to provide that the deduction of collateral sources must be made before the claimant's damages are reduced under the comparative fault statute. Additionally, the comparative fault statute is amended to make it clear that it applies to claims for economic loss.

The new law changes the standards that apply to an award of punitive damages from "willful negligence" to "deliberate disregard." A defendant acts with deliberate disregard for the rights or safety of others if the defendant has knowledge of facts or intentionally disregards factors that create a high probability of injury, and deliberately proceeds to act in conscious or intentional disregard or with indifference to the high probability of injury.

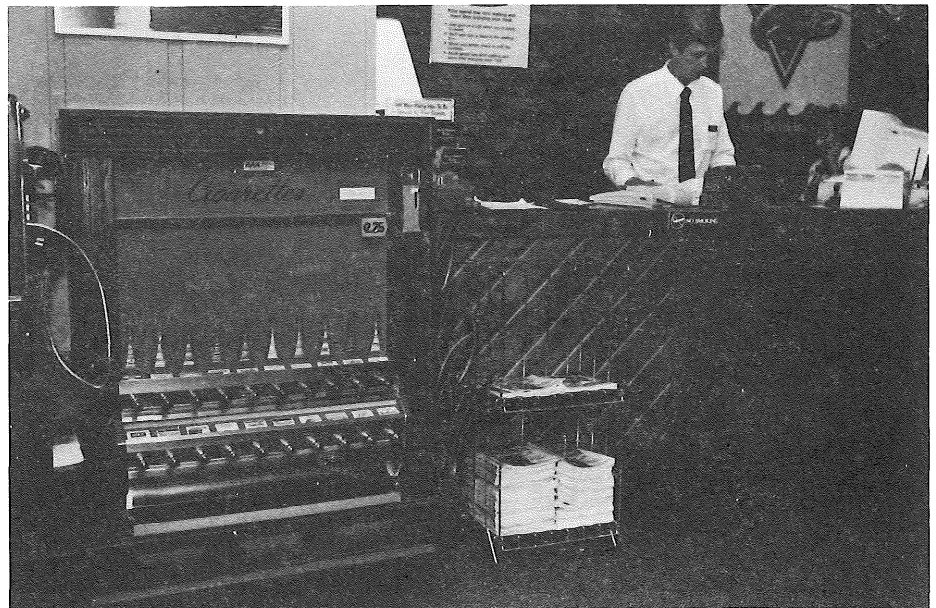
Under provisions in Chapter 555, the amount of claims that may be settled without court approval under the municipal compromise of claims statute is increased from \$2,500 to \$10,000. The new law abolishes the doctrine of last clear chance, and the definition of "fault" is amended in the comparative fault statute to include primary assumption of risk and the defense of complicity as elements of comparative fault under the Dram Shop Law.

Chapter 555 changes the standards for immunity from liability for food facilities donating or distributing food to a food bank or other nonprofit charitable organizations. A food facility is not liable for any injury if the food is fit for human consumption at the time of donation and is distributed by the food bank or nonprofit organization to the elderly or needy at no charge.

The new law authorizes peace officers to operate vehicles without lights when necessary to investigate a criminal violation, and directs the Peace Officers Standards and Training Board to adopt standards governing the use of vehicles without lights. The new law also provides that volunteer ski patrollers are immune from liability for any civil damages. Chapter 555 preserves common law tort law claims against adults who knowingly provide alcoholic beverages to minors.

Cigarette vending bill

In an attempt to stop minors from buying cigarettes, the sale of tobacco by vending machines is strictly limited under Chapter 421. The measure does not restrict the sale of tobacco from vending machines in areas within factories, businesses, offices, or other places not open to the general public or accessible by minors. However,



The location and accessibility of cigarette vending machines is strictly regulated under Chap. 421. The goal of the new law is to prevent minors from purchasing tobacco.

in an on-sale liquor establishment or an off-sale liquor store, cigarettes may only be sold from the machines if the machines are located within the plain view and control of an employee, rather than in an unmonitored area, and are inaccessible to the public when the establishment is closed. The machines may be located in other establishments only if they meet the same requirements and are also operable only by activation of an electronic switch operated by an employee or by insertions of tokens sold by an employee.

The law, sponsored by Rep. Bob McEachern and Sen. James Metzen, also specifically states that local units of government may adopt stricter rules than those provided in the law.

Harassment prevention

Chapter 461, sponsored by Rep. Randy Kelly and Sen. John Marty, seeks to restrain and provide penalties for acts of harassment.

The new law permits individuals to request that the commissioner of public safety hold the individual's residence address as private information. Under provisions in the new law, it is a gross misdemeanor for a person to commit more than one act of harassment within six consecutive months. Additionally, it is a gross misdemeanor for a person who has been convicted of assault or making terroristic threats to commit harassment against the same victim within five years of the conviction, or against any victim within two years after the conviction.

Under Chapter 461, a person who is a victim of harassment may seek a

restraining order from a district court. The parent or guardian of a minor who is a victim of harassment may seek a restraining order from the juvenile court on behalf of the minor. The individual must petition for relief, and must allege facts sufficient to show the name of the alleged harassment victim; the name of the respondent; and that the respondent has engaged in harassment. The petition must be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

The court may then issue a temporary restraining order, requiring that the respondent of the order cease or avoid the harassment of another person. Under the new law, the court may issue the order without notice being given to the respondent. The temporary order is in effect until a hearing is held on the issuance of the order, at which time the court may grant a restraining order. When a temporary restraining order or a restraining order is granted and the respondent knows of the order, violation of the order is a misdemeanor. In addition a peace officer may arrest without a warrant if the officer has probable cause to believe an order has been violated. The legislation requires that local law enforcement receive a copy of the order, and that the respondent receive notice of the order and of the penalties for violation of the order.

Vehicle lights

Chapter 482, sponsored by Sen. Lyle Mehrkens and Rep. Steven Sviggum, requires all Minnesota motorists to activate vehicle lights at any time when it

is raining, snowing, sleeting, or hailing. The new legislation also specifies that a violation of this law is not negligence per se or prima facie evidence of negligence. In addition, Chapter 482 contains provisions that require handicapped parking signs to include language indicating that violators are subject to fines of up to \$200, and that prohibit law enforcement agencies from ordering, mandating, requiring, or suggesting that peace officers use traffic citation quotas.

Homeless concerns

The Housing Financing Agency is directed to review and coordinate all homelessness-related services and activities currently provided by state agencies under provisions included in Chapter 520, a new law that modifies portions of Minnesota's housing policy, carried by Sen. Lawrence Pogemiller and Rep. Richard Jefferson. The legislation also provides the Housing Finance Agency with the authority to use up to 20 percent of funds deposited in the housing trust fund for home ownership projects.

In a related provision contained in the omnibus bonding package, a provision sponsored by Pogemiller deposits a total of \$1.5 million into the newly-created local government unit housing account. The funding is designed to provide grants and loans to local governmental units to finance the purchase, improvement, and rehabilitation of existing housing properties for the purpose of providing transitional housing. Local governmental units are also eligible to obtain loans or grants from the account to finance the rehabilitation and modernization of publicly owned housing units, and to finance the acquisition and rehabilitation of federally subsidized multifamily rental housing for the purpose of preserving the housing for the use of low-and moderate-income people. The Housing Financing Agency is charged with administering the program.

Hennepin County jail

Chapter 592, carried by Sen. Michael Freeman and Rep. Bill Schreiber, permits Hennepin County to issue and sell \$20 million in general obligation bonds to finance the construction of a public safety building and related facilities. The revenue is to be used for land acquisition planning, design, site preparation, and other preliminary work on the structure.

The legislation also establishes a planning process that must be carried out before the bonds can be sold. The process includes a comparative analysis of alternative sites for the jail, taking into account factors such as proximity to the county courthouse, potential construction or legal delays for each site, and

integration into the long-range physical plan for the city of Minneapolis. The county is also required to study various plans relating to physical structure and operational costs, and consider the possibility of continuing to use the present facilities for at least ten additional years.

Extended area service

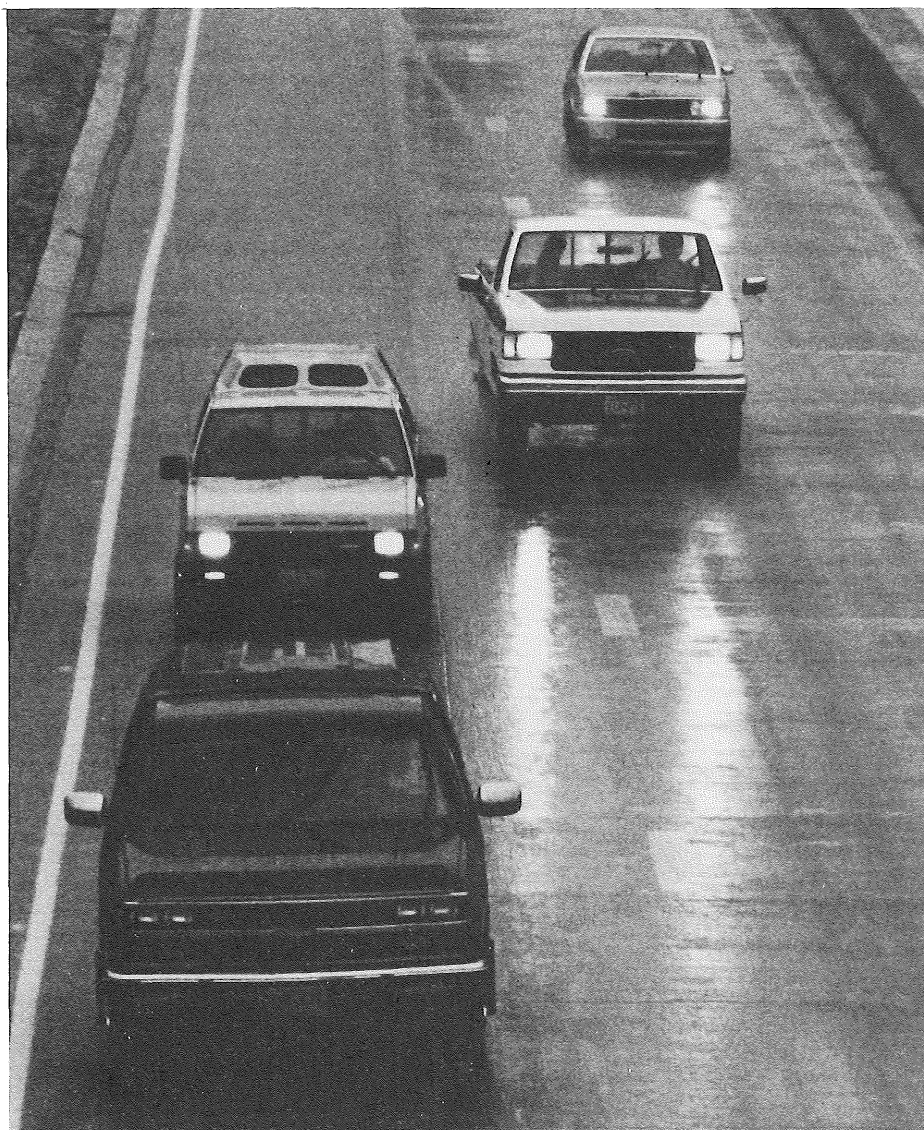
Permitting the controlled expansion of extended area service (EAS) in telephone exchanges throughout Minnesota is the goal of Chapter 513, sponsored by Rep. Joel Jacobs and Sen. Robert Schmitz.

Under the new law, the Public Utilities Commission (PUC) must grant EAS installation if a petitioning exchange is contiguous to an exchange or local calling area to which EAS is requested, if polling conducted by the commission shows that a majority of a petitioning exchange's

customers favor its installation, and if a commission-sponsored traffic study determines that at least 50 percent of a petitioning exchange's customers make one or more telephone calls per month to an exchange or local calling area to which EAS is requested. The legislation contains a provision mandating that telephone companies serving a petitioning exchange must offer local measured service or another lower cost alternative to basic flat-rate service to petitioning exchange customers if the local calling area to which EAS is sought is the seven-county Metropolitan Area.

The law also specifies that 75 percent of costs associated with providing EAS to the metropolitan local calling area must be apportioned to the petitioning exchange, with remaining costs apportioned to the exchange or exchanges to which EAS is requested. If the proposed EAS is not the metropolitan local calling area, the PUC is

photo by Tom Olmscheid



All motorists are required to use headlights during inclement weather under Chap. 482.

directed to determine cost apportionment, provided that between 50 and 75 percent of the costs are allocated to a petitioning exchange.

State boundaries may not be crossed to establish EAS under the legislation, but an exchange may be added to an existing interstate EAS. In addition, Chapter 513 directs the PUC, by July 1, 1991, to expand the metropolitan EAS local calling area to include each local service telephone exchange served by a central office or wire center located within the Metropolitan Area if a majority of consumers in a petitioning exchange favor inclusion in the metropolitan local calling area.

Garage door safety measure

Chapter 414, sponsored by Sen. Sam Solon and Rep. Robert Milbert, regulates garage door openers in Minnesota. The chapter requires that garage door openers in residential buildings must, by Jan. 1, 1993, include an attached edge sensor, safety beam, or similar device that when activated causes a closing door to open and prevents an open door from closing. By Jan. 1, 1991, automatic garage doors must conform to the published safety requirements of Underwriters Laboratories, Inc.

The law also prohibits any person from manufacturing, selling, or installing an

automatic garage door opening system for residential buildings that does not comply with the requirements. The law prohibits any person from servicing or repairing an automatic garage door opener for residential buildings that does not comply with the requirement regarding the safety standards of Underwriters Laboratories, Inc., unless the service is to bring the opener into compliance. In addition, the law requires renters to notify the property owners within 24 hours of a nonfunctioning or malfunctioning reversing mechanism in an opener.

Driver's license "living will" designation

Chapter 510, sponsored by Rep. Alice Hausman and Sen. Jim Vickerman, directs the Dept. of Transportation to issue, renew, or reissue a driver's license or Minnesota identification card bearing the designation "living will" at the written request of an applicant and on payment of the required fee. Language denoting the availability of the a designation must be included on all driver's license application forms.

Security guard regulation

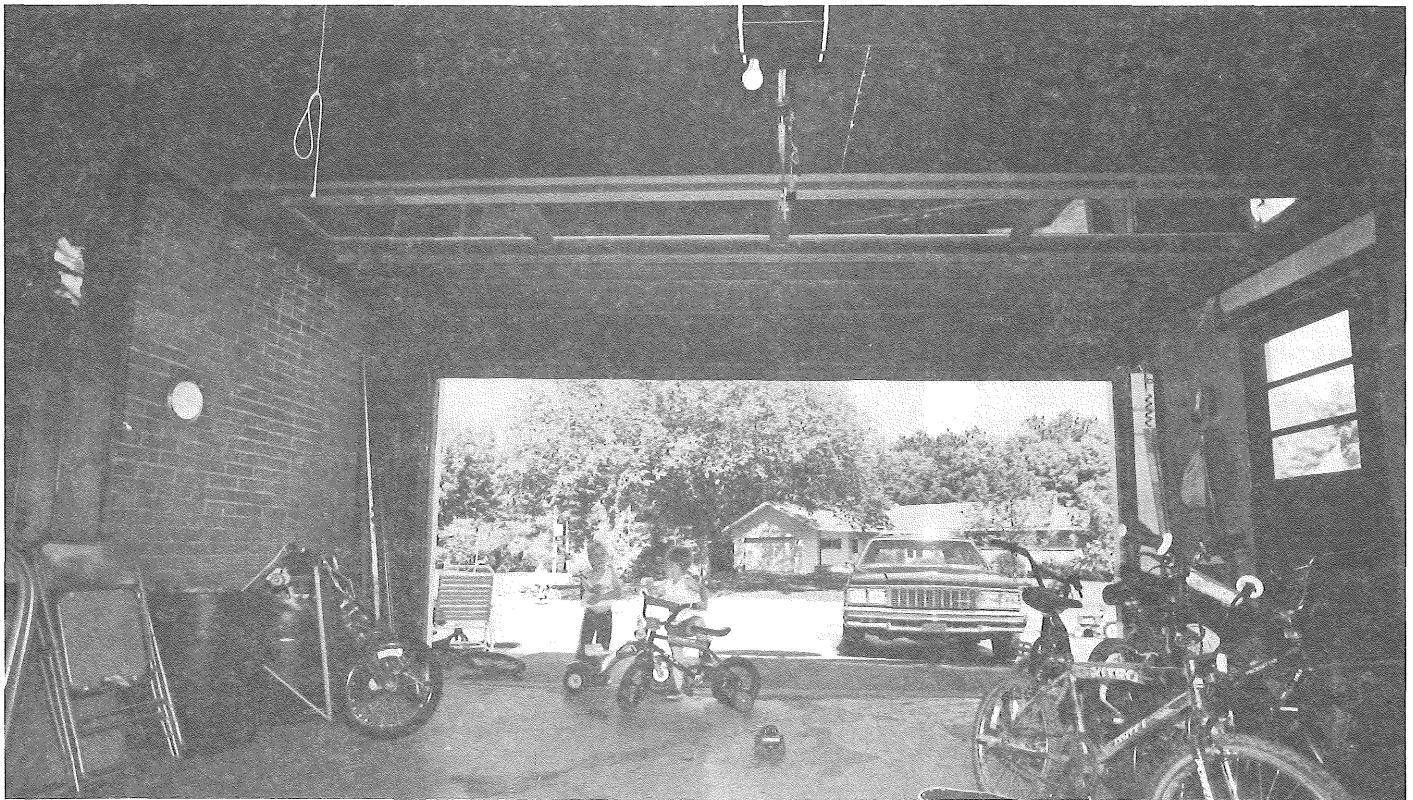
The actions of security guards and protective agents during a labor dispute are the subject of Chapter 485, sponsored by Rep. Joseph Begich and Sen. Ronald Dicklich. The legislation also addresses

the training required for certification as an armed employee, defined as an employee of a private detective or protective agent who at any time in the performance of duty wears, carries, possesses, or has access to a firearm.

Security guards are prohibited, during labor disputes, strikes, and lockouts, from engaging in activities falling within five categories outlined in the measure. The outlawed behavior includes inciting, encouraging, or aiding in the incitement or encouragement of any participant to do unlawful acts against the person or property of anyone; photographing a participant when neither that person nor the photographer is on the premises being protected; stopping or detaining any vehicle unless the vehicle is on the premises being protected; conducting surveillance of participants, when neither the participant nor the person conducting the surveillance is on the premises being protected; and engaging in any other activities intended to intimidate or provoke a participant. A person violating these provisions is guilty of a gross misdemeanor, and will have their license suspended for 60 days for the first violation, six months for the second violation, and one year for the third.

The legislation also requires the Board of Private Detectives and Protective Agent Services to establish training programs for

photo by Tom Olmscheid



Chap. 414 requires that automatic garage door openers have a device that causes a closing door, upon meeting resistance, to open and prevents an open door from closing accidentally.

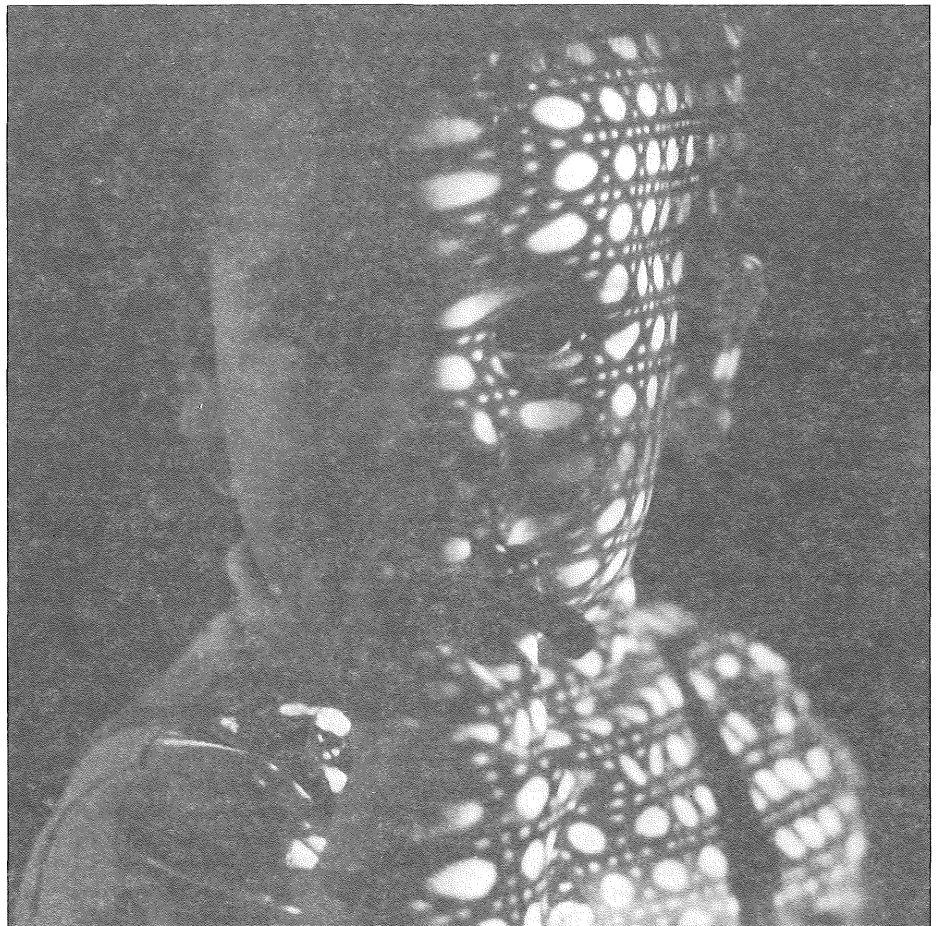
armed employees. The programs must include first aid and firearm training, training in the use of weapons other than firearms, and on-the-job training prior to certification. In addition, armed employees must receive 12 hours of continuing education a year, including annual certification. No employee will be allowed to carry or use a weapon or restraint technique without being certified by the board.

Child protection

Comprehensive legislation that provides improved procedures to protect the safety and welfare of abused and neglected children in Minnesota comprises Chapter 542, sponsored by Rep. Kathleen Vellenga and Sen. Ember Reichgott.

The new law creates a legislative commission on child protection and directs commission members to analyze and make recommendations regarding federal, state, and county funding, along with child protection system responsibility issues; to develop ways to maximize the use of federal funding sources to enhance state child protection efforts; and to encourage and facilitate child protection service funding, with an emphasis placed on prevention and treatment activities. The legislation also directs the commissioner of health to encourage all on-sale and off-sale liquor establishments to display, in prominent locations, posters informing pregnant women of the dangers of alcohol use.

Chapter 542 mandates that the commissioner of human services, when amending rules governing facilities serving emotionally disturbed children, include provisions that prohibit the use of corporal punishment. The commissioner must also include provisions prohibiting restrictive techniques or procedures that restrict a client's normal access to nutritious diet, drinking water, adequate ventilation, necessary medical care, ordinary hygiene facilities, normal sleeping conditions, and necessary clothing. Current background check procedures on applicants providing services under the state's Human Services Licensing Act are also broadened to include examination of an applicant's juvenile court delinquency records. The new law specifies that the primary consideration in all cases in which a child is alleged to need protection or services is "the best interests of the child," and prohibits the adjournment or continuance of child protection hearings and termination of parental rights hearings for more than one week unless the court specifically finds that longer adjournment or continuance is also in the child's best interests.



Protecting the welfare and safety of children is the goal of Chap. 542.

In addition, Chapter 542 makes it easier to terminate parental rights in cases in which a parent is chemically dependent and either refuses treatment or has failed at least twice to complete a treatment program, or in cases where the parent has been convicted of causing the death of another of the parent's children. The legislation also increases the maximum penalty for malicious child punishment resulting in great bodily harm to ten years in prison and a \$20,000 fine, and specifies that an individual assaulting a minor who has engaged in a past pattern of child abuse against the minor may be sentenced to a maximum of five years in prison and assessed a \$10,000 fine.

Chapter 542 also includes provisions that permit local social service or law enforcement agencies to disclose child abuse report information to social service or child welfare agencies located in other states; that require physicians to administer toxicology tests to pregnant women under the physician's care within eight hours after delivery if the physician suspects the patient of using controlled substances for nonmedical purposes; that direct counties to establish multidisciplinary child protection teams; that require the attorney general and the

Dept. of Human Services to study existing data practices laws that affect the child protection system; that direct the commissioner of public safety to determine the feasibility and costs of establishing a statewide computerized child abuse data system; that request the Minnesota Supreme Court to study whether judges in juvenile court cases involving allegations of child abuse or neglect are frequently or appropriately removed, or whether there is adequate special training for the judges hearing such juvenile court cases; and that require the Dept. of Human Services to study the use of permanency planning and alternative dispositions for children placed in out-of-home care, children that cannot be returned to their families, and in cases where termination of parental rights is not in the child's best interest. Chapter 542 also contains a provision that transfers \$45,000 from the Children's Trust Fund to finance a portion of an existing child abuse telephone hotline.

Campaign finance reform

Substantive campaign finance and ethics reform measures are contained in Chapter 608, sponsored by Sen. William Luther and Rep. Linda Scheid. The legislation also

contains provisions relating to judicial merit selection, lobbyist disclosure, and extension of open meeting requirements.

The most controversial aspects of the new law are the voluntary spending limits placed on candidates for the U.S. Senate and House of Representatives. The limits are set at \$3.4 million for the Senate and \$425,000 for the House. In the event a candidate agrees to abide by these limits, but their opponent does not, that candidate would receive a public subsidy of up to 25 percent of the limit and would not have to abide by the limit. Candidates must provide an equal match to the amount of subsidy received. If both candidates agree to abide by the limits, neither candidate would receive a subsidy. These provisions become effective Jan. 1, 1991.

The legislation also significantly restructures state campaign practices. Principal campaign committees and "friends of" committees are prohibited from conducting fund-raisers during a regular legislative session. This includes contributions from a registered lobbyist, political committee, or political fund. This section does not apply to a political committee established by a state political party. A more detailed disclosure of disbursements or expenditures made as a third party reimbursement is also required. The measure raises the non-election year contribution limit for Senators to \$500 and for Representatives to \$250. The election year limits are \$1500 for the Senate and \$750 for the House. Candidates who receive contributions from more than one committee of another candidate are required to aggregate those contributions for purposes of the limit. Public financing for special elections is also provided for. The subsidy is to be equal to the sum of the party account money at the last general election for the office the candidate is seeking, and the general account money paid to candidates for the same office at the last general election. Candidates who receive public funds in all state elections are required to raise 20 percent of the available subsidy in order to be eligible. Finally, the measure allows for a tax credit for contributing to candidates or political parties of up to \$50 for an individual or \$100 for a married couple.

Lobbyist disclosure is another area of concern addressed by this legislation. The definition of lobbyist is expanded to include persons hired by a political subdivision or public higher education system who spend more than 50 hours a month lobbying. Lobbyists are prohibited from serving on the Ethical Practices Board. The legislation requires lobbyist disbursement reports to separate spending to influence legislative action from that

for administrative costs. A similar separation of sources of funds in excess of \$500 per year is required. Reporting of local official lobbying is now mandatory.

An individual or association spending more than \$500 a year to engage a lobbyist must prepare an annual report detailing the total dollar amount, within graduated categories, spent on lobbying legislative, administrative, and metropolitan government action. The total reported must reflect all direct payments to lobbyists, all expenditures for advertising, mailing, research and public relations campaigns related to lobbying, and all salaries and administrative expenses attributable to lobbying. The new law also authorizes random audits of these reports.

Another major initiative within Chapter 608 is the creation of a Commission on Judicial Selection to make recommendations to the governor for filling District Court judgeships. The commission is to have seven at-large members serving at the pleasure of the governor, with no more than five being attorneys; two at-large members appointed by the Supreme Court justices for four-year terms, with no more than one being an attorney; two members from each judicial district, serving at the pleasure of the governor, with no more than one being an attorney; and two members from each judicial district appointed by the Supreme Court justices for four-year terms, with no more than one being an attorney. District members participate only when the commission has a vacancy for that district before it.

Within ten days after a judicial vacancy occurs, the governor must notify the commission chair, who will call a meeting of the appropriate members between 21 and 42 days after reviewing the notice. The commission must notify the public of the vacancy, request applications by or on behalf of qualified persons, and specify the deadlines for submitting applications. Notice of District Court vacancies must be given to attorney associations in the district and to at least one newspaper in each county in the district. Within 60 days after receiving notice of a vacancy, the commission must send the governor between three and five names for the vacancy. The governor may appoint a commission nominee, or select an individual who was not recommended. If fewer than 60 days remain in the term of an outgoing governor, the governor may fill vacancies without waiting for commission nominees.

The measure also establishes that all legislative meetings are to be open to the public, when a quorum is present and

action is taken within the group's jurisdiction. House and Senate sessions, joint sessions, meetings of a standing committee, division, subcommittee, conference committee, and legislative commissions are covered under this provision. Caucuses of members from the same party and house and delegations from a political subdivision or geographic area are excluded.

Other minor provisions of the chapter include requiring an elected or appointed metropolitan government unit to disclose conflicts of interest under the same statute that now applies to state officials. In addition, if either a state or local official is unable to abstain from an action involving potential conflict, the individual must file with the local governing body a statement describing the situation, within a week of taking the action. Local government officials are required to file economic interest statements with the governing body where they work or serve.

Pay equity

Chapter 512, sponsored by Sen. Linda Berglin and Rep. Wayne Simoneau, attempts to facilitate the implementation of pay equity plans by governmental units. Both the definition of pay equity and the process established for achieving it are affected by the legislation.

The chapter defines an equitable compensation relationship as meaning that the compensation for female-dominated



classes is not consistently below the compensation for male-dominated classes of comparable work value within the subdivision. The approved legislation establishes that comparable work value must be a primary consideration in the negotiation and settlement of compensation.

By Jan. 31, 1992, each government unit is required to submit to the commissioner of employee relations a pay equity implementation report. The report must include a list of all job classes in the unit, the number of employees in each job class, an identification of each class as male-dominated, female-dominated, or balanced, and the comparable work value of each class. Information regarding the minimum and maximum salary of each class, as well as additional compensation, such as bonuses, paid to the class, must also be included in the report.

The commissioner of employee relations must then review the implementation report to determine whether the political subdivision has established equitable compensation relationships. If the subdivision is found not to be in compliance, the commissioner will issue a notice describing the basis for the finding, specific recommended actions for achieving compliance, and an estimated cost of compliance. If the subdivision disagrees with the finding, it will have the opportunity to submit additional information regarding factors such as recruitment and retention difficulties,

arbitration awards inconsistent with equitable compensation, and other information demonstrating a good-faith effort to comply.

If the subdivision does not make a reasonable effort to achieve compliance, it becomes subject to a 5 per cent reduction in state aid, or a fine of \$100 per day, whichever is greater. The subdivision may appeal the penalty to the commissioner of employee relations.

The new law also requires the commissioner to report yearly to the Legislature regarding compliance with pay equity statutes. The report must list the subdivisions not in compliance, and must include recommended changes to achieve compliance, as well as the anticipated cost of such changes.

Language relating to the impact of pay equity on collective bargaining and arbitration is also included within Chapter 512. The effect of the new language is to clarify that, in arbitration or collective bargaining involving a balanced class, the arbitrator, or the involved parties, must consider the compensation of similar classifications in other political subdivisions in addition to pay equity concerns.

Presidential primary

Changes in the date of Minnesota's Presidential primary and other related election law provisions are contained in Chapter 603, authored by and Rep. Linda

Scheid and Sen. William Luther. The primary, scheduled for the fourth Tuesday in February when it was first approved in 1989, will instead be held on the first Tuesday in April.

A number of procedural changes are made in the administration of the primary. Candidates are now allowed to submit, in place of a filing fee, a petition signed by 2,000 persons, when filing an affidavit of candidacy in order to be placed on the ballot. The period for filing an affidavit of candidacy is established as beginning 16 weeks before the primary and ending 14 weeks before the primary, with the filing fee set at \$500.

The legislation also requires an individual seeking to vote in the primary to sign a voter's certificate or duplicate registration file indicating the political party whose ballot the voter requested. This information must be available to persons entitled to inspect current precinct lists.

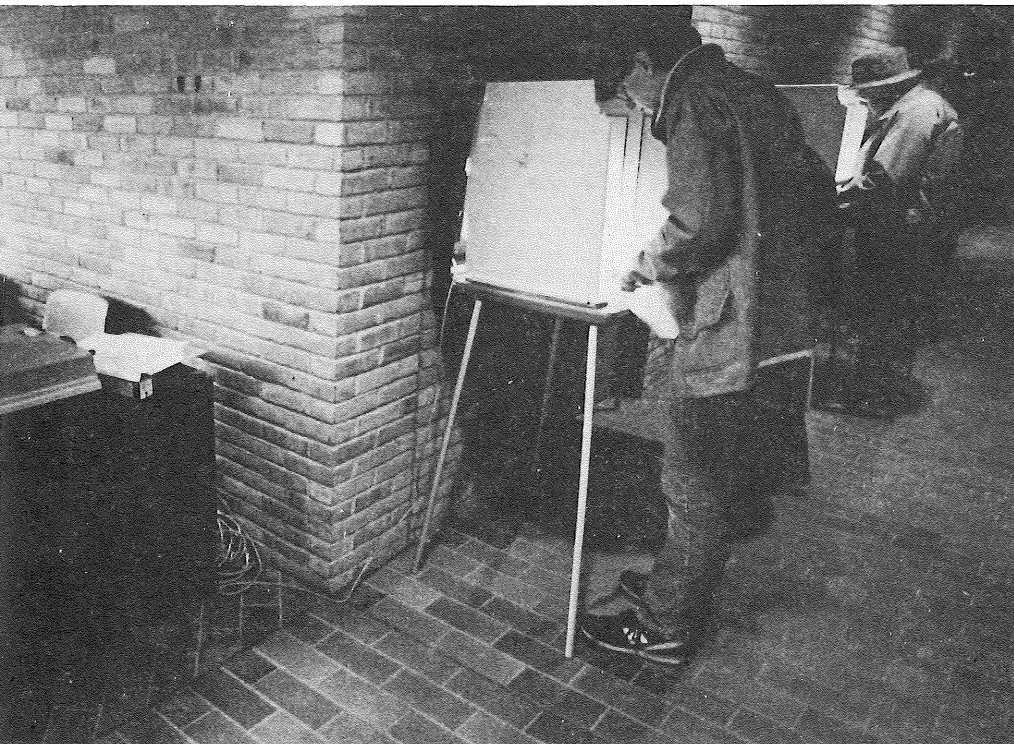
Another change resulting from Chapter 603 is that primary voters will be able to vote for uncommitted delegates to the national convention, as well as for write-in candidates. Delegates to the national convention chosen because of their support for a particular candidate are no longer required to vote for that candidate on the second and third ballots, as they previously were in certain circumstances. However, the new language clarifies that this provision does not apply if inconsistent with the rules of a national or state party.

The legislation also affects the operation of political funds and committees which primarily direct contributions other than from its own funds to candidates or campaign committees. Those directed contributions must be reported as attributable to the political fund and count toward the contribution limits of that fund. In addition, the candidate must be advised if the contribution is not from the funds of the political committee.

Finally, the new law directs the secretary of state to study the feasibility of Minnesota's joining with another state to hold a regional primary.

Unlawful removal of bodies

Chapter 402, carried by Sen. Patrick McGowan and Rep. Kathleen Blatz, adds a new provision to state law regarding unlawful removal of a deceased person interred in a cemetery. A person in charge of a cemetery who has knowledge of such a removal is required to immediately report the occurrence to local law enforcement authorities, and inform the next of kin within three days unless a law enforcement investigation would be compromised. A person who violates the law is guilty of a misdemeanor.



Chap. 603 changes the date for Minnesota's presidential primary from the fourth Tuesday in February to the first Tuesday in April.

photo by Tom Olmscheid

Session Law Summaries

Agriculture and Rural Development

County extension service changes

Chap. 376-H.F. 2212 Revises, updates and changes the laws governing county extension services. Expands the scope of county extension work to include educational programs and services provided by extension agents in the areas of agriculture, economic and human development, community leadership, and environment and natural resources. Modifies the required composition of extension committees. Requires county extension agents to be employees of the University of Minnesota and requires the agents to provide educational programs and services to enhance the quality and productivity of county extension work. Specifies the duties of extension directors. Effective date: July 1, 1990. CARLSON, L., WALDORF.

Light butter definition

Chap. 407-H.F. 2305 Defines and regulates the contents of light butter, reduced fat or light cheese, frozen yogurt and reduced fat, low fat and nonfat ice cream. Requires frozen yogurt and reduced fat ice cream, low fat ice cream and nonfat ice cream to comply with federal regulations. Effective date: Various dates. KRUEGER, BERTRAM.

Potato council areas

Chap. 417-H.F. 2374 Reduces and changes the makeup of Potato Research and Promotion Council Areas. Reduces the number of areas from four to two. Specifies that Area Number One includes the counties of Kittson, Marshall, Polk, Pennington, Red Lake, Norman, Mahanomen, Clay, Wilkin, Roseau, Lake of the Woods, Beltrami, Clearwater and Becker. Specifies that Area Number Two includes the rest of the counties of the state. Effective date: Various dates. BAUERLY, MOE., R.D.

Urban forests promotion and development

Chap. 445-S.F. 2127 Provides for urban forests and development. Requires the University of Minnesota, in cooperation with the Dept. of Agriculture, to institute a continuing research program on tree varieties suitable for growth and on the placement of trees to maximize energy saving benefits. Requires the University, in cooperation with the Depts. of Agriculture, Education, Natural Resources and Public Service to serve as the principal agency for publishing and circulating research information. Requires the commissioner of agriculture to establish an information source for nursery stock requests and to match municipal needs with stocks available from private and governmental sources. Requires the commissioner of transportation to use information on varieties and placement of trees to provide maximum forestation in highway rest areas and other areas controlled by the department. Requires consideration of the use of trees in conjunction with solid noise walls along urban freeways to the maximum extent practical. Requires the commissioners of education, agriculture and natural resources and the state arbor month committee to expand and strengthen programs available to schools in forestry education and to encourage reinstitution of Arbor Day activities. Specifies requirements and options for city ordinances relating to tree placement. Authorizes county planting assistance to smaller cities and municipal contracts for nursery stock. Effective date: August 1, 1990. BERNHAGEN, LASLEY.

Ag inputs discounts

Chap. 474-S.F. 2207 Requires cash discounts on agricultural production inputs sold at retail on credit with an interest rate less than the interest rate index. Effective date: August 1, 1990. BERG, OLSON, E.

Nonrefundable checkoff fees

Chap. 477-S.F. 2012 Excepts potato producers in Potato Promotion Area 1 from checkoff fee refund provisions. Effective date: July 1, 1990. MOE, R.D., OLSON, E.

Seed potato growing area creation

Chap. 479-H.F. 2025 Creates a restricted seed potato growing area in Kittson County and a historic certified seed potato area in a portion of Marshall County. Applies seed potato certification requirements of the Dept. of Agriculture to potatoes grown in the restricted seed growing

area and subjecting the area to departmental inspection. Specifies a penalty for failure to comply. Requires the Certified Seed Division of the Dept. of Agriculture to study the effect of diseases on seed potatoes in the historic certified seed potato area. Requires a report by the commissioner to the Legislature by Dec. 15, 1991. Effective date: April 21, 1990. TUNHEIM, STUMPF.

Miscellaneous food regulatory provisions

Chap. 511-H.F. 2012 Creates a food safety advisory committee to advise the commissioner of agriculture and the Legislature on food issues and food safety. Specifies membership and duties. Provides for the uniformity of food law fish rules with federal law and authorizes commissioner of agriculture amendment. Eliminates the sale of cream from inspection requirements. Removes the criminal penalty for interfering with inspections and provides for permit or certification suspension for the violation. Clarifies a provision relating to adulterated milk or cream. Modifies the definition of lowfat milk and defines sheep milk for regulation purposes. Reduces the allowable bacterial count for grade A pasteurized milk and specifies a maximum coliform count. Modifies the allowable bacterial count for grade A raw milk. Specifies a storage and time limit for grade A or manufacturing grade raw milk. Requires the Farm Safety Advisory Task Force to, by Jan. 1, 1991, develop a plan for a farm safety audit pilot project to be implemented by the Minnesota Extension Service in cooperation with selected insurance companies and report to the Legislature. Effective Date: August 1, 1990. PRICE, MORSE.

Natural wild rice council creation

Chap. 515-S.F. 2299 Establishes the Minnesota Natural Wild Rice Promotion Advisory Council for the promotion and marketing of hand harvested natural lake or river wild rice. Requires the commissioner of trade and economic development to appoint the members with recommendations from Indian tribes. Specifies representation requirements. Requires the commissioner to provide technical assistance to the advisory council relating to the marketing of natural wild rice. Specifies required functions of the council. Requires the council to annually advise the Dept. of Trade and Economic Development of activities and progress. Effective date: August 1, 1990. DICKLICH, CLARK.

Agricultural contract revisions

Chap. 517-S.F. 1779 Requires agricultural commodity contracts to provide for dispute resolution by mediation or arbitration. Exempts dairy marketing agreements. Authorizes contract parties to request mediation or arbitration services of the commissioner of agriculture to facilitate resolution. Specifies conditions for contractor termination or cancellation of contracts requiring commodity producers to make large capital investments in long-term buildings or equipment for recapture purposes. Authorizes licensing authorities to require parent companies of licensee subsidiaries to guarantee payment or contract performance as a condition of licensing. Specifies parent company liability for unpaid or contract performance claims against subsidiaries. Establishes an implied promise of good faith in agricultural contracts and provides for damages. Authorizes commissioner implementation and trade practices prohibition rules. Creates the position of ombudsman in the Dept. of Agriculture to provide information, investigate complaints and facilitate dispute resolution. Authorizes producer demand for letters of credit or bank guarantees to ensure reimbursement for nondelivery under specified agricultural input prepayment conditions. Creates an agricultural commodity producer lien for contract price or fair market value and provides for attachment, perfection, statement filing, priority, termination, satisfaction and enforcement. Extends the availability of a previous appropriation for a forage and turf seed specialist at the Crookston campus of the University of Minnesota. Effective date: August 1, 1990. DAVIS, BAUERLY.

Farmer-Lender Mediation Act extension

Chap. 525-S.F. 1750 Extends provisions of the Farmer-Lender Mediation Act until July 1, 1992 and authorizes an appropriation for the operation of the program. Effective date: July 1, 1990. STUMPF, SPARBY.

Produce, packer, and stockyard provisions

Chap. 530-S.F. 2037 Expands the definition of "farm products" under provisions prohibiting price discrimination to include poultry products and perishable fresh fruits and vegetables. Modifies provisions relating to

wholesale produce dealers. Removes wool and perishable unmaturred feedstuffs from the definition of "produce." Modifies the definition of "due date" relating to contracts between the seller and the dealer. Defines wholesale lots and seller and clarifies the definition of "wholesale produce dealer." Eliminates the licensing exclusion for wool dealers. Requires wholesale produce dealers operating as brokers to issue a written memorandum of sale to the buyer and the seller. Specifies memorandum requirements and requires the consent of both parties to the transaction before alteration. Requires issuance of corrected memoranda upon alteration. Specifies requirements relating to payments for produce under contract and requires interest on late payments. Specifies additional license application content requirements. Eliminates the requirement for review of applications by the commissioner of agriculture. Increases the surety bond requirement. Prohibits wholesale produce dealers from appointing, delegating or authorizing persons or companies to purchase produce without issuance of proper identification. Alters license fees, sets a maximum fee and imposes a registration fee. Authorizes the commissioner to impose a penalty for delinquent fees. Imposes a deadline for filing damage complaints with the commissioner and makes optional the requirement for a contested case hearing. Requires contracts for produce between buyers and sellers to provide for resolution of disputes through mediation or arbitration. Authorizes requests to the Dept. of Agriculture for mediation to facilitate resolution. Specifies the liability of parent companies for wholesale produce dealer subsidiaries. Establishes a wholesale produce dealers trust for the benefit of unpaid sellers and specifies maintenance requirements. Provides for seller rights to trust assets. Specifies beneficiaries notice requirements and priority of unpaid interest. Authorizes recovery actions. Provides for seizure and confiscation of motor vehicles used to sell or transport produce under specified violation conditions. Specifies sheriff's duties and provides for release of the property seized after posting of a corporate surety bond. Specifies court order requirements. Provides for sale of the property or requires a hearing under specific conditions. Provides for sales to cancel liens on the property sold. Modifies or imposes penalties and provides for settlement of alleged violations through agreements with the commissioner. Requires market agencies selling livestock on a commission or agency basis to establish and maintain a separate custodial account for shippers proceeds.

Minnesota Packers and Stockyards Act. Requires packers, stockyard owners, market agencies and dealers and grain and feed businesses with livestock contracts to file annually with the commissioner of agriculture a copy of the annual report of the federal packers and stockyards regulation and other information required by the commissioner. Provides for prompt payment in full for the purchase of livestock, authorizes waiver by agreement of the parties, and specifies agreement disclosure requirements. Specifies that a delay in payment is an unfair practice. Subjects packers unable to fulfill contract commitments within 30 days of delivery date to license denial, suspension or revocation. Requires hog, cattle and dairy processors, and grain and feed businesses with annual sales greater than \$10 million to conduct financial transactions relating to contract feeding operations through separate and exclusive bank accounts. Subjects the accounts to audit and inspection by the commissioner. Effective date: Various dates. MORSE, BAUERLY.

Organic food certification

Chap. 547-S.F. 1999 Modifies provisions regulating the certification of organic food. Eliminates the requirement for designated organic certification organizations to be located in Minnesota and fee prescription requirements of the commissioner of agriculture. Provides for the certification of organic products by designated certification organizations or by certification organizations approved by the commissioner upon evaluation and recommendation of a Minnesota advisory task force to be appointed by the commissioner. Effective date: August 1, 1990. PEHLER, OGREN.

Ag liming materials provisions

Chap. 561-S.F. 2527 Designates the Dept. of Agriculture as the lead state agency for agricultural liming materials regulation. Provides for commissioner of agriculture administration, implementation and enforcement. Requires annual licensing of persons selling or disposing of agricultural liming material used for soil acidity or fertility correction. Specifies application content and fee requirements. Authorizes the commissioner to require persons applying for a license to submit authentic experimental evidence or university research data to substantiate product claims. Exempts industrial by-product lime material transferred between parties without compensation from licensing and inspection fees. Specifies labeling requirements. Sets license application, sampling and inspection fees. Specifies semi-annual tonnage reporting requirements of liming material distributors or producers and imposes a

penalty for late reports. Specifies required methods of sampling and analysis of agricultural liming materials. Prohibits false or misleading statements on containers or labels. Prohibits the sale of misbranded or adulterated agricultural liming material. Specifies commissioner rulemaking authority. Includes agricultural liming material in the definition of "agricultural chemical" for liability purposes. Authorizes the commissioner to enter into agreements with persons failing, for good cause, to file in a timely manner, a report required under the corporate farming law to reduce or waive the civil penalty for late filing. Specifies restrictions. Effective date: January 1, 1991. DAVIS, JENNINGS.

Ag property foreclosure procedures

Chap. 580-S.F. 1946 Authorizes the commissioner of agriculture to enter into agreements with persons failing, for good cause, to file a timely report required under the corporate farming law to reduce or waive the civil penalty for late filing. Specifies restrictions. Provides for the filing of an action for deficiency judgments and for determination of fair market value upon foreclosure and sale of mortgages on property used in agricultural production. Requires a jury trial and provides an exception. Eliminates the requirement for a separate jury proceeding to determine the fair market value. Effective date: Various dates. BERG, BERTRAM.

Grasshopper control efforts

Chap. 607-S.F. 1674 Extends grasshopper control program authority to counties. Transfers a consultation and cooperation requirement from the state entomologist to the Minnesota Extension Service entomologist. Authorizes boards of towns designated by the commissioner of agriculture as grasshopper control zones to appoint grasshopper control advisory committees comprised of township residents. Specifies representation requirements. Requires town boards to seek the advice of the advisory committees before issuance of grasshopper control orders or authorizing the committees to adopt guidelines for issuing the orders. Requires the commissioner to seek the review and approval of the commissioner of natural resources before applying grasshopper control measures on or to streams, lakes, waterways or public waters. Authorizes and provides for the commissioner of agriculture to exempt scientifically or naturally significant or sensitive lands from mandatory control measures upon request. Specifies notice requirements. Provides for reimbursement for the cost of grasshopper control measures in a buffer area on property adjacent to exempted property under specified conditions. Requires the commissioner, in consultation with the Minnesota Extension Service entomologist, to prepare a list of registered pesticides and federal label requirements for use in the grasshopper control program. Requires the commissioner to recommend pesticides and application methods to minimize the adverse impact on foraging bees and specifies pesticide requirements and restrictions. Specifies individual notice requirements relating to control. Requires the Minnesota Extension Service to hold meetings in counties with grasshopper control zones explaining methods to minimize adverse effects on foraging bees. Requires honeybee colony owners to notify the commissioner of the number and location of the colonies. Requires the commissioner to prepare maps of the locations of registered honeybee colonies with periodic updates and to provide a list of licensed commercial and noncommercial pesticide applicators to registered beekeepers in designated grasshopper control zones. Requires the commissioner to prescribe a notification system and to develop guidelines for a voluntary system to facilitate the exchange of information between colony owners and pesticide applicators. Requires the commissioner to report to the Legislature on the program in years of zone designation. Exempts counties and townships from liability for damages from the grasshopper control program. Authorizes land inspection for grasshopper densities. Authorizes persons ordered to control grasshoppers and charged for the control to appeal the costs to the county board. Authorizes the county board to file a lien against the property and provides for judicial review. Specifies the responsibility for controlling grasshoppers on land subject to public utility easements. Requires the commissioner to attempt to secure cost share funds for exempt lands. Appropriates money to the commissioner for the program, for a percentage cost-share for township and county control expenses through Sept. 30, 1990, for supplemental funding to county and district agricultural societies, for integrated pest management demonstration projects, for the State Board of Vocational Technical Education for farm and small business management programs, and to the State Planning Agency to conduct a timber harvesting generic environmental impact statement. Provides specified appropriations to be available only with the approval of the governor after consultation with the Legislative Advisory Commission. Repeals the cost-share reimbursement program. Effective date: May 9, 1990. BERG, NELSON, C.

Commerce

Credit unions exemption from closing agent requirements

Chap. 364-S.F. 1922 Exempts credit unions from the licensing and trust account requirements for real estate closing agents. Effective date: March 31, 1990. SOLON, CARLSON, L.

Free newspapers display contract prohibition

Chap. 379-H.F. 2594 Prohibits contracts for an exclusive right to display free newspapers for distribution in any place of public accommodation. Effective date: March 30, 1990. HAUSMAN, MARTY.

Rental no-fault auto insurance exemption

Chap. 394-H.F. 2242 Exempts collectors vehicles and recreational equipment from rental vehicle coverage requirements of no-fault automobile insurance. Effective date: August 1, 1990. WINTER, FLYNN.

Insurer subrogation against insureds prohibition clarification

Chap. 399-H.F. 2637 Clarifies the law prohibiting insurers from maintaining subrogation actions against insureds. Provides an exception. Effective date: August 1, 1990. SKOGLUND, FREEMAN.

Health insurance modifications

Chap. 403-H.F. 1983 Modifies health insurance and health maintenance contract conversion privileges for laid off or terminated employees and for former spouses and children to conform to federal law. Modifies coverage requirements for basic and extended basic Medicare supplement plans by requiring full coverage of all Medicare part A eligible expenses and immunization costs and by changing prescription drug expense coverage requirements. Modifies minimum loss ratio return requirements. Requires insurers with medicare supplement policies to submit data showing incurred claims experience, earned premiums and the aggregate amount of premiums collected and losses incurred to the commissioner of commerce for loss ratio satisfaction confirmation purposes. Allows noncomplying insurers to file amended rates for compliance purposes and requires the commissioner to reduce rates for nonconforming policies. Requires the commissioner to make the submitted data available to the public on an annual basis in a form useful for consumers who wish to compare premium charges and loss ratios. Specifies that failure to comply with loss ratio requirements is an unfair or deceptive insurance practice and sets a penalty. Effective date: Various dates. SKOGLUND, FLYNN.

Group and individual contract coordination

Chap. 404-H.F. 1984 Provides for the coordination of group and individual benefits under health and accident insurance policies or plans and health maintenance contracts. Requires coordinated benefits to provide full coverage of insureds, subscribers or enrollees. Specifies that the group contract is to be the primary plan. Exempts specified accident, hospital indemnity, specified disease or other limited benefit insurance policies from the provision. Effective date: August 1, 1990. SKOGLUND, SOLON.

Itemized statements for lemon law refunds

Chap. 408-H.F. 2321 Requires an itemized statement for new and used motor vehicle purchase price refunds under the lemon law. Authorizes the Dept. of Public Safety to refund excise taxes to the consumer if the amount of excise tax refunded is not separately stated, or if the manufacturer does not apply for a refund of the tax within one year of the return of the motor vehicle. Effective date: August 1, 1990. HAUKOOS, PIEPHO.

Membership travel contract regulation

Chap. 411-H.F. 1841 Provides a buyers right to cancel membership travel contracts. Defines membership travel contract. Specifies notice requirements. Prescribes penalties and remedies. Effective date: August 1, 1990. KELLY, COHEN.

Automatic garage door regulations

Chap. 414-H.F. 2393 Regulates automatic garage door opening systems in residential buildings. Specifies minimum safety standards for the manufacture, sale, purchase, repair or installation of automatic garage door opening systems. Specifies manufacturing label requirements. Specifies a building occupant duty to inform the owner of nonfunctioning or malfunctioning reversing devices or mechanisms. Authorizes local government units to adopt more restrictive rules for installation and maintenance. Authorizes enforcement through a truth in housing inspection. Requires the state building code to require residential buildings compliance with the requirements. Prescribes penalties and remedies for violations. Effective date: August 1, 1990. MILBERT, SOLON.

Department of Commerce communications regulations

Chap. 415-H.F. 1985 Authorizes a delay in the hearing requirement for cease and desist orders of the commissioner of commerce if the department and the person requesting the hearing agree that the hearing be scheduled after the seven-day period. Requires insurance agent applicants or licensees to respond to requests for information, documents or other requests from the department within the time specified in the request or, if no time is specified, within 30 days of the mailing of the request. Authorizes the commissioner to waive the waiting period upon application by associations offering long term care or medicare supplement insurance policies. Effective date: Various dates. SKOGLUND, LUTHER.

Cigarette vending machine restrictions

Chap. 421-H.F. 2042 Restricts the location of tobacco vending machines to nonpublic places; liquor establishments if the machine is located within the vicinity and control of a responsible employee, is not located in a coatroom, restroom, unmonitored hallway, or waiting area and is inaccessible to the public when the establishment is closed; and in other establishments if the machine is located within the control of a responsible employee and is operable only by activation of an electronic switch operated by an employee before each sale or by insertion of tokens. Authorizes more restrictive restrictions by local government unit rules or ordinances. Effective date: August 1, 1990. MCEACHERN, METZEN.

Out of state insurers domestication provisions

Chap. 424-H.F. 2645 Provides for the domestication of out of state insurers for the purpose of doing business in Minnesota upon compliance with specific requirements. Provides for the conversion of domestic insurers to other states upon approval of the commissioner of commerce. Specifies effects. Authorizes the commissioner to promulgate rules. Effective date: August 1, 1990. SKOGLUND, FLYNN.

Nonrenewal of insurance policies date modification

Chap. 447-H.F. 2500 Modifies the effective date of the statutory notice requirement for cancellation or nonrenewal of individual life policies to Aug. 1, 1984. Effective date: August 1, 1989. CARRUTHERS, SOLON.

Eligibility under no-fault requirements

Chap. 456-S.F. 2068 Clarifies economic loss benefits and assigned claims plan eligibility under no-fault automobile insurance requirements by specifying that in addition to the requirements for eligibility contained in law, a nonresident is not entitled to basic economic loss benefits if the nonresident is the owner of a motor vehicle and does not carry the minimum automobile insurance coverage required by the state in which the vehicle is registered and by specifying that for purposes of determining whether security is required under the law, an owner of any vehicle is deemed to have contemplated the operation or use of the vehicle at all times unless the owner demonstrates to the contrary. Effective date: August 1, 1990. COHEN, CARRUTHERS.

Termination review process requirement

Chap. 457-S.F. 1995 Requires insurers to establish a termination review process for involuntarily terminated agents for use at the option of the agent. Specifies an exemption. Specifies a deadline for completion of the process and for notice and hearing requirements. Provides for selection of a board of review and for board determination of termination justification. Requires compensation to insurance agents unjustly terminated if in the opinion of the board the termination is not justified or a voluntary termination was not voluntary, and there is an absence of a reasonable contractual financial provision. Authorizes appeals to the District Court and requires insurers to pay agent legal fees if the agent prevails. Imposes a civil penalty for intimidation or coercion of board members. Effective date: April 17, 1990. METZEN, PETERSON.

Lending practices regulations

Chap. 464-H.F. 1913 Requires the commissioner of commerce to include payment of amounts due depositors before declaring dividends on claims in financial institution liquidation proceedings. Increases the value of specific regulated loans subject to 33 percent and 19 percent interest rates. Requires the original schedule of installment payments on regulated loans secured by interests in real estate to fully amortize the principal and interest on the loan and requires installment payment schedules for other loans to provide for payment amounts sufficient to pay the scheduled interest due. Prohibits the inclusion of discount points and appraisal fees in the principal amount of refinancing loans secured by real estate when the loan is for the purpose of bringing the refinanced loan current and is made within 24 months of the original date of the refinanced loan. Specifies that a refinancing is not considered to be for the purpose of bringing the refinanced loan current if new funds

advanced to the customer, not including closing costs or delinquent installments, exceed \$1,000. Provides for adjustment of the dollar amount restriction on deficiency judgments relating to consumer transactions. Effective date: April 24, 1990; without signature. SCHEID, SOLON.

Furniture Fire Safety Act

Chap. 465-H.F. 1730 Requires seating furniture sold or intended for use in public occupancies to meet flammability and labeling standards. Specifies exemptions. Defines terms. Requires enforcement by the state fire marshal. Requires the state fire marshal to enforce rules and to consider the testing and labeling procedures, requirements, deletions, revisions, and updates set forth in Technical Bulletin 133 of the state of California. Specifies performance standards and provides that testing is to be at the discretion of the manufacturer. Authorizes the state fire marshal to inspect or audit the testing of seating furniture and to institute civil actions or proceedings to enjoin the selling of furniture not meeting the standards. Effective date: January 1, 1992. O'CONNOR, LANTRY.

Insurance data provisions

Chap. 467-H.F. 2204 Clarifies the duty of insurers to provide loss or claims experience data to insureds. Requires claims data to be provided in accordance with state and federal confidentiality of medical data requirements. Restricts the disclosure of personal or privileged information without written authorization. Authorizes disclosure without a written authorization for merger or sale purposes provided that prior to the consummation of the sale, transfer, merger, or consolidation, only such information is disclosed as is reasonably necessary to enable the recipient to make business decisions about the merger, transfer, purchase, or consolidation and that the recipient agrees not to disclose the information unless the disclosure would otherwise be permitted by law if made by an insurer, agent, or insurance-support organization. Effective date: August 1, 1990. SKOGLUND, MARTY.

Notice of cancellation proof provision

Chap. 475-S.F. 2109 Specifies that unless otherwise specifically required, United States Postal Service proof of mailing of the notice of cancellation, reduction in the limits of liability of coverage, or nonrenewal of an insurance policy is sufficient proof the proper notice has been given. Effective date: August 1, 1990. ADKINS, CARRUTHERS.

Financial institution changes

Chap. 491-S.F. 2430 Article I – Community reinvestment rating. Requires the commissioner of commerce to prepare written evaluations at the conclusion of examinations of financial institutions owned by interstate holding companies relating to meeting community needs for reinvestment purposes. Requires evaluations to contain a public section and a confidential section and specifies content requirements. Provides for assigned ratings and requires public disclosure. Requires disclosure of the confidential section to the financial institution. Provides that the evaluation and uniform rating system are to supersede the system required under the Reciprocal Interstate Banking Act. Eliminates the requirement for banks under the act to annually submit statements describing new net funds.

Article II – Bank acquisition. Requires persons acquiring control of banking institutions to file prior notice of proposed acquisitions of control with the commissioner of commerce. Defines control. Specifies notice content requirements. Requires the Bureau of Criminal Apprehension to provide fingerprint and background checks upon commissioner request.

Article III – Minnesota transmission facility. Provides for fair, equitable and nondiscriminatory access to electronic funds transfer facilities by other transmission facilities within the state. Permits use of a Minnesota transmission facility only if conforming to reasonable technical operating standards that have been established by the Minnesota transmission facility. Regulates access charges.

Article IV – Interstate banking. Adds the state of Indiana to the definition of reciprocating state for interstate banking purposes. Effective date: August 1, 1990. SOLON, OSTHOFF.

Insurance coverage for vehicles transporting

Chap. 496-S.F. 2493 Prohibits insurance companies providing no-fault automobile insurance coverage from excluding coverage for vehicles used to transport children as part of a family or group family day care program. Effective date: August 1, 1990. MERRIAM, LYNCH.

Motorcycle insurance regulations

Chap. 504-S.F. 2349 Regulates the application of no-fault automobile insurance uninsured and underinsured motorist coverages for motorcycles. Excludes coverage for bodily injury of the insured while

occupying a motorcycle owned by the insured. Effective date: August 1, 1990. SAMUELSON, SIMONEAU.

Detached banking facility

Chap. 505-H.F. 2057 Authorizes and provides for the establishment of a detached banking facility in the city of Detroit Lakes with prior approval of the commissioner of commerce. Effective date: Local approval. DAUNER, LANGSETH.

Life insurance policy contracts revisions

Chap. 507-S.F. 2424 Provides an exception to the prohibition against the offering or selling of life insurance policies with accelerated benefits to persons over the age of 65 for supplemental contracts offered for no additional cost if the offer is made not less than one year after the effective date of the contract being supplemented. Prohibits the mentioning of the availability of the supplemental contract at the time of sale of the original contract. Specifies that violation is an unfair trade practice. Exempts contracts or supplemental contracts granting the right to receive accelerated benefits from specific provisions and notice requirements relating to long term care expenses if one of the options for payment provides for lump-sum payment, if no conditions or restrictions are imposed on the use of the funds by the insured, and if the offeree or insured is given written notice at the time the contract or supplemental contract is offered that the contract does not meet Minnesota law regarding life insurance contract minimum requirements. Effective date: August 1, 1990. METZEN, SKOGLUND.

Public insurance adjuster regulation

Chap. 514-S.F. 2130 Regulates public insurance adjusters. Prohibits specified acts and requires disclosures to clients. Requires public adjusters to maintain an office containing records of documents pertaining to client claims settlements and files and retention requirements. Requires records availability for inspection by the Dept. of Commerce. Provides for the validity of employment contracts used by public adjusters. Effective date: August 1, 1990. COHEN, SKOGLUND.

Insurance plan modifications

Chap. 523-H.F. 2343 Modifies various Comprehensive Health Insurance Plan provisions. Classifies and provides for access to specified data. Extends the deadline for approval by the commissioner of commerce of the use of experimental health care delivery methods. Authorizes individuals, including retirees, to enroll in the plan with a waiver of the preexisting condition limits under specified conditions. Requires health insurers rejecting or applying underwriting restrictions to applicants to provide the applicants with written notice of the rejection or the restrictions applied and with written materials explaining the state plan in greater detail without charge. Specifies employer liability for the costs of preexisting conditions of former employees or dependents for a specified period of coverage. Requires payment of a special assessment for the costs. Effective date: Various dates. SKOGLUND, BRANDL.

Rental purchase agreement regulation changes

Chap. 527-S.F. 1499 Regulates rental purchase agreements. Requires disclosures in the agreements relating to price, payments, charges, option to purchase and lessee rights and liability. Authorizes the commissioner of commerce to promulgate rules. Specifies form and copy requirements. Regulates advertising for the agreements and includes advertising disclosure requirements. Specifies default enforceability conditions and notice requirements. Grants lessees failing to make timely lease payments reinstatement rights under specified conditions and authorizes charges and substitute items. Specifies prohibited practices. Requires the commissioner to adopt rules governing cash price limits for the agreements. Regulates lessor communications concerning lessees. Provides an early purchase option. Specifies lessee damage liability during the term of the agreement and requires lessors to offer a liability damage waiver. Specifies penalties, remedies, rights and limits. Specifies the applicability and nonapplicability of related laws. Requires the commissioner to review and make recommendations to the Legislature concerning liability damage waivers costs under the provisions. Effective date: August 1, 1990. DAHL, O'CONNOR.

Health insurance review and study actions

Chap. 534-S.F. 1790 Requires the commissioner of health to establish a technology assistance review panel to resolve disputes over the provision of health care benefits under health insurance plans or contracts to technology-assisted persons. Defines technology assisted person. Requires the commissioner to appoint a steering committee to appoint review panel members, develop review policies and procedures, serve as a liaison between regulatory agencies and the panel and provide technical assistance. Specifies membership requirements of the committee and the panel. Requires exhaustion of internal grievance procedures before panel

review and specifies binding arbitration exception. Requires the consent of the subject of the review. Prohibits review of cases involving discharge to long-term care facilities or coverage by related federal regulations. Requires the release of findings to state agencies upon request in cases of complaint. Provides for the confidentiality of panel proceedings and information. Limits the liability of panel and steering committee members. Establishes a legislative task force on health and insurance costs and cost containment practices to collect and analyze information on health insurance and health maintenance organization (HMO) premiums and to evaluate current methods of regulating the premiums to determine adequacy of protection against unreasonable increases. Specifies study requirements. Requires a report to the Legislature by Jan. 1, 1991. Effective date: April 27, 1990. SOLON, JAROS.

Wine sale authorization for airport

Chap. 545-S.F. 1983 Authorizes the Metropolitan Airports Commission to issue licenses for the off-sale of Minnesota produced wine at the Minneapolis-St. Paul International Airport. Effective date: May 5, 1990. BERTRAM, OMANN.

Health insurance policy changes

Chap. 551-H.F. 2474 Modifies long-term care health insurance policy requirements. Modifies the definitions of medically prescribed long-term care and plan of care to allow licensed registered nurses or social workers to prepare plans of care based on specific assessments. Requires the plan of care to contain specific services or treatment. Regulates cancellations of individual policies for nonpayment of premium and specifies prior notice requirements. Requires written designation of additional persons to receive notice of policy cancellation for nonpayment of premium from insureds before policy issuance. Requires insurer notice to insureds of the right to change the designation upon policy renewal or continuation. Requires the commissioner of commerce to adopt rules establishing general standards for assessments used in prescribing long-term care. Effective date: August 1, 1990. SKOGLUND, SOLON.

Miscellaneous liquor provisions

Chap. 554-S.F. 2108 Authorizes exclusive liquor stores to sell liqueur filled candies. Excludes unorganized territory in Lake of the Woods from restaurant minimum seating capacity requirements relating to liquor sales. Requires the licensing of licensed brewers as wholesalers for wholesale products sales purposes. Restricts license issuance and eliminates the authority to combine the business of manufacturer and wholesaler under a single manufacturers license. Specifies permitted brewer financial interests in wholesale businesses. Authorizes the city of Minneapolis to issue an on-sale intoxicating liquor licenses to the Timberwolves sports arena and prohibits the dispensing of intoxicating liquor to persons attending or participating in amateur athletic events held on the premises. Authorizes municipalities to issue on-sale wine licenses, with the approval of the commissioner, to licensed bed and breakfast facilities to serve wine to registered guests. Authorizes restaurants selling intoxicating liquor or wine on-sale to allow guests to remove partially consumed wine bottles from the premises. Restricts the issuance of off-sale intoxicating and combination liquor licenses within unorganized territory in Itasca County and changes the restriction for Pine, Carlton, Carver and Red Lake Counties. Authorizes the Metropolitan Airports Commission to issue licenses for the off-sale of Minnesota produced wine at the Minneapolis-St. Paul International Airport. Eliminates the provision requiring a vote on municipal liquor store continuation upon a population change in the municipality. Requires public facilities owned or operated by the state, or local government units, selling beer for consumption on the premises to offer Minnesota produced beer. Specifies exceptions. Authorizes the Anoka County Board to delegate liquor license issuance powers to town boards and requires license fees to be paid to the towns. Authorizes the city of St. Paul to issue on-sale nonintoxicating malt liquor licenses and on-sale wine licenses to the city's division of parks and recreation. Specifies permit and contract requirements and requires city council approval. Authorizes the city of Brooklyn Center to issue an on-sale intoxicating liquor license for the Earle Brown Heritage Center Convention Center. Authorizes the city of Evansville to issue a license authorizing on-sales of intoxicating liquor on Sunday to a restaurant without voter approval. Repeals a provision authorizing city issuance of temporary licenses for the off-sale of wine at auctions. Effective date: Various dates. SOLON, JACOBS.

Economic Development and Housing

Port authority officer title expansion

Chap. 367-H.F. 2149 Expands the range of titles for the president and vice-president of port authorities to include chair and vice-chair. Specifies that a commissioner may not serve as president or chair and vice-president or vice-chair at the same time. Effective date: March 30, 1990. HAUSMAN, COHEN.

Low-income housing tax credit allocation procedure

Chap. 368-H.F. 1987 Alters procedures for the allocation of low income housing tax credits by the Housing Finance Agency. Provides for the determination of regional credit pools. Modifies the credit formula. Requires the Metropolitan Council to develop and submit to the agency a plan for allocating tax credits beginning in 1991 in the Metropolitan Area based on regional housing needs and priorities. Requires the agency to develop a plan for allocation of the credits in Greater Minnesota. Specifies requirements. Effective date: March 30, 1990. JEFFERSON, POGEMILLER.

Minnesota Project Outreach Corporation status clarification

Chap. 423-S.F. 2360 Clarifies the status of the Minnesota Project Outreach Corporation. Modifies the composition of the board of directors of the corporations and requires the governor to appoint the manufacturing firm representatives and the public members to the board. Requires subsequent vacancies to be filled by the board until expiration of the respective term. Requires the corporation to establish and maintain a data base to provide information for the technology assistance system and to provide literature search and document retrieval services through the system. Requires lenders under the Capital Access Program of the Dept. of Trade and Economic Development to notify the commissioner of borrower loan payment delinquency before filing a claim. Requires the commissioner to inform the borrower of technical assistance available in the area to assist in solving business or management problems. Eliminates the requirement for employees of the Greater Minnesota Corporation to file economic interest statements. Eliminates the separate Urban Revitalization Action Program approval requirements for the city of St. Paul. Effective date: August 1, 1990. BECKMAN, OTIS.

Housing Finance Agency

Chap. 429-S.F. 1848 Requires the commissioner of trade and economic development and the commissioner of the housing finance agency (HFA) to ensure consistency of small cities community development block grant applications with the most recent housing affordability plan of the agency to avoid duplication of existing housing programs. Authorizes the HFA to make a forward commitment to purchase home equity conversion loans for low or moderate income elderly homeowners and to provide financial assistance for the conversion of manufactured home parks to cooperative or nonprofit ownership. Modifies the limit on the total maximum costs of acquisition, rehabilitation, closing costs and back taxes under the Rural and Urban Homesteading Program. Exempts loans for the rehabilitation of existing housing under rental housing assistance programs from limits on eligible mortgagors. Eliminates the requirement for direct appropriations for loans for development or rehabilitation of single or multifamily residential housing. Modifies securities requirement relating to home loans for bonding purposes. Effective date: August 1, 1990. MORSE, O'CONNOR.

Neighborhood organization remedy authorization

Chap. 451-S.F. 1087 Authorizes and provides for neighborhood organizations to bring actions for tenants' remedies with the written permission of the tenants. Provides for actions against unoccupied buildings. Limits the recovery of attorney fees. Authorizes judgments against owners for services and expenses incurred by administrators upon termination of administration. Provides for continued court jurisdiction for one year for owner code compliance purposes. Provides for access to records for inspection purposes. Effective date: August 1, 1990. KROENING, DAWKINS.

Port authority powers provision

Chap. 481-S.F. 2281 Authorizes port authorities to use foreign trade zone powers, if granted, outside the port district. Changes the effective date of a bill relating to veterans tuition assistance to the day after

enactment if the bill is enacted. Effective date: April 25, 1990. FRANK, RICE.

Bond allocation deposit refunds

Chap. 519-S.F. 2055 Requires the Dept. of Finance to refund \$20,000 to the city of Minneapolis and \$42,150 to Koochiching County for bond allocation application deposits retained by the department. Effective date: April 27, 1990. POGEMILLER, KAHN.

Homelessness funding

Chap. 520-S.F. 1950 Authorizes the Housing Finance Agency to use money in the Housing Trust Fund Account to provide loans or grants for projects for home ownership to qualified low income persons or families. Requires the Housing Finance Agency to coordinate services and activities of state agencies relating to homelessness. Requires an investigation and review of the current system of service delivery to the homeless. Provides for the treatment of housing revenue bonds issued under municipal housing or industrial development programs upon the foreclosure of various mortgages. Provides for the enforcement of the revenue agreement and/or the bond debt. Requires the maintenance of a separate account in the General Fund for payment of application deposit refunds under the Bond Allocation Act. Requires deposit of interest accruing on nonrefunded application deposits in the Housing Trust Fund Account. Effective date: August 1, 1990. POGEMILLER, JEFFERSON.

Housing program

Chap. 532-S.F. 1822 Modifies the definition of designated home ownership area in the Metropolitan Area under the Minnesota Rural and Urban Homesteading Program. Provides for the administration of Section 8 existing and low rent public housing programs by housing and redevelopment authorities. Clarifies and limits local approval requirements. Clarifies the power of HRA's to make in lieu tax payment agreements with local government units and specifies governing body cooperation requirements. Authorizes HRA resolutions permitting concurrent exercise of powers by other housing authorities within the HRA area of operation. Eliminates the HRA exemption from special assessments for utilities and special services. Defines special services. Provides for the termination of tax exempt status termination of obligations under federal contract to maintain low income housing projects. Requires cities transferring housing or housing development projects to economic development authorities to transfer housing development and management powers relating to the projects to the authority. Authorizes the Metropolitan Council to plan and administer Section 8 programs in the Metropolitan Area without the approval of the governing body of the local government unit or housing and redevelopment authority of program jurisdiction. Authorizes and provides for the city of Bemidji or Beltrami County to issue general obligation or revenue bonds to finance airport terminal and navigation facilities construction. Effective date: August 1, 1990. FRANK, OSTHOFF.

Miscellaneous housing

Chap. 552-H.F. 2457 Modifies the allocation of low-income housing credits to specified family housing projects and subjects projects receiving bonding allocation to various conditions. Transfers authority and duties from the Dept. of Trade and Economic Development to the Dept. of Finance. Defines public facilities project. Modifies the annual volume cap amounts. Increases the entitlement issuer allocation to the Housing Finance Agency. Eliminates the entitlement issuer allocation to first class cities outside the Metropolitan Area. Specifies criteria to be used in determining the allocation of small issue bonds for manufacturing projects. Requires issuers to prepare and submit public purpose scoring worksheets to the commissioner. Specifies the total scoring formula. Requires commissioner of jobs and training approval of the community unemployment rate used under specified conditions. Requires additional certifications relating to jobs retention to the commissioner of trade and economic development for verification purposes. Specifies authorized uses of proceeds from residential rental bonds. Establishes maximum rents. Requires a long-term agreement between the developer and the issuer relating to rental rates and income levels. Imposes penalties for noncompliance. Authorizes Housing Finance Agency or city loans financed with the proceeds of mortgage bonds to be used for the purchase of existing housing and authorizes use for the purchase of new housing in the Metropolitan Area. Requires steps to encourage various loan activity, specifies restrictions and requires an annual report to the Legislature. Requires the payment of application deposits by check. Exempts the Housing Finance Agency from the application deposit requirement. Requires the commissioner to notify applicants of rejection and to return application deposits to the rejected applicants within 30 days. Requires a certificate of allocation as evidence of bonding authority allocation. Provides for the allocation of available

bonding authority in the housing, manufacturing and public facilities pools. Changes the deadline for issuer retention of unused allocations. Specifies a time limit for refunds and modifies the refund formula. Eliminates the preference for projects located in distressed counties under allocation of the unified pool. Provides for allocations for residential rental projects. Reduces the amount to be reserved for public facility bonds. Requires written carryforward notices to the department. Modifies department notice publication requirements. Provides for the transfer of qualified mortgage bonding authority to the unified pool under conditions relating to federal tax law revisions. Provides for reallocation. Restricts application by the Housing Finance Agency. Repeals provisions relating to pool transfers. Effective date: Various dates. REST, POGEMILLER.

Education

Position authorization

Chap. 366-H.F. 2508 Places seven positions in Special School District #1, Minneapolis, in the unclassified service under the authority of the superintendent of schools. Effective date: Local approval. WAGENIUS, FLYNN.

Technical college board name change

Chap. 375-H.F. 2058 Changes the name of the State Board of Vocational Technical Education to the Board of Technical Colleges. Changes the title of the state director of vocational technical education to chancellor of the technical college system. Changes the name of local directors of technical colleges to presidents. Specifies instructions to the revisor. Effective date: August 1, 1990. CARLSON, L., STUMPE.

Corporal punishment clarification

Chap. 382-S.F. 2048 Clarifies the legislative intent relating to the prohibition on corporal punishment of students. Specifies that a violation is a crime only if the conduct violates specific statutes. Effective date: August 1, 1989. LAIDIG, PELOWSKI.

Regent candidate recommendation date change

Chap. 383-S.F. 2159 Delays the biennial due date for submission to the Legislature of candidates for the University of Minnesota Board of Regents by the Regent Candidate Advisory Council from Feb. 1 to Mar. 15 of each odd-numbered year. Effective date: August 1, 1990. REICHGOTT, OTIS.

HECB advisory group student representation

Chap. 393-H.F. 1067 Requires student representation on Higher Education Coordinating Board (HECB) advisory groups upon request of the student advisory council. Requires student members to be appointed by the council. Effective date: August 1, 1990. TRIMBLE, MORSE.

Aviation training center remodeling authorization

Chap. 410-H.F. 2059 Designates the commissioner of transportation as the state agent for the Mid-American Aviation Resource Consortium and authorizes the commissioner to receive federal money for air traffic control training. Authorizes Special School District #1, Minneapolis, to use federal funds to remodel space for the aviation training center at Flying Cloud Airport. Specifies that the total cost of the remodeling project may not be more than \$800,000, to be paid entirely from federal money. Effective date: April 5, 1990. CARLSON, L., KROENING.

Two tier hockey tournament repeal

Chap. 425-S.F. 1727 Repeals the requirement for the State High School League to conduct a two tier high school hockey tournament. Returns the responsibility for running the hockey tournament to the league. Effective date: April 13, 1990. MOE, R.D., MILBERT.

Automobile Safety Awareness Week establishment

Chap. 428-S.F. 1971 Establishes the third week in March as Automobile Safety Awareness Week. Authorizes special observances. Encourages school curriculum devoted to motor vehicle safety and courtesy. Requires the Departments of Education and Public Safety to assist and encourage observance. Requires gubernatorial involvement. Effective date: April 13, 1990. KNUTSON, SWENSON.

Vo Tech board policy changes

Chap. 430-S.F. 1927 Eliminates the requirement for the State Board of Vocational Technical Education to adopt policies relating to minimum class sizes and placement ratios. Requires policies to provide prospective students with consumer information before enrolling in the system. Effective date: August 1, 1990. DECRAMER, PRICE.

Task Force on Education provisions

Chap. 435-S.F. 2136 Increases the membership of the Task Force on

Education from 24 to 28 members. Extends the termination date of the task force to June 30, 1991. Requires representation from the Spanish Speaking Affairs Council, the Council on Asian Pacific Minnesotans, the, Council on Black Minnesotans and the Indian Affairs Council. Delays the due date for reporting findings to the Legislative Commission on Public Education until Feb. 1, 1991. Effective date: July 1, 1990. PEHLER, NELSON, K.

Aversive and deprivation procedures statute clarification

Chap. 495-S.F. 2318 Clarifies the application of statutes governing aversive and deprivation procedures use by school district employees to handicapped children. Requires the rules adopted by the State Board of Education governing the use of the procedures to contain a list of prohibited procedures. Effective date: April 25, 1990. BERGLIN, WAGENIUS.

Midwestern Higher Education Compact creation

Chap. 518-S.F. 2248 Enacts and enters into the Midwestern Higher Education Compact.

Article I – Purpose. Declares the purpose of the compact to be to provide greater higher education opportunities and services in the midwestern region.

Article II – Commission. Creates the Midwestern Higher Education Commission. Specifies membership and terms.

Article III – Powers and duties of the commission. Specifies bylaws, personnel policies and programs, budget and annual reporting requirements. Specifies borrowing, contracting, office, committees and expenses authority.

Article IV – Activities of the commission. Requires the commission to collect data on the long-range effects of the compact, to study issues in higher education of concern to the midwestern region and the need for adequate programs and services and to serve as an information clearinghouse.

Article V – Finance. Requires appropriations to the commission by the compacting states by equal apportionment. Specifies restrictions and recordkeeping requirements.

Article VI – Eligible parties and entry into force. Specifies the eligibility of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin to become party to the compact. Authorizes the eligibility of additional states upon approval by a majority of the compacting states. Provides for the effectiveness of the compact and amendments.

Article VII – Withdrawal, default, and termination. Authorizes withdrawal from the compact by statute repealing the compact and addresses effectiveness and liability concerns. Requires the suspension of privileges and benefits upon default. Requires the commission to stipulate the conditions and maximum time for compliance to resume regular status. Provides for compact termination by majority vote of the member states and authorizes reinstatement by performing all acts and obligations stipulated by the commission.

Article VIII – Severability and construction. Provides for the severability of the provisions of the compact under specified conditions. Provides for the appointment of the Minnesota members of the commission and requires member appointment by Aug. 1, 1991, if the compact has been enacted into law by at least five states before that date. Specifies that enactment of the compact is not to affect tuition reciprocity agreements. Effective date: August 1, 1990. HUGHES, OLSON, K.

Omnibus education aids legislation

Chap. 562-H.F. 2200 Omnibus education aids appropriations and appropriation reductions.

Article I – General education. Clarifies the school year for Aid to Families with Dependent Children pupil units computation purposes. Requires the Dept. of Education to reduce state aid to school districts by an amount equal to the reduction in the district contribution to the Teachers Retirement Association. Requires prior notice to the commissioner of referendum levies. Increases the general education tax capacity rate for FY 1993. Modifies the general education revenue fund balance reduction and requires the Dept. of Education to adjust levies certified in 1990 accordingly. Requires excess in direct appropriations for general education aid to cancel to the General Fund. Authorizes ISD #118, Remer; ISD #622, North St. Paul-Maplewood; and ISD #656, Faribault to hold referendum levies.

Article II – Transportation. Authorizes the transportation of pupils to area learning centers and to post-secondary institutions under specific conditions. Includes drug and crime hazards in the definition of excess transportation and specifies levy authorization. Increases the transportation formula allowance for the 1989-1990 base year. Excludes revenue based on the minimum regular transportation allowance from contracted services aid reduction calculation.

Article III – Special programs. Changes the term handicapped adults to adults with disabilities under community education program provisions. Modifies requirements for school district receipt of general education revenue for alternative programs with independent study components and requires payment for each hour of teacher contact time and independent study time completed toward graduation. Requires the salaries of vocational evaluators, supplemental support staff and technical tutors to be apportioned among programs based on the number of full-time equivalent instructors for secondary vocational aid purposes. Modifies the revenue formula for Indian contract or grant schools. Authorizes school districts to enroll as providers for insurance companies to provide covered special education services to eligible persons. Excludes nonhandicapped pupils with short-term or temporary disabilities from the required general education aid adjustment for specified alternative attendance programs. Authorizes area learning centers to charge tuition for nonhandicapped pupils rather than to calculate the aid adjustments. Qualifies the Pine Point Experimental School in Becker County for federal impact aid. Requires the commissioner of education to determine the number of credits of classroom instruction for courses before issuing licenses to private business, trade or correspondence schools and requires catalogues or brochures to contain course outlines showing hours or credits to be spent on each subject or unit. Excludes schools engaged exclusively in the teaching of remedial subjects, classes or programs relating to preparation for occupational licensing or for modeling or acting careers and specified seminars and tutoring programs from the Private Business, Trade and Correspondence School Act. Provides for the commissioner of education to approve proposals submitted by ISD #625, St. Paul and up to nine additional school districts for a program to reorganize the delivery of specialized instructional services.

Article IV – Drug prevention and other community programs. Requires the Dept. of Education to establish guidelines listing barriers to learning and development affecting children served by Early Childhood Family Education Programs. Clarifies a provision relating to school district transfer of money from the General Fund for employer contributions to the Teachers Retirement Fund and FICA. Requires transfer from the Community Service Fund and prohibits transfer for employees paid with other than normal operating funds. Alters adult high school graduation aid. Expands eligibility under the High School Graduation Incentives Program, specifies enrollment verification requirements, and specifies revenue to be paid in proportion to enrollment time. Provides for revenue for pupils enrolled part-time in private alternative programs. Authorizes school boards' approval of staff development plans for in-service education to increase the effectiveness of teachers in responding to children and youth at risk. Authorizes the use of a previous appropriation for adult basic education aid for grants to adult basic education providers to fund innovative service delivery projects ineligible for funding as approved programs. Increases the appropriation for Early Childhood Family Education Programs aid. Establishes grant programs to develop expanded Early Childhood Family Education Programs for grades K-3 integrating the roles of families, classroom teachers and community based social service agencies and to help targeted children and young people overcome barriers to learning. Requires school district reports on delivery of services to targeted children and young people. Appropriates money to the Dept. of Education to evaluate drug abuse prevention strategies and to survey targeted children and youth attending alternative education programs. Requires report to the Legislature by Feb. 15, 1992.

Article V – Facilities. Modifies the review and comment approval process used by the commissioner of education to respond to school district construction requests. Authorizes the commissioner to require districts to participate in a management assistance plan before reviewing and commenting on projects. Extends the period of time for commissioner approval or disapproval of project plans. Requires the commissioner to evaluate the effects of proposed facilities on the operating budget of the district. Requires the commissioner and the state fire marshal to develop a plan to periodically inspect public school buildings and allows continued local inspection of facilities. Modifies the calculation of capital expenditure facilities revenue. Prohibits the use of health and safety revenue for the construction of new facilities or the

purchase of portable classrooms. Eliminates the authority of districts to use the lease levy to make payments on lease purchase contracts and authorizes annual lease purchase agreement levies. Removes a provision excepting public works or improvements under \$100,000 from an advertising and services performance authorization provision under architect or engineer licensing requirements. Eliminates the authority of cities, counties, towns or school districts to purchase real property under a lease purchase contract. Requires the commissioner to conduct a facilities review.

Article VI – Cooperative programs. Waives nonresident application and notice deadlines for students enrolling in the Enrollment Options Program upon agreement of the resident and nonresident school districts. Requires districts to provide information to parents relating to the transportation of nonresident students. Modifies the Cooperation and Combination Program. Sets deadline for implementation of written agreements and for education district membership. Authorizes districts involved in the programs to combine after one year of cooperation. Provides for the payment of severance pay to specified teachers under cooperative agreements and specifies levy authorization. Specifies meeting and notice requirements of joint powers boards under the Cooperative Secondary Facilities Grant Act. Specifies an additional purpose of education districts. Eliminates the requirement for a joinder and withdrawal process to be included in the education district agreement and prohibits withdrawal before the end of the fiscal year of levy certification. Authorizes specific school districts to transfer from one education district to another to comply with the same education district membership requirement. Requires the districts to notify the Dept. of Education of members and programs for revenue certification purposes. Provides for education district teacher collective bargaining, requires an implementation plan, provides for the resolution of grievances, specifies contract deadline and penalties exemption, specifies eligibility for additional education district revenue, provides for certification of amounts to be levied for unemployment compensation, and requires a commissioner of mediation services report to the Legislature by Feb. 1, 1991. Clarifies the relationship between education district agreements and the Enrollment Options Program. Delays common calendar requirements. Alters the due date for submission of the five year plan to the State Board of Education. Makes technical changes relating to the payment of tuition reimbursement under the Post-Secondary Enrollment Options Act to the district of attendance rather than the district of residence. Modifies requirements relating to the transportation of nonresident pupils. Provides for membership in another educational cooperative service unit under specified conditions. Modifies education district revenue and levy amounts. Sets the cooperation and combination aid and levy for districts combining after one year and reduces the permanent cooperation and combination levy. Excludes cooperation and combination revenues from the unreserved operating fund balance for fund balance reduction determination purposes. Specifies notice requirements for reorganizing members of joint powers boards. Allows education districts to certify and receive general education revenue, specifies referendum levy authority and sets the general education revenue, levy and aid amounts. Appropriates money to the Dept. of Education for a cooperation and combination aid deficiency. Authorizes the State Board of Education to approve the combination of ISD #21, Audubon and ISD #24, Lake Park or ISD #597, Erskine and ISD #603, McIntosh under specified conditions.

Article VII – Other aids and levies. Requires the commissioner of education to maintain an office of educational leadership within the Dept. of Education. Eliminates various references to the assistant commissioners of instructional effectiveness and of development and partnership effectiveness. Authorizes school board agreements with post-secondary institutions for secondary or post-secondary courses at secondary schools or post-secondary institutions. Clarifies the payment of aid to school districts or intermediary service areas for administering educational aids for nonpublic school children. Requires the Dept. of Education to ensure the proper use of textbooks loaned to nonpublic school children and requires districts or intermediary service areas to be responsible for textbook and materials inventory. Requires the department to be responsible for determining unauthorized use of materials. Establishes an alternative teacher preparation licensing program, specifies characteristics, and requires Board of Teaching approval. Extends the deadlines for the commissioner reports to the Legislature relating to implementation of the Teacher Mentorship Program and requires inclusion of recommendations for expansion and enhancement of teacher responsibilities. Specifies content requirements for the annual report by the commissioner to the Legislature on the activities of the State High School League. Increases the desegregation

levy. Increases the amount of equalized referendum aid received by taconite districts and requires use for outcome-based learning programs. Requires ISD #712, Mountain Iron-Buhl to establish a reserved account for operating debt levy proceeds. Provides for telecommunications grants for specified additional school districts. Reduces a previous appropriation for career teacher aid and authorizes use for the increased district contribution to the Teachers Retirement Association and to FICA and for the State Career Teacher Task Force. Provides for the distribution of previous appropriations for teacher mentorship programs to existing programs and sites. Specifies a match requirement for a previous appropriation to the Academic Excellence Foundation, provides for continued availability and prohibits a carryforward to establish a larger annual base appropriation for future fiscal years. Clarifies an expense reimbursement provision for participants in the Faculty Exchange Program. Disregards fiscal disparity prior year adjustments in the city of Shakopee for taxes payable in various years for 1991 state aids purposes. Disqualifies specified school districts for 1989-1990 abatement aid. Requires the board of directors of the Academic Excellence Foundation to include in the 1991 annual report to the Legislature recommendations for availability to schools and districts of a Minnesota School of Excellence Program. Specifies program components. Appropriates money to the Board of Teaching for grants for operating cooperative ventures between school districts and post-secondary teacher preparation institutions and for fellowship grants to highly qualified minorities seeking alternative preparation for licensure. Appropriates money to the commissioner of state planning for Way to Grow Program grants and to the Dept. of Education for cooperative desegregation grants and for a grant for a leadership program in ISD #695, Chisholm.

Article VIII – Miscellaneous. Requires school district audits to include a determination of compliance with uniform financial accounting and reporting standards requirements. Includes members or the executive director of the Higher Education Facilities Authority or members of the board of directors or the president of the World Trade Center Corporation in the definition of public official for ethics purposes. Requires the sale of the assets or ownership of the Minnesota Educational Computing Corporation to be of maximum benefit to the state. Increases the membership of the board of directors of the Academic Excellence Foundation and authorizes the foundation to receive in-kind goods or services. Requires permanent fund transfers to capital expenditure funds upon the discontinuation of bus fleets. Authorizes the commissioner of education to require school districts to provide evidence of meeting State Board of Education curriculum requirements. Modifies management information system requirements and district consolidation election procedures. Limits the length of initial superintendent contracts. Authorizes the lease of schools to businesses. Grants school boards discretion in requiring performance bonds on contracts for the purchase of finished tangible products. Eliminates fund and recording requirements relating to extracurricular activities expenditures. Requires the delay of payments to districts failing to submit data consistent with audited financial statement requirements and authorizes a deadline extension. Exempts school districts not participating in the National School Lunch program from school breakfast requirements. Modifies and makes permanent specific teacher contract deadline provisions. Removes superintendent from the definition of teacher for specified purposes. Authorizes Board of Teaching rule variances for districts implementing experimental programs in learning or management. Removes the limit on the number of extended leaves of absence. Establishes the Minnesota Education in Agriculture Council to promote agriculture education. Authorizes school boards to hold school on Saturdays, Sundays and holidays. Specifies classes to be offered on weekdays and authorizes the offering of specific classes on any day of the week. Requires the Dept. of Education, in consultation with the State Curriculum Advisory Committee, to develop guidelines and model plans for parental involvement programs. Specifies plan content requirements. Provides for special telephone rates for specified schools. Makes optional the requirement for the board of directors of the Minnesota Educational Computing Corporation to contract with an independent evaluator to provide a market valuation of the corporation. Authorizes tax anticipation borrowing by ISD #676, Badger. Specifies an effective date for the requirement for applicants for secondary vocational teaching licenses to complete required skills exams. Authorizes ISD #301, Akeley to permanently transfer surplus amounts from the capital expenditure fund to the General Fund contingent upon consolidation with ISD #119, Walker. Authorizes ISD #701, Hibbing to permanently transfer the surplus amount in the pupil transportation fund reserved for bus purchases to the transportation fund. Requires the commissioner to adjust the levies certified by ISD #319, Nashwauk-Keewatin and to

reduce the General Fund levy limit and increase the down payment levy limit of the district. Authorizes a teacher participating in a negotiated incentive plan in ISD #709, Duluth to receive service credit in the Duluth Teachers Retirement Association under specified conditions. Repeals various rules.

Article IX – State agencies. Provides for the purchase of technical educational equipment by the Center for Arts Education and increases the staff of, and reduces a previous appropriation for, the center. Creates the Task Force on Mathematics, Science, Technology and International Education. Provides for the continued availability of learner outcome appropriations and prohibits a carryforward to establish a larger annual base appropriation for future fiscal years. Reduces the fiscal 1991 appropriations to the Dept. of Education and the Faribault Academies.

Article X – Technical tax rate changes. Clarifies the date for county auditor payments to school districts. Modifies the adult basic and community education, the secondary vocational cooperative, the Minneapolis health insurance subsidy, the Early Childhood Family Education and operating debt levies. Corrects the equalizing factor used to compute the Health and Safety Program and nonregular transportation levies. Authorizes the commissioner of education to request additional information from school districts in order to compute certified levy amounts.

Article XI – Maximum Effort School Capital Loan

Program. Provides for groups of school districts to form joint powers districts to build or acquire instructional facilities. Increases the maximum effort debt service levy. Modifies the Maximum Effort School Capital Loan Program. Restricts uses of the loans. Specifies a contracting deadline. Requires districts to submit proposals to the commissioner of education for review and comment and requires the commissioner to prepare a review and comment on all proposed facilities. Requires consideration of various criteria. Specifies application requirements. Requires school boards to adopt a resolution stating the amount to be borrowed, the purpose for the loan and the estimated dates for contracting and completion. Requires annual application resubmission and specifies loans not approved are to cancel. Requires the commissioner to obtain from the commissioner of revenue information required in computing the debt limit of the district upon application receipt. Requires the State Board of Education to annually review and approve or reject applications receiving a positive review and comment. Prohibits approval of applications not meeting required deadlines. Provides for commissioner examination and consideration of applications approved by the board. Requires the preparation of estimates and annual recommendations to the Legislature and voter approval before recommendation. Specifies loan amount limits. Requires legislative approval of capital loans and provides for district referendums. Provides for contracts between the districts and the commissioner for payment and repayment. Provides for loan forgiveness after 50 years. Requires districts to file copies of contracts with the county auditor for entry into the bond register and specifies commissioner recordkeeping requirements. Specifies district bond sale limits. Delays the cancellation date of specific 1990 loan applications and specifies an alternative loan limit. Extends the time limit on a loan granted to ISD #738, Holdingford. Validates various prior bond issues and contract obligations.

Article XII – Rural health care. Requires the commissioner of education to award grants to school districts to establish summer internship programs for high school students interested in careers in the health care professions. Requires the commissioner, with the advice of the Minnesota Medical and Hospital Associations, to establish criteria for awarding grants. Specifies restrictions. Requires the commissioner, in cooperation with the health care associations, to evaluate the program and make recommendations to the Legislature by Feb. 15, 1992. Effective date: Various dates. NELSON, K., PETERSON.

Administrator and faculty study authorization

Chap. 569-S.F. 394 Requires post-secondary governing boards to examine current programs providing initial training and continuing education for administrators and faculty to improve administrative, teaching and advising skills. Requires a report to the Legislature by Jan. 15, 1991. Effective date: August 1, 1990. DICKLICH, JAROS.

Bordering state educational provisions

Chap. 596-S.F. 1966 Expands the option of school attendance in bordering states to students attending elementary or middle schools. Requires school districts to pay severance pay to teachers placed on unrequested leave of absence as a result of agreements with adjoining states. Authorizes districts to levy for the amounts necessary to make the payments. Establishes an Interstate Education Task Force to coordinate

educational opportunity on the border between Minnesota and South Dakota. Specifies membership and requires a report to the Legislature by Jan. 15, 1991. Effective date: Various dates. DECRAMER, GIRARD.

Elections and Ethics

Technical elections provisions

Chap. 453-S.F. 1920 Modifies school district and general elections provisions. Requires election judges to request that individuals correct registration cards in cases of missing or obviously incorrect school district names or numbers. Establishes the number of signatures required on nominating petitions for municipal or school district offices. Requires county auditors to notify affected school districts of municipal election precinct boundary changes at least 30 days before the effective date of the change. Requires school district approval of polling place changes. Provides for the correction of errors on ballot questions and on school district election ballots. Provides for the counting of votes on ballot questions. Authorizes ballot printers to furnish letters of credit or certified checks in lieu of bond. Restricts the time period for school district special elections. Exempts school districts from compliance with additional posting requirements. Eliminates the requirement for school districts to certify election hours to the county auditor. Exempts separate school district elections from provisions relating to party balance in the appointment and duties of election judges. Extends the time period for canvassing school district election returns. Requires notice of school district elections in combined precincts and polling places to be published in official newspapers. Authorizes the combining of precincts located in separate counties for school district elections not held on the day of a statewide election if duplicate voter registration files are maintained for the voters of each county. Clarifies election contest provisions relating to ballot questions and special elections. Clarifies the definition of disbursement relating to county, municipal, school district or other local government unit election related expenditures for campaign reporting purposes. Effective date: April 17, 1990. HUGHES, MCEACHERN.

Automatic recount margin change

Chap. 486-H.F. 2134 Increases the vote margins, to 200 or less, required for automatic recounts at state primary and general elections. Effective date: August 1, 1990. ABRAMS, COHEN.

Voter registration changes

Chap. 585-S.F. 2229 Modifies and clarifies voter registration procedures. Changes the computerized central registration system to the statewide registration system and eliminates the requirement for the system to satisfy the requirements for a duplicate registration file. Requires rules of the secretary of state to provide temporary alternate procedures for updating voter records and producing polling place rosters for counties. Requires the secretary of state to determine, by June 1, 1990, the necessity of the alternate procedures. Eliminates the registration card included with state income tax forms or registration as part of a drivers license application as opportunities for voter registration. Modifies county auditor duties relating to changes of registration. Requires notice through the statewide registration system to the county auditor of the county of previous registration. Authorizes county auditors to make photographic copies of voter registration cards. Changes the precinct list to the master list and requires creation by entering completed voter registration cards received by county auditors into the statewide registration system. Requires the listing of the date of birth, eliminates the telephone number requirement and restricts availability of the information contained in the master list. Requires the secretary of state to prepare the master list for each county auditor annually. Modifies availability requirements for updated lists. Provides for availability of public information lists containing the name, address and voting history of each registered voter in a county and specifies that telephone numbers must be included if provided by the registered voter. Authorizes the secretary of state to provide copies of the lists for uses related to elections, political activities or law enforcement. Specifies requirements for public access to the lists. Provides for use of the statewide registration system for school district elections. Requires county auditors to post the voting history for every person voting in an election for secretary of state inactive status determination and reporting purposes. Requires the secretary of state to pay the costs of operating and maintaining the statewide registration system and of preparing polling place rosters and master lists. Eliminates duplicate registration file and voter certificate requirements and provides for polling place rosters. Authorizes county auditor delegation of specified rules and duties to the secretary of state upon approval of the secretary. Provides

for interpreter and audio tape or Braille services at state conventions and for permanent absentee voter status for eligible voters permanently unable to go to the polling place on election day due to illness or disability. Authorizes application to the county auditor or municipal clerk to automatically receive an absentee ballot application before each election. Requires secretary of state procedures rules. Provides for absentee voter lists and requires polling place rosters to include indicators for persons on absentee voter lists. Specifies election judge duties. Specifies a time period for preparation and signing of affidavits of candidacy for general elections. Changes the time limits for county auditor preparation of election materials and notice of mail elections. Eliminates the requirement for ballot boxes. Requires municipal or school district clerks to return polling place rosters and completed voter registration cards to the county auditor within 48 hours after the end of voting hours. Allows the posting of noncommercial signs of any size between August 1 until ten days following the election in general election years. Exempts the signs from municipal ordinances regulating the size of noncommercial signs. Modifies town officers election procedures relating to the affidavit of candidacy. Requires the secretary of state to report to the Legislature by Feb. 1, 1992, on the effectiveness of permanent absentee voting. Effective date: May 4, 1990. HUGHES, SCHEID.

Presidential primary date change

Chap. 603-S.F. 2421 Modifies presidential primary provisions. Modifies a provision relating to reporting of campaign contributions directed to candidates or principal campaign committees by political funds or committees. Imposes a penalty for violation. Specifies affidavit of candidacy content requirements and the time for filing. Sets the filing fee. Specifies the required number of signatures for a petition in place of the filing fee. Changes the date of the presidential primary election to the first Tuesday in April. Authorizes voters to vote for uncommitted delegates to the national party convention and provides for write-in candidates. Modifies the requirements for listing candidates on the ballot. Changes the time for secretary of state announcement of presidential candidates and requires the secretary of state to certify candidate names to county auditors. Specifies time limit. Specifies a deadline for secretary of state notice to individuals to be listed on the presidential primary ballot and changes the time limit for submitting an affidavit of noncandidacy. Provides for voter certification of party designation. Alters the time limit for secretary of state notice to county auditors of the presidential primary date and specifies a deadline for county auditor notice of the date to municipal clerks. Specifies additional posted notice requirements of municipal clerks and county auditors and authorizes county auditor publication in addition to posting. Modifies the selection of delegates to the national convention. Requires persons entitled to inspect duplicate registration files or to receive copies of current precinct lists to be informed of the party choice of voters voting in the most recent presidential primary. Requires secretary of state implementation rules. Requires the secretary of state to study the feasibility of holding a regional presidential primary with another state and to report to the Legislature by Feb. 1, 1991. Eliminates provisions providing for the primary winner as the endorsed candidate of the party. Effective date: August 1, 1990. LUTHER, SCHEID.

Campaign reform legislation

Chap. 608-H.F. 2666 Elections and Ethics Reform Act of 1990.

Article I – Lobbying disclosure. Defines or redefines terms under the Ethics in Government Act. Prohibits members of the Ethical Practices Board from serving as lobbyists. Eliminates a lobbyist reporting requirement. Requires a separate listing of lobbying to influence legislative or administrative actions and lobbying to influence official actions of metropolitan governmental units with a breakdown of disbursements in the required reports. Specifies annual reporting requirements of principals and additional requirements of the report of the executive director of the board. Authorizes random audits of lobbyists and principal financial records by the board.

Article II – Economic interest and conflict reporting. Includes local officials elected to, or appointed by, metropolitan government units in potential conflict of interest and economic interest statement requirements and modifies potential conflict statement requirements. Exempts Hennepin County officials required to file economic interest statements under the general provisions from the separate economic interest statement requirements for the county.

Article III – State campaign reform. Includes payment for entertainment and facility rental for fundraising events in the definition of noncampaign disbursement for contribution reporting purposes. Prohibits lobbyist and political contributions to members of the

Legislature or to political or campaign committees during regular legislative sessions. Defines regular session, excepts special elections and specified political committees. Prescribes a civil penalty for violation. Modifies campaign report disclosure requirements relating to noncampaign disbursements. Exempts primary elections with unopposed statewide or legislative candidates from a campaign contribution notice requirement. Authorizes political committees or funds to accept contributions under \$100 from unregistered associations. Specifies statement requirements and limits and prescribes penalties for violation. Authorizes political committees or funds with debts to file termination reports after six years upon notice to remaining creditors. Provides for the dissolution of inactive principal campaign committees or political committees or funds, defines inactivity, and requires liquidation of available assets to pay debts. Increases campaign expenditure limits for candidates for governor, lieutenant governor, attorney general, secretary of state, state treasurer, state auditor, state senators and state representatives and provides for inflation adjustments. Requires candidates making expenditures from more than one principal campaign committee for nomination or election to statewide office in the same election year to aggregate all expenditures for campaign expenditure limits application purposes. Requires the Ethical Practices Board to publish the expenditure limit for each office by June 15 of each year in the State Register. Increases contribution limits for state senators and representatives in nonelection years and prohibits principal campaign committees acceptance of aggregate contributions in excess of the maximum amount allowed. Clarifies exceptions to multicandidate political party expenditure limits relating to party units and excepts expenditures for specified party committee staff member services from the limits. Provides for public subsidies to eligible legislative candidates during special elections. Requires the commissioner of revenue to calculate and certify to the board before July 1 in an election year an estimate of the total amount in the state general account of the State Elections Campaign Fund and the amount of money in the party account available to each qualified candidate. Requires the board to publish and forward to all filing officers estimates of available funds. Specifies secretary of state and county auditor certification duties and board notice requirements. Requires candidates, as a condition of receiving public subsidies, to sign and file with the board written agreements that they will not exceed aggregate expenditure limits. Prescribes matching fund requirements. Provides for the return of public subsidies under specified conditions. Provides for the return of state elections campaign funds for political parties without candidates to the General Fund. Provides a tax credit for contributions to political parties and candidates. Repeals provisions relating to limits on the State Elections Campaign Fund.

Article IV – Congressional campaign reform. Provides for a financial incentive to congressional candidates voluntarily limiting campaign expenditures. Provides for congressional candidates receiving a financial incentive to sign and file with the Ethical Practices Board an agreement limiting aggregate expenditures made by authorized committees of the congressional candidates. Specifies congressional campaign spending limits and provides for adjustment by the Consumer Price Index. Provides for limits for candidates in contested primary elections. Provides for post-election year expenditures. Specifies that limits are to be conditional upon opponent agreement to be bound by the limits. Prescribes penalties for exceeding expenditure and contribution limits and requirements. Requires certification of eligible candidates by the board. Provides for distribution of money after primary elections. Provides for the return of financial incentives. Requires the filing of campaign reports with the secretary of state.

Article V – Congressional action encouraged. Urges the U.S. Congress to enact additional regulations to limit contributions to congressional candidates by political action committees.

Article VI – Open meetings of the Legislature. Applies requirements of the open meeting law to the Legislature. Requires the House and Senate to adopt implementation rules.

Article VII – Miscellaneous provisions. Requires the commissioner of natural resources to include with deer licenses sold or issued during a general election year an application for absentee ballots and a voter registration card. Specifies a time period for filing affidavits of candidacy. Requires county auditors to provide sample ballots to school districts upon request. Transfers the responsibility for developing forms for various Hennepin County statements and reports from the Ethical Practices Board to the Hennepin County filing officer.

Article VIII – Judicial merit selection. Establishes a Commission on Judicial Selection to assist the governor in filling vacancies or newly

created judgeships in the District Courts and specifies commission membership. Specifies candidate recruitment requirements and evaluation criteria and includes encouragement of women and minorities. Specifies meeting and notice requirements. Provides procedures for submission of nominees to the governor. Authorizes closed meetings to discuss candidates. Specifies annual tabulation filing requirement. Effective date: Various dates. SCHEID, LUTHER.

Employment

Supported employment definition

Chap. 363-S.F. 2353 Provides for supported employment programs for severely disabled persons under the extended employment programs of the Dept. of Jobs and Training. Defines supported employment and changes the term "community based employment program" to "supported employment program." Effective date: March 30, 1990. PIPER, COOPER.

Minimum wage increase

Chap. 418-H.F. 1839 Expands the exclusion of employees of seasonal resident or day camps from minimum wage requirements. Eliminates the terms federal covered and state covered employers. Defines "large employer" as an enterprise whose annual gross volume of sales made or business done is more than \$362,500 (exclusive of excise taxes at the retail level that are separately stated) and covered by the Minnesota Fair Labor Standards Act. Defines "small employer" as an enterprise whose annual gross volume of sales made or business done is less than \$362,500 (exclusive of excise taxes at the retail level that are separately stated) and covered by the Minnesota Fair Labor Standards Act. Specifies that a large employer must pay each employee wages of at least \$4.25 an hour beginning Jan. 1, 1991. Specifies that a small employer must pay each employee at a rate of at least \$4.00 per hour beginning Jan. 1, 1991. Specifies that a large employer must pay each employee at a rate of at least the minimum wage set by the state law or federal law without the reduction for training wage or full-time student status allowed under federal law. Provides for the continued application of federal covered employer minimum wage laws until Jan. 1, 1991. Removes exceptions to the prohibition on the crediting of tips towards payment of the minimum wage. Effective date: Various dates. KELLY, LANTRY.

Accident and injury reduction efforts

Chap. 508-S.F. 1869 Requires specified employers to establish written work place accident and injury reduction programs promoting safe and healthful working conditions based on clearly stated goals and objectives. Specifies program and compliance requirements. Requires annual program review and documentation by employers for effectiveness purposes. Requires the commissioner of labor and industry, in accordance with occupational safety and health standards, to adopt rules specifying a list of standard industrial classifications of employers required to comply. Requires periodic updates and specifies a time limit for employer compliance. Authorizes the commissioner to present awards to businesses with excellent safety records. Effective date: August 1, 1990. DIESSNER, BEARD.

Unemployment compensation modifications

Chap. 516-S.F. 2395 Relates to unemployment compensation. Regulates coverage of specified conservation corp members. Increases the income disregard. Removes holiday pay from eligibility exclusions. Eliminates the requirements for claimants to be represented by an attorney. Modifies provisions relating to access to data by the Depts. of Jobs and Training, Labor and Industry and Trade and Economic Development. Modifies and clarifies data classifications and classifies tape recordings and transcripts of proceedings and exhibits. Restricts access to transcripts. Eliminates record certification payment requirements. Clarifies final decision provisions relating to appeal. Eliminates provisions relating to the withholding of income taxes from unemployment compensation payments. Appropriates federal money to the commissioner of jobs and training to procure electronic data processing equipment for administration of the unemployment compensation program and the system of public employment offices. Effective date: Various dates. CHMIELEWSKI, BEARD.

Loggers workers comp provisions

Chap. 521-S.F. 2375 Establishes a Workers Compensation Targeted Industry Fund for loggers in the Special Compensation Fund to be administered by the commissioner of labor and industry. Requires purchasers of wood from the logging industry to obtain from the loggers a certification of compliance with mandatory insurance requirements or reason for exemption. Requires certificates obtained to be submitted to

the commissioner on request. Imposes an annual assessment of 30 cents per cord of wood in excess of 5,000 cords purchased or acquired by wood mills and prohibits recovery from the logging industry. Requires revenue collected to be deposited in a separately maintained account in the Special Compensation Fund for the payment of premium rebates and for the Loggers Safety and Education Program. Specifies wood mill and qualified employer annual reporting requirements. Provides for annual workers compensation premium rebates to qualified employers with employees attending approved safety seminars during the preceding calendar year. Grants the commissioner increased records inspection authority and authorizes penalty imposition for late assessment payments by wood mills. Imposes a penalty for false reports. Requires the commissioner to establish or approve a safety and education program for loggers to be funded through the assessments. Authorizes the governor to appoint an advisory council to recommend long-term solutions to the high cost of workers compensation insurance for loggers. Requires the commissioner to study the potential effects on workers compensation insurance costs of an elimination of minimum premium policies and of statutory exclusions from the mandatory insurance requirements. Effective date: July 1, 1990. CHMIELEWSKI, BEGICH.

Miscellaneous workers comp provisions

Chap. 522-S.F. 2490 Relates to workers compensation. Includes persons with mental retardation or other related conditions in the definition of "physical impairment" for subsequent disability benefits eligibility purposes. Defines mental retardation and other related conditions. Provides coverage for preventive rabies treatment furnished to employees exposed to rabies. Modifies provisions regulating access to medical data and expands the scope of the provisions to include all releases. Requires confirmation of the date of discussions with medical providers about medical data to the person or organization collecting or possessing the data. Requires provision of written data by the collector or possessor upon request and authorizes the provision of nonwritten data. Authorizes workers compensation insurers and self-insured employers to disclose to health insurers computerized information for duplicate billings identification purposes without prior approval of the parties involved. Prohibits use of the data for any other purpose and requires destruction of the data after verification of no duplicative billing. Requires insurer notices of mid-term cancellations of workers compensation insurance to be delivered or mailed to the trucker employers receiving the certificate of insurance. Effective date: August 1, 1990. CHMIELEWSKI, BEGICH.

Sales rep agreement regulatory changes

Chap. 539-S.F. 2282 Specifies grounds for termination or nonrenewal of sales representative agreements. Specifies rights of sales representatives upon termination relating to the payment of commissions. Provides for arbitration and remedies. Specifies that the decision is final. Provides for the enforcement by civil action in District Court of employment contracts existing under collective bargaining agreements upon new employers for specified lengths of time. Provides an exception. Requires disclosure of the enforcement clause by the current employer to the new employer. Effective date: Various dates. FRANK, RICE.

Parental leaves of absences

Chap. 577-S.F. 409 Modifies employment parenting leaves of absence provisions. Clarifies the minimum period of employment requirement for eligibility purposes. Defines child. Creates an exception to the limit on the start of the leave. Requires employers to grant employee leave to attend school conferences or classroom activities related to the children of the employee provided that the conferences or classroom activities cannot be scheduled during nonwork hours. Specifies limits. Specifies an employee prior notice requirement and authorizes the use of accrued vacation or other appropriate paid leave. Authorizes the use of sick leave benefits for absences due to illness of a child. Specifies limits. Provides for position reinstatement after school conference and sick child care leave. Clarifies provisions relating to pay and benefits upon return to work. Effective date: August 1, 1990. PIPER, MCLAUGHLIN.

Environment and Natural Resources

Hazardous waste facility contract referendum requirement

Chap. 359-S.F. 956 Requires county boards entering into state contracts for the siting and development of commercial hazardous waste stabilization and containment facilities to hold binding referendums on

implementation of the contracts. Sets forth election procedure. Effective date: August 1, 1990. STUMPF, SPARBY.

Ditch abandonment authorization

Chap. 369-S.F. 1663 Authorizes and provides for the abandonment of Judicial Ditch #37 in Redwood and Lyon Counties. Specifies that the ditch is no longer a public drainage system but is part of the Redwood River. Specifies the membership of the board of commissioners of the Faribault County Local Redevelopment Agency. Requires the county board to fix the terms of office so that no more than two expire in any calendar year. Effective date: Local approval. DECRAMER, GIRARD.

Water statute recodification.

Chap. 391-S.F. 60 Recodifies, clarifies and relocates provisions relating to water laws.

Article I – Water policy and information. Includes provisions relating to regulatory, wetland, hydropower, conservation, floodplain management, scenic river protection, marginal and erodible land retirement and water law policies, water law and policy determination and water information.

Article II – Water planning and project implementation. Includes provisions relating to the Board of Water and Soil Resources, statewide water resource planning, metropolitan surface and groundwater management, local water planning, the South Dakota -Minnesota Boundary Waters Commission, lake improvement districts and the Lake Minnetonka and White Bear Lake Conservation Districts.

Article III – Soil and water conservation districts. Includes provisions relating to soil and water conservation policy, districts and boards, duties of the Board of Water and Soil Resources, cost sharing contracts and improvement works.

Article IV – Watershed districts. Includes provisions relating to watersheds, the Board of Water and Soil Resources, districts establishment, consolidation, boundary changes and termination, managers, watershed management plans, general provisions, projects establishments, basic water management and government projects procedures, emergency projects, drainage systems and projects, project repairs, improvements and construction and funding.

Article V – Drainage of waters. Includes provisions relating to drainage systems and projects, authority powers, proceedings, ditches, surveys and investigations, petitions, improvements, laterals, flowage easements, viewers, benefits and damages, outlets, contracts and bonds, bridge and culvert construction and maintenance, liens, drainage bonds and accounts, repairs and drainage system abandonment.

Article VI – Protection of water resources. Includes provisions relating to floodplain management, Southern Minnesota Rivers Basin Area II, shoreland development, wild and scenic rivers, Mississippi headwaters planning and management, project riverbend, soil erosion, the Reinvest in Minnesota Resources and Clean Water Partnership laws, the Water Bank Program and lake preservation and protection.

Article VII – Waters of the state. Includes provisions relating to the authority of the commissioner of natural resources, public waters designation and use, wetlands, work affecting public waters, water diversion and appropriation, general permit procedure, water level establishment and control, Big Stone Lake, Mississippi headwater lakes, dam construction and maintenance, flowage easements, water aeration and deicing, harvest and control of aquatic plants and streams.

Article VIII – Recodification and relocation of provisions relating to water and correction of cross references. Includes provisions relating to changing and giving names to water bodies, fish screens in lakes and bathing beaches in Hennepin County.

Article IX – Recodification and relocation of provisions relating to water safety, water surface use and watercraft. Includes provisions relating to water and watercraft safety and enforcement, watercraft licensing, equipment, operation and regulation, surface water use regulation, scuba diving and water safety funding.

Article X – Instructions to revisor Specifies the effect of changes in the act and the effect on administrative rules. Provides instructions to the revisor. Repeals recodified and relocated provisions, specific local lake conservation and scenic river laws and provisions relating to petition and judicial establishment of improvements to control water levels. Provides for the continuation of projects. Effective date: Various dates. DECRAMER, DILLE.

St. Louis County solid waste facility authorization

Chap. 400 – H.F. 2386 Authorizes St. Louis County to contract for the

acquisition, construction, improvement, maintenance or operation of solid waste facilities or property without advertising for bids. Authorizes towns and cities within determined service areas to contract with the county to provide solid waste management services at solid waste facilities. Authorizes joint board formation. Validates acts by the county board in providing solid waste management services to unorganized townships. Exempts the construction of a specific solid waste composting facility in Kanabec County from contractors' bond requirements provided that no payment of any portion of the contract price is required before completion of the project. Effective date: Various dates. RUKAVINA, DICKLICH.

Consumptive water use exemption

Chap. 406-H.F. 1883 Exempts consumptive water use over 2 million gallons per day for construction dewatering and pollution abatement or remediation from legislative approval. Provides for legislative approval of consumptive water use for specific projects upon determination of adequacy of the basins of origin. Provides for the protection of fens. Effective date: April 6, 1990. PRICE, MORSE.

Button battery disposal regulation

Chap. 409-H.F. 1921 Prohibits the disposal in mixed municipal solid waste of dry cell batteries containing toxic metals and purchased or used by government agencies, industrial, communications or medical facilities. Requires battery manufacturers to ensure proper collection, transportation and processing of waste batteries. Specifies manufacturer cost responsibility and notice requirements. Establishes requirements for general and special purpose batteries. Requires manufacturers of button cell batteries to identify the type of electrode used. Restricts the amount of allowable mercury in alkaline manganese batteries. Authorizes the commissioner of the Pollution Control Agency to exempt specific types of batteries from the restriction if there is no battery meeting the requirements that can be reasonably substituted for the battery for which the exemption is sought. Specifies that batteries in rechargeable tools and appliances be removable and specifies labeling requirements for the sale of consumer products containing rechargeable batteries. Authorizes exemptions if the product cannot be redesigned and manufactured prior to the effective date or if the redesign would result in significant danger to health and safety or if the type of electrode used in the battery poses no unreasonable hazards when disposed of as mixed municipal solid waste. Specifies that the exemption is limited to two years and may be renewed. Prescribes penalties for manufacturer violation of battery requirements. Effective date: Various dates. WAGENIUS, DAHL.

State park permit issuance

Chap. 427-H.F. 2350 Authorizes the issuance of state park permits by agents designated by the commissioner of natural resources. Requires permit sale proceeds and unsold permits to be returned to the commissioner. Prohibits agents' fee retention. Authorizes agents to collect and retain an additional handling fee. Specifies a limit of four percent of the price of the permit. Expands provisions requiring bonds or other financial assurance from mining operators for mineland reclamation purposes. Effective date: May 12, 1990. MCGUIRE, DAHL.

Emergency drought provisions

Chap. 434-S.F. 2172 Requires the commissioner of natural resources to establish a plan to respond to drought related emergencies and to prepare a statewide framework for drought response. Specifies plan requirements. Requires the Metropolitan Water Use and Supply Plan of the Metropolitan Council to be submitted to the Dept. of Natural Resources for review for consistency with the statewide drought plan. Extends the deadline for completion of the long term use and supply plan until Feb. 1, 1992. Effective date: August 1, 1990. LESSARD, SOLBERG.

State park name change

Chap. 437-S.F. 2079 Renames Helmer Myre State Park in Freeborn County as the Myre-Big Island State Park. Renames Nerstrand Woods State Park in Rice County as the Nerstrand Big Woods State Park. Effective date: August 1, 1990. PIPER, RODOSOVICH.

State timber sale provisions

Chap. 443-S.F. 1879 Eliminates the restriction on the sale of state timber in more than one location on any one day. Places a time restriction on sales in adjoining counties by specifying that sales may not be held less than two hours apart. Effective date: August 1, 1990. BERTRAM, KINKEL.

Anoka County land sale

Chap. 448-H.F. 2135 Authorizes and provides for the private sale or exchange of land in Anoka County. Effective date: April 17, 1990. QUINN, NOVAK.

State lands appraised value adjustment requirements

Chap. 452-S.F. 2489 Requires the commissioner of natural resources to periodically adjust the appraised value of state lands leased as public campgrounds if the appraised value has increased or decreased. Specifies a lease rate for leases renewed in 1991 and following years of five percent of the appraised value of the leased land. Specifies requirements for the minimum appraised value assigned to the land. Authorizes and provides for the withdrawal from sale by the lessee of Permanent School Trust Funds lands bordering public waters leased for private cabin purposes. Removes the requirement for eventual sale of unsold lots. Authorizes and provides for the sale of tax-forfeited lands in Koochiching and Lincoln Counties. Provides for the sale of state lands in Scott, Fillmore and Hubbard Counties. Provides for the sale of surplus state lands in Lake and Grant Counties. Provides for the sale of trust fund land in St. Louis County. Provides for the sale of surplus wildlife land in Washington County to Independent School District #834, Stillwater. Provides for the private sale of tax-forfeited land in Becker County. Provides for the sale of tax-forfeited lands bordering public waters in Otter Tail and Pine Counties. Effective date: April 17, 1990. LESSARD, RUKAVINA.

Wetland or marginal land delineation provisions

Chap. 473-S.F. 1772 Transfers the responsibility for determining and delineating the marginal land and wetlands to be reserved or restricted by conservation easements upon the sale of state land from the Board of Water and Soil Resources to the authority selling the land. Requires delineation reporting to the board or to the commissioner of natural resources and specifies a disapproval time limit. Requires county boards in counties with land commissioners to determine review of marginal land and wetlands and delineation of reservation or conservation easements for tax-forfeited land by the land commissioners or the Soil and Water Conservation District Board. Requires delineation report to and review by the commissioner of natural resources. Requires review and delineation of other tax-forfeited land by the Soil and Water Conservation District Board. Establishes Lake of the Woods State Forest. Exempts lands sold under a land classification agreement dated August, 1989, between the commissioner of natural resources and Lake of the Woods County and lands transferred by the commissioners of administration or transportation or transfers of tax-forfeited land from specific conservation reserve program requirements. Specifies instructions to the revisor relating to the requirements for statutory descriptions of state forests. Effective date: April 21, 1990. STUMPF, TUNHEIM.

Wildfire arson crime provisions

Chap. 478-H.F. 2131 Prohibits the intentional setting of wildfires on land containing timber, underbrush, grass or other vegetative combustible material. Prohibits the possession of flammable or explosive devices or materials with the intent to set wildfires. Prescribes felony penalties and authorizes the court to order payment of fire suppression costs and damages to the owner of the damaged land. Effective date: August 1, 1990. JOHNSON, R., DAHL.

Petroleum tank provisions

Chap. 501-S.F. 1725 Increases the minimum balance requirement for the Petroleum Tank Release Cleanup Fund. Alters the fee imposition period. Increases the limits for costs reimbursement by the Petroleum Tank Release Compensation Board. Excludes corrective action costs relating to the physical removal of tanks and costs associated with releases from tanks located at petroleum refineries or from tank facilities from reimbursement eligibility. Defines petroleum refinery and tank facility. Effective date: April 24, 1990. NOVAK, SPARBY.

Aquaculture provisions

Chap. 502-S.F. 1704 Requires the commissioner of agriculture to prepare an annual report on aquaculture consumption, production and development in the state. Prohibits the commissioner of natural resources from restricting aquacultural activities by Leech Lake Indians. Authorizes the transportation of minnows by common carrier if information is provided that allows the commissioner to ascertain the location of the minnow shipment in the state. Requires the commissioner of natural resources to promote the taking of rough fish from Lake of the Woods and authorizes the issuance of commercial fishing licenses. Authorizes conservation officers to serve search warrants. Effective date: April 25, 1990. BERG, MCGUIRE.

Property transfer and disposition practices

Chap. 528-S.F. 2396 Provides for the disposition of real or personal property no longer needed for environmental response action purposes by the commissioner of the pollution control agency and authorizes transfer to the commissioner of administration, to another state agency,

local government unit or special purpose district or disposal as required by federal law. Provides for transfer of property needing operation, maintenance or monitoring after completion of other phases of the response action to another state agency, local government unit or special purpose district agreeing to accept the property. Authorizes the lease or the granting of easements in the property during implementation of response actions. Requires the deposit of proceeds received into the Environmental Response, Compensation and Compliance Account. Effective date: July 1, 1990. MORSE, MCGUIRE.

Freshwater lake preservation and education activities

Chap. 535-S.F. 1866 Establishes the Lake Superior Center Authority as a public corporation to be governed by a board of directors to work with the Lake Superior Center in the city of Duluth for large freshwater lakes preservation and restoration information purposes. Specifies powers. Provides for the design, development and operation of a freshwater education facility. Requires the authority to comply with federal laws and rules relating to the treatment of wild animals. Authorizes Dept. of Natural Resources rule-making and inspection powers. Authorizes the sale or exchange of superfluous animals. Authorizes admission fees. Requires annual audits and reports to the Legislature. Exempts the authority from the property tax. Specifies that wholly owned assets are to become state property upon dissolution of the corporation. Effective date: August 1, 1990. SOLON, JAROS.

Animal decoy shooting

Chap. 558-S.F. 1703 Authorizes conservation officers to enforce specified natural resources laws. Prohibits the discharge of firearms or arrows at big game animal decoys placed by licensed peace officers near public highway rights-of-way. Prohibits the location of deer stands within the rights-of-way of improved public highways. Effective date: May 4, 1990. BERG, TRIMBLE.

Eurasian water milfoil restrictions

Chap. 559-S.F. 1670 Prohibits the transport of Eurasian or northern water milfoil (*myriophyllum spicatum* or *exalbescent*) on roads or highways unless the transport involves disposal of the water milfoil as a part of a harvest or control activities. Prohibits the placement of trailers or the launching of watercraft with Eurasian or northern water milfoil attached into state waters. Authorizes conservation and peace officers enforcement and provides penalties. Authorizes the commissioner of natural resources to suspend, for up to one year, the watercraft licenses of persons refusing to comply with an order to remove Eurasian or northern water milfoil from the watercraft or trailer. Effective date: May 12, 1990. LUTHER, SKOGLUND.

Minnesota Toxic Pollution Prevention Act

Chap. 560-S.F. 2173 Article I – Minnesota Toxic Pollution Prevention Act. Requires the director of the Office of Waste Management to establish a Pollution Prevention Assistance Program to assist eligible recipients in preventing pollution. Specifies required program elements. Authorizes grants to eligible recipients to study or demonstrate the feasibility of applying specific technologies and methods to prevent pollution and specifies grant award procedures. Authorizes the governor to issue annual awards commending excellence in pollution prevention. Specifies that facilities required by the federal government to submit toxic chemical release forms must prepare toxic pollution prevention plans for the facilities. Requires annual progress reports to the commissioner of the pollution control agency for compliance review and specifies requirements for progress reports not in compliance after modification. Classifies progress reports as public data and protects plan contents. Requires the director, in cooperation with the commissioner of the Pollution Control Agency and the Emergency Response Commission, to report on progress annually to the Legislature. Imposes pollution prevention fees on toxic pollutant release or hazardous waste generation and provides for crediting to the environmental fund. Requires the director to report to the Legislature on barriers to pollution prevention. Requires the director to report to the Legislature, by Jan. 1, 1993, on toxic pollutants use.

Article II – Comprehensive Chlorofluorocarbon Reduction and Recycling Act of 1990.

Requires removal or recapture of CFC's or halons from salvage automobiles, refrigeration and mobile air conditioning equipment, appliances and fire extinguishers for recycling purposes. Specifies exemptions for foam and medical devices. Authorizes destruction or proper disposal of CFC's in refrigeration equipment and appliances. Requires Pollution Control Agency recycling rules. Preempts local government unit regulations. Restricts or prohibits the sale of CFC motor vehicle coolants, solvents, party streamers and noise horns. Provides for the application of the provisions to chemicals added to the

definition of CFC's after the legislation's effective dates. Effective date: Various dates. LESSARD, MUNGER.

Wastewater treatment regulatory changes

Chap. 564-S.F. 1925 Modifies requirements for municipal wastewater treatment grants under the Water Pollution Control Program. Eliminates the requirement for eligible cost to be as determined by the Environmental Protection Agency for state independent and matching grants purposes and the requirement for independent grant administration rules to comply with specified federal provisions. Increases the dwelling or establishment limit for individual on-site wastewater treatment systems for state independent grants reimbursement set-aside purposes. Delays the deadline for required cost certifications upon application for grants for on-site treatment systems and authorizes the certification of planning and engineering costs. Requires Pollution Control Agency rules relating to the maximum number of dwellings or other establishments allowed to be served by individual on-site treatment systems for grant purposes. Increases the bonding authority of the Public Facilities Authority and prohibits bond issuance for the making of grants. Effective date: Various dates. DAHL, WINTER.

Carbon dioxide emissions

Chap. 587-S.F. 1473 Requires the commissioners of the Dept. of Natural Resources and the Pollution Control Agency, in consultation with representatives of industries that may be affected by a potential surcharge on carbon dioxide emissions and the forestry and environmental communities, to prepare a report to the Legislature by Jan. 1, 1991, on carbon dioxide emissions and incentives to reduce emissions. Authorizes the commissioners to solicit and accept funds from nonstate sources to prepare the report. Supersedes a law passed in the 1990 Legislative Session requiring the commissioners to report on the use of a surcharge on carbon dioxide emissions. Effective date: August 1, 1990. DAHL, KAHN.

Environmental Education Program creation

Chap. 595-S.F. 2160 Establishes the Environmental Education Program and specifies program goals. Creates the Office of Environmental Education, with a director to be appointed by the commissioner of the state planning agency, to initiate, develop, implement, evaluate, coordinate and market informal environmental education programs. Creates an advisory board and specifies membership. Authorizes the director to develop a plan and establish a continuing planning process to achieve the environmental education goals. Authorizes integration of environmental education plans, strategies and policies developed by the Dept. of Education and post-secondary institutions. Authorizes review of proposed legislation and funding requests relating to informal environmental education for consistency with the plan and requires coordination with K-12 and post-secondary environmental education legislation and funding requests. Authorizes the director to conduct biennial environmental education conferences to identify future issues and needs. Requires the director to establish advisory committees. Authorizes receipt and allocation of grants for environmental education. Specifies director environmental education coordination procedures. Authorizes the establishment of environmental education resource centers for public contact purposes and specifies duties. Requires the director to cooperate with, and support, the Environmental Education Program developed by the State Board of Education and the Dept. of Education. Requires the Dept. of Education to assist in establishing the programs in public elementary and secondary schools through learner outcome, assessment and feedback, and instructional processes and to develop curriculum integration models for the program. Specifies model content requirements. Provides for the use of research and development sites for integration purposes. Specifies that the Dept. of Education is responsible for in-service teacher training in environmental education. Requires a department biennial report to the governor and Legislature. Specifies that the director of environmental education to be the successor to the Environmental Education Board and abolishes the board. Effective date: July 1, 1990. MERRIAM, NELSON, K.

Groundwater protection modifications

Chap. 597-S.F. 2126 Modifies pesticide, fertilizer and agricultural chemical regulations. Clarifies bulk pesticide storage facility permit requirements. Requires a permit from the commissioner of agriculture before facility construction or alteration. Imposes an application fee. Increases the fee for applicants beginning construction or alteration before permit issuance. Imposes the pesticide registration fee on annual gross sales of pesticides used in the state. Imposes an additional fee for pesticides included in the federal Environmental Protection Agency health advisory summary and requires deposit in the Agricultural Project

Utilization Account for pesticide use reduction grants. Specifies registrant sales information and determination duties for fee and surcharge imposition purposes and exempts sales of pesticides in the state for use outside the state from the additional fee if registrants properly document the sale location and distributors. Requires annual payment of the fee by registrants paying more than the minimum fee and specifies a deadline for annual payment of the minimum fee. Specifies a date for filing of the annual report. Increases the application fees for special local need and experimental use registrations. Requires a chemigation permit for fertilizer application through all sources of irrigation water. Requires permits for construction or alteration of facilities used for fertilizer distribution. Requires responsible parties in agricultural chemical application incidents to immediately take actions necessary to minimize or abate the incident and to recover agricultural chemicals involved in the incident. Requires expedited administrative hearings in cases of contested corrective action orders. Provides for the crediting of agricultural chemical penalties, cost reimbursements and fees. Clarifies agricultural chemical response and reimbursement account balance requirements. Extends the deadline for collection of the agricultural chemical response and reimbursement fee for 1990. Imposes a fee on pesticide storage and sale sites and provides exceptions. Provides for reimbursement of response costs to eligible persons complying with corrective action orders or requests. Makes the commissioner responsible for actions, duties or authorities relating to agricultural chemicals under the Environmental Response and Liability Act. Provides for Water and Soil Resources Board grants for Metropolitan Area groundwater plans. Clarifies or modifies requirements related to water well construction and ownership. Excludes test holes from the definition of "boring." Defines dewatering well as a nonpotable well used to lower groundwater levels to allow for construction or use of underground space. Clarifies the definition of "environmental bore hole." Includes kaolin clay in the definition of "exploratory boring" and expands the definition of "person." Requires the commissioner of health to regulate the drilling, construction and sealing of well borings and the construction, repairing and sealing of dewatering wells. Sets a uniform variance application fee. Authorizes boards of health to charge excess permit and notification fees under specified conditions and local government units to adopt ordinances to enforce and administer powers and duties. Requires local regulations to be consistent with county and state regulations. Exempts state agencies and local government units from the fees. Modifies well notification requirements. Authorizes the commissioner to adopt well permit filing rules under specified conditions. Modifies well construction licensing requirements. Clarifies requirements relating to the installation of at-grade monitoring wells. Requires the commissioner to establish, by rule, reduced isolation distances for facilities with pesticide and fertilizer safeguards. Modifies monitoring well construction agreement requirements and eliminates the fee exemption for federal, state and local governments. Modifies well location disclosure statement and well certificate requirements upon the sale or transfer of real property and clarifies deed validity upon failure to comply. Eliminates the sealed well certificate requirement and requires a sealing report to the commissioner for liability purposes. Specifies qualification requirements for application for an individual well contractor license and specifies surety bond exemptions and fees. Places a restriction on commissioner withholding of dewatering limited licenses. Changes the date for initial registration of monitoring well contractors. Provides for application and sets an application fee. Eliminates the commissioner of health from provisions relating to underground storage of gases or liquids. Expands authorized uses of the Environmental Response, Compensation and Compliance Account. Transfers review of Pollution Control Agency Board acid rain control annual work plan and budget from the Legislative Commission on Waste Management to the Legislative Water Commission. Specifies standards for floor-mounted water closets to be effective by Jan. 1, 1993. Changes effective dates relating to monitoring well construction, limited well contractors licenses, agricultural chemical response costs payment and the compensation board. Delays the deadline for the report by the task force studying the effects and impact on water resources from nitrogen fertilizer use. Redirects previous Superfund appropriations to the commissioner of agriculture to administer agricultural chemical superfund site activities and to the commissioners of finance and agriculture for removal or remedial actions or reimbursement purposes. Defines once-through system. Prohibits the issuance of new water use permits except for potable water use from the Mt. Simon-Hinckley aquifer. Requires termination of permits for use of water from the aquifer for once-through systems in the Metropolitan Area by Dec. 31, 1992. Prohibits the commissioner of natural resources from issuing water use permits to increase the volume of appropriation from a groundwater

source for once-through cooling systems using in excess of 5 million gallons annually. Requires the termination of permits using in excess of 5 million gallons annually by no later than Dec. 31, 2010, and the conversion to water efficient alternatives within the design life of existing once-through systems. Requires the commissioner to, by Aug. 1, 1990, submit to the Legislative Water Commission for review the approach for achieving appropriate conversion of the systems. Alters the basis of the water use processing fee, requires commissioner notice to permittees by July 1, 1990, and authorizes the commissioner to refund 1989 water use report processing fees. Requires a minimum of 50 percent of the fees payable after July 1, 1993, to be used for financial assistance for retrofitting once-through systems and specifies a sunset. Requires the commissioner to adopt rules to determine eligibility and criteria for grant or loan issuance. Specifies state and federal agencies fee exemption. Modifies water appropriation or use quantity measuring and recording requirements. Authorizes the commissioner of health to waive bond requirements for well contractors or limited well contractors licenses under specified conditions. Continues the Legislative Commission on Water and requires the commission to investigate the needs and feasibility of allowing state bonding, grants, loans or other financial assistance for conversion of once-through systems operated by nonprofit entities. Specifies the effectiveness of a specified delegation agreement between the commissioner of health and a board of health. Authorizes the commissioner of agriculture to take corrective action under agricultural chemicals regulation provisions or response and remedial action under the Environmental Response and Liability Act in responding to agricultural chemical incidents, releases or threatened releases. Repeals provisions relating to the filing of drilling records with the Dept. of Natural Resources, the sealing of large wells and limited well sealing contractors licenses. Appropriates money to the commissioner of agriculture to pay for legal costs relating to responses to agricultural incidents. Effective date: Various dates. MORSE, PRICE.

Low-level radioactive waste provisions

Chap. 600-S.F. 2195 Modifies city, town or county procedures for organizing the collection of solid waste and specifies assistance and participation requirements. Changes city or town notice and planning deadlines, requires findings and provides for mailed notice of all proceedings. Restricts the treatment, recycling, storage or disposal of low-level radioactive waste to facilities licensed for treatment, recycling, storage or disposal of the waste. Requires the Pollution Control Agency to appoint an advisory task force on low-level radioactive waste deregulation to be funded by the assessment on nuclear fission electrical generating plants. Specifies representation and study requirements. Requires a report to the Legislature by Jan. 1, 1994. Effective date: Various dates. MORSE, GREENFIELD.

Water management provisions

Chap. 601-S.F. 1894 Modifies procedures relating to Metropolitan Area water management organizations. Transfers oversight responsibilities relating to the implementation of the Metropolitan Surface Water Management Act from the Legislative Commission on Minnesota Resources to the Legislative Water Commission. Requires the appointment of metropolitan watershed district managers by county commissioners from lists of persons nominated jointly or severally by the towns and municipalities within the district. Requires metropolitan district managers to establish technical advisory committees consisting of representatives of affected cities, counties and Soil and Water Conservation Districts. Requires the Metropolitan Council to adopt a water resources plan including management objectives and target pollution loads for watersheds in the Metropolitan Area. Clarifies water management purposes. Requires the Board of Water and Soil Resources to adopt rules prescribing minimum requirements for the content of watershed management organization joint powers agreements. Requires the organizations to notify the board of member appointments and vacancies. Authorizes the removal by appointing authorities of members of the watershed management organization boards for just cause. Requires publication and distribution of an annual newsletter and biennial solicitation of proposals for attorney or consultant services. Requires the board to facilitate the formation of an association of watershed management organizations. Permits organizations to accept transfer of drainage systems. Requires minor watershed units to prepare management plans as determined by the board. Imposes penalties for failure to create watershed districts or to implement plans. Requires organizations to coordinate planning activities with contiguous organizations and counties. Requires the board to adopt rules establishing specified plan, capital improvement program and financial audit and report standards. Requires periodic review of watershed management plans and rules. Requires the Metropolitan Council to

advise the board on the watershed plan's conformity with management objectives and target pollution loads stated in the water resources plan and to recommend changes. Provides for appeals of plan failures. Removes the exception for capital improvement maintenance levies from a levy limit exemption provision. Authorizes watershed management organizations and local government units to accumulate levy proceeds as an alternative to bond issuance to finance improvements. Requires drainage authorities in the Metropolitan Area to inventory and evaluate public ditches. Requires reports describing general conditions to the board by July 1, 1992. Changes the term minor watershed to subwatershed under specified cost payment provisions. Requires the Metropolitan Council to establish an Advisory Water Quality Management Task Force to assist in water resource planning. Provides for the availability of a previous appropriation to the Board of Water and Soil Resources. Effective date: Various dates. DAHL, PRICE.

Shooting preserves changes

Chap. 605-H.F. 1960 Provides for issuance of commercial shooting preserves licenses by the commissioner of natural resources. Provides for the availability of game and for the size of the preserves. Restricts the location of private shooting preserves, limits game availability and reduces the allowable size. Requires a pheasant hunting license to hunt in private shooting preserves. Eliminates nonresident licenses and exempts hunting on commercial shooting preserves from license requirements. Sets the open season, pheasant release requirements and the license fee for commercial preserves. Changes the open season, restricts release authority and increases the license fee for private preserves. Modifies marking requirements. Authorizes the commissioner to enter into written cooperative farming agreements on public hunting, game refuge or wildlife management area lands without competitive bidding to establish or maintain wildlife food or cover for habitat purposes. Provides for a "Take a Kid Hunting Weekend" for small game hunting purposes. Exempts the hunting of migratory game birds or turkeys from a small game party hunting limit. Effective date: Various dates. BATTAGLIA, BERG.

Finance

Inver Hills Community College appropriation

Chap. 365-H.F. 2609 Appropriates money to the commissioner of administration and authorizes the issuance of state bonds for emergency construction to repair or replace the college center building at Inver Hills Community College damaged by fire in Feb. 1990. Effective date: March 31, 1990. MILBERT, METZEN.

State claims payments

Chap. 537-S.F. 2619 Provides for the payment of various claims against the state. Appropriates money to the commissioner of corrections for payment of inmate claims and for reimbursement to the state or local agencies for medical expenses for injuries incurred in the performance of community service work for correctional purposes. Appropriates money to the commissioner of transportation for payment of claims relating to highway or road construction. Appropriates money to the commissioner of veterans affairs for payment of claims of World War II, Korean conflict and Vietnam veterans. Effective date: April 27, 1990. DAHL, LIEDER.

Omnibus ag, transportation and semi-states appropriations

Chap. 565-S.F. 2617 Relates to the organization and operation of state government. Appropriates money to the Dept. of Transportation for transfer to the Transit Assistance Fund. Reduces appropriations from the Trunk Highway Fund, County State Aid Highway Fund and Municipal State Aid Street Fund. Reduces appropriations to the Transit Assistance Fund relating to light rail transit and Greater Minnesota transit assistance. Requires a refund to the city of Dakota. Increases the complement of the department for the truck safety program. Appropriates money to the Transportation Regulation Board and the Transportation Study Board. Reduces appropriations to the Regional Transit Board to reflect the transfer of responsibility for funding various Metro Mobility services to the commissioner of human services. Appropriates money to the Regional Transit Board to replace money canceled due to delay in the effective date of a general restructuring of regular route fares. Appropriates money or reduces appropriations to the Dept. of Public Safety. Increases the complement of the department for lawful gambling enforcement, for drug abuse prevention initiatives and for school building inspections. Appropriates money to the department for community based crime and drug prevention programs, for implementation of the precursor chemical regulations, for drug

prevention support services for high risk target groups and communities and for narcotic investigation activities. Reduces appropriations to the Peace Officers Standards and Training Board and to the Dept. of Commerce. Delays the due date for the report on the cost effectiveness of care provided by members of the healing arts. Appropriates money and reduces appropriations to the Dept. of Agriculture. Provides for the grasshopper control activities costs reimbursement and authorizes representation from the Red River Valley winter shows on the State Agricultural Society. Reduces general appropriations by \$50,000 to the World Trade Center—line item VETOED. Appropriates money to the center to conduct the World Export Processing Zone Association international convention and specifies a match requirement. Reduces appropriations to the Board of Water and Soil Resources, the Board of Animal Health and the Dept. of Public Service. Appropriates money to the Board of Architecture, Engineering, Land Surveying and Landscape Architecture and the Dept. of Gaming. Increases the complement of the department and requires reimbursement to the General Fund for lottery-related costs incurred by the Dept. of Public Safety. Reduces general appropriations to the State Historical Society and to the Board of the Arts. Appropriates money for the Humanities Commission to plan a humanities center and to the board to match a grant from the National Endowment for the Arts. Appropriates money to the Indian Affairs Council for reburial of Indian remains and for the Indian Business Loan Program. Provides for the availability of appropriations in cases of insufficiency with prior approval of the commissioner of finance. Requires appropriation reductions to the base reductions. Requires the commissioner of agriculture, in consultation with the commissioners of health, natural resources and the pollution control agency and the program advisory committee, to adopt rules to expedite permits for aquaculture research projects and economic ventures. Extends the expiration date of the Citizens Council on Voyageurs National Park. Defines precursors of controlled substances. Requires the State Board of Pharmacy to adopt rules adding substances to, or deleting substances from, the list. Requires predelivery transaction reports to the Bureau of Criminal Apprehension by suppliers of precursor substances. Authorizes the Bureau of Criminal Apprehension to require periodic reports under specified conditions. Specifies report content and records retention requirements. Includes motor vehicles owned by nonprofit organizations and used to transport more than ten passengers in the definition of bus for motor vehicle registration purposes. Provides for the allocation of motor vehicle filing fees to the Highway User Tax Distribution Fund and General Fund. Provides for the allocation of abstract fees to the Trunk Highway Fund and General Fund. Reduces the allocation of Motor Vehicle Excise Tax proceeds to the Highway User Tax Distribution Fund and Transit Assistance Fund. Creates the Drug Abuse Resistance Education Advisory Council and specifies membership and duties. Effective date: May 4, 1990. MERRIAM,

Omnibus health and human services appropriations
Chap. 568-S.F. 2621 Omnibus human services, corrections, health and jobs and training appropriations and appropriation reductions. Article I – Appropriations. Appropriates money to the Dept. of Human Services for distressed county grants, social services and health care programs. Reduces appropriations for legal and intergovernmental programs, mental health services and family support programs and provides for the continued availability of prior appropriations and for transfers. Specifies required uses. Provides for a Stearns County court ordered offender chemical dependency assessment and treatment pilot project. Requires the commissioner of human services to postpone the implementation of program operating cost payment rates for intermediate care facilities for persons with mental retardation. Requires continued assessments. Increases Medical Assistance (MA) payments for obstetrical, pediatric and ambulance services. Reduces MA and General Assistance Medical Care (GAMC) payments for individual and group psychotherapy. Sets the maximum pharmacy dispensing fee under MA and GMAC and limits payments for masters level providers of mental health services. Provides for payment to counties for case management costs. Requires the commissioner to study issues relating to prescription drug costs and to examine the feasibility of a state assistance program for persons with high out-of-pocket prescription expenses. Authorizes interstate contractual agreements for chemical dependency services through regional treatment center programs. Reduces appropriations to the Veterans Nursing Homes Board and to the commissioner of jobs and training. Closes out the Minnesota Employment and Economic Development (MEED) Program and provides for the inventory, referral and intake system. Appropriates money to the Dept. of Corrections for correctional institutions and community services. Provides for transfers and requires the use of \$250,000 of a

previous appropriation for the West Central and Central Minnesota Secure Juvenile Detention Centers. Appropriates money to the Sentencing Guidelines Commission. Authorizes mandatory minimum sentencing and correctional resources studies. Appropriates money to the Dept. of Health for health delivery systems and support services. Reduces appropriations for preventive and protective health services. Requires the commissioner of health to conduct planning and research of a state occupational health delivery system and authorizes the acceptance of federal funds for indoor radon abatement. Requires an annual hearing instrument sellers surcharge assessment to recover the cost of establishing required regulatory systems. Provides for rural hospital grants. Requires the department to submit a bill to the Legislature providing for the licensure of residential care homes. Temporarily exempts specified board and lodging establishments from licensure and provides for increased payments to residents. Authorizes the commissioner to issue a hospice license to a free-standing residential facility. Appropriates money to health-related licensing boards.

Article II – Health, licensing and social services. Dedicates a portion of the oil overcharge money received from the federal government for Dept. of Jobs and Training energy conservation projects directly serving low-income Minnesotans. Provides for the disposal of infectious waste by ambulance services, public health agencies and school health services. Requires the commissioner of administration to bulk purchase vaccines directly from the manufacturer for sale to medical care providers agreeing to pass the savings on to patients. Requires the commissioner of health to establish a Rural Hospital Grant Program for health care access purposes. Provides for allocation. Creates an exception to the hospital construction moratorium for the relocation of licensed hospital beds from one building or site to a new or existing building or site on the same campus. Authorizes nonprofit hospital authorities to provide funds for educational expenses or supplemental family practice physician income purposes under specific conditions. Clarifies ambulance service licensing requirements. Extends the authority of the commissioner of health to grant variances to allow licensed ambulance services to use certified attendants and requires the commissioner to establish minimum standards for expiration and recertification of basic emergency care course certificates. Requires equivalency rules. Increases the maximum reimbursement to nonprofit ambulance services for volunteer attendant training. Requires the commissioner to distribute funds equally among the emergency medical service regions. Establishes an Emergency Medical Services Advisory Council to evaluate emergency medical services in the state. Authorizes the Board of Social Work to issue graduate social worker licenses without examination after the transition period to specified applicants. Provides for the licensing of wholesale drug distributors by the Board of Pharmacy. Authorizes access to drivers license photographic negative files for child support enforcement purposes. Provides for intensive community supervision for specified offenders. Authorizes electronic surveillance of persons under intensive community supervision. Authorizes the commissioner of administration to lease land or other premises to provide state-operated community based programs for persons with mental retardation or mental illness. Modifies the Human Services Licensing Act. Clarifies the requirement for counties to provide mental health outpatient services to adults and children. Modifies license disqualification, suspension, revocation and probation provisions. Modifies a restriction on the location of residential programs. Establishes requirements for voluntary receivership for residential programs and modifies involuntary receivership provisions. Classifies licensed group family day care facilities as permitted single family residential use of property for zoning purposes. Requires the use of seat belts and child passenger restraint systems by nonresidential license holders transporting children. Requires the commissioners of human services, education and public safety to study and make recommendations to the Legislature for standards for transportation of children by the programs. Provides for monthly parental contributions toward health care costs from parents of children eligible for MA without regard to parental income. Requires the commissioner of human services to fund maternal and child health and social service programs designed to improve the health and functioning of children born to mothers using alcohol and controlled substances, for innovative child protection programs for children and families at risk due to substance abuse and for transportation of intoxicated individuals to detoxification programs. Requires counties to pay a percentage of chemical dependency services costs for persons eligible for MA or GAMC. Modifies eligibility and federal waivers provisions. Sets a deadline for requests for review of payment decisions relating to the monthly pass-through of child support collections under Aid to Families with Dependent Children (AFDC). Establishes a medical support bonus

incentive program for counties to increase the identification of dependent health insurance coverage for persons receiving MA and child support enforcement services. Modifies the formula limit for the distribution of state aids to counties under the Community Social Services Act and clarifies the penalty for county failure to impose the local levy. Increases the 1990 allocation for Crow Wing, Fillmore, Hubbard, Lac Qui Parle and Red Lake Counties for 1991 Community Social Services Act allocation purposes. Modifies the deadline for presumed father paternity contests under specified conditions. Authorizes public authorities representing public child support enforcement authorities to act reciprocally for the collection of judgements, child support, maintenance or medical support. Requires the court to determine and order child support in a specific dollar amount. Includes in-kind payments received by child support obligors in the course of employment in the definition of net income. Provides for appeals to the Court of Appeals of decisions and orders under the administrative process for child and medical support orders. Specifies additional information requirements for maintenance or support orders for income withholding purposes. Provides for preauthorized transfers from obligors accounts into financial institutions for deposit of court ordered child support payments. Specifies duties of employers, trustees or other payors of funds withholding income relating to lump sum payments. Provides for the collection of arrearages under the revised Uniform Reciprocal Enforcement of Support Act. Requires the commissioners of health, human services, state planning and education to prepare a state plan to improve utilization rates for medically appropriate prenatal and preventative care for children. Requires the commissioner to develop standards to provide increased accountability for chemical dependency treatment programs and to study funding and licensing options for providing aftercare services to high risk or special needs populations. Requires a report to the Legislature by Dec. 15, 1990. Requires the commissioner to establish treatment programs specializing in chemically dependent Indian youth. Requires a plan for a program in the Summit-University area of St. Paul to address the culturally based drug prevention treatment and aftercare needs of high risk youth. Requires the commissioner to amend a rule to contain costs and increase collections for the Consolidated Chemical Dependency Treatment Fund and authorizes the commissioner to require vendors of chemical dependency transitional and extended care rehabilitation services to collect specific care costs. Requires the commissioner to establish a task force on the compensation and training of direct care employees. Requires the commissioner of health to convene an interagency task force to study the current system of monitoring and regulating both licensed and unlicensed individuals practicing mental health counseling, psychotherapy, psychiatry or social work. Temporarily exempts the Board of Unlicensed Mental Health Service Providers from various license fee setting or adjustment requirements. Requires the commissioner of health to conduct a comprehensive assessment of the emergency medical service system, to encourage efforts by the state medical schools to develop and implement plans to increase the number of medical school graduates practicing in nonmetropolitan areas and to conduct an examination of the critical shortage of health care professionals experienced by rural areas. Requires the commissioner of human services to examine methods to increase MA reimbursement to doctors. Provides for the funding of nursing grant programs. Requires the Sentencing Guidelines Commission to develop a model day fine system.

Article III – Health care programs. Provides for the commissioner of commerce to establish demonstration projects allowing health insurers to insure individuals unable to afford coverage. Modifies building code requirements for Class B supervised living facilities. Extends the deadline for commencement of construction projects granted a nursing home moratorium exception before July 1, 1992. Requires public education programs developed by the commissioner of health to include a campaign to promote breast feeding. Requires ongoing negotiations with manufacturers and suppliers of nutritional supplements not participating in the Maternal and Child Nutrition Program to maximize cost savings. Requires the Boards of Medical Examiners and Nursing to include specific information relating to complaints and communications involving obstetrics, gynecology, prenatal care and delivery, and the responses or dispositions in biennial reports. Extends the rate setting system for day training and habilitation services. Establishes new payment rates for vendors providing day training and habilitation services for the mentally retarded persons discharged from regional treatment centers after Jan. 1, 1990. Requires the commissioner of human services to establish a Metro Transportation Support Grant Program to reimburse Metro Mobility for transporting clients to day training and habilitation services. Excludes specified mental health services from coverage under the Children's

Health Plan. Requires the commissioner of human services to establish a program to pay private health insurance plan premiums for persons with human immunodeficiency virus (HIV) for insurance coverage continuation purposes. Clarifies MA payment rate procedures for hospitals. Extends the time period for the filing of case mix appeals and eliminates the special definition of hospital for purposes of the appeals. Extends the transition period and delays the beginning of the 1991 rate year. Authorizes the commissioner to contract with public or private entities for case management services for qualifying MA recipients. Authorizes the commissioner to waive the requirement for the provision of personal care services through county agencies. Extends MA eligibility to persons eligible for AFDC or Supplemental Security Income except for excess income or assets. Modifies verification of pregnancy requirements. Clarifies facility definitions for disabled children MA eligibility and expands the homestead exclusion. Modifies the asset limit relating to insurance settlements to repair or replace damaged, destroyed or stolen property. Modifies requirements for the eligibility of children. Extends eligibility to specified disabled adults. Requires the deduction of monthly allowances for children from the income of institutionalized persons and clarifies the definition of family member for family allowance deduction purposes. Clarifies a provision relating to substitution of amounts transferred for community spouse minimum monthly maintenance needs allowance sufficiency purposes. Provides for eligibility for institutionalized spouses with excess assets. Provides for a cause of action against specified transferees receiving long-term care services during a period of ineligibility. Includes occupational therapy, fixed cast metal dental restorations and certified pediatric or family nurse practitioner, public health nursing clinic and other clinic and home care services under MA coverage. Eliminates unit dose dispensing of over-the-counter medications under the drug formulary. Creates an advisory committee on organ and tissue transplants to provide advice and recommendations to the commissioner relating to the eligibility of transplant procedures for MA and GAMC reimbursement. Specifies a procedure for vendor request of contested case proceedings. Modifies nursing home pre-admission screening requirements and the allocation of alternative care grants. Modifies or clarifies case management services for persons with mental retardation and related conditions. Expands the definition of responsible relative to include spouses of MA recipients for financial responsibility purposes. Requires county agency notice of payment amount to responsible relatives. Requires a community spouse contribution to the cost of care of an institutionalized spouse and authorizes appeals. Modifies provisions relating to estates subject to claims. Provides for full state reimbursement of administrative costs of county demonstration projects. Modifies nursing home reimbursement provisions. Extends the provision allowing nursing homes in Geographic Group I to be reimbursed under limits applying to Geographic Group II. Provides for the continued status as a hospital attached convalescent and nursing care facility for a nursing care facility attached to a nonprofit hospital. Establishes special property payment rates for specified nursing homes and rates for the year beginning July 1, 1990. Requires the commissioner to adjust the payment rates of certified, freestanding boarding care homes reflecting the costs incurred in installing communications systems and hallway handrails. Modifies the calculation of the one-time nursing staff adjustment to the payment rate for nursing homes to comply with the federal Omnibus Budget Reconciliation Act. Provides for allocation of central, affiliated or corporate costs for long-term care facilities. Requires the commissioner to establish a case mix rate for nursing homes phasing out of the MA program. Provides for continued home and community based services for qualifying elderly persons. Authorizes the commissioner to pay a portion of the long-term care receivership fees to managing agents. Provides for appeals relating to the calculation of maximum charges to therapy vendors. Provides for commissioner calculation of the composite forecasted index for facilities allowable operating costs after specified dates. Establishes lease requirements and pre-opening cost limits for new intermediate care facilities for persons with mental retardation. Expands and extends the prepayment demonstration project. Modifies GAMC eligibility requirements. Exempts the transfer of excluded resources from the calculation of available resources under the Supplemental Aid Program. Excludes MA from the definition of health insurance coverage for medical support enforcement purposes. Requires employers or unions to forward copies of medical support orders to offered health and dental insurance plans. Specifies that information and authorization provided by the public authorities responsible for child support enforcement or by custodial parents or guardians is valid for purposes of meeting enrollment requirements of the health plans. Authorizes the release of information necessary to obtain or enforce medical support. Reinstates transfer of asset provisions. Requires the commissioner to adopt rules

allowing mental health practitioners to provide mental health services to qualifying children. Extends the deadline for the commissioner report on assisted living pilot projects. Requires the commissioner to limit inflationary increases for home and community based medical care services under MA. Requires the commissioner of human services to report to the Legislature on current state spending for mental retardation services and on estimates of future growth occurring in the absences of cost containment measures. Requires the Property Reimbursement Advisory Task Force to recommend to the commissioner a new nursing home property reimbursement system. Requires a commissioner report to the Legislature by Dec. 15, 1990. Requires the commissioner to seek federal approval to limit eligibility redeterminations for pregnant women and infants eligible for MA. Requires the Dept. of Commerce to establish a consumer awareness campaign to inform the public of cost effective strategies for the purchase of affordable health insurance. Provides for continued MA coverage of hospital swing beds.

Article IV – Income maintenance. Modifies the definition of homestead for Aid to Families with Dependent Children eligibility purposes. Includes pregnant women in the definition of caretaker. Includes job creation and counseling and case management in the definition of employment and training services under AFDC employment and training programs provisions. Defines suitable employment. Modifies registration requirements. Restricts participation in the programs. Authorizes the commissioner of human services to permit participation by additional qualifying recipients to satisfy federal performance targets. Eliminates the disregard for monthly incentive training payments from the Dept. of Jobs and Training in the determination of recipient needs. Modifies sanction imposition, orientation requirements, and county duties. Makes optional the requirement to enroll priority caretakers in case management services. Specifies additional employability development plan requirements. Specifies a deadline for referral to the job search programs. Modifies the allocation and use of money appropriated for employment and training services. Authorizes county agencies to continue to provide case management and supportive services to participants for a period of time following loss of AFDC eligibility and to continue to provide specific employment and training services for the duration of the service. Modifies provisions relating to program operation by Indian tribes. Requires operation of community work experience programs according to the federal Family Support Act. Extends the effectiveness of commissioner implementation rules. Modifies program requirements. Authorizes county agencies to develop grant diversion programs permitting voluntary participation by AFDC recipients. Authorizes direct AFDC payments to vendors for specific goods and services. Specifies a limit on the standard of assistance under the General Assistance (GA) program. Requires determination of grants for assistance units consisting of one or more members of a family to be based on the policies and procedures of the AFDC program. Provides an income disregard for child support and includes as income nonrecurring lump sums received by the family. Provides for the commissioner of human services to adopt rules for eligibility for the emergency assistance program under AFDC. Provides for the commissioner of human services to adopt rules for eligibility under GA to require the use of the program under AFDC as the primary financial resource to maximize the use of GA payments for social services. Modifies the definitions of family and expands the definition of income for GA purposes. Sunsets the requirement for reduction of the state aid to local agencies for Work Readiness Assistance for failure to make occupational or vocational literacy training available and accessible and eliminates the requirement for the reduction of state aid for county failure to have an approved and operating community investment program. Modifies orientation requirements and special payment provisions under the Work Readiness Program. Requires employability assessment and development plans to be completed in consultation with the registrant. Requires Work Readiness Program public sector or nonprofit work experience components to be established according to Community Investment Program requirements. Eliminates the authority of local agencies to refer specified recipients for voluntary work readiness services. Clarifies representative payee provisions. Specifies that applicants or recipients referred for chemical use assessments are to be provided with emergency GA or vendor payments only pending the outcome of the administrative or judicial review. Specifies a reasonable basis for questioning drug dependency. Includes post-secondary programs in the definition of education program for child care assistance purposes. Modifies employability plan requirements. Clarifies the definition of provider. Provides for full allocation of money appropriated under the Child Care Fund for the basic sliding fee program. Excludes AFDC recipients and transition year families from the sliding fee program and

prohibits the acceptance of new applications between July 1, 1990, and June 30, 1991. Modifies eligibility for the AFDC child care program and eliminates priority requirements. Modifies the requirement for county maximization of federal reimbursements. Exempts specified pre-post-secondary educational programs from various child care assistance time limits. Prohibits concurrency with post-secondary educational programs. Modifies child care subsidy provisions. Increases the provider rate bonus for accreditation. Removes references to staff wage requirements. Eliminates the allocation of grant money for resource and referral services and provides for allocations based on economic development regions. Provides for reimbursement to child care regional advisory committee and statewide advisory task force members for child care expenses. Permits counties to negotiate lower rate increases for negotiated rate facilities. Provides for commissioner of jobs and training certification of providers of employment and training services under the department and requires decertification under specific conditions. Requires local service units to contract with certified providers. Changes the local service unit annual plan requirement to a biennial plan requirement. Requires an interim year plan update. Alters the requirements for Indian tribe plans. Requires the commissioner to consult with the commissioner of human services on approval of county plans for Community Investment Programs relating to the participation of public assistance recipients and eliminates the requirement to inform the commissioner of counties without approved plans. Requires Community Investment Program plans to identify program funding sources and amounts. Authorizes the commissioner of human services to seek federal approval to develop a demonstration project to hear cases involving AFDC or food stamp programs fraud. Requires the commissioner to conduct a study to determine the patterns of migration of welfare recipients to and from the state. Repeals the AFDC work incentive subsidized housing and special needs programs and repeals specified priority group and funding requirements. Repeals the supported work program under the Dept. of Jobs and Training and repeals provisions relating to state funding of employment and training programs and to the AFDC child care program.

Article V – Mental health. Clarifies or modifies provisions under the Comprehensive Mental Health Acts for Adults and Children. Modifies diagnostic assessment deadlines. Requires a new diagnostic assessment in place of an update under qualifying conditions. Specifies that compliance does not ensure eligibility for MA or GAMC reimbursement. Alters the deadline for development of individual treatment plans by outpatient and day treatment services providers. Authorizes the commissioner of human services to waive the requirement for evening, weekend and holiday emergency services to be provided by mental health professionals or practitioners after Jan. 1, 1991, under specified conditions. Requires county boards to determine eligibility for case management services. Specifies diagnostic assessment, notice and case reference requirements. Eliminates specified case manager diagnostic assessment requirements. Requires case managers to complete written functional assessments after eligibility determination. Clarifies regional treatment center inpatient services provisions. Requires mental health services for mentally and emotionally disturbed children to be part of court dispositions affecting the child. Expands county board notice requirements relating to obligations of local system providers to refer children eligible for case management and community support services and provides for extended distribution. Modifies the definition of case management services for children to include activities coordinated with family community support services. Provides a specific county board access to services information requirement. Requires local children's mental health advisory councils or subcommittees to seek input from parents, former consumers, providers and others about the needs of children with emotional disturbances for needed services purposes. Modifies meeting requirements. Authorizes parents or children to request case management. Requires the expansion of emergency services to the families of children under qualifying conditions. Clarifies the requirement for availability of residential treatment, acute case hospital inpatient services and professional home-based family treatment to apply to children with severe emotional disturbances. Authorizes the commissioner to waive the requirement for mental health professional participation in screening children after July 1, 1991, under qualifying conditions. Eliminates the requirement for the commissioner of human services to convene meetings with the commissioners of corrections, health, education and commerce for children's services and programs coordination purposes. Adds the commissioner of finance to the membership of the Subcommittee on Children's Mental Health. Removes restrictions on the use of grants for residential services for adults with mental illness. Authorizes the administration of neuroleptic medication to persons committed as

mentally ill or mentally ill and dangerous without judicial review and without consent in emergency situations for protection purposes. Requires treatment facility documentation of the emergency in the medical record of the patient and specifies hearing authorizations. Provides for county welfare boards to establish juvenile treatment screening teams for physical and mental examination purposes. Recodifies provisions relating to community support services.

Article VI – Dislocated workers. Imposes a temporary special assessment on employers to be dedicated to a dislocated worker fund for dislocated worker programs purposes. Includes dislocated workers under the rapid response program. Requires the governor to appoint a commission to study and make recommendations to the Legislature relating to worker displacement caused by corporate takeovers, buy outs and other business ownership transfers and publicly-funded economic development. Effective date: Various dates. MERRIAM.

Omnibus higher education appropriations

Chap. 591-S.F. 2618 Omnibus higher education appropriations and appropriation reductions. Article I – Appropriations. Appropriates money to the Higher Education Coordinating Board (HECB) for an affiliate membership in the Western Interstate Commission on Higher Education, for interstate tuition reciprocity and for rural health programs. Reduces appropriations to the HECB for state grants. Requires the board to study and review specified cost of living allowance and child care issues, and requires a report to the Legislature by Feb. 1, 1991. Restricts the reallocation of child care program administration money and requires child care grant rule amendments. Reduces appropriations to the Vocational Technical Education, Community Colleges and State University Boards and to the University of Minnesota for teachers retirement contributions. Projects enrollment for the University of Minnesota for budget development purposes. Specifies that tuition income in excess of the projections must be used to reduce the appropriation. Requires the University of Minnesota to submit anticipated enrollments progress reports. Appropriates money to the University of Minnesota for the Rural Physicians Associates Program to increase participation. Requires post-secondary system governing boards and the Depts. of Finance and Administration to develop criteria to assist the Legislature in making decisions on child care facility requests. Requires the public higher education systems to develop parking plans.

Article II – Pensions. Reduces employee and employer contributions to the Minnesota State Retirement System and employer contributions to the Correctional Employees Retirement Plan, the State Troopers Retirement Plan and the Teachers Retirement Association. Requires the boards of directors of the retirement plans to report annually to the Legislative Commission on Pensions and Retirement and to the Legislature on the amounts raised by the employer and employee contribution rates. Provides state paid health and dental insurance benefits to specified executive branch employees covered by the Minnesota State Retirement System or the State Troopers Retirement Plan or for qualifying Minnesota State Retirement System, Teachers Retirement Association or Public Employees Retirement Association employees upon early retirement. Specifies eligibility conditions and restrictions. Reduces FY 1990 appropriations to state agencies for retirement contributions and requires the commissioner of finance to reduce FY 1991 appropriations. Specifies calculation methods and excepts the higher education systems.

Article III – Planning and operations. Expands requirements for public post-secondary education system plans relating to off-campus community outreach and extension programs. Expands requirements for alternative plans for managing enrollments and resources to better utilize existing facilities and staff. Expands review and approval duties of the HECB. Requires review of post-secondary institution proposals for program changes or for new, additional or changes in large-scale or permanent instruction sites, and requires recommendations to the Legislature. Requires the HECB to compile an inventory of existing off-campus sites and centers for each post-secondary system and institution by Nov. 1, 1990. Specifies required contents, and requires an inventory of program offerings on-and off-campus. Requires the Higher Education Advisory Council, in cooperation with the HECB, to determine categories of off-campus sites and criteria to use in placing sites within the categories. Requires HECB and post-secondary governing boards review of the categories, criteria and inventory information to avoid duplication and encourage cooperation. Requires a HECB report to the Legislature by Feb. 15, 1991. Requires the governing boards to submit off-campus sites information to the Legislature with biennial budget requests and requires supplemental budget updates. Prohibits the establishment of off-campus sites without legislative approval. Places a

moratorium on entering into specified lease or two plus two arrangements or increasing course offerings or staff at off-campus sites. Specifies a Metropolitan State University exception. Requires the governing boards to develop plans for managing enrollments and specifies required contents. Requires submission to, and review and comment by, the HECB and the Legislature by Dec. 1, 1990, and Feb. 15, 1991, respectively. Requires submission of plans for providing undergraduate and practitioner-oriented graduate programs in the Metropolitan Area to the HECB. Requires mission statements review for accuracy purposes. Requires submission of recommendations to the HECB by Dec. 1, 1990, for review and comment. Requires submission of a HECB report to the Legislature and governor by Feb. 15, 1991.

Article IV – Rural health programs. Requires the HECB to provide pre-nursing grants to qualified students agreeing to practice in designated rural areas. Defines designated rural area, specifies eligibility and priority requirements and provides for the determination of need. Establishes nursing grant programs under the authority of the HECB to provide grants to licensed practical nurses entering or enrolled in educational programs leading to licensure as registered nurses and to registered nurses seeking to complete baccalaureate or masters degrees in nursing or advanced nursing education. Specifies eligibility and responsibilities of nursing programs wishing to participate in the programs and of the HECB. Specifies grant minimum and maximum limits and reporting requirements. Establishes a Rural Physician Education Account for use by the HECB to establish a loan forgiveness program for medical students agreeing to practice in designated rural areas. Specifies eligibility, loan conditions and a penalty for nonfulfillment. Requires the HECB to evaluate the nursing grant and rural physician education programs and report annually to the Legislature on programs operation. Requires HECB implementation rules. Specifies a sunset.

Article V – Public safety officers survivor benefits. Provides death and education benefits for spouses and dependent children of qualifying peace officers, correction officers, firefighters, reserve police officers, ambulance attendants, paramedics and others acting as public safety officers killed in the line of duty. Creates the Public Safety Officers Benefit Account to be administered by the commissioner of public safety. Specifies benefit amounts. Authorizes commissioner implementation, coordination and administration rules. Requires a report to the Legislature on benefits use and recommendations by Feb. 1, 1991. Repeals existing provisions providing benefits for peace officers killed in the line of duty. Provides for funding through the Higher Education Grant Program.

Article VI – Miscellaneous. Exempts capital projects contained in agency operations budgets from commencement notice requirements. Authorizes the HECB to charge fees for seminars, conferences, workshops, services and materials. Requires the board and public post-secondary institutions to provide data relating to specified research projects and studies to the Legislature upon request. Requests the cooperation of private post-secondary institutions and provides for the protection of data identifying individuals. Authorizes HECB reciprocal tuition agreements with the Canadian province of Manitoba and requires legislative review of agreements incurring additional financial liability to the state. Requires approval by the state director of vocational technical education of administrative services contracts between technical colleges and school boards. Requires school boards submission of administrative services plans to the director and requires Vocational Technical Education Board approval of parking fees established by school boards. Modifies restrictions on investment of the Permanent University Fund, authorizes the use of capital gains of the fund to endow professorial chairs and specifies additional endowment limits. Modifies requirements of the second phase of the HECB study of post-secondary needs and extends the deadline for the report to the Legislature. Provides for the State University Board to purchase Lourdes Hall on the campus of the former college of St. Teresa in Winona for use as a residential college. Requires post-secondary systems development of a consumer information system for occupational programs, specifies system requirements and requires HECB coordination. Requires a report to the Legislature by Feb. 15, 1991. Requires the State Board for Community Colleges to report to the Legislature on recommendations for the appropriate administrative structure for a community college campus at Cambridge. Effective date: Various dates. MERRIAM.

Omnibus state departments appropriations

Chap. 594-H.F. 2419 Article I – State departments. Appropriates money or reduces appropriations to state departments and agencies. Reduces appropriations to the Legislature and provides money for the

Revisor of Statutes and the Subcommittee on Redistricting. Appropriates money to the state court administrator to train judges in the extent of drug use and drug laws and to implement court case management strategies. Requests the Supreme Court to review judicial work guidelines due to the lack of state resources for additional judges. Reduces the appropriation to the Court of Appeals. Specifies legislative intent for the appropriation of money to the Trial Courts for the Eighth Judicial District Pilot Project. Reduces appropriations to specified boards and state officers. Reduces appropriations to the state treasurer—line item VETOED. Appropriates money to the attorney general to prosecute lawful gambling cases and to the Dept. of Administration for an asbestos removal lawsuit. Appropriates money for ongoing construction at the Duluth Minnesota public radio station. Loans money from the computer services revolving fund for STARS planning. Requires the commissioner to study and report to the Legislature on incentives to state managers to reduce spending. Abolishes the position of deputy commissioner of finance in, and requires the commissioner of finance to reduce the budget base for, the agency and present a plan for implementation in the next budget document. Authorizes the commissioner of employee relations to use money from the Public Employees Insurance Trust Fund to add four positions. Requires the Dept. of Revenue to develop a method of accounting for sales tax receipts from solid waste collection and disposal services and appropriates money to the department for lawful gambling criminal activity investigation. Reduces appropriations for specified programs of the Dept. of Natural Resources and appropriates money to the department for grants, projects and studies, trails and corporate nongame wildlife checkoff implementation. Authorizes the use of the unencumbered balance in a prior appropriation for Grand Portage State Park land acquisition and for Sibley State Park land acquisition. Requires the commissioners of the Dept. of Natural Resources and the Pollution Control Agency to prepare a report on the use of a surcharge on carbon dioxide emissions. Appropriates money to the Zoological Board for the coral reef shark and dinosaurs alive exhibits, and to the Pollution Control Agency for individual on-site treatment program grants, the site response property transfer program and resource recovery operator training. Reduces money from SCORE grants to specified counties. Appropriates money to the Office of Waste Management for the Capital Assistance Program, and increases the complement of the office for administration of the Capital Assistance Program. Appropriates money to the Dept. of Trade and Economic Development for the job skills partnership for aviation training, for the Trade Office for exchange program grants, for the Region One Development Commission for international trade and promotion activities. Appropriates money for a public facilities project in a tourism intensive area, for the Minnesota Council for Quality and for Celebrate Minnesota 1990 program administration. Reduces appropriations for the Trade Office travel budget—line item VETOED. Reduces appropriations to the State Planning Agency—line item VETOED. Reduces appropriations to the Legislative Commission on Minnesota Resources and provides for the continued availability of an appropriation for a wetland plant communities study. Appropriates money to the commissioner of labor and industry for a study of long-term workers compensation cases. Requires a Dept. of Military Affairs armory consolidation or closure analysis. Requires the commissioner of finance to reduce appropriations for agency contributions to retirement plans. Provides for fund transfers and for the continuation or use of previous appropriations. Specifies that reductions are base reductions. Requires Supreme Court determination of the necessity of vacated District Court judicial positions under affidavit of candidacy nonfiling conditions. Authorizes continuation, abolishment or transfer of the judicial positions. Eliminates the requirement for the commissioner of finance to transmit to the Legislature requests for payment of specified tort claims. Removes the prohibition on State Board of Investment billing of funds. Exempts the state from liability for obligations of public corporations upon dissolution and includes a Minnesota Education Computing Corporation exception. Requires reporting to the Dept. of Employee Relations of the interchange of government employees. Requires specified appropriation or complement increases to be submitted as change request items. Requires direct deposit of state employee pay in financial institutions upon request. Requires agency or department heads to consult with the Legislature before entering into rental agreements. Includes private colleges in the Statewide Telecommunications Access Routing System. Restricts Dept. of Natural Resource commissioner implementation of forest management practices as part of agreements relating to litigation. Modifies water use processing fee schedules, including the schedule for once-through cooling systems. Provides for financial assistance for intercounty cooperative solid waste management projects. Restricts the burning of PCBs and includes an environmental impact statement

requirement. Provides for reimbursement to the Pollution Control Agency for specified vehicle emission inspection costs. Specifies mercury testing requirements for garbage incinerators and refuse derived fuel facilities. Provides for the payment of environmental impact statement costs. Provides for the appointment of designees to the Minnesota Future Resources Commission and modifies the availability of funds for disbursement from the Environment and Natural Resources Trust Fund. Approves state membership in the Great Lakes Protection Fund. Authorizes the adjutant general to appoint an executive director for the Dept. of Military Affairs and expands the authority of the adjutant general to sell and acquire land. Authorizes the commissioner of revenue to request the assistance of the attorney general in prosecuting gambling law violations. Increases the fees for the sale of tax-forfeited lands and for petroleum distributors, for special fuel dealers and bulk purchasers and for motor carrier licenses and trip permits. Grants the attorney general joint responsibility with county attorneys for prosecuting specified tax or gambling law violations. Increases District, Conciliation and Appellate court fees. Eliminates Appeals Court minimum judge number requirements. Reinstates the Wild Rice Management Account. Requires an increase for inflation in fees for licenses and permits for utilities to cross public lands and waters. Cancels appropriations to the Cuyuna Development Corporation and to Aitkin Growth, Inc., for projects on wild rice and grains. Repeals the filing fee surcharge in civil actions and a previous appropriation to the commissioner of labor and industry for elevator inspections.

Article II – Judicial system. Adds court administrators, employees of the court and guardian ad litem program employees in the Eighth Judicial District to the definition of the “judicial branch” for state paid life, health and dental insurance plan eligibility purposes. Prohibits staff and salary increases without Supreme Court approval. Exempts the Second and Fourth Judicial Districts from the salary increase provision.

Article III – Fund consolidation. Transfers the deposit of money relating to the Resource Recovery Program from the Materials Distribution Revolving Fund to the General Fund. Provides for Agricultural and Economic Development Account investment by the State Board of Investment. Requires deposit of money collected for state parks recycling in the General Fund. Changes the Forest Pest Control Fund and the Peace Officers Benefit Fund to accounts. Eliminates the Voter Registration Account and requires amounts received by the secretary of state to pay the cost of producing voter lists to be credited to the General Fund. Requires crediting of inmate visitor fees and wage subsidy cost reimbursements to the General Fund. Eliminates the Heat Applied Cigarette Tax Stamp Revolving Account and requires the deposit of stamp and shipping costs in the General Fund. Eliminates the Asbestos Abatement Revolving Fund and the Video Gaming License Account and requires the deposit of asbestos abatement fees and video gaming license fees in the General Fund. Repeals the State Park Maintenance Fund and the Minnesota Wage Subsidy Account. Effective date: Various dates. SOLBERG, MERRIAM.

Omnibus bonding legislation

Chap. 610-H.F. 2651 Article I – Omnibus buildings bonding appropriations. Appropriates money and authorizes issuance of state bonds for the acquisition and betterment of public lands and buildings and other public improvements of a capital nature. Appropriates money to the State Board of Vocational Technical Education for technical colleges construction, improvements and land acquisition. Appropriates money to the commissioner of administration for construction and land acquisition at state universities and for settlement of wood-fired boiler litigation over energy services systems at St. Cloud and Bemidji State Universities. Specifies supervision requirements of the Vocational Technical Education, Community Colleges and State University Boards. Appropriates money to the University of Minnesota for construction including a music performance hall addition to Ferguson Hall, an integrated waste management facility, completion of the Recreational Sports and Physical Education Building and improvements at various agricultural experiment stations. Specifies debt service and parking fees plan requirements of the higher education systems. Appropriates money to the commissioner of administration for the State Academies for the Deaf and Blind, and for the Minnesota Center for Arts Education purchase and rehabilitation of the Golden Valley site, for purchase of facilities at the former college of St. Teresa in Winona for a math and science high school. Appropriates money for the construction and renovation of a regional Job Service Office in Minneapolis, for improvements at specified veterans homes, correctional facilities and regional treatment centers and for additional state operated community-based facilities. Appropriates money to the commissioner of education for maximum effort school loans, to the commissioner of transportation

for facilities and key bridge construction, to the commissioner of public safety for remodeling of the Bureau of Criminal Apprehension Building, and to the Board of Water and Soil Resources for the Reinvest in Minnesota Resources Program. Appropriates money to the Minnesota Historical Society for completion of the State History Center, to restore the Split Rock Lighthouse, for a grant to ISD #38, Red Lake, to finalize construction documents relating to the Tribal Information Center, for the St. Anthony Falls Heritage Preservation Zone and for the Labor History Center. Appropriates money to the Indian Affairs Council for the Battle Point Historic Site Interpretive Center in Cass County. Appropriates money to the commissioner of administration for asbestos removal, for completion of the Centennial Building renovation and phase I of the Judicial Center, for a plan to remodel the State Capitol and for the Itasca Center project. Cancels the unobligated balance of a prior appropriation to select a site and a plan for a new Dept. of Agriculture building and requires a survey of public school buildings to determine the degree of accessibility for persons with disabilities. Appropriates money to the Capitol Area Architectural and Planning Board to establish a Roy Wilkins memorial. Appropriates money to the commissioner of natural resources for betterment of state forests, parks and trails and water access sites, for the Reinvest in Minnesota Program, flood plain management, the Water Bank Program, an environmental learning centers plan, dam repair and for International Wolf Center and Lac Qui Parle Wildlife Management Area Visitor Center construction. Appropriates money to the Public Facilities Authority for the State Independent Grants and Water Pollution Control Programs. Appropriates money to the Pollution Control Agency for combined sewer overflow grants, for specified wastewater treatment facility claims settlement costs and for the Wastewater Construction Grants Program. Appropriates money to the Office of Waste Management for capital assistance program grants. Appropriates money to the commissioner of trade and economic development for a Minneapolis Convention Center parking facility, local outdoor recreation grants, metropolitan open space land acquisition and the Duluth Zoo. Appropriates money to the Minnesota Amateur Sports Commission for ski jump and sports center construction and to the Housing Finance Agency. Appropriates money to the adjutant general for Camp Ripley Education Center plans and for a new armory and military affairs building. Appropriates money to the commissioner of finance for bond sale expenses. Provides for debt service. Reduces a prior bond sale authorization for local dam construction. Requires the commissioner of finance to establish and identify accounts in the Bond Proceeds Fund by purpose or program. Authorizes bond or certificate issuance without regard to the federal taxability of the interest, specifies certification requirements for bonds with exempt interest and authorizes the commissioner to covenant with bond holders relating to the nontaxability. Establishes the Capital Asset Preservation and Replacement Account in the Bond Proceeds Fund and specifies use restrictions and priority criteria. Creates the Infrastructure Development Fund and the Infrastructure Development Bond Debt Service Account in the State Bond Fund for capital improvement projects at higher education institutions. Provides for assessment of higher education systems for debt service payment purposes, specifies property tax levy requirements and prohibits tuition increases to meet debt service payments until July 1, 1991. Transfers a specific account's certification requirement from the commissioner of administration to the appropriate state agencies and eliminates the requirement for review of projects contained in agency operations budgets. Requires the commissioner of administration, in cooperation with the commissioner of finance, to establish a state building classification system for state owned buildings. Provides for the sale of school loan bonds for maximum effort school loans. Provides for the financing and construction of child care facilities at community and technical colleges. Provides for the distribution of proceeds from the sale, exchange, lease or assignment of technical college land or buildings. Modifies the distribution of lottery proceeds, reduces the dedications to the Greater Minnesota Account and the Environment and Natural Resources Trust Fund and requires a percentage be credited to the Infrastructure Development Fund. Establishes the Local Government Unit Housing Account in the Housing Development Fund for loans or grants to local government units for housing rehabilitation purposes. Proposes an amendment to the Minnesota Constitution, Article XI, Section 14, to dedicate a 40 percent of lottery proceeds to the Environment and Natural Resources Trust Fund. Increases prior appropriations for key bridge construction and for the Maximum Effort School Loan Fund and reduces a prior appropriation for various preliminary highway engineering and environmental studies. Requires a joint legislative study to improve the process for planning and funding state capital projects and specifies study requirements. Repeals the authority of the

commissioner of finance to contract to lower interest rates on state general obligation bonds.

Article II – Legislative intent relating to the payment of revenue bonds or notes. States the intent not to appropriate additional money to pay for costs relating to energy efficiency installment purchase contracts, to the Agricultural Resource Loan Guaranty Program, and to specified State University Board, Higher Education Coordinating Board, Higher Education Facilities Authority and Iron Range Resources and Rehabilitation Board bond issues. Effective date: Various dates. SIMONEAU, MERRIAM.

General Legislation and Public Gaming

Farmamerica status definition

Chap. 374-H.F. 2336 Defines the status of Farmamerica in Waseca County by specifying that the laws relating to local and regional historical interpretive centers do not apply. Effective date: August 1, 1990. FREDERICK, DECRAMER.

Cemetery land transfer authorization

Chap. 380-H.F. 2650 Authorizes cemetery corporations or associations to transfer land or property to religious corporations without express considerations. Requires the transfer of money held for maintenance of the land to the religious corporation to be used for maintenance of the property. Effective date: August 1, 1990. WALTMAN, MEHRKENS.

Restrictions on persons convicted of mistreating animals

Chap. 387-S.F. 1968 Permits the court to require that a pet or companion animal in the custody of a person convicted of mistreatment of animals be turned over to a peace officer or other appropriate officer or agent if the court determines that the person is unable or unfit to provide adequately for the animal. Authorizes the court to limit the person's further possession or custody of animals. Authorizes the court to impose other conditions including, but not limited to, a probation period during which the person may not have a pet or companion animal, requiring visits by an animal control officer, requiring the person to perform community service in a humane facility and requiring the person to receive behavioral counseling. Effective date: April 4, 1990. FRANK, SIMONEAU.

Ethnic American Day designation

Chap. 405-H.F. 1919 Designates the first Sunday in June as Ethnic American Day in recognition of the diverse population of the state. Authorizes schools to offer programs to preserve ethnic cultures, traditions and values. Effective date: April 7, 1990. PAPPAS, COHEN.

Lawful gambling regulations

Chap. 590-S.F. 2018 Article I – Regulations. Requires the commissioner of public safety to regulate video games of chance. Authorizes the director of the gambling enforcement division to require fingerprinting of licensees, employees or shareholders or officers of organizations conducting lawful gambling. Specifies jurisdiction of the division. Redefines lawful purpose expenditures. Expands the definition of "organization." Defines additional terms. Increases the percentage of gross profits from bingo allowed to be used for lawful purpose expenditures. Modifies powers and duties of the Gambling Control Board. Grants the director of the board the power to issue cease and desist orders and specifies hearing requirements. Authorizes the director to appoint an executive assistant. Requires the board to, by rule, prescribe standards for the expenditure of net profits and specifies standard requirements. Requires monthly net profit reports from licensed organizations. Specifies report content requirements. Requires the board to provide copies to the commissioners of revenue and public safety. Authorizes the board to, by rule, require organizations to be registered to receive contributions of net profit. Specifies conditions for license eligibility, suspension, revocation and renewal. Prohibits the board from charging organization license fees. Modifies distributor license disqualification conditions. Specifies additional distributor prohibited acts. Specifies pull-tab marking requirements and exempts pull-tabs sold to Indian tribes from the requirements. Expands gambling equipment distributor recordkeeping requirements and authorizes business premises inspection. Specifies number requirements for bingo cards. Exempts unregistered gambling equipment in interstate commerce from registration requirements under specified conditions. Authorizes the removal of gambling equipment from inventories for testing to determine

compliance with applicable laws and rules. Authorizes return of noncomplying equipment to the manufacturer. Restricts the licensing of manufacturers as distributors and prohibits the issuance of manufacturers licenses to persons involved in, or convicted of, specified criminal activity. Requires information relating to business ownership on license applications and authorizes license suspension or revocation for violations of law or board rules. Restricts pull-tab sales. Prohibits manufacturers or affiliates from providing gifts to lessors of gambling premises. Prohibits the shipping into the state of pull-tabs or tipboards without flares, restricts flare alteration or modification, and specifies flare requirements. Requires the board to require gambling equipment samples from manufacturers for sale in the state and requires inspection, testing and approval. Authorizes the board to require pull-tabs to be manufactured using recycled paper after Jan. 1, 1991. Modifies bingo hall license disqualification conditions. Specifies additional prohibited acts relating to bingo occasions. Authorizes summary suspension of organization licenses for failure to file tax returns. Provides for board issuance of premises permits, sets annual fees and specifies exclusions and exemptions. Expands gambling manager requirements. Provides for manager licensing and training and specifies recruitment restrictions. Provides for registration of gambling employees and regulates compensation. Specifies penalties for failure to comply. Authorizes payment of a percentage of gross profits from raffle ticket sales to nonprofit organizations selling raffle tickets for the licensed organization. Requires and provides for the filing of gambling equipment prices and prohibits sale at other than filed prices. Increases the number of allowable bingo occasions and eliminates provisions relating to the conduct of bingo on leased premises. Requires the preparation of bingo packets. Requires the posting of pull-tab information. Specifies a deadline for use of pull-tabs and tipboards and includes an exception. Requires return of expired pull-tab and tipboard deals to the manufacturer. Clarifies gambling equipment storage requirements. Prohibits organizations from making rental payments or entering into lending agreements under specified conditions. Modifies organization recordkeeping requirements. Extends the deadline for deposit of gambling receipts. Specifies check signing requirements. Requires the board to prescribe standards for annual audits. Requires pull-tab records. Requires audit or compliance reports to be included in meeting minutes and specifies copies to be available to organization members upon request. Restricts manufacturers gambling equipment sales on credit to distributors. Authorizes the commissioner of revenue to require payment of gambling taxes or the submission of pull-tab and tipboard manufacturer reports by magnetic media or electronic data transfer. Expands pull-tab and tipboard manufacturer sales reporting requirements. Authorizes the board or the commissioner of revenue to require certified physical inventories of all gambling equipment. Requires trade areas defined by cities for ordinance purposes to include contiguous cities. Requires more stringent regulation or prohibition of lawful gambling adopted by local government units to apply equally to all forms of lawful gambling within the jurisdiction of the local unit. Requires local approval of premises and bingo hall permits. Modifies the definitions of "gambling device" and "video game of chance" and provides for the expiration of licenses issued. Requires the commissioner of finance to transfer money in the Video Gaming License Account to the General Fund and exempts compacts with Indian tribes. Transfers the responsibility for developing a plan for making incentive payments to employees of the State Lottery Division of the Dept. of Gaming from the commissioner of employee relations to the director of the division. Specifies additional director contracting restrictions. Grants the director access to criminal history data compiled by the director of gambling enforcement on persons contracting or applying for employment with the lottery. Clarifies the applicability of a provision prohibiting the transporting of unstamped deals. Repeals the provision requiring the state to be the sole supplier of gambling equipment.

Article II – Penalties. Expands the definition of "contraband" to include gambling equipment not in conformity with law or Gambling Control Board rules. Extends the deadlines for inventory of seized contraband and for seizing authority actions to determine the issue of forfeiture. Changes the inventory delivery requirement to an availability requirement. Alters the distribution of proceeds from the sale of forfeited contraband and requires ten percent of the proceeds to be used to fund compulsive gamblers treatment programs. Prohibits the alteration, modification or counterfeiting of pull-tabs, tipboards or tipboard tickets and the possession, sale or transportation of unregistered pull-tab devices. Imposes penalties for knowing expenditure of gross profits for unlawful purposes. Increases the penalty for submitting false information to the Gambling Control Board or the commissioner of revenue. Expands

the unfair advantage information prohibition provision. Prohibits licensed organizations from accepting checks for the purchase of gambling equipment or chances. Provides for the prosecution of aggregated violations. Requires posting of penalties for receiving cash on video games of chance. Authorizes local government units to adopt more stringent regulations relating to video games of chance. Declares video games of chance not conforming to game specifications as contraband. Clarifies the prohibition against awarding compensation for game credits earned on video games of chance and modifies the fine for violation. Prescribes or clarifies penalties. Effective date: Various dates. LANTRY, QUINN.

Governmental Operations

Exclusion of grad assistants from PERA repeal

Chap. 377-H.F. 2062 Repeals the exclusion of graduate assistants from the definition of public employee under the Public Employment Labor Relations Act for coverage purposes. Effective date: March 31, 1990. REDING, FLYNN.

APA purpose statement

Chap. 422-H.F. 2462 States the purposes of the Administrative Procedure Act. Modifies the definition of rule. Requires state agencies to send copies of statements of need and reasonableness to the Legislative Commission to Review Administrative Rules upon public availability. Requires state agencies to comply with the requirement for notifying the Legislature before submitting notice of intent to adopt rules establishing or adjusting fees fixed by rule and to mail notices of public hearings on proposed rules to persons submitting written requests. Effective date: August 1, 1990. GRUENES, BELANGER.

Transfer of assets to State Board of Investment

Chap. 450-S.F. 2412 Requires the commissioner of commerce to transfer workers compensation assigned risk plan assets not required for immediate use for investment purposes to the State Board of Investment. Requires investment income and losses attributable to the investment of the assets to be credited to the assigned risk plan. Requires the board to sell assets upon commissioner certification of need and to transfer the sale proceeds to the commissioner. Increases the limit on total annual assessments of members of the Workers Compensation Self Insurers Security Fund. Effective date: Various dates. MOE, D.M., SIMONEAU.

Building code provisions

Chap. 458-S.F. 2431 Expands the definition of public building to include school district building projects for state building code purposes. Ratifies and approves the Interstate Compact on Industrialized/Modular Buildings.

Article I – Findings and declarations of policy. Provides the states regulating the design and construction of industrialized/modular buildings with a program to coordinate and uniformly adopt and administer rules and regulations for the buildings to assure interstate reciprocity.

Article II – Definitions. Defines terms relating to industrialized/modular buildings.

Article III – Creation of commission. Creates the Interstate Industrialized/Modular Buildings Commission.

Article IV – Selection of commissioners. Specifies a procedure for the selection of commissioners. Provides for industrial or commercial use industrial/modular building manufacturers and consumers representation.

Article – Voting. Specifies commissioner voting rights.

Article VI – Organization and management. Provides for the election of officers and for expense reimbursement. Requires the adoption of a seal and bylaws. Specifies annual reporting requirements.

Article VII – Committees. Requires and provides for commission establishment of committees. Specifies powers and duties of the committees.

Article VIII – Power and authority. Specifies powers of the commission.

Article IX – Finance. Specifies commission budget and accounting requirements and provides for the apportionment of appropriations. Requires annual audits.

Article X – Entry into force and withdrawal. Provides for the effectiveness of the compact. Authorizes withdrawal by repealing statute.

Article XI – Reciprocity. Provides for approval of buildings through reciprocity.

Article XII – Effect on other laws. Clarifies the legal effect of the compact on state laws and jurisdiction.

Article XIII – Construction and severability. Provides for liberal construction of the compact. Provides a severability clause. Effective date: August 1, 1990. MARTY, BERTRAM.

Hazardous materials incident response plan provisions

Chap. 466-H.F. 2458 Requires the commissioner of public safety to plan a statewide system of response to spills, emissions or exposure of hazardous materials by regional teams established by the state, local government emergency responders and private industry, including cleanup contractors. Requires plan submission to the Legislature by Jan. 1, 1991. Specifies plan requirements. Creates the Hazardous Materials Incident Response Advisory Task Force to assist in planning the system. Specifies membership requirements and duties. Sunsets the task force June 30, 1991. Effective date: July 1, 1990. REDING, MERRIAM.

State government technical provisions

Chap. 506-H.F. 257 Article I. Regulates the qualifications and responsibilities of judges of the Workers Compensation Court of Appeals. Requires judges to be licensed to practice law for five years. Requires the governor to designate the chief judge, specifies the chief judge to be responsible for court administration, and provides for chief judge appointment of an assistant administrator. Reduces the number of judges required for, and provides for, determination of appeals of exceptional importance.

Article II. Increases allowable compensation for members of administrative boards and agencies and advisory councils. Provides for the use of optical disk imaging systems to preserve official records. Authorizes the commissioner of administration to authorize the purchase of insurance on state property to protect buildings and contents and eliminates various restrictions on state purchase of property insurance. Eliminates the part-time designation for the chairs of the Metropolitan Airports and Waste Control Commissions and increases the salary range for the chair of the Waste Control Commission. Exempts state contracts for purchase, lease or license of software and data from the state from specific audit clause requirements. Authorizes the commissioner of administration to enter into cooperative purchasing agreements with local government units. Removes the authority of the commissioner to maintain the buildings at the Normandale, Anoka-Ramsey, North Hennepin, Lakewood, Metropolitan and South East Metropolitan Community Colleges. Changes the Computer Services Revolving Fund to the Intertechnologies Revolving Fund and expands authorized uses. Authorizes the commissioner to sell or license computer software products or services developed by state agencies. Authorizes the use of state unmarked motor vehicles by the investigative staff of the Dept. of Jobs and Training. Clarifies the authority of the State Office of Information Systems management over purchases of computers and related technical equipment by the State University Board and the State Board for Community Colleges. Eliminates the requirement of the commissioner of administration to prepare summaries of nonhealth related licensing board reports. Specifies additional duties of metropolitan agency chairs relating to agency boards. Repeals the rule requirements of the commissioner of administration relating to the Statewide Telecommunications Access Routing System (STARS). Effective Date: Various dates. WILLIAMS, MOE, D.M.

Pay equity provisions

Chap. 512-S.F. 488 Clarifies the purpose of, and redefines, equitable compensation relationship for public employees. Authorizes interest arbitration and collective bargaining for balanced classes to consider standards and job evaluation studies. Requires consideration of similar classifications in other governmental units. Requires job evaluation systems to be maintained and updated to account for new employee classes and changes in factors affecting the comparable work value of existing classes. Requires local government units substantially modifying job evaluation systems or adopting new systems to notify the commissioner of employee relations. Classifies implementation reports to the commissioner as public data. Requires counties and cities to submit to the commissioner for review a pay equity implementation report by Jan. 31, 1992. Specifies content requirements. Requires notice to noncomplying counties and cities of the basis for the finding. Provides for submission of additional evidence in support of a compliance claim and specifies additional information to be considered in reconsiderations.

Imposes an aid penalty or fine for subsequent noncompliance for enforcement by the commissioner of revenue. Specifies a required waiting period before imposition. Specifies that the penalty is to remain in effect until compliance. Specifies conditions for commissioner of employee relations suspension of the penalty and provides for appeal. Requires the commissioner to report annually to the Legislature on the status of compliance by local government units. Specifies report content requirements. Provides a defense against the charge of arbitrary, capricious, oppressive or unreasonable actions of county boards relating to court administrator salary or budget setting under job evaluation system conditions. Repeals obsolete provisions. Effective date: August 1, 1990. BERGLIN, SIMONEAU.

State building access for physically disabled

Chap. 531-S.F. 2346 Creates the Access Review Board to consider applications for waivers from the state building code to permit the installation of stairway chair lifts to provide limited accessibility for the physically disabled to buildings unable to meet building code requirements due to architectural or financial impossibility. Specifies board membership. Requires the board to review other possible access options and specifies considerations. Provides for application to the Building Code and Standards Division of the Dept. of Administration and prescribes a fee. Requires division review and forwarding of meritorious applications to the board along with a list and summary of applications considered not to be meritorious. Specifies a time limit for board application decisions and requires unanimous decision for approval. Grants board members immunity from liability for injury or death resulting from use of devices under granted waivers. Effective date: July 1, 1990. BECKMAN, KALIS.

Small business procurement changes

Chap. 541-H.F. 2230 Relates to small business procurement. Requires state agency, University of Minnesota and metropolitan agency contracts to require the prompt payment of subcontractors. Specifies an interest penalty requirement. Encourages state agencies to purchase from designated small targeted group businesses for purchases exempt from competitive bidding procedures. Requires the commissioner of administration to adopt rules defining small business for procurement purposes. Requires the commissioner to establish a program for purchasing goods and services from designated targeted group businesses to remedy the effects of past discrimination. Requires the commissioner to periodically designate majority owned businesses operated by women, persons with disabilities or specific minorities as targeted group businesses within determined purchasing categories. Requires periodic review. Authorizes the commissioner to award a percentage preference in the amount bid for specified goods or services to small targeted group businesses. Authorizes the setting of subcontracting goals for specific contracts. Authorizes the establishment of financial incentives for prime contractors exceeding, and penalties for contractors failing, to meet goals. Authorizes the commissioner to award a percentage preference in the amount bid on a state procurement to small businesses located in economically disadvantaged areas. Specifies duties of the Dept. of Revenue. Eliminates the authority of the commissioner of administration to use negotiated price and bid contract procedures. Changes the name of the Small Business Procurement Advisory Council to the Small Business and Targeted Group Procurement Advisory Council. Includes the University of Minnesota, the Dept. of Transportation and the Metropolitan Council and agencies under the provisions and requirements. Expands reporting requirements of the commissioner and requires reports to the commissioner from the commissioner of transportation, metropolitan agencies and the University. Requires commissioner certification of small businesses wishing to participate in the program. Authorizes rules. Prescribes a penalty for providing false information. Requires consideration of the businesses in state university and community college capital projects bidding procedures and in Corrections Department equipment and materials purchases for correctional industries. Requires the commissioner of trade and economic development to evaluate the effectiveness of the programs and the commissioner of administration to review current practices. Authorizes the commissioner of administration to adopt emergency implementation rules and to use previous certification rules under specified conditions. Repeals the repeal of previous changes to the Small Business Procurement Program. Effective Date: Various dates. JEFFERSON, ADKINS.

Labor-management committee assistance

Chap. 546-S.F. 2181 Authorizes the commissioner of the Bureau of Mediation Services to provide technical support and assistance to voluntary joint labor-management committees established to improve relationships between unions and employers at area, industry or work

site levels. Eliminates specified requirements for commissioner awarding of labor-management committee grants and a funding limit. Requires the commissioner to provide technical support and assistance to labor-management committees established under the Public Employment Labor Relations Act. Alters location requirements for the election of exclusive representatives and authorizes commissioner determination of mail ballot or on-site elections and authorizes parties' request for reconsideration of determination. Authorizes the commissioner to void election results upon finding irregularities in the conduct of the election substantially affecting results. Authorizes parties to interest arbitration to, by mutual agreement, select the arbitration panel from the arbitration roster maintained by the Public Employment Relations Board. Effective date: May 5, 1990. FLYNN, DAWKINS.

Omnibus pension legislation

Chap. 570-H.F. 2103 Article I – State Patrol Retirement Plan membership. Provides retirement coverage under the State Patrol Retirement Fund for peace officers in the Gambling Enforcement Division of the Dept. of Public Safety and to a data processing management employee in the department.

Article II – Pension plan investment performance reporting. Requires the chief administrative officers of public pension plans to prepare and file annual investment performance reports calculated on a time weighted total rate of return basis. Specifies exceptions. Specifies content requirements and provides for distribution. Specifies duties of the executive director of the Legislative Commission on Pensions and Retirement.

Article III – State university and community college faculty retirement provisions. Modifies salary deduction and employer contribution requirements under the State University and Community College Personnel Supplemental Retirement Plan. Requires the state university and community colleges chancellors to administer the retirement plan. Provides for the designation of beneficiaries by plan participants. Clarifies the definition of covered employment under the Individual Retirement Account Plan. Provides for the purchase of prior service credit in the Individual Retirement Account Plan by initially excluded persons. Increases the rate of interest on transfers of member contributions from the Teachers Retirement Association to the plan. Reduces the maximum number of financial institutions required to be selected by the boards to provide annuity contracts or custodial accounts. Authorizes investment in the supplemental investment fund. Provides for the redemption of shares in specific accounts of the supplemental investment fund for personnel electing other investment options. Provides for transfers from the Teachers Retirement Fund to the Individual Retirement Account Plan.

Article IV – Unclassified retirement program membership. Includes employees of the Division of the State Lottery in the Dept. of Gaming covered by the Managerial Plan in the State Unclassified Employees Retirement Plan of the Minnesota State Retirement System. Authorizes the transfer of accumulated employee and employer contributions.

Article V – Fiduciary responsibility modifications. Modifies economic interest statement requirements for members of the governing boards of pension plans governed by the Police and Firefighters Relief Association Guidelines Acts.

Article VI – Miscellaneous local pension modifications. Modifies the schedule for the actuarial valuations and experience studies for the Thief River Falls Police Pension Trust Fund. Excludes students employed in the intern training programs in the cities of St. Paul and Minneapolis from public retirement or pension plan membership. Provides for the treatment of the Moose Lake Area Fire Protection District as a continuation of the fire department of the city of Moose Lake for firefighters relief association purposes. Restores St. Paul Bureau of Health Relief Association service credit to a former employee covered under the Public Employees Retirement Association.

Article VII – Teacher Retirement Fund provisions. Provides for allowable service credit purchase for members of the Teachers Retirement Association returning from authorized medical leave of absence. Authorizes the Duluth and St. Paul Teachers Retirement Fund Associations to provide for annual lump sum post-retirement adjustments conversion to monthly benefits of equivalent actuarial value upon request of the retiree or beneficiary and approval of the board of trustees.

Article VIII – Public employees defined contribution plan. Expands the Ambulance Service Personnel Retirement Plan to a

public employees defined contribution plan. Provides for the eligibility and election of coverage by local government officials. Establishes official and employer contributions, benefits and prior service credit purchase procedures.

Article IX – Transfers to Minnesota Post-Retirement Investment Fund. Modifies the calculation of required reserves upon initial transfer to the Minnesota Post-Retirement Investment Fund for investment by the State Board of Investment. Modifies the interest rate on later transfers for reserves sufficiency purposes.

Article X – Minnesota State Retirement System administrative provisions. Clarifies the definition of salary under the Minnesota State Retirement System. Expands eligibility for the continued coverage option to specified state university or community college teachers. Modifies employer contribution requirements for coverage of labor organizations and includes correctional employees under the provisions. Clarifies board of directors membership requirements. Alters the term of the state employee members and excludes Minnesota State Retirement System employees from board membership eligibility. Clarifies a provision relating to application for annuity. Exempts deferred compensation plan marketing rules of the executive director from State Board of Investment approval requirements.

Article XI – Public Employees Retirement Association administrative provisions. Clarifies the definition of excluded employees under the Public Employees Retirement Association. Modifies the definition of termination of public service. Expands the definition of allowable service to include maternity leave. Provides for service credit. Authorizes annuity, benefit or refund checks to financial institutions by electronic transfer. Excepts refunds for erroneous deductions of sick leave or vacation or severance pay from a refund deadline. Alters the date for submission by local government units of departmental payroll abstract copies. Extends the deadline for repayment of refunds. Entitles specified survivors of former members to both a retirement annuity and survivor benefits. Imposes a disability durational requirement for police and fire fund disability benefits eligibility purposes and clarifies survivor benefits eligibility. Includes additional payments in the computation of monthly survivor benefits or optional annuities. Repeals a contribution option for volunteer firefighters under the police and fire fund.

Article XII – Technical corrections. Makes technical changes to provisions governing benefits and administration of public pension plans. Increases the interest rate on refund of contributions to former legislators and elective state officers. Provides for review of relevant documentation submitted by petitioners to the executive directors prior to an appeal for the termination or denial of benefits under the Minnesota State Retirement System and the Teachers Retirement Fund. Clarifies the application of retirement annuity formulas under the Minnesota State Retirement System, the Public Employees Retirement Association and the Teachers Retirement Association. Provides for the effective date of the bounce back optional annuities. Requires supplemental benefits under the Minnesota State Retirement System to be added to, and considered a portion of, the annuity otherwise payable to the recipient. Reduces vesting requirements. Requires actuarial reduction of specific reduced benefits for correctional employees. Increases the interest rate on purchase of prior service credit upon re-entry into service under the State Patrol Retirement Fund. Clarifies the eligibility of part-time teachers to participate in the Teachers Retirement Association. Modifies a provision providing for service credit for maternity leave taken by members of the St. Paul or Duluth Teachers Retirement Fund Associations. Requires the Teachers Retirement Association boards in Minneapolis, St. Paul and Duluth to establish an optional retirement annuity guaranteeing payment of the balance of accumulated deductions to designated beneficiaries upon the death of the annuity recipient. Modifies Individual Retirement Account Plan provisions and extends the deadline for the election of coverage. Specifies election to be irrevocable. Sets a deadline for retirement association receipt of social security information for post-retirement adjustment eligibility purposes. Repeals the variable annuity investment fund.

Article XIII – Purchases of credit for prior service. Provides for the purchase of prior service credit from the Minnesota State Retirement System by a former employee of the Dept. of Military Affairs and a former employee of the Willmar Regional Treatment Center. Provides for the purchase of prior service credit from the Public Employees Retirement Association by a St. Cloud City Council member, an Aitkin County elected official and a city attorney for the city of Brooklyn Park. Authorizes a former employee of the city of White Bear Lake and the

Metropolitan Transit Commission to elect to exclude specified service from calculation of average salary for annuity determination purposes.

Article XIV – Miscellaneous retirement provisions. Increases volunteer firefighters flexible service pension maximums. Repeals a redundant post-retirement adjustment. Modifies the effective date of in line of duty and nonduty disability changes under the Public Employees Police and Fire Fund. Effective date: Various dates. REDING, MOE, D.M.

Public employment provisions

Chap. 571-H.F. 2081 Regulates state employment practices and the setting of salaries. Requires specified salary increase recommendations to consider progress toward attainment of affirmative action goals. Changes the term handicaps to disabilities. Provides for the transfer of accumulated vacation and sick leave by specified gubernatorial appointees transferring positions. Limits the salary of administrative law judges employed by the Office of Administrative Hearings. Modifies the salaries for judges of the Workers Compensation Court of Appeals. Grants the commissioner of employee relations sole authority to settle state employee workers compensation claims and authorizes the commissioner to assess state entities for the costs of preventive health services for state employees. Makes various mandatory rule requirements of the commissioner optional. Authorizes the inclusion of procedures or policies affecting the operation of, or participation in, the Public Employees Insurance Program. Authorizes the commissioner to conduct experimental projects to improve recruitment and selection processes for filling state classified positions, requires consultation with affected exclusive bargaining representatives, waives specified requirements, and requires a report to the Legislative Commission on Employee Relations by Sept. 1 of each year. Includes the administrator and deputy administrator at the State Academies for the Deaf and Blind in the unclassified service. Authorizes the commissioner to offer employees on permanent layoff from state service the opportunity to be tested for competitive open and promotional eligible lists. Extends the time period for reemployment or reinstatement after separation. Requires commissioner certification of a specific number of eligibles on lists for the filling of positions by competitive open or promotional examination and provides for expansion. Authorizes qualifying skill tests for entry-level clerical positions as an alternative to certification from an eligible list. Eliminates the restriction on the conversion of accumulated vacation leave into deferred compensation before separation. Requires compensation plans for specific unclassified positions to be approved by the Legislature and the Legislative Commission on Employee Relations. Provides for the determination of total compensation for positions not covered by collective bargaining agreements in state universities and community colleges, the Higher Education Coordination Board and the State Board of Vocational Technical Education. Requires the State Agricultural Society, the World Trade Center Corporation and Greater Minnesota Corporation boards of directors and the governing board of the Minnesota State High School League to submit reports to the Legislative Commission on Employee Relations on the total compensation plan for employees. Authorizes state employees to donate up to eight hours of accrued vacation time per fiscal year for the benefit of another state employee. Creates the Vacation Benefit Account and specifies authorized expenditures. Exempts contracts entered into under the State Employees Insurance Program from small business procurement requirements. Requires notice to retiring judges of the option to purchase health insurance coverage and directs judges to notify the commissioner of the intent to exercise the option within 30 days after the effective date of retirement. Includes insurance eligible elected public officials of an eligible employer in the definition of employee under the Public Employees Insurance Plan and clarifies the inclusion of persons employed by labor organizations or employee associations. Authorizes the commissioner to determine funding arrangements of the plan. Modifies employee participation duration provisions. Eliminates laid off employees, specific state employees and judges from continuation of coverage provisions. Exempts premiums from the gross premium tax. Exempts the plan and participating employers from various self-insurance requirements. Imposes a time limit for decisions of the Workers Compensation Court of Appeals and includes a salary penalty for failure to comply. Transfers administration of the Police Officers Benefit Fund from the commissioner of employee relations to the commissioner of public safety. Eliminates the authority of the Board of Medical Examiners and the Board of Dentistry to set the salaries of the board's executive directors. Places the Telecommunications Access for Communication Impaired Persons program administrator in the unclassified service. Authorizes the commissioner of jobs and training to establish the position of director of the State Job Training Office in the unclassified service. Classifies specific Metropolitan Transit Commission

compensation contracts. Repeals the authority of court administrators to appeal budgets or salaries set by county boards to the District Court. Ratifies various labor agreements, compensation plans and salaries and provides for interim approval of agreements, awards or plans by the Legislative Commission on Employee Relations. Entitles specific retired judges to the option to purchase insurance. Effective date: Various dates. REDING, MOE, D.M.

Miscellaneous state government provisions

Chap. 572-H.F. 2162 Relates to state government. Creates the Cooperative Purchasing Revolving Fund for deposit of fees collected to cover administrative expenses relating to joint or cooperative purchasing agreements and eliminates the requirement for deposit of the fees into the materials distribution revolving fund. Increases the minimum value of contracts for consultant or professional services requiring certification. Eliminates the requirement for evaluation of performance under consultant or professional and technical services contracts. Authorizes state real property rental agreements to provide for state reimbursement to tenants for capital improvements made to property upon nonrenewal of the lease. Requires the commissioner to consider providing space for a work place school within the Capitol Complex. Provides for local government representation on the State Information Systems Advisory Task Force and extends the expiration date of the task force. Restricts the use of unmarked vehicles by the Dept. of Revenue to criminal investigators and provides for use by state-owned community service facilities in the Dept. of Human Services. Clarifies a costs reimbursement provision relating to state agency agreements with transit operators. Provides for an exemption from specified building or fire code requirements for part of an historic building. Exempts transfers of specified lands by the commissioner from marginal land and wetlands reservation requirements. Expands the definition of governmental unit under a provision regulating joint powers agreements. Effective date: July 1, 1990. WILLIAMS, MOE, D.M.

Miscellaneous pension provisions

Chap. 589-S.F. 2445 Places the administrators and deputy administrators at the State Academies for the Deaf and Blind in the state unclassified service. Authorizes the commissioner of jobs and training to establish the position of director of the state job training office in the unclassified service. Provides for surviving spouse benefits under the Minnesota State Retirement System for the surviving spouse of a former state correction officer at the St. Cloud State Reformatory. Continues survivor benefits for specified remarried surviving spouses of deceased members of the Minneapolis Police and Firefighters Relief Associations and creates a health insurance account for deposit of contributions of members of the associations to pay future health insurance costs of the members upon retirement. Exempts spouses receiving pensions from the St. Louis Park Police Relief Association from the requirement for benefits termination upon remarriage. Expands the option of continuation of coverage under the Public Employees Insurance Plan to former employees receiving public pension disability benefits or retirement annuities or meeting the age and service requirements necessary to receive a public retirement annuity. Includes an exception. Requires the commissioner of employee relations to establish sets of health insurance premiums for specified classes and restricts policy exclusions for preexisting conditions. Prohibits reenrollment by participants discontinuing coverage. Requires public pension fund directors to withhold premium amounts from the pension benefits and pay the amounts to the Public Employees Insurance Plan for persons entitled to receive benefits. Requires commissioner notice to eligible persons of the option to participate and requires persons intending to participate to notify the commissioner. Specifies a deadline. Effective date: Various dates. KROENING, SPARBY.

Health and Human Services

Health Care Access Commission member increase

Chap. 373-H.F. 2521 Increases the membership of the Health Care Access Commission from 15 to 25 members. Effective date: August 1, 1990. OGREN, JOHNSON, D.J.

Asbestos containment standards change

Chap. 381-H.F. 2407 Limits asbestos containment barriers in the case of tunnel abatement enclosures to double critical barriers. Effective date: August 1, 1990. OLSON, K., BECKMAN.

Family day care home definition conformity

Chap. 388-S.F. 1692 Conforms the definition of family or group family day care home under the state fire code to the Dept. of Human Services definition for enforcement purposes. Makes a technical correction in the civil penalty provision under the Community Right to Know Act. Repeals provisions relating to compensation paid to city or town officials for reporting fires. Repeals provisions relating to fire extinguisher regulations, no smoking sign regulations, fire alarm systems deactivation regulations, theaters and halls regulations and dry cleaning and dyeing establishment regulations regulated by the state fire marshal. Effective date: Various dates. BERGLIN, BROWN.

Ombudsman access to data authorization

Chap. 398-S.F. 2370 Grants the Ombudsman for Mental Health and Mental Retardation access to private data without consent on decedents who were receiving services for mental illness, mental retardation or a related condition, or emotional disturbance. Effective date: August 1, 1990. BERGLIN, GREENFIELD.

Pharmacist licensing clarification

Chap. 412-H.F. 1673 Clarifies provisions requiring the licensing of pharmacists. Modifies the definition of pharmacists. Prohibits the practice of pharmacy without a license. Effective date: August 1, 1990. STANIUS, REICHGOTT.

Child care payment policy rules authorization

Chap. 432-S.F. 1726 Requires the commissioner of human services to adopt rules authorizing county and human services boards to establish policies for payment of child care spaces for children absent from child care programs when the payment is required by the child's regular provider. Subjects the policies to commissioner approval. Effective date: August 1, 1990. BERGLIN, GREENFIELD.

Membership for design of demonstration project

Chap. 454-S.F. 1696 Includes the commissioners of commerce and health in the design of the demonstration project providing low cost medical insurance to uninsured low income persons in Cook, Crow Wing, Lake, St. Louis, Carlton, Aitkin, Pine, Itasca and Koochiching Counties. Modifies or clarifies enrollee eligibility, benefits and participation requirements. Effective date: April 17, 1990. SOLON, JAROS.

Nursing home bed moratorium exception

Chap. 472-S.F. 2224 Creates an exception to the nursing home home bed moratorium to license or certify beds moved from a nursing home to a separate facility under common ownership formerly licensed as a hospital and currently licensed as a nursing facility and located within eight miles of the original facility provided that the facility make a written commitment to the commissioner that it will not seek to receive an increase in its property-related payment rate as a result of the relocation. Effective date: August 1, 1990. LANTRY, TRIMBLE.

Nurse practitioners drug prescription authorization

Chap. 483-S.F. 1821 Authorizes certified nurse practitioners and certified nurse-midwives to prescribe and administer drugs and therapeutic devices. Requires the Board of Nursing to adopt rules relating to a system of identifying eligible nurse practitioners, a method of determining the categories of drugs and therapeutic devices, a system of transmitting to pharmacists information concerning nurse practitioners eligible to prescribe drugs and therapeutic devices and a method of setting a fee sufficient to cover costs relating to monitoring and regulating the prescribing authority of nurse practitioners. Requires rule adoption by July 1, 1991. Authorizes the board to establish and appoint an advisory task force for assistance in adopting the rules and sets forth membership requirements. Establishes an interim filing requirement. Effective date: August 1, 1990. LANTRY, MCLAUGHLIN.

Mental retardation services

Chap. 487-S.F. 1831 States legislative policy relating to the quality of care and services provided to persons with mental retardation and related conditions. Requires the commissioners of human services and health to submit, by Feb. 1, 1991, a plan for simplification of rules and regulations governing services to persons with developmental disabilities and related conditions. Specifies that the plan be developed in consultation with service consumers, service providers, advocacy groups, and licensing staff. Effective date: August 1, 1990. VICKERMAN, COOPER.

Legend drug regulation

Chap. 489-S.F. 1789 Requires licensed practitioners dispensing for-profit legend drugs administered orally and not intended as vaccines to file a statement with the appropriate licensing board. Defines profit. Excepts licensed doctors of veterinary medicine and registered

pharmacists from the requirement. Effective date: August 1, 1990. VICKERMAN, GREENFIELD.

911 system task force

Chap. 490-S.F. 2026 Requires the commissioners of administration, health and public safety to jointly appoint a multidisciplinary task force for emergency dispatch services to prepare recommendations concerning appropriate skill levels of emergency dispatching personnel operating within the 911 system. Specifies representation and meeting requirements. Requires a report to the Legislature by Jan. 1, 1991. Effective date: April 25, 1990. PIPER, BERTRAM.

Nursing home provisions

Chap. 498-S.F. 2051 Provides for the commissioner of health to issue orders staying the revocation, suspension or nonrenewal of licenses of nursing homes with controlling persons disqualified due to specified violations. Authorizes the commissioner to impose conditions and restrictions and specifies factors to be considered by the commissioner. Provides for controlling persons acceptance or rejection of the conditions and restrictions. Authorizes commissioner modification of the conditions and restrictions or license suspension, revocation or nonrenewal upon rejection. Requires compliance with the conditions and restrictions upon acceptance. Authorizes petition for removal or modification after 180 days and allows a hearing. Specifies that failure to comply with conditions and restrictions will result in immediate removal of the stay. Specifies that conditions and restrictions are effective for two years after the date imposed. Effective date: April 25, 1990. LANTRY, GREENFIELD.

Hospital construction codification

Chap. 500-S.F. 1698 Codifies existing law restricting new hospital construction and hospital modifications resulting in increases or redistribution of hospital beds. Extends the sunset. Effective date: July 1, 1990. BERGLIN, GREENFIELD.

Physician assistants authorization

Chap. 524-S.F. 1798 Authorizes supervising physicians to delegate the authority to prescribe and administer legend drugs and medical devices to registered and certified physician assistants under physician supervision under specified conditions. Specifies agreement content and delegation requirements. Requires the commissioner of health to identify categories of drugs inappropriate for delegation. Requires physician assistants with delegated authority to provide evidence of current certification upon registration or reregistration. Requires physician's daily review of the prescribing and administering of drugs and devices by physician assistants. Specifies commissioner rulemaking requirements and authority. Requires the Board of Medical Examiners to register physician assistants granted temporary registration. Effective date: Various dates. PIPER, DAUNER.

Bovine growth hormone restrictions

Chap. 526-S.F. 1758 Temporarily restricts the use of biosynthetic bovine somatotropin (BST) to veterinarians or veterinarian assistants for medical or research purposes. Prohibits sale. Includes BST in the definition of veterinary legend drug and specifies contingencies on the effectiveness of the restrictions. Requires and provides for the licensing of wholesale drug distributors by the Board of Pharmacy. Requires the board to appoint a Wholesale Drug Distributor Advisory Task Force to review and make recommendations on the merit of proposed rules relating to wholesale drug distributors and drug manufacturers. Specifies membership requirements and requires board rules providing for solicitation of recommendations. Prohibits prescription drug purchase or receipt from nonlicensed persons or entities. Prohibits licensed wholesale drug distributors dispensing of prescription drugs directly to patients. Specifies distributor licensing requirements and requires conformity with the wholesale drug distributor licensing guidelines adopted by the federal Food and Drug Administration. Specifies license requirements for out of state wholesale drug distributors conducting business in the state and provides for reciprocity. Specifies license renewal application procedures. Requires board implementation and enforcement rules. Provides for distributor records availability for inspection by the board. Effective date: Various dates. SAMUELSON, GREENFIELD.

Lead exposure prevention provisions

Chap. 533-S.F. 1937 Establishes standards for safe levels of lead. Requires the commissioner of health, for fiscal years 1990 and 1991, to contract with local boards of health in communities at high risk for toxic lead exposure to children. Directs lead advocacy organizations and businesses to design and implement a uniform proactive educational program to promote the prevention of exposure to lead to target

populations. Includes priority and bilingual materials requirements. Requires the commissioner to establish and administer a program to fund locally based advocates for family instruction purposes. Requires the commissioner to contract with health boards to conduct assessments to determine sources of lead contamination in residences of children and pregnant women with elevated blood lead levels for reduction purposes and to provide safe housing for relocation purposes. Provides for the availability of state matching funds for grant programs to community based organizations for paint removal equipment. Requires medical laboratories and boards of health performing blood lead and environmental sample analyses to report results to the commissioner for monitoring and evaluation purposes. Directs the commissioner to require other related information from medical laboratories and boards of health as needed. Requires the commissioner to promote and subsidize blood lead tests of children under the age of six living in high risk areas of Minneapolis, St. Paul and Duluth. Requires local boards of health to advocate statewide lead screening. Requires health boards to assess residences of pregnant women and children with elevated blood lead levels for lead source determination purposes. Requires the commissioner to develop a residential lead assessment guide enabling parents to assess possible lead sources for distribution by health boards to at risk persons. Requires health boards to order owners of specified property to perform abatement on lead sources and requires relocation of residents during abatement. Specifies posting of warning notices and retesting after abatement completion. Requires a State Planning Agency task force convened to study abatement costs to develop the strategy for financing and implementing a subsidized lead abatement program and to make recommendations to the Legislature by Jan., 1991. Requires lead abatement contractors to register with the commissioner. Requires the commissioner to adopt rules relating to sampling, analysis, paint lead standards, abatement methods and the removal of exterior lead based coatings from residential property. Requires variance procedures for innovative abatement methods. Prohibits the commissioner and local government units from requiring abatement of intact lead based paint not accessible to children as a chewable or lead dust producing surface and as a source of lead exposure. Repeals provisions relating to current lead abatement procedures and provides for the continuation of specified emergency rules. Effective date: August 1, 1990. BERGLIN, CLARK.

Bone marrow donor provisions

Chap. 536-S.F. 1903 Provides programs and incentives to encourage persons to volunteer as bone marrow donors. Requires the commissioner of health to educate state residents concerning the need for bone marrow donors, the procedures for donating bone marrow and the attendant risks of the medical procedure. Requires special efforts to educate and recruit minority populations. Requires employers to provide paid leaves of absence to employees donating bone marrow and prohibits employer retaliation. Directs the commissioner to conduct a bone marrow donor drive to encourage state employees to volunteer as potential bone marrow donors and requires the assistance of the commissioner of employee relations. Effective date: July 1, 1990. MERRIAM, WEAVER.

HMO regulatory changes

Chap. 538-S.F. 1940 Establishes requirements for rehabilitating or liquidating health maintenance organizations (HMOs) and specifies commissioner of health jurisdiction under the Insurers Rehabilitation and Liquidation Act. Defines the powers of rehabilitators and liquidators. Exempts rehabilitators and liquidators from replacement coverage requirements. Provides for a plan of rehabilitation under the sole authority of the rehabilitator and specifies criteria for court approval. Specifies proceedings notice requirements. Provides for the priority of claims and classifies malpractice claims as unsecured claims. Specifies the liability of enrollees. Authorizes domestic life insurance company investments in HMOs. Clarifies the definition of "net worth" for establishment purposes. Requires the submission of additional statements upon application for a certificate of authority. Provides for protection against director and officer conflicts of interest and modifies deposit requirements. Specifies responsibilities and requirements of guaranteeing organizations assuming obligations of HMO net worth requirements. Specifies amount needed to meet net worth requirements and provides for consolidated calculations. Requires agreements between HMOs and guaranteeing organizations. Requires annual submission of audited financial statements to the commissioner of health. Specifies guarantor status in rehabilitation or liquidation. Allows specified investments as admitted assets. Extends the deadline for commissioner disapproval of operations or documents modification. Modifies verified report filing and quarterly unaudited financial statement requirements. Requires expedited resolution of disputes relating to coverage of immediately and urgently

needed services. Eliminates a restriction on coverage denial or limitation relating to services received from nonparticipating providers. Allows replacement coverage by other HMOs and modifies Medicare supplement plan replacement coverage requirements. Increases the administrative penalty maximum and requires the commissioner of health to consider specified factors in determining penalty levels. Modifies enforcement provisions. Classifies HMOs as insurance companies for purposes of liquidation or rehabilitation. Changes the certificate of authority renewal fee due date. Extends the sunset of protection against insolvency provisions. Repeals rehabilitation or liquidation provisions relating to grounds, priority of claims and power of liquidators. Effective date: August 1, 1990. BRANDL, GREENFIELD.

Nitrous oxide authorization

Chap. 540-S.F. 443 Authorizes podiatrists to use an oxygen nitrous oxide mixture for sedation or analgesia under specified conditions. Effective date: August 1, 1990. POGEMILLER, DAUNER.

Ambulance technical provisions

Chap. 556-S.F. 1896 Exempts specified licensed ambulances from motor vehicle registration, excise taxes and fees. Specifies appropriate uses of special transportation services. Requires commissioner of health investigation of complaints alleging violation. Requires the reporting of results to the commissioner of transportation. Prescribes a minimum penalty for violation. Includes voluntary uncompensated workers volunteering services as first responders or as members of law enforcement assistance organizations acting under the supervision and authority of local government units in the definition of "employee" for workers compensation purposes. Authorizes hospital districts organized or reorganized on or after July 1, 1975, and whose employees are not enrolled in the association, to elect to be excluded from participation in the Public Employees Retirement Association. Effective date: Various dates. VICKERMAN, COOPER.

Board of Medical Examiners changes

Chap. 576-S.F. 2216 Increases the membership of the Board of Medical Examiners. Eliminates the requirement for public member representation of a mental health and consumer advocacy organization on the board. Encourages the governor to appoint persons reflecting state geography and possessing broad expertise. Modifies disclosure requirements and restrictions relating to disciplinary actions. Exempts physicians licensed to practice medicine in another state providing medical services at competitive athletic events from state licensing requirements. Requires registration and sets a fee. Extends insurance reporting requirements to self-insured entities providing professional liability coverage to physicians. Repeals provisions relating to loans or scholarships to medical students to encourage practice in rural areas and repeals an exception to the disciplinary actions publication requirement. Effective date: Various dates. PIPER, GREENFIELD.

Regional treatment centers

Chap. 599-S.F. 1813 Delays the effective date of the prohibition on discharging regional treatment center residents to intermediate care facilities. Reduces the requirement for full Medicare participation by nursing facilities for medical assistance participation purposes. Authorizes the commissioner of human services to further reduce the requirement upon determination by the commissioner of health of the inability of the physical plant configuration to satisfy Medicare distinct part requirements at that level. Requires facility demonstration of no adverse effect on access of Medicare eligible residents to Medicare-certified beds. Requires the commissioner of human services, in consultation with representatives of intermediate care facilities, parents, advocates, and other interested persons, to develop a plan to eliminate patient discharge from regional treatment centers to larger community intermediate care facilities. Requires presentation to the Legislature by Jan. 1, 1991. Effective date: August 1, 1990. BERGLIN, WELLE.

Chiropractor insurance provisions

Chap. 611-S.F. 576 Specifies requirements for chiropractors conducting independent medical examinations to determine patient condition or further treatment for automobile insurance purposes. Provides for professional certification for General Assistance benefits by licensed physicians, psychologists and chiropractors. Effective date: August 1, 1990. PIPER, JEFFERSON.

Judiciary

Alternative dispute resolution program authorization

Chap. 360-H.F. 1895 Provides an alternative dispute resolution pilot

project in the Second Judicial District. Requires the state court administrator to evaluate the project and report to the Legislature by Jan. 15, 1992. Effective date: August 1, 1990. KELLY, MARTY.

Crime definition modification

Chap. 371-H.F. 2143 Modifies the definition of "crime" relating to the use of motor vehicles, aircraft or watercraft for purposes of crime victims reparations. Effective date: August 1, 1990. JANEZICH, SPEAR.

Mentally retarded person definition modification

Chap. 378-H.F. 2045 Modifies the definition of "mentally retarded person" for commitment purposes. Clarifies a provision relating to committing court findings in determining the need for continued commitment. Extends the time limit for hearing by the Court of Appeals under the Commitment Act from 45 days to 60 days after service of the notice of appeal. Effective date: August 1, 1990. WILLIAMS, SPEAR.

Discretionary PSI's

Chap. 390-H.F. 2481 Makes discretionary the requirement for a presentence investigation and report for defendants convicted of a felony presumed, under the sentencing guidelines, to require commitment to the commissioner of corrections under an executed sentence upon absence of a motion for departure by counsel. VETOED. PETERSON, FREEMAN.

Legal newspaper requirement modification

Chap. 395-H.F. 2018 Modifies a filing requirement for qualification as a legal newspaper. Effective date: April 5, 1990. BERTRAM, BERTRAM.

Plat monument requirements

Chap. 396-H.F. 1785 Modifies plat monument requirements. Imposes a penalty for the willful removal, destruction or defacing of lawfully erected monuments. Effective date: August 1, 1990. DEMPSEY, BECKMAN.

Revisor's bill

Chap. 401-H.F. 2084 Revises the text of laws to remove redundant and obsolete language, to simplify grammar and syntax and to improve the style of language without causing changes in the meaning of the laws. Effective date: August 1, 1990. MILBERT, COHEN.

Unlawful removal of bodies reporting requirement

Chap. 402-S.F. 2432 Requires cemetery owners to report the unlawful removal of bodies to local law enforcement authorities and to the next of kin of the deceased person within three business days of discovery. Provides an exception to the requirement for reporting to the next of kin if the report would compromise an active law enforcement investigation. Provides for protecting the identity of the deceased person. Effective date: August 1, 1990. MCGOWAN, BLATZ.

Environmental law statute of limitations

Chap. 419-S.F. 2355 Establishes a statute of limitations for bringing actions to impose penalties or forfeiture for violation of specific environmental laws. Specifies that a proceeding to impose a penalty or forfeiture under the environmental laws must be commenced within three years of the date the violation was discovered or reasonably should have been discovered. Effective date: August 1, 1990. MARTY, WAGENIUS.

Revisor's corrections bill

Chap. 426-S.F. 2072 Corrects erroneous, ambiguous and omitted text and obsolete references. Eliminates redundant, conflicting and superseded provisions. Makes miscellaneous technical corrections to statutes and other laws. Effective date: August 1, 1990. COHEN, MILBERT.

Victim STD risk notification

Chap. 436-S.F. 2046 Requires hospitals to notify apparent victims of sexual assault or of other unwanted sexual contact of the risk of contracting sexually transmitted diseases resulting from the assault. Requires the commissioners of public safety and corrections to develop the notice. Specifies notice content requirements. Effective date: August 1, 1990. SPEAR, PAPPAS.

Bullet resistant vest crime provisions

Chap. 439-S.F. 2134 Imposes criminal penalties for the commission of crimes while wearing or possessing a bullet resistant vest. Defines bullet resistant vest. Requires summary forfeiture upon conviction. Requires summary forfeiture of weapons used to commit controlled substance offenses upon conviction. Increases the penalties for selling or possessing firearm silencers, furnishing firearms to minors, or intentionally discharging firearms under circumstances endangering the safety of others. Expands the permissible use and possession of machine guns to

federal and state agencies or local government units. Effective date: August 1, 1990. SPEAR, KELLY.

Fleeing a peace officer crime expansion

Chap. 449-H.F. 2056 Expands the crime of fleeing a peace officer in a motor vehicle to include fleeing out of state peace officers in fresh pursuit. Authorizes peace officers from other states to enter Minnesota in fresh pursuit for traffic, gross misdemeanor and misdemeanor offenses and to transport persons in legal custody with reciprocal authority from the pursuing state. Provides for the admission into evidence in criminal proceedings of relevant evidence existing or obtained outside the state. Effective date: August 1, 1990. DAUNER, LANGSETH.

Cordless phones privacy provision

Chap. 455-S.F. 2061 Eliminates the exclusion of cordless telephones from the Privacy of Communications Act. Effective date: August 1, 1990. KNAAK, SEABURG.

Prosecution training for bias crimes

Chap. 459-S.F. 1365 Requires the office of the attorney general, in cooperation with the Peace Officer Standards and Training Board, the Minnesota County Attorneys Association and the Dept. of Human Rights, to create a course dealing with the prosecution of bias motivated crimes. Specifies that the course be created by Dec. 31, 1990. Specifies course requirements. Requires agencies employing prosecuting attorneys to maintain prosecuting attorney attendance and nonattendance records. Requires annual attendance reports to the attorney general. Effective date: August 1, 1990. MARTY, CLARK.

Harassment penalties and provisions

Chap. 461-H.F. 1952 Authorizes registered owners of motor vehicles and drivers license applicants to request the commissioner of public safety to classify their residence addresses as private data for safety purposes. Requires providing a mailing address to the department. Authorizes release of residence addresses to law enforcement agencies upon request. Expands the crime of terroristic threats to include threats made through intermediaries (indirect threats). Increases penalties for multiple acts of harassment. Authorizes the court to issue a restraining order ordering the respondent to cease or avoid the harassment of another person or to have no contact. Specifies contents for restraining order petition. Sets the penalty for violation. Requires court administrators to forward protection orders to the local law enforcement agency with jurisdiction over the residence of the applicant within 24 hours. Requires law enforcement agencies to make available to other law enforcement officers, through a verification system, information relating to the existence and status of the restraining order. Requires orders issued to contain a notice to the respondent relating to violation penalties and specifies the notice content requirements. Effective date: August 1, 1990. KELLY, MARTY.

Prostitution patron penalties

Chap. 463-H.F. 1846 Imposes minimum fines of \$500 to \$1,500 for patrons of prostitution. Authorizes the court to order performance of community service in lieu of all or a portion of the minimum fine upon specific findings of indigence or hardship. Authorizes the court to waive the mandatory community work service if the court makes specific, written findings that the community work service is not feasible or appropriate under the circumstances of the case. Requires the court, in finding the use of a motor vehicle during the commission of the patron offense, to forward the finding to the commissioner of public safety for recording on the driving record of the offender. Effective date: August 1, 1990. WAGENIUS, POGEMILLER.

Uniform Custodial Trust Act

Chap. 476-S.F. 354 Authorizes and provides for the creation and termination of custodial trusts of property. Provides for the designation of custodial trustees for future payment or transfer of property. Prescribes the form and effect of receipt and acceptance by the custodial trustee. Provides for the treatment of multiple beneficiaries as separate custodial trusts of equal undivided interests for each beneficiary. Provides for a right of survivorship. Prescribes custodial trustee powers and duties. Provides for the use of custodial trust property for the benefit of the beneficiary. Provides for the determination and effect of incapacity of the beneficiary. Provides for the liability of and to third persons. Establishes procedures for the declination, resignation, incapacity, death or removal and succession of custodial trustees. Provides for custodial trustee expenses and compensation. Specifies reporting and accounting requirements. Provides a statute of limitations for actions against custodial trustees. Provides for the distribution of

custodial trust property upon termination of the trust. Specifies methods and forms for creating custodial trusts. Effective date: August 1, 1990. MERRIAM, REST.

Security guard provisions

Chap. 485-H.F. 1928 Requires the Board of Private Detective and Protective Agent Services to prescribe, by rule, the requirement, duration, contents and standards for successful completion of training programs for armed employees of private detectives or protective agents. Prohibits the carrying or use of weapons during on-the-job training and specifies identification card requirements. Prohibits specified acts by protective agents and security guards during labor disputes, strikes or lockouts. Provides for board license suspension for violation of the provisions. Effective date: August 1, 1990. BEGICH, DICKLICH.

Nonprofit corporation revisions

Chap. 488-S.F. 2483 Clarifies and modifies provisions relating to the organization and operation of nonprofit corporations. Includes member designated officers in the definition of "officer." Clarifies election of governance eligibility provisions and a notice requirement relating to meetings to consider election of governance. Requires notice to the board of directors of meetings to amend articles and of the proposed amendments. Requires approval of amendments by all members with voting rights. Specifies articles or bylaws to require approval by greater than a majority of the quorum of the voting members. Grants directors equal voting rights and preference. Authorizes articles or bylaws to provide for ex officio directors. Clarifies the authority of directors to vote by class. Authorizes election or appointment of officers by members. Expands the authority of corporations to issue common stock in lieu of membership certificates. Requires annual meetings of voting members. Extends the time period for prior notice of meetings. Clarifies requirements for the special use of assets upon dissolution. Expands dissolution or merger notice requirements. Provides an exception to the required change of registered office address filing fee. Extends the time period for nonregistration delinquency and reduces the delinquency fee. Effective date: Various dates. REICHGOTT, PUGH.

Sexual contact penalties

Chap. 492-S.F. 2564 Expands the definition of "sexual contact" under the crime of criminal sexual conduct in the fifth degree. Effective date: August 1, 1990. POGEMILLER, OZMENT.

Telecommunications crime provisions

Chap. 494-S.F. 2132 Defines the crimes of telecommunications and information services fraud and facilitation of telecommunications fraud. Sets penalties. Provides for equitable relief, venue, temporary restraining orders, permanent injunction and telephone service discontinuation. Includes a telephone companies liability immunity provision. Requires forfeiture of telecommunications devices used for fraudulent purposes. Expands the definition of "computer network" under computer crimes to include private and public telecommunications networks. Repeals the crime of fraudulent long distance telephone calls. Effective date: August 1, 1990. MARTY, PETERSON.

Miscellaneous crime provisions

Chap. 499-S.F. 2208 Provides for reference for prosecution as an adult for juveniles committing felony offenses as part of, or subsequent to, the delinquent act of escape from confinement to local juvenile correctional facilities. Specifies escape from local juvenile correctional facilities as a delinquent act. Eliminates the rule requirement for the commissioner of public safety to prescribe criteria for law enforcement and community crime reduction grants. Authorizes community crime reduction grants to nonprofit community based entities and increases the maximum grant award amount. Exempts the uniform procedures and protocols for DNA evidence collection and analysis developed by the Bureau of Criminal Apprehension from Administrative Procedure Act rulemaking procedures. Prohibits the escape from local juvenile correctional facilities of juveniles 18 years of age alleged or adjudicated delinquent. Provides for penalties and sentencing. Modifies the distribution of money or proceeds from the sale of property forfeited in connection with controlled substance crimes, and specifies use of varying percentages for law enforcement purposes. Effective date: August 1, 1990. FLYNN, GREENFIELD.

Child protection legislation

Chap. 542-H.F. 2390 Provides procedures to protect the safety and welfare of abused and neglected children. Creates a Legislative Commission on Child Protection to study matters relating to child protection and to coordinate activities of legislative committees dealing with the issue. Requires the commissioner of health to encourage liquor establishments to display posters informing pregnant women of the dangers of alcohol use. Requires the use of maternal and child health

block grant money for children at risk of physical, neurological, emotional and developmental problems resulting from chemical abuse by mothers during pregnancy and clarifies other required uses. Requires the commissioner of human services, in amending rules governing licensed facilities serving emotionally disturbed children, to include provisions governing the use of restrictive techniques and procedures. Specifies the rules' requirements and limits. Grants the commissioner access to specified juvenile court records for licensing applicants study purposes and specifies a records destruction requirement. Modifies subsidized adoption payment and eligibility provisions. Declares the paramount consideration in proceedings relating to children alleged or found to be in need of protection or services to be "in the best interests of the child." Expands the definition of child in need of protection or services. Restricts the continuation or adjournment of proceedings involving children alleged to be in need of protection or services and of petitions for termination of parental rights. Clarifies a requirement for providing specified detention hearing information. Provides a presumption of an unfit parent upon showing of adjudication of the child as in need of protection or services and of involuntary termination of parental rights to other children. Provides an additional presumption of the failure of reasonable efforts to correct conditions leading to a determination of neglect or dependency relating to chemical dependency. Authorizes termination of parental rights for conviction of causing the death of another child of the parent. Exempts eligibility for juvenile corrections employment for offenses involving child physical or sexual abuse or criminal sexual conduct from specified criminal offender rehabilitation requirements. Includes assault of a minor by perpetrators engaging in a past pattern of child abuse in the crime of assault in the third degree. Increases the penalty for malicious child punishment of a child resulting in great bodily harm and removes the application of a provision relating to permitted reasonable force actions to the malicious punishment prohibition provision. Modifies the definitions of sexual and physical abuse under the Child Abuse Reporting Act to include the threat of injury or mental injury. Provides for the recovery of attorney fees and costs by persons prevailing in civil actions relating to immunity under the reporting law. Modifies factors used to determine the occurrence of maltreatment. Provides for interstate exchange of reports and records of local social service or law enforcement agencies under the Child Abuse Reporting Act and specifies recordkeeping requirements. Regulates oral prenatal exposure reports. Redefines controlled substance for purposes of reporting prenatal exposure and provides for immunity from civil or criminal liability for good faith reports. Authorizes toxicology tests of women within eight hours after delivery. Requires counties to establish multidisciplinary child protection teams. Expands requirements of training programs for child abuse services professionals relating to the recognition of parents as victims of domestic abuse. Requires the attorney general and the Dept. of Human Services to study and make recommendations relating to government data practices affecting the child protection system. Requires the commissioner of public safety, in consultation with the commissioner of human services, to determine the feasibility and costs of establishing a statewide computerized data system relating to child abuse. Requests the Supreme Court to study and review juvenile court issues. Requires an alternative dispositions study by the commissioner of human services for children placed in out-of-home care. Creates a multidisciplinary task force for consultation purposes. Requires up to \$45,000 of the appropriation from the Children's Trust Fund for the prevention of child abuse to be used for a grant to administer the professional consultation telephone line and service. Specifies agency matching requirement. Effective date: Various dates. VALLENGA, REICHGOTT.

District Court fee provisions

Chap. 544-H.F. 851 Increases issuing or filing fees collected by District Court administrators and imposes a \$5 fee for the deposit of wills. Effective date: August 1, 1990. DEMPSEY, DECRAMER.

Personnel data practices provisions

Chap. 550-S.F. 1874 Relates to the classification and dissemination of government data. Defines final disposition of a disciplinary action relating to personnel records. Clarifies supporting documentation and classifies the terms of agreements settling administrative or judicial proceedings involving employees as public data. Prohibits closed meetings to discuss data classified as other than public and authorizes the discussion of data as other than public at open meetings under some conditions. Specifies public body data protection requirements. Requires or authorizes closed meetings under specified conditions. Requires public bodies to provide specific grounds for closed meetings and to describe the subject of discussion before closed meetings. Effective date: August 1, 1990. COHEN, CARRUTHERS.

Judicial modifications

Chap. 553-S.F. 2054 Provides for staggered term election of District Court chief judges and assistant chief judges after July 1, 1991. Specifies a limited exception to the limit on consecutive years of service. Voids provisions or reorganization plans allowing judges to decline assignment to particular cases due to subject matter. Clarifies provisions relating to jury selection. Repeals provisions relating to jury administration and requiring the Supreme Court to adopt rules governing jury administration. Requires persons summoned for jury service and failing to appear to be ordered by the court to show good cause for noncompliance with the summons. Imposes a penalty for failure to show good cause. Increases the percentage of penalty assessments allocated for reimbursement to the Peace Officers Standards and Training Board for approved skills courses. Requires the board to study and report to the Legislature by Feb. 1, 1991, on training and educational requirements. Requires the Supreme Court to study the feasibility of amending criminal procedure rules to facilitate the joint trial of controlled substance offenders and to provide a hearing in cases of large cash bail payments to allow the court to determine the source of the funds. Effective date: August 1, 1990. POGEMILLER, KELLY.

Civil actions provisions

Chap. 555-S.F. 1827 Limits the liability of charitable food donors. Provides immunity from liability for unpaid county agricultural society board members and specifies exceptions. Provides for the reduction of damages in specified negligence actions. Provides a defense in civil actions for damages for the use of reasonable force by teachers. Exempts licensed peace officers from motor vehicle and watercraft lighting requirements in the performance of law enforcement duties. Maintains common law tort claims against adults knowingly providing alcoholic beverages to minors. Increases the amount of tort claims against local government units allowed to be settled without District Court approval. Exempts manufacturers or suppliers of equipment or machinery installed on real property from limitations of action for damages. Alters standards for the awarding of punitive damages and specifies principal liability for acts of an agent. Requires a separate proceeding for the determination of punitive damages and requires judicial review and specific findings. Applies the contributory negligence rule to damages resulting from economic loss. Modifies the definition of "fault." Abolishes the doctrine of last clear chance. Provides immunity from liability under the Good Samaritan Law for volunteer ski patrollers. Repeals the limit on intangible loss damages and repeals the requirement for juries to specify amounts for past, future and intangible losses. Effective date: Various dates. REICHGOTT, ORENSTEIN.

Racial bias study

Chap. 557-S.F. 1081 Requires the Supreme Court to study racial bias in the judicial system. Requires appointment of an advisory task force to assist with the study. Specifies study content requirements. Requires the task force to report findings and recommendations to the Legislature by Jan. 1, 1993. Effective date: July 1, 1990. SPEAR, DAWKINS.

Government data comparisons regulations

Chap. 566-S.F. 1854 Provides for and regulates computerized comparisons of government data for use by public entities to determine license, privilege, benefit program or employment eligibility. Temporarily requires matching agreements before participation in matching programs and specifies agreement requirements. Prohibits adverse actions against individuals as a result of data produced by a matching program or front end verification until there has been independent data verification. Specifies notice requirement and provides an opportunity to contest the findings. Specifies report requirements. Corrects statutory references to the statute defining and prescribing penalties for the crime of theft. Effective date: August 1, 1990. PETERSON, R.W., PUGH.

Human rights provisions

Chap. 567-S.F. 1847 Clarifies the prohibition against unfair employment or education practices based on age. Authorizes law enforcement agencies filling peace officer positions to require or request applicants to undergo psychological evaluation before making a job offer and to request applicant date of birth, gender and race on a separate form for background or criminal history investigation purposes. Restricts availability and use of the information. Clarifies the type of medical information obtainable from prospective employees. Requires employers to make reasonable accommodations for pregnant women. Prohibits threats against homeowners and renters. Prohibits specified discriminatory business practices. Provides for the use of business necessity as an affirmative defense in disparate impact cases. Provides for continuing violations for claim filing purposes. Extends the deadline for

filing charges with local human rights commissions. Effective date: August 1, 1990. REICHGOTT, ORENSTEIN.

Omnibus data practices revisions

Chap. 573-H.F. 2365 Relates to the classification and dissemination of government data. Authorizes the charging of fees to persons requesting electronic transmittal of public government data or substantial or discrete portions of government data with commercial value. Provides for access to data concerning a decedent by the representative of the decedent. Expands the definition of security information under general nonpublic data to include crime prevention block maps and lists of volunteers participating in community crime prevention programs and provides for the dissemination of the information to program participants. Classifies specific data of the Board of Peace Officers Standards and Training and authorizes dissemination as necessary to administer law enforcement licensure procedures. Provides for release of data to county medical examiners or coroners for identifying or locating relatives or friends of deceased persons. Includes persons formerly licensed or registered under the welfare system in the definition of licensing data for access purposes and provides for access to data relating to the existence and status of complaints against licensees, the findings of investigations and the record of informal resolution of licensing violations. Classifies data collected under lodging tax ordinances, data pertaining to applicants or users of special transportation services, data collected by the Dept. of Agriculture in the Sustainable Agriculture Revolving Loan and Grant Programs, data collected by the state auditor and social security numbers in drivers licenses and motor vehicle registration records. Changes the classification of data created or collected by county coroners or medical examiners. Provides for the release of data on defendants, parolees or probationers to law enforcement agencies. Prohibits the commissioner of commerce from being required to divulge information obtained during supervision or examination of insurance companies. Expands the definition of patient to include persons receiving examinations for access to health records purposes. Modifies the requirement for social security numbers on drivers license applications. Authorizes the disclosure of juvenile records to parents or guardians. Repeals the classification of specified Public Employees Retirement Association data on beneficiaries and survivors of members. Effective date: Various dates. PUGH, PETERSON, R.W.

Child custody changes

Chap. 574-H.F. 1855 Requires court administrators to include information relating to the awarding of joint legal or physical custody of children in monthly statistical reports to the commissioner of health. Modifies the factors to be considered in court determination of the best interests of the child in custody and legitimacy proceedings and prohibits the use of one factor to the exclusion of all others. Requires detailed findings on, and explanations for, the factors leading to conclusions. Provides for mediation services. Authorizes biological fathers to petition for visitation or custody rights in the paternity proceeding. Increases the marriage dissolution fee from \$75 to \$85 and the filing fee surcharge in civil actions from \$25 to \$30. Defines custody determination, custody proceeding and mediation for marriage dissolution proceedings purposes. Requires and provides for court award of attorney fees, costs temporary costs and disbursements and authorizes temporary orders. Applies custody proceedings provisions to visitation rights determination and provides for mediation. Specifies requirements for reports of custodial investigators. Prohibits the court from using the primary caretaker factor as a presumption in determining the best interests of the child. Requires the court to use a rebuttable presumption against joint legal custody in cases of domestic abuse and requires detailed findings by the court for the award of joint legal or physical custody over party objection. Specifies conditions for custody or visitation upon conviction of specific crimes. Requires court determination of child support in dollar amounts. Expands the exclusions from net income. Requires court orders for child support and court notice of the effect of capital gains tax on sale of the principal residence. Modifies mediation provisions. Authorizes mediation of contested issues subsequent to the setting for hearing. Modifies the purpose of mediation proceedings. Prohibits coercive authority. Prohibits court reference for mediation or any other process requiring the parties to meet and confer without counsel in cases of evidence of physical or sexual abuse of the child. Prohibits mediators from conducting custodial arrangement investigations. Requires the parties and counsel to consent to, and the court to adopt, mediation agreements for enforceability purposes. Prohibits the court from considering overtime compensation on a motion for modification of support under specific conditions. Provides for the application of modification of court orders for support or maintenance to an earlier period if the party seeking modification was

precluded from serving a motion by reason of a significant physical or mental disability or by the material misrepresentation of another party. Requires the Dept. of Human Services to seek a federal waiver of requirements of the Aid to Families with Dependent Children (AFDC) program. Provides for the suspension of visitation rights of noncustodial parents and for a change in custody from custodial parents upon conviction of specific crimes. Appropriates money to the Supreme Court for qualified legal services programs to improve the access of low income clients to legal representation in family law matters. Effective date: Various dates. KELLY, SPEAR.

Real estate provisions modifications

Chap. 575-H.F. 1854 Validates deeds recorded before July 1, 1984, conveying real property by religious corporations. Provides for severance of joint tenancy interests in real estate in decrees of marriage dissolution. Defines decree of marriage dissolution for mortgage registry tax purposes. Authorizes the boards of counties where compensation of the examiner of titles is paid in the same manner as compensation of other county employees to set a fee charged to examine titles under nonjudicial procedures for registration of possessory estates. Clarifies a provision requiring lien holders to file a complaint or answer with the court administrator within one year for enforcement purposes. Requires court administrators to prepare summaries of real estate disposition judgements for dissolution judgements and decrees describing real estate. Specifies required content. Provides for recording or filing, transfer of property and conflict resolution. Validates terminations or cancellations of specified contracts for the sale of real property. Specifies a schedule. Modifies the conciliation court jurisdictional limit relating to consumer credit transactions. Effective date: Various dates. PUGH, PETERSON, R.W.

Right to counsel provisions

Chap. 578-S.F. 1400 Provides a right to representation by counsel for proposed wards or conservatees in guardianship and conservatorship proceedings. Specifies counsel and court duties. Requires payment of a filing fee surcharge on probate petitions to be determined by the county board. Provides for the payment of the costs of counsel. Excludes counties in the Eighth Judicial District from the provisions. Effective date: August 1, 1990. RAMSTAD, ABRAMS.

Crime victims provisions

Chap. 579-S.F. 1873 Authorizes the release of private or confidential court services data on juveniles to victims of delinquent acts to the extent necessary to enable the victims to assert the right to request notice of release. Changes the term noninstitutional sanctions to intermediate sanctions relating to terms and conditions of probation. Defines intermediate sanctions. Authorizes the court to order defendants to pay extradition costs. Grants victims the right to request law enforcement agencies to withhold public access to data revealing the identity of the victim. Clarifies the duty of court administrators to disburse restitution payments. Provides for notice to victims of the release of juvenile offenders. Modifies crime victims reparations provisions. Expands the definition of "economic loss" to include reasonable expenses associated with recreational therapy in limb amputation cases and eliminates the minimum limit on the loss of income. Reduces the minimum claim amount. Raises the age limit on payment of claims resulting from loss due to domestic child abuse. Authorizes the Crime Victims Reparations Board to forward claim forms, supporting documents and reports to local law enforcement authorities for fraudulent claims prosecution purposes. Provides for notice to sexual assault victims of the release of juvenile offenders from pretrial detention. Effective date: Various dates. COHEN, SEABURG.

Trust requirement changes

Chap. 581-S.F. 1891 Extends the prospective application date of the common law rule against perpetuities. Excludes specific trust funds from the requirement for suspension of the power of alienation and from orders for the sale or lease of real property held in trust. Modifies a provision relating to distribution of the value of bonds or other obligations for the payment of money as income. Modifies the presumption of reasonable and equitable relating to the allocation of receipts. Prohibits allowance for depreciation of property held by legal life tenants on Jan. 1, 1990, under specified conditions in the Uniform Principal and Income Act. Effective date: January 1, 1990. PETERSON, R.W., PUGH.

UCC fund transfers

Chap. 582-S.F. 2064 Adopts an article of the Uniform Commercial Code governing funds transfers.

Article I – Funds transfers. Part I – Subject matter and

definitions. Defines the subject matter and specified terms. Provides for the time of receipt of payment orders.

Part II – Issue and acceptance of payment order. Provides for authorized and verified payment orders. Specifies the unenforceability of verified payment orders. Requires bank refund of payments received plus interest and specifies that a customer has a duty to report. Provides for liability for erroneous payment orders. Regulates transmission of payment orders through funds transfer or other communications systems. Establishes procedures to be used in transactions involving payment order misidentifications. Provides for the acceptance or rejection of payment orders and for the transmission and effectiveness of payment order cancellations or amendments. Specifies the liability and duties of receiving banks relating to unaccepted payment orders.

Part III – Execution of sender's payment order by receiving bank. Defines execution date. Specifies obligations of receiving banks in executing payment orders. Provides for correction of erroneous executions. Specifies duty of the sender to report and includes liability provisions.

Part IV – Payment. Defines payment date. Specifies the obligation of senders to pay receiving banks. Requires refunds under specified conditions. Specifies the obligation of the bank of the beneficiary to pay and notify the beneficiary.

Part V – Miscellaneous provisions. Authorizes the variation of rights and obligations by agreement. Provides for creditor processes. Authorizes injunction or restraining orders for proper cause. Specifies the order for charging items and payment orders to accounts and provides for the determination of withdrawals. Provides for the determination of interest rates. Specifies the jurisdiction of specified laws.

Article II – Conforming amendments. Specifies the territorial application of the law governing the article on funds transfers. Effective date: January 1, 1991. LUTHER, SCHIED.

Domestic abuse prevention provisions

Chap. 583-S.F. 1860 Authorizes the courts to exclude the abusing party from the place of employment of the petitioner and provides for temporary orders. Requires arrests for protection order violations that are not made in the presence of a peace officer. Authorizes the court to require the posting of a bond to deter respondents from committing further violations of protection orders. Requires commitment to county jail for refusal to comply and authorizes appeal. Authorizes referral of protection order violations to city or county attorneys for prosecution. Expands the crime of murder in the first degree to include deaths caused by domestic abuse committed by perpetrators with a past pattern of domestic abuse. Defines domestic abuse. Requires county and city attorneys selected by the commissioner of public safety to develop and implement written plans to expedite and improve the efficiency and just disposition of domestic abuse cases. Specifies plan content requirements and requires the opportunity for development assistance by domestic abuse advocates and members of the public. Requires plans to be filed with the Dept. of Public Safety by Nov. 15, 1990, and requires status reports containing information by the selected county and city attorneys on the pilot program by Jan. 1, 1992. Requires the commissioner to make model plans available to all city and county attorneys. Requires prosecutor records of specific reasons upon dismissal of criminal charges against persons accused of domestic assault. Makes the crime victims ombudsman directly accountable to the commissioner of public safety. Provides for ombudsman access to police reports pertaining to juveniles and juvenile delinquency petitions. Requires the commissioner of public safety, in consultation with the Dept. of Correction's Advisory Council on Battered Women and the state court administrator, to evaluate the feasibility and costs of establishing a statewide computerized data system containing information on domestic assault crimes and protection orders. Requires a report of evaluation results to the Legislature by Feb. 1, 1991. Effective date: August 1, 1990. REICHGOTT, PAPPAS.

Dispute resolution program provisions

Chap. 584-S.F. 1001 Specifies requirements for administration of the Community Dispute Resolution Program by the state court administrator. Requires the administrator to adopt certification guidelines for the programs and for mediator and arbitrator training programs and to certify programs meeting the requirements. Provides for program grants and specifies eligibility requirements and grant limits. Requires the court administrator to submit an annual report to the Legislature. Effective date: July 1, 1990. MERRIAM, ORENSTEIN.

Omnibus DWI provisions

Chap. 602-S.F. 2177 Relates to driving while under the influence of alcohol or controlled substance and controlled substance crimes.

Article I – Plate impoundment by administrative action. Provides for orders of the commissioner of public safety for impoundment of motor vehicle registration plates for repeat violations of driving while under the influence of alcohol or controlled substance in lieu of court orders for impoundment. Provides for intent to impound and order of impoundment. Authorizes and provides for peace officer issuance of impoundment orders on behalf of the commissioner. Requires seizure of registration plates of accessible vehicles at the time of order issuance. Requires plate destruction and issuance of temporary vehicle permits. Provides for surrender of registration plates in other cases. Requires commissioner rescission of impoundment orders and reissuance of registration plates under some conditions. Provides for administrative or judicial review. Provides for the issuance of special registration under specified conditions. Restricts the sale of motor vehicles subject to impoundment orders during the period of impoundment and prescribes penalties. Removes the requirement for petitions for judicial review of chemical tests for intoxication to include a copy of the notice of drivers license revocation or disqualification. Appropriates money to the commissioner of public safety for Bureau of Criminal Apprehension computer expenses and to increase the complement of the department.

Article II – Chemical use assessments. Provides for chemical use assessments and reports of adults and juveniles convicted of offenses relating to DWI. Changes the alcohol problem screening requirement to a chemical use assessment requirement. Specifies additional assessment report content requirements. Requires court appointment of assessors. Requires assessors to meet the training and qualification requirements of the commissioner of human services. Specifies county costs reimbursement provisions. Requires the juvenile court to order chemical use assessments of children found delinquent for controlled substance violations. Requires the commissioner of public safety to reimburse the court for assessment costs and specifies a limit.

Article III – Expanded DWI sanctions for repeat offenders. Expands the crime of refusing to submit to testing under the implied consent law to persons with suspended, canceled or denied drivers licenses due to alcohol related incidents. Requires the sentencing court to inform the defendant of statutory provisions providing for enhancement of criminal penalties for repeat violators. Expands the crime of aggravated driving while under the influence of alcohol or controlled substance to persons with denied drivers licenses or persons convicted of violations of the crime of criminal vehicular operation due to DWI.

Article IV – Criminal vehicular homicide. Reclassifies the crime of criminal vehicular operation resulting in death or injury as criminal vehicular homicide or injury. Removes aircraft and watercraft from the provisions and eliminates negligence as an element of the crime for drivers under the influence of alcohol or controlled substance. Imposes penalties for causing substantial bodily harm. Subjects persons with blood alcohol concentrations of .10 or more as measured within two hours of driving to conviction of the crime.

Article V – Other alcohol related offenses. Expands the definition of “possession” in a private motor vehicle under the open bottle law to include constructive possession. Provides an affirmative defense for persons under the age of 21 consuming alcoholic beverages in the household of the parent or guardian of the child with parent or guardian consent. Changes possession at a place other than the household of the parent or guardian from prima facie evidence to a rebuttable presumption.

Article VI – Aircraft operation while intoxicated provisions. Creates the crime of operating an aircraft under the influence of alcohol or controlled substance. Specifies a prohibited blood alcohol concentration of .04 or more. Prohibits knowingly permitting individuals to operate an aircraft under the influence of alcohol or controlled substance. Authorizes peace officer arrests without a warrant upon probable cause. Provides for admission of evidence at trial and provides for affirmative defense. Authorizes and provides for preliminary breath screening tests by peace officers. Specifies blood, breath or urine testing procedures and includes implied consent conditions. Outlines persons authorized to withdraw blood and allows additional tests. Requires the commissioner of transportation to issue cease and desist orders for refusal to permit testing. Authorizes a request for hearing and specifies hearing procedures. Requires commissioner notice of action to other states.

Article VII – Controlled substances offenses. Specifies cocaine base to be weighed as a mixture for purposes of controlled substance crimes in the first, second and third degree. Modifies the crimes in the first, second, third, fourth and fifth degree. Allows prosecution of persons involved in sales in two or more counties within a 90-day period to be prosecuted for sales in all involved counties in prosecuting controlled substance crimes in the first and second degree. Increases penalties for the sale or possession of small amounts of marijuana. Prohibits the importing of controlled substances constituting a first degree controlled substance crime into the state. Prescribes jurisdiction and penalties. Provides for inference of possession in passenger automobiles.

Article VIII – Presentence investigations. Authorizes the court to commit persons convicted of felonies for which the sentencing guidelines presume will be committed under an executed sentence to the commissioner of corrections pending completion of the presentence investigation and report. Effective date: Various dates. SPEAR, REST.

Creditors remedies provisions

Chap. 606-S.F. 1150 Relates to creditors remedies.

Article I – Sheriff's levy on property, money or indebtedness. Provides for the expiration of writs of execution and for return of writs to the court administrator upon partial or full satisfaction of the judgement. Provides for levy on personal property, money and indebtedness by sheriffs. Exempts specified property from attachment. Specifies a third party fee for levy on earnings or on funds at financial institutions. Provides for disclosure and remittance, for oral disclosure and supplemental complaint, and for judgement upon disclosure or remittance failure. Provides for damages to judgement creditors for bad faith claims. Provides for discharge of third parties after disclosure. Provides for joinder and intervention by interested parties and for appeals. Provides for levy of earnings and specifies limits. Provides for priority of multiple earnings execution levies. Specifies attachable earnings, notice, disclosure form and worksheet requirements. Prohibits employer discharge or discipline of employees for earnings levies. Provides for employee relief for employer violation. Provides special procedures for levy on funds at financial institutions. Specifies duties of financial institutions upon objection to exemption claims. Provides for the release of funds and for damages for bad faith claims.

Article II – Attorney's summary executions. Provides for summary execution of judgement debts by attorneys for judgement creditors and requires a writ of execution. Specifies attachable property. Provides for levy on money or earnings owed to judgement debtors by third parties. Specifies notice, disclosure form, fee, disclosure and remittance, and discharge requirements. Provides for summary execution on funds in financial institutions and on earnings. Specifies limits, exemption notice, disclosure form and worksheet requirements. Includes prohibition on employer retaliation.

Article III – Garnishments. Authorizes and provides for garnishment summonses under specified conditions. Provides general and specific provisions including summons, service, form, notice and disclosure requirements. Provides for property attachable by garnishment. Includes good faith requirement. Provides for oral disclosure and supplemental complaint. Specifies garnishee fees and duties. Provides for discharge of the garnishee after disclosure. Provides for the perfection, priority and continuity of garnishment liens. Provides for judgement against the garnishee for failure to serve a required disclosure and specifies a liability limit. Provides for joinder and intervention by interested parties. Provides for the valuation and disposition of property in the hands of the garnishee. Provides for appeal and for penalties. Provides for the garnishment of funds at financial institutions. Specifies exemption notice and financial institution duties requirements. Provides for objections and for the release of funds. Provides for the garnishment of earnings and specifies limits. Provides for the priority of multiple earnings garnishments. Specifies notice requirements. Prohibits employer retaliation. Authorizes the court to order the issuance of garnishment summonses before judgement or default and specifies procedures for garnishment before and after notice and hearing. Specifies creditor protection and bond requirement provisions.

Article IV – Scott County worthless check diversion program. Authorizes and provides for the creation, within the office of the prosecuting attorney in Scott County, of a pilot pretrial diversion program for persons writing worthless checks. Subjects the pilot program to the approval of the state court administrator. Provides for referral of cases to the program. Authorizes agreements to temporarily forego prosecution pending satisfaction of required conditions. Authorizes a fee for processing worthless checks. Requires a state court

administrator program effectiveness report to the Legislature by Jan. 15, 1991. Effective date: Various dates. LUTHER, PUGH.

Revisor's technical corrections provisions

Chap. 612-H.F. 2817 Revisor's bill. Provides for the correction of miscellaneous oversights, inconsistencies, ambiguities, unintended results and technical errors of a noncontroversial nature in legislative enactments relating to income tax credit for political contributions, pet or companion animals, the Moberg Trail, regulated loans, basic Medicare supplement plan coverage, the nursing home bed moratorium, the Minnesota Cooperative Law, the Section 8 Housing Program, telecommunication services fraud, specified appropriations, parental contributions for cost of services to children with mental retardation, court funding, the sales tax exemption for supercomputing complexes, the availability of funds from the Environmental and Natural Resources Trust Fund, city capital notes issuance, manufactured home park market value increases for property tax purposes, dislocated worker assessments and District and Conciliation Court filing fees. Effective date: Various dates. BISHOP, SPEAR.

Local and Urban Government

County recorder fee modification

Chap. 358-H.F. 1555 Modifies the fees charged by county recorders for indexing and recording specific documents and for certified copies of records or papers. Effective date: August 1, 1990. BLATZ, PETERSON.

Collection of town ordinances publication

Chap. 361-H.F. 2188 Authorizes towns to publish collections of town ordinances, resolutions, rules and laws. Effective date: August 1, 1990. LIEDER, VICKERMAN.

Towns' contributions authorization

Chap. 362-H.F. 1893 Authorizes the towns of Bradbury, Dailey, Eastside, Isle Harbor, Kathio, Lewis, Mudgett, Onamia and South Harbor in Mille Lacs County and the town of Haybrook in Kanabec County to contribute to economic development organizations for promoting, advertising, improving or developing economic and agricultural resources. Effective date: August 1, 1990. DAVIS, PETERSON.

Boundary commissions authorization

Chap. 386-S.F. 2383 Authorizes city councils to create boundary commissions to review metes and bounds descriptions and to establish agreements between adjoining landowners relating to the location of common boundaries. Requires the commissions to prepare plans of boundary lines and report to the city councils. Requires a public hearing. Provides for judicial review in the District Court. Authorizes a cost assessment against the benefited properties. Effective date: August 1, 1990. BERTRAM, BERTRAM.

Performance bond requirements clarification

Chap. 389-H.F. 2156 Clarifies a provision relating to county contracts performance bond requirements by providing that the person that is awarded a contract for work or labor or for the construction or repair of roads, bridges, or buildings shall give a sufficient bond to a county board for faithful performance. Effective date: August 1, 1990. PELOWSKI, MORSE.

Map or plat filing provisions

Chap. 420-S.F. 2541 Authorizes and provides for city or town filing and recording of maps or plats for proposed acquisition of rights-of-way required for public transportation and public utility and drainage easements for delineation purposes. Specifies map or plat requirements. Provides for amendment, alteration or the correction of errors and for description by reference. Effective date: August 1, 1990. FREDERICKSON, D.R., DEMPSEY.

Blue Earth County officials provisions

Chap. 431-S.F. 2119 Provides for the appointment of the auditor, recorder and treasurer in Blue Earth County and for the reorganization of county offices upon the adoption of a resolution. Provides for a transition and a reverse referendum. Effective date: Local approval. PIEPHO, DORN.

Street vacation notice requirements

Chap. 433-S.F. 1980 Requires additional notice requirements for the vacation of streets or alleys in towns and statutory cities by specifying that written notice of the vacation hearing is to be mailed to each property owner affected by the proposed vacation at least ten days

before the hearing and that the notice must contain, at minimum, a copy of the petition or proposed resolution as well as the time, place, and date of the hearing. Requires notice to the commissioner of natural resources of vacation of a street, alley, public ground, public way terminating at or abutting upon any public water. Specifies that the notice to the commissioner does not create a right of intervention. Effective date: August 1, 1990. VICKERMAN, LIEDER.

Olmsted County offices authorization

Chap. 438-S.F. 2373 Authorizes and provides for the consolidation of the offices of auditor and treasurer in Olmsted County. Effective date: Local approval. BRATAAS, BISHOP.

Airport search area provisions

Chap. 440-S.F. 2433 Provides for the protection of areas designated by the Metropolitan Council as candidates for selection as a search area for a new major airport. Designates land within the areas not zoned for other use as zoned for agricultural use. Provides an exception. Prohibits local government units in the Metropolitan Area from permitting zoning changes, variances or conditional uses inconsistent with the comprehensive plan. Requires Metropolitan Council review and approval. Requires the council to notify the Metropolitan Airports Commission (MAC) of change or variance submittals for comment purposes. Requires the council and MAC to establish administrative procedures for expedited disposition of proposals or applications not warranting review. Authorizes a joint exercise of powers between the council and the local unit if a candidate search area includes land within a local unit of government outside the Metro Area in order to determine whether a proposed change in zoning, zoning variance, or conditional use will be compatible with the development and operation of a major airport. Provides for the protection of search areas selected by the council. Authorizes local unit denial of change or variance applications without council review. Requires review of applications intended for approval. Requires Metropolitan Council review and approval of public building or facility construction within the search area. Requires notice of submittals to the MAC. Authorizes the MAC to invest in specific securities. Effective date: August 1, 1990. LANGSETH, LIEDER.

Town or city assessor dismissal authorization

Chap. 441-S.F. 1897 Authorizes the dismissal of town or statutory city assessors by appointing authorities for cause. Effective date: April 17, 1990. ADKINS, BAUERLY.

Metro agency and county board per diem clarification

Chap. 460-S.F. 1739 Clarifies provisions relating to per diem compensation for members of the Metropolitan Council and commissions. Provides that per diem is to be paid for each day when the member attends one or more meetings or provides other authorized services. Specifies that a member of the county board of a county who is paid a salary that is more than 50 percent of the salary of the governor may not be paid any amount, by per diem or otherwise, except as reimbursement for expenses, for attendance at meetings related to the business of any local government unit. Effective date: August 1, 1990. COHEN, SKOGLUND.

Metro Waste Control Commission provisions

Chap. 469-H.F. 1918 Extends the expiration date for interim consideration of incinerator ash as special waste until June 30, 1991. Grants the Metropolitan Waste Control Commission the authority to impose fines or penalties for violations of pretreatment standards. Requires county attorneys, sheriffs and other peace officers to take action necessary to prosecute and punish violations. Increases the authority of the Western Lake Superior Sanitary District Board to impose fines or penalties. Effective date: Various dates. REDING, MOE, D.M.

Ramsey County provisions

Chap. 470-S.F. 2179 Expands the allowable waiver of the performance bond requirement to larger contracts. Authorizes the establishment of a system of fees to be charged for county surveyor inspection services. Effective date: Local approval. MARTY, HAUSMAN.

Town meeting provisions

Chap. 471-S.F. 2090 Specifies requirements for the rescheduling of annual town meetings and elections due to bad weather. Provides that the rescheduled meeting and election be the third Tuesday in March and that if there is bad weather on that date, the town board must set another date for the meeting and election within 30 days of the third Tuesday in March. Requires conclusion of the balloting on the same day as the election. Removes the prohibition on the adjournment of town meetings to elect officers. Authorizes town treasurers to appoint deputies not currently serving as elected officials to act in the absence or

disability of the treasurer. Effective date: August 1, 1990. VICKERMAN, JENNINGS.

Court administrator duty transfer

Chap. 484-S.F. 1820 Authorizes court administrators, with the approval of the county board, to transfer to the board duties relating to vital statistics, notaries public, hospital liens and marriage licenses. Requires the county boards to assign the duties to the appropriate county department. Specifies the functions to become county functions upon full state funding of court administrator offices. Effective date: August 1, 1990. VICKERMAN, COOPER.

Hospital board technical provisions

Chap. 493-S.F. 2092 Authorizes statutory city councils to, by ordinance, authorize hospital boards to establish separate funds for depository purposes. Requires the hospital boards to audit claims to be paid from the fund and specifies procedures. Provides for the appointment of members representing unorganized townships in St. Louis and Koochiching Counties to the hospital district board by the respective county boards. Effective date: Various dates. JOHNSON, D.E., UPHUS.

Energy savings contracts authorization

Chap. 549-S.F. 2156 Provides for local government units, under the uniform municipal contracting law, to enter into guaranteed energy savings contracts with qualified providers for energy and operating costs conservation purposes if the recommended energy conservation measures are not likely to exceed the amount saved in energy and operation costs over ten years from the date of installation, and if the qualified provider provides a written guarantee that energy or operating cost savings will meet or exceed the costs of the system. Specifies prior notice and meeting requirements. Requires a provider costs summary report before installation or modification of equipment. Exempts contracts guaranteeing savings from competitive bidding and other contract requirements. Authorizes installment payment contracts for the purchase and installation of energy conservation measures. Repeals municipal energy efficiency service contracting authority. Removes the limit on compensation for members of the Minneapolis Library Board. Requires approval of compensation by the mayor. Effective date: Various dates. PEHLER, SIMONEAU.

Hennepin County bonding provisions

Chap. 592-S.F. 1807 Increases and extends capital improvement bonding authority of Hennepin County. Requires general obligation bonds issued to construct a public safety building and related facilities to be included in the calculation of the bond and building fund levy limit. Requires the county board to enter into a planning process before issuing bonds for the building and specifies planning process requirements. Requires cooperation of the Minneapolis City Council and authorizes county bond issuance upon failure to cooperate. Effective date: May 4, 1990. FREEMAN, SCHREIBER.

Ramsey County Charter Commission changes

Chap. 609-S.F. 1777 Sets the terms of members of the Ramsey County Charter Commission. Modifies the vote requirement for adoption of a proposed charter by specifying that if 51 percent of the votes cast on the proposition are in favor or the proposed charter, it shall be considered adopted. Effective date: Local approval. COHEN, KOSTOHRYZ.

Public Utilities and Energy

Competitive utility rate provisions

Chap. 370-H.F. 951 Requires the Public Utilities Commission (PUC) to establish a Pilot Area Development Rate Plan Program for electric utility customers to assist industrial revitalization projects located within the service area of the participating public utility. Specifies terms and conditions of the rate. Requires the PUC to evaluate the plan's impact and effectiveness. Provides for the establishment of competitive electric utility rates for some customers subject to effective competition. Provides for PUC approval, modification or rejection of competitive rate schedules. Requires the PUC to establish or change competitive rate schedules through miscellaneous rate filings by the utilities and to set the terms and conditions of service for the schedules. Specifies requirements. Provides for interim competitive rates. Requires the filing of rates with the Dept. of Public Service and the office of the attorney general. Authorizes the PUC to require the utilities to provide the customers with energy audits, to assist in implementing cost effective

energy efficiency improvements and requires treatment of the investments as energy conservation improvements. Provides for the recovery of expenses. Requires the department to review the operation and effects of the rates and report to the Legislature by Jan. 1, 1995. Provides for the resolution of complaints and requires the PUC to order the utilities to initiate rate proceeding if factual issues are not resolved. Effective date: March 30, 1990. JACOBS, DICKLICH.

EAS authorization

Chap. 513-S.F. 1743 Provides for extended area telephone service through the Public Utilities Commission and specifies required criteria for petitioning exchanges. Requires a traffic study. Requires inclusion of FX telephone service subscribers in the petitioning exchange for purposes of the study. Requires telephone companies serving the petitioning exchange to make lower-cost alternatives to basic flat rate service available to customers. Specifies proposed rate basis requirements. Provides for the apportionment of costs. Requires commission rates establishment and specifies rate and consideration requirements. Requires the commission to order affected telephone companies to seek a federal waiver of the prohibition on the provision of service across a local access and transport area (LATA) line upon granting a petition. Prohibits the crossing of state boundaries in establishing extended area service. Authorizes the addition of an exchange to existing interstate extended service areas. Requires the commission to expand the Metropolitan Extended Area Telephone Service to local service telephone exchanges served by a central office or wire center located in the Metropolitan Area if customer polling results indicate a majority of consumers favor inclusion in the exchange. Specifies polling and cost and rate determination duties of the commission and the affected telephone companies. Provides for future expansion. Specifies a deadline for extended area service outside the Metropolitan Area. Effective date: April 27, 1990. SCHMITZ, JACOBS.

911 system modifications

Chap. 543-S.F. 2302 Requires local location identification data bases for local emergency telephone services (911 systems). Requires public utilities providing telephone service to provide current customer names, service addresses and telephone numbers to public safety answering points within the system and to update the information according to a schedule prescribed by the county plan. Classifies data provided to the systems and restricts use of the data. Provides for the payment of data updating costs by the commissioner of administration. Effective date: August 1, 1990. STUMPE, TUNHEIM.

Flexible gas utility rates provisions

Chap. 593-S.F. 2158 Regulates flexible gas utility rates. Exempts gas utility customers using gas from a supplier not regulated by the Public Utilities Commission from subjection to effective competition. Specifies an exception. Removes the prohibition against the use of indigenous biomass energy supplies for customer flexible or nonflexible tariff service election purposes. Sunsets the prohibition on the application of flexible tariffs to compete with customers of district heating facilities. Modifies the terms and conditions for commission authorization of flexible tariffs and authorizes the commission to set the terms and conditions of service for flexible tariffs in gas utility proceedings, miscellaneous filings or complaint proceedings. Eliminates the requirement for the commission to determine projected levels of revenues and expenses from services under a tariff based on a single target rate of all sales under the tariff for establishment or authorization purposes. Requires utility notice to customers of rate changes. Requires the Dept. of Public Service to review the operation and effects of rates implemented and report to the Legislature by Jan. 1, 1995. Requires the department to assess gas utilities using flexible tariffs for the cost of conducting the study and specifies a limit. Repeals the sunset provision relating to flexible gas utility rates establishment and authorization. Effective date: Various dates. DICKLICH, JACOBS.

Miscellaneous technical provisions

Chap. 598-S.F. 2317 Authorizes the Public Utilities Commission and the Dept. of Public Service to charge municipal electric utilities and cooperative electric associations for expenses incurred in the adjudication of service area disputes or complaints. Provides for enforcement of telephone and telegraph company regulations and imposes civil penalties for violation. Requires the Telecommunications Access for Communication Impaired Persons Board to reestablish and fill the position of program administrator. Continues the task force established to study issues relating to changes in boundaries of electric utility service and provides for legislative members. Authorizes the Dept. of Public Service to employ a consultant to study the same issues. Specifies study requirements and requires PUC cooperation. Authorizes

the department to assess the costs of the study to the affected utilities and specifies limit. Requires the task force to consider the results of the study and to report to the Legislature by Feb. 1, 1992. Effective date: July 1, 1990. DICKLICH, JACOBS.

Resolutions

Low Income Home Energy Assistance Program re-authorization

Res. 7-S.F. 1973 Urges the president and the U.S. Congress to reauthorize the Low Income Home Energy Assistance Program and to increase the appropriation for FY 1991 and subsequent years. BERGLIN, DAWKINS.

Taxes and Tax Laws

Technical tax provisions

Chap. 480-H.F. 2480 Article I – Procedures. Consolidates filing requirements for individual and fiduciary income and corporate franchise and entertainment tax returns and excludes foreign operating corporations. Consolidates filing requirements for taxes withheld from wages and for estate tax, sales and use tax and information returns. Consolidates filing or payment due dates and provisions relating to extensions and tax payment liability. Eliminates the requirement for filing declarations of estimated tax by individuals and corporations. Consolidates provisions relating to assessment, audit examination and the investigation powers of the commissioner of revenue. Provides for the order of assessment, notice and appeal. Provides a general limitation period for assessments and specifies exceptions. Extends the period for sales tax assessments. Provides a general time limit for filing refund claims and specifies exceptions. Provides for extensions. Consolidates existing refund laws and provides for the right to protest the commissioner's failure to act on refund requests to the tax court. Eliminates the requirement for building owners or managing agents to file copies of certificates of rent paid with the commissioner of revenue. Consolidates existing provisions relating to the computation of interest due on assessments, refunds, overpayments, installment payments, judgments and penalties. Consolidates provisions relating to civil and criminal penalties. Increases the penalty for tax exempt organization or individual failure to file a copy of the federal return. Sets forth instructions to the revisor.

Article II – Collections. Recodifies and enumerates administration and enforcement powers of the commissioner of revenue. Consolidates and clarifies corporate or partnership personal tax liability provisions. Provides for uniform allocation of tax payments received. Removes the time period limit on extension agreements and authorizes the commissioner to require collateral to secure the agreements. Expands legal actions for the collection of delinquent taxes to include the renewal of judgments. Clarifies tax lien enforceability provisions. Provides for the recording of liens stamped with a facsimile signature of the commissioner. Imposes a fee for duplicate lien releases. Authorizes the commissioner to levy against property during the period of lien enforceability. Expands liquor posting requirements to include local sales and use taxes payable to the commissioner.

Article III – Gasoline and special fuel taxes. Consolidates penalty provisions. Increases the penalty for providing false information or false odometer readings.

Article IV – Sales and use, motor vehicle excise and petroleum products taxes. Requires motor vehicle owners to state the actual selling price on certificates of title upon transfer of the vehicle. Eliminates a gasoline distributor licenses bond premium payment requirement of the commissioner of revenue and eliminates the requirement for purchase by the commissioner of administration. Exempts meals furnished by employers to employees at less than fair market value from the sales tax. Exempts Superbowl world championship football game admissions from the sales tax. Imposes the use tax on taxable services. Exempts aircraft purchased or used by corporations or partnerships from the sales tax under specific conditions. Clarifies a provision exempting licensed motor vehicle dealer vehicles from the excise tax.

Article V – Income and franchise taxes and property tax refunds. Modifies provisions relating to the allocation of money from the state elections campaign fund to state committees of political parties. Modifies the allocation of income to the state from the gain on the sale

of stock held in an S corporation. Eliminates income from a trade or business conducting personal or professional services from special allocation rules. Requires the commissioner of revenue to insert voter registration forms in tax forms in odd numbered years. Alters the filing requirements for partnerships requesting the composite return filing method for nonresident partners. Includes partnerships and S corporations in withholding provisions. Modifies the definition of income under the Property Tax Refund Act and makes some subtractions optional. Eliminates a provision relating to claimants owning a homestead part of the year and renting part of the year adding the rent constituting property taxes to the qualifying tax on the homestead. Clarifies a provision relating to additional refund qualification. Allows only one refund to contiguous seasonal residential and recreational property owners and allows a husband and wife to be treated as one individual.

Article VI – Insurance taxes. Provides an exemption from insurance company installment payment penalties for companies with under a certain amount of annual tax. Provides for the allocation of surplus lines insurance premiums according to location of subject matter. Transfers duties relating to fire and police state aid from the commissioner of commerce to the state auditor.

Article VII – Technical and administrative changes. Makes technical corrections and administrative changes to property tax provisions. Requires the commissioner of the state planning agency to prepare a population estimate for an area annexed by a local government unit subject to levy limits under certain conditions. Modifies the taxation of motor vehicles subject to taxation as personal property. Provides for conveyance of parts of land parcels acquired by lenders through lien execution upon payment of the proper proportion of taxes due and requires county auditor determination. Clarifies the prohibition on changes in valuation or classification resulting from errors in judgment by the county assessor after adjournment of the board of review or county board of equalization. Allows changes extending homestead treatment to property, sets deadlines for clerical or administrative changes and for sending copies of changes to the county board. Requires full documentation and availability for review in the office of the county assessor. Modifies leasehold cooperative document requirements. Sets the assessment rate for residential rental property found to be substandard. Modifies the definition of adjustment factor relating to the market value of farm homesteads for transition and disparity reduction aid calculation purposes. Includes state aid for county human services costs in the calculation of the additional homestead and agricultural credit guarantee and requires the amount calculated for county human services aid adjustments to be deducted equally from the semiannual payments to the county. Eliminates provisions relating to separate or further allocation of Homestead and Agricultural Credit Aid (HACA) for payment and levy adjustment purposes. Modifies the determination of the levy limit base and extends the period of approved levy limit base increases for adjusted levy limit base calculation purposes. Provides for adjustment of the adjusted levy limit base after annexation. Requires apportionment of deed tax proceeds between the General Fund and the County Revenue Fund. Changes the distribution of taconite tax proceeds to school districts from a market value to a net tax capacity basis. Provides for the determination of the final distribution of tax capacity for purposes of computing education and state aids requiring the addition of the fiscal disparities distribution tax capacity to the local tax capacity under metropolitan revenue distribution provisions. Excepts equalization aid from the definition of city revenue and includes the fiscal disparities distribution levy in the definition of levy for local government aids determination purposes. Modifies the county aid offset for court costs and the calculation of the city aid increase. Delays the effective date of a provision requiring the county auditor to adjust certified levies of cities, towns and school districts by the amount of county human services aid and the effective dates of tax notice provisions. Repeals a provision requiring assessors to furnish property owners with copies of field cards relating to the most recent appraisal of the property.

Article VIII – Property tax payments, interest rates and settlements. Provides for property tax settlement dates extensions under some conditions and adjusts payment dates accordingly. Modifies the time limit for the payment of some delinquent property taxes and modifies the interest rate on delinquent real property taxes. Changes the deadline for court administrator delivery of delinquent personal property tax lists and affidavits to the county treasurer.

Article IX – Property tax system conversions. Changes the term net tax capacity to market or assessed value under county, city and town provisions for property tax purposes.

Article X – Miscellaneous. Requires the commissioner of revenue to submit to the commissioner of public safety a list of delinquent taxpayers required to withhold or collect local option taxes administered and collected by the commissioner of revenue. Exempts taxpayers with inactive businesses from the list requirement. Includes some cities in the definition of claimant agency and includes lottery prizes in the definition of refund. Increases the income levels of debtors with medical debts exempt from collection under the Revenue Recapture Act. Requires debtor compliance with the terms of alternative means of collection for use and prohibits the setoff of specific debts against refunds. Imposes a tax on untaxed pull tabs and tipboards. Requires social security numbers on applications for informal probate or appointment proceedings. Recodifies commissioner license applicant information disclosure provisions. Effective date: Various dates. MCLAUGHLIN, POGEMILLER.

Tax-forfeited land provisions

Chap. 586-S.F. 2609 Provides for the management and cleanup of tax-forfeited lands. Clarifies the position of the state as a property owner relating to forfeiture of title due to nonpayment of taxes for environmental response and liability purposes. Provides for the management and sale of tax-forfeited lands subject to hazardous substance or petroleum releases. Specifies management duties of the county or the commissioner of natural resources. Provides for the transfer of ownership of the land and authorizes alternative sale procedures. Authorizes a Pollution Control Agency or commissioner of agriculture environmental lien or adjustment of appraisal of the land prior to the sale to recover state cleanup expenses. Provides for the apportionment of proceeds. Specifies affidavit and notice requirements of county auditors for Superfund and petroleum storage tank sites. Authorizes Lake County to levy a special assessment against directly affected tax increment benefited property to pay for costs incurred in preparation and approval of an environmental impact statement for a project funded, in part, by general obligation tax increment bonds. Requires the commissioners of the Pollution Control Agency and agriculture to prepare and submit to the Legislative Commission on Waste Management by Jan. 31, 1991, a report on the effect of environmental contamination of real property on the purchase, sale, financing and development of the property and on the status of agency programs and actions providing advice or assistance to persons interested in the purchase, sale, financing or development of the property. Requires consultation with the commissioner of revenue along with individuals representative of the purchasers, sellers, financial institutions and developers that have experience with transactions involving environmentally contaminated property. Authorizes the private repurchase of specified tax-forfeited land in St. Louis County in the city of Duluth and authorizes the city of Cook to lease the St. Louis County highway garage and the surrounding premises for economic development purposes. Effective date: Various dates. NOVAK, JANEZICH.

Omnibus tax legislation

Chap. 604-H.F. 2478 Omnibus tax bill. Article I – Taxpayers bill of rights. Specifies the basis for evaluation of Dept. of Revenue employees. Requires the commissioner of revenue to prepare statements disclosing rights for taxpayers for submission to the Legislature and for distribution to taxpayers. Regulates abatement of penalties by the commissioner. Specifies additional notice requirements relating to assessments, determinations or orders of the commissioner. Regulates in-person taxpayer interviews. Provides for a taxpayers rights advocate in the department and for the issuance of taxpayer assistance orders. Provides for administrative or judicial review of jeopardy assessments or levies. Provides for taxpayer civil actions for damages against the commissioner in District Court for failure to release erroneous liens or for unauthorized collection actions. Extends the time period for commissioner notice to taxpayers before jeopardy collection or levy. Grants the Tax Court jurisdiction over review of specified seized property determinations of the commissioner and grants additional powers relating to overpayment and interest refunds. Exempts financial institutions from surrendering funds on deposit until ten days after service of the levy. Prohibits uneconomical levies and levies on subpoena response appearance dates. Provides a property owner right to request sale of seized property. Requires the commissioner to release levies under specified conditions. Requires the commissioner of revenue, in consultation with the Bar Association and the Society of Certified Public Accountants, to study procedures for resolving taxpayer disputes and report to the Legislature by Jan. 7, 1991.

Article II – Income, gross premiums and franchise taxes. Sets the date for establishment of a threshold for determination of the preferential gross premiums tax rate for mutual insurance companies with total assets exceeding \$1.6 billion and exempts the companies from the corporate

franchise tax. Updates various income and corporate franchise tax provisions to the Internal Revenue Code, defines the net income of a real estate investment trust and provides for the effect of federal changes. Increases the corporate franchise tax rate. Excludes specified charitable contribution deductions from alternative minimum taxable income for income tax purposes. Modifies the alternative minimum tax rate and adjustment requirements and specifies tax exemptions. Imposes an additional minimum fee on corporations and partnerships and provides exemptions. Excepts compensation paid to nonresident public speakers before Jan. 1, 1992, from withholding requirements if the compensation paid is less than \$2,000 or is only payment of speaker expenses. Prohibits the commissioner from assessing additions to tax resulting from corporate failure to make sufficient estimated tax payments due to the changes. Requires the Dept. of Revenue to conduct a study of the state and local tax burden in relation to ability to pay for businesses with combined Minnesota property, payroll and sales of less than \$5 million per year and report to the Legislature by Dec. 1, 1990. Repeals the corporate surtax.

Article III – Property taxes. Provides for the apportionment of power line taxes from the General School Fund. Authorizes advance payment of Homestead and Agricultural Credit Aid (HACA) to school district debt service funds upon evidence of serious cash flow problems and directs the commissioner of education to increase entitlements to reduce the problem. Authorizes regional public library system boards to, by resolution, assume responsibility for the allocation of levy authority throughout the region. Requires lists of participating members to the commissioners of revenue and education and specifies levy limits, notice and certification requirements. Requires the payment of property taxes on manufactured homes before issuance of a permit to move the home. Exempts taxable property acquired by governmental entities, churches or educational institutions before Aug. 1 of the year from the property tax under specific conditions. Changes the date for county assessor examination of the assessment appraisal records of local assessors. Requires assessors to consider the effect of environmental factors in calculating the market value of property. Requires equal access for both men and women to food or beverage services or facilities for golf clubs under open space property tax treatment. Changes credit payment dates. Extends homestead treatment to manufactured home park cooperatives, residences of disabled children and homesteads purchased to replace homesteads acquired under eminent domain. Increases the market value of residential property under various classification rates. Clarifies property devoted to a commercial purpose on a specific day for purposes of determining the day limit for seasonal recreational residential property. Eliminates future changes in the agricultural homestead and nonhomestead property classification rates and expands the definition of agricultural purposes to include the commercial boarding of horses. Reduces the classification rates on employment and residential rental property and on nonprofit post-secondary student housing. Modifies the definition of qualified low income building for rental property classification purposes and alters the classification rate for manufactured home parks. Modifies report filing requirements of utility companies or pipelines. Requires the taxation of specific transmission lines after the application of Disparity Reduction Aid. Provides for first class city boards of estimate and taxation certification of maximum property tax levies by Sept. 1, and expands the definition of taxing authority relating to towns. Excludes intermediate school districts and joint powers boards from public hearing requirements under Truth in Taxation provisions. Requires town proposed property tax notices to include final property taxes and changes the date for parcel specific notices by counties containing first class cities. Requires taxing authorities to advertise in newspapers notices of intent to adopt budgets and levies. Allows proposed levies to be increased by the amount of levy limit changes. Transfers the responsibility for coordination of budget and levy hearing dates from the commissioner of revenue to the county auditor. Directs towns to certify adopted levies by Sept. 1 of each year and requires recertification of levies modified at special town meetings. Requires the commissioner to notify school districts of levy limits by Aug. 15 of each year. Authorizes special levies to pay for various county jail or correctional facilities costs, for unreimbursed county grasshopper control, family based services and out of home placement costs, and for county water planning and implementation costs. Provides for grants to counties levying for water planning costs at a specified rate and eliminates a limit on grants from the Board of Water and Soil Resources. Adjusts the county levy limit base to the special levies and continues various local special levies. Reduces the levy limit base of cities and counties. Includes (HACA) and Taconite Aid in reduction penalties and provides for the imposition of penalties for cities or towns exceeding

levy limits for 1992. Modifies the formula for calculating the reduction in value on the grounds of discrimination. Extends the period of redemption for homesteaded lands located in targeted neighborhoods and sold at tax judgement sales. Modifies provisions relating to the classification, use and exchange of tax-forfeited lands and property tax abatement provisions. Establishes maximum property tax levies for regional development commissions by region. Exempts aid adjustments increasing city property tax levies from levy limits under city charters. Delays the effective dates for the requirement to disclose wells to buyers of property and for specific marginal lands and wetlands reservation requirements. Limits market value increases on manufactured home parks and modifies assessor notice requirements. Changes the effective dates for removal of city and town levy limits and for various tax-forfeited land provisions. Provides for a library levy in the city of Bayport, an historical society levy in Goodhue County, a hospital levy in the city of Windom, an ambulance service levy in Koochiching County, a solid waste management levy in Douglas County, a social services costs levy in Mille Lacs County, a reserve funds levy in Becker County and a levy limit base reduction levy in Goodhue County. Authorizes and provides for the city of Bemidji or Beltrami County to issue bonds to finance the construction of an airport terminal and other air navigation facilities. Authorizes a Ramsey County bond issue for restoration of the St. Paul Union Depot concourse and an armory levy in the city of Rosemount. Authorizes the cities of Maple Grove, Brooklyn Park, Brooklyn Center and Coon Rapids to levy for unreimbursed costs of salaries and benefits for peace officers investigating controlled substance crimes or teaching Drug Abuse Resistance Education (DARE) curricula in schools. Provides for a special debt service levy for unanticipated cost of repairing renovated buildings. Authorizes the Hennepin County Regional Railroad Authority to transfer light rail money to the county for 1990 social service costs. Requires 1989 population and household estimates to be communicated to local government units by Sept. 1, 1990, and provides for the use of estimates for aids and levies payable in 1991.

Article IV – Property tax aids and credits. Alters the payment schedule for state reimbursement to counties for specific income maintenance costs. Modifies provisions and defines or redefines terms used in calculating HACA. Reduces HACA payments to cities, counties and various special taxing districts in 1990 and 1991 and provides a formula for calculating the payments to cities, towns, counties and special taxing districts in 1992 and future years. Authorizes the commissioner of revenue to compute HACA at a higher level under specific conditions. Requires levy adjustment for the amount of the fiscal disparity HACA. Entitles first class cities to Equalization Aid and excludes towns from the aid reduction for cities. Modifies the definition of net tax capacity and defines revenue base and reduction percentage for aids payment purposes. Reduces local government aids to counties and cities. Modifies the Equalization Aid Program and provides for an aid increase. Specifies aid limit and includes a grandfather clause. Provides for payments in lieu of taxes to counties for land utilization project lands leased by the state from the federal government. Requires further reductions in aids and credits under various conditions. Authorizes the commissioner of revenue to use the final levy certified in county auditor reports as the basis for aid reductions under specific conditions. Repeals an obsolete provision relating to the fiscal disparity HACA.

Article V – Property tax refunds. Modifies the definition of rent constituting property taxes and defines total scheduled rent for calculation purposes. Reduces the income thresholds for renters for property tax refund purposes. Modifies adjustment requirements of the commissioner of revenue. Increases the appropriation for property tax refunds for taxes payable in 1991. Allows part-year renters and homeowners to qualify for the sum of the refunds under both programs. Specifies certificate of rent constituting property taxes retention and availability requirements of owners or managing agents of rental property. Eliminates provisions relating to owner provision of certificates to renters at the time of moving and the requirement for owners or agents to file copies of certificates with the commissioner. Requires an annual report and changes the reporting date. Repeals the commercial industrial equalization refund.

Article VI – Sales and lodging taxes. Qualifies chain saws used for commercial logging and electric generators used to operate farm machinery or in agricultural production for the reduced sales tax rate and capital equipment used in mining or quarrying for the sales tax exemption for equipment purchases for new or expanding facilities. Extends the sales tax exemption for WATS line telephone calls to specific telemarketing service providers. Exempts repair and replacement parts and lubricants for ships and vessels used in interstate and foreign commerce from the sales tax and exempts the sale or lease of items

comprising a supercomputing complex from the sales and use tax under University of Minnesota connection conditions. Reduces the allowable local lodging tax rate. Authorizes the cities of Bloomington and Roseville to impose additional lodging taxes.

Article VII – Tax increment financing. Defines qualifying captured tax capacity. Requires county auditors to calculate the qualifying captured tax capacity amount for each municipal part of each school district in the county and report the amounts to the commissioner of revenue. Requires the commissioner of education to compute a hypothetical state aid amount for each district based on various factors and report to the commissioner of revenue the difference between the actual aid paid and the hypothetical aid amounts calculated. Provides an equalization factor for low tax base cities and specifies resulting amount to be the reduction in state tax increment financing aid. Requires deduction from city local government aid and HACA payments. Provides for the reduction in state tax increment financing aid for municipalities. Provides for the continuation of the property tax exemption granted to specific redevelopment company projects. Prohibits the sale of city development refunding bonds paid with tax increments after Apr. 30, 1990. Removes various parcels from the definition of redevelopment district and clarifies the definition of structurally substandard for redevelopment district purposes. Defines renewal and renovation district and includes renewal and renovation and soils condition districts in the definition of economic development district. Expands employment qualifications. Increases the percentage of the fair market value of improvements in housing districts required to be used for low and moderate income housing. Defines credit enhanced bonds and provides for payment of debt service on the bonds. Eliminates the requirement for the proposed tax increment financing district to be a soils condition district for county road improvement costs charging purposes. Exempts specific road improvements from the costs charging provision. Clarifies the inclusion of contiguous parcels in hazardous substance subdistricts. Modifies tax increment payment restrictions. Requires excess tax increments distributed to cities or counties to be deducted from the levy limits for the following year. Modifies the limits on administrative expenses. Modifies restrictions on the use of tax increments for economic development districts. Provides for the arbitration of county cost disputes. Places restrictions on pooling. Removes a restriction on entering into assessment agreements. Modifies the distribution of excess taxes to school districts. Provides for enforcement of tax increment financing provisions by the commissioner of revenue. Provides for the prepayment of specific post-2001 bonds in the city of Minneapolis. Provides for establishment of neighborhood revitalization programs by first class cities. Changes the effective date for the payment of various county administrative costs. Specifies neighborhood revitalization expenditure and reporting requirements for the city of Minneapolis. Provides transition rules for projects in Circle Pines, Inver Grove Heights, Mankato, Lakeville, Burnsville and Cook County.

Article VIII – Education funding. Qualifies intermediate school districts for health and safety revenue and prohibits use of the revenue for buildings or property used for post-secondary instruction or administration or for purposes unrelated to elementary and secondary education. Extends the facilities and equipment bonding authority of Special School District #1, Minneapolis. Provides for ISD #625, St. Paul; ISD #709, Duluth; ISD #316, Coleraine; ISD #381, Lake Superior; ISD #695, Chisholm; ISD #696, Ely; ISD #697, Eveleth; ISD #699, Gilbert; ISD #692, Babbitt; and ISD #710, St. Louis County to issue bonds to acquire and improve facilities. Requires special meetings in Minneapolis and St. Paul for public comment on proposed bond sales. Authorizes ISD #624, White Bear Lake, to levy to replace lost foundation levy and specifies a limit.

Article IX – Court funding. Provides a permanent levy limit base adjustment for counties in the Eighth Judicial District. Provides for the distribution of District Court sundry fees collected in counties with screener collectors and specifies fee exemptions. Provides an aid offset for counties in the Eighth Judicial District to cover the cost of trial courts' operation in 1991 less the special levy amount and provides for the adjustment of various amounts under specific nonappropriation conditions. Requires the Supreme Court to certify to the Dept. of Revenue county shares of trial court costs and the Board of Public Defense to certify county shares of court appointed defense services. Reduces the number of members on the Ad Hoc Public Defense Board and removes county commissioner members. Provides for State Board of Public Defense determination of additional expenditures, eliminates the priority requirements in distributing funds, requires the board to consider the results of the weighted case load study for distribution purposes, and temporarily exempts specific counties from the

requirement to pay the costs of public defense service. Requires court administrators to furnish copies of documents to district public defenders and eliminates the document fee. Modifies a provision providing for continuation in office of the public defenders of the Second and Fourth Judicial Districts. Extends the expiration of the Eighth Judicial District project and requires counties to pay the assessed share for operation of the project before May 15, 1991. Extends the requirement for counties to pay filing fees in District Court actions.

Article X – Miscellaneous. Delays the deadline of the recommendations to the Legislature on a uniform system of local government accounting by the Legislative Commission on Planning and Fiscal Policy. Allows county, city, or town appeals to the commission to review existing or proposed rules on fiscal or administrative burden imposition grounds. Requires the commissioner of finance to determine new or expanded mandates on local government units by proposed legislation and to direct the appropriate state department or agency to prepare a fiscal note. Requires forecast unrestricted budgetary General Fund balances to be first appropriated to restore the budget and cash flow reserve account to the required level. Expands the content requirements of the Pollution Control Agency annual report to the Legislative Commission on Waste Management on solid waste disposal facilities. Requires the Pollution Control Agency to amend various financial responsibility rules to allow specific local government units owning or operating solid waste disposal facilities to meet financial responsibility requirements for contingency response costs through bonding authority. Authorizes state agencies financial assistance to provide for prevailing wage rates on specific construction projects, defines financial assistance, government agency and project site, and includes penalties for failure to pay the prevailing wage after receipt of assistance. Requires the Management Analysis Division of the Dept. of Administration to study and evaluate the state prevailing wage system. Includes study requirements and requires a report to the Legislature by Feb. 1, 1991. Requires the commissioner of revenue to biennially report to the Legislature the overall incidence of income, sales, excise and property taxes. Requires the commissioner of revenue to prescribe the form of the list and notice required for delinquent real estate taxes. Provides for administrative review of assessment orders and penalty abatement or refund denials. Changes the exemption from gasoline and special fuels taxes for transit systems from systems owned by one or more cities or towns to systems receiving state transit assistance. Modifies the cigarette tax overpayment offset. Exempts clays from the net proceeds occupation tax and provides for the deduction of various reclamation costs. Changes the annual report date for mining companies. Increases the tax on taconite and iron sulphides and delays the indexing effective date. Requires cities with enterprise zones to submit proposed tax reductions to the commissioner of trade and economic development for approval. Requires notice to the Legislative Commission on Waste Management before making expenditures from the Metropolitan Landfill Contingency Action Fund. Authorizes cities, counties, towns and school districts to, by ordinance, reserve a portion of unencumbered debt limit to provide proof of financial responsibility for the contingency action portion of the response costs at solid waste disposal facilities. Authorizes the commissioner of agriculture to waive the penalty for failure to file a corporate farm ownership or investment report and specifies agreement requirements. Requires the commissioner of revenue to insert voter registration forms in individual income tax return forms in odd-numbered years. Provides for Ottertail County to sell specific tax-forfeited land bordering public waters. Cancels remaining debts owed to the state under the 1989 Drought Emergency Haylift Program. Provides for payment of the Greater Minnesota landfill cleanup fee and repeals provisions governing the fee including the maintenance and contingency action funds. Appropriates money to Stearns County for the investigation of criminal activity connected with a kidnapping and to the commissioner of trade and economic development for a contribution to hosting the International Special Olympics in 1991 and the Superbowl in 1992. Requires metrodome facilities to be provided to both events at no charge. Increases the approved complement of the Dept. of Revenue. Requires the commissioner of finance, with the approval of the governor, to reduce the amount in the budget and cash flow reserve account to balance General Fund expenditures with revenues for the biennium ending June 30, 1991. Repeals provisions relating to the hazardous waste processing facility inventory of volunteer sites, the prohibition of public agency purchase and use of nondegradable polyethylene disposal bags and the requirement for the Pollution Control Agency to submit an annual contingency action fund work program to the Legislative Commission on Waste Management. Effective date: Various dates. OGREN, JOHNSON, D.J.

Transportation

Moberg Trail designation

Chap. 357-S.F. 1947 Designates that portion of Constitutional Route No. 46, known as U.S. Route No. 8, that is located within Chisago County as Moberg Trail. Provides for a suitable marking design to mark the highway and provides for the erection of appropriate signs. Effective date: August 1, 1990. PETERSON, JENNINGS.

Volunteer driver exemption

Chap. 372-H.F. 1859 Exempts volunteer drivers of private passenger vehicles providing special transportation service for the elderly, handicapped or disabled from Dept. of Transportation passenger service driver qualification and safety rules. Effective date: March 30, 1990. STEENSMA, PURFEERST.

Route substitution

Chap. 384-S.F. 2381 Substitutes a new Legislative Route #298 for the existing Route #298 to extend from the city of Faribault through the grounds of the Minnesota State Academy for the Blind, the Faribault Regional Treatment Center, and the Minnesota Correctional Facility-Faribault. Effective date: April 4, 1990. PURFEERST, RADOSOVICH.

Water well equipment exemption

Chap. 385-S.F. 2039 Exempts water well drilling equipment from the motor vehicle registration and taxation requirements. Effective date: April 4, 1990. MORSE, KALIS.

Drivers ed license plate tax exemption

Chap. 392-H.F. 1989 Provides for tax exempt license plates for motor vehicles used solely in driver education programs at nonpublic high schools. Effective date: April 6, 1990. MCEACHERN, SCHMITZ.

Travel trailer provisions

Chap. 416-H.F. 2124 Alters the allowed dimensions of travel trailers. Changes the weight standard to a gross weight of 3,000 pounds for brake requirements on trailers and semitrailers. Requires the commissioner of public safety, in consultation with affected trucking organizations and other interested parties, to study the feasibility of requiring the installation of devices on trucks to increase the level of safety while backing up. Requires a report to the Legislature by Jan. 15, 1991. Effective date: August 1, 1990. BERTRAM, PURFEERST.

Railroad track abandonment standards

Chap. 442-S.F. 1752 Modifies or clarifies standards for Transportation Regulation Board approval of abandonment or removal of railroad tracks, shops, terminals and stations. Effective date: April 17, 1990. PEHLER, BROWN.

Miscellaneous motor vehicle provisions

Chap. 446-H.F. 1981 Authorizes and provides for display of temporary permits in conjunction with an expired registration by persons with special motor vehicle license plates. Requires registered motor vehicle owners to list the address of primary residence on the application for registration. Authorizes the use of a mailing address upon classification of the primary residence as private data. Changes the time for payment of the salvage vehicle certificate of inspection fee. Clarifies disclosure requirements for motor vehicle pollution control systems at the time of transfer. Authorizes and provides for the issuance of special license plates for use by the 1991 U.S. Open committee in connection with the 1991 U.S. Golf Association Open Championship. Effective date: Various dates. JOHNSON, A., STUMPF.

Miscellaneous transportation provisions

Chap. 462-H.F. 1857 Modifies the definition of affiliate relating to highway contracts. Restricts the eligibility for highway contracts of debarred persons during the debarment duration. Exempts passenger transportation services under contract with the Regional Transportation Board from Transportation Regulation Board regulations. Increases the scope of interstate motor carrier registration agreements to include the filing of insurance cancellation notices and the issuance of suspension and reinstatement orders or notices. Requires amendments to the agreements to be in writing. Authorizes public utilities to lay fiber optic cables or conduits inside the control-of-access lines along portions of I-94 between Maple Grove and St. Cloud and of I-494 between Plymouth and Maple Grove. Authorizes the commissioner of transportation to impose reasonable installation and maintenance conditions and to charge reasonable fees. Requires the utilities to bear relocations costs. Effective date: April 21, 1990. LIEDER, VICKERMAN.

Railroad crossing violation penalties

Chap. 468-H.F. 2401 Clarifies and expands requirements for stopping at

railroad grade crossings. Increases the penalty for violation and further increases the penalty for violation while under the influence of alcohol or controlled substance. Requires courses at driver improvement clinics to include instruction in railroad crossing safety. Requires the commissioner of transportation to establish rules regulating the establishment, vacation, relocation, consolidation and separation of public grade crossings by Dec. 1, 1991. Requires consideration of grade crossings reduction. Authorizes public officials and railway companies to agree to establish, vacate, relocate, consolidate or separate grade crossings. Provides for Transportation Regulation Board determination of disagreements. Requires the commissioner to annually propose a list of grade crossings for potential vacation to the board. Provides for hearing before closure. Effective date: Various dates. TUNHEIM, METZEN.

Vehicle lighting requirement

Chap. 482-S.F. 1729 Requires the use of motor vehicle lights on highways during periods of rain, snow, sleet or hail. Specifies that violation is not negligence per se or prima facie evidence of negligence. Requires signs designating parking spaces for physically handicapped persons to include the penalty imposed for unlawful use. Prohibits law enforcement agencies from ordering, mandating or requiring peace officer traffic citation quotas. Effective date: Various dates. MEHRKENS, SVIGGUM.

Disabled license plate provisions

Chap. 497-S.F. 838 Changes the term handicapped to disabled for special motor vehicle license plates and parking regulations purposes. Requires vehicle owners to remove and return the special plates upon vehicle ownership transfer or upon becoming ineligible for the plates. Provides for prepayment of the one dollar credit for each month remaining in the registration period for entitlement to receive regular license plates without further cost. Provides for transfer of the plates to a replacement vehicle upon notification to the registrar. Prohibits the fee for replacement of personalized license plates from exceeding the actual cost of producing the plates. Effective date: August 1, 1990. CHMIELEWSKI, STEENSMA.

Vehicle towing authorization

Chap. 503-H.F. 1927 Authorizes towing authorities to immediately tow vehicles unlawfully parked in taxicab zones. Regulates vehicle approaches and specifies right-of-way for highway intersections controlled by stop signs or by blinking red traffic signals. Effective date: August 1, 1990. OGREN, CHMIELEWSKI.

Drivers license technical provision

Chap. 509-S.F. 1162 Reduces the time limit for court administrators forwarding of drivers license and permit applications and fees to the Dept. of Public Safety. Effective date: August 1, 1990. VICKERMAN, BAUERLY.

Drivers license "living will" designation

Chap. 510-H.F. 2294 Provides for electronically produced images, in place of the photograph, on drivers licenses. Requires the Dept. of Public Safety, upon written request of the applicant and upon the payment of a fee, to issue a drivers license or Minnesota identification card bearing a "living will" designation. Authorizes the commissioner to suspend drivers licenses of persons failing to report medical conditions resulting in cancellation of driving privileges. Effective date: August 1, 1990. HAUSMAN, VICKERMAN.

Miscellaneous drivers license provisions

Chap. 529-S.F. 2060 Modifies the definition of "gross vehicle weight" and includes specified school buses in the definition of "commercial motor vehicle" for traffic regulations and drivers license purposes. Modifies the validity of class C drivers licenses for single unit vehicles and eliminates the authority to tow travel trailers under the license. Requires a commercial drivers license with a school bus endorsement for drivers of smaller school buses. Clarifies age requirements for obtaining and driving under an instruction permit. Modifies the fees for under-21 drivers licenses. Changes the effective date of provisions providing for commercial drivers license classifications and sets interim fees. Effective date: July 1, 1990. DECRAMER, LASLEY.

Covered load requirements

Chap. 548-S.F. 2213 Requires bottom-dump trucks carrying sand, gravel, aggregate, dirt, lime rock, silica or similar material to be equipped with flaps mounted to the rear of the axles. Specifies flap requirements. Requires highway vehicles to be covered to prevent loads from blowing away. Qualifies the exemption from cover requirements for farm vehicles and prescribes a penalty for violation by farm vehicles carrying produce. Requires the cargo compartment of vehicles carrying sand, gravel, aggregate, dirt, lime rock, silica or similar material to be securely

covered under specified conditions. Exempts vehicles used to transport garbage, rubbish, trash, debris or similar material from the covered load requirement if the vehicle is operated at a speed less than 30 miles per hour, is not operated on an interstate highway and no part of the load escapes from the vehicle. Specifies vehicle cleaning requirements. Effective date: August 1, 1990. DECRAMER, OLSON, K.

Motor vehicle inspections

Chap. 563-S.F. 2030 Provides for the inspection of commercial motor vehicles under the direction of the commissioner of public safety. Specifies persons authorized to perform inspections. Authorizes the commissioner to classify types of vehicles for inspection purposes and to adopt separate procedures and issue separate classes of certificates for each class. Provides for the suspension of certificates for failure to meet annual certification requirements prescribed by the commissioner or failure to inspect the commercial motor vehicles in accordance with inspection procedures established by the State Patrol. Requires revocation of certificates if the commissioner determines that certified persons issuing inspection decals knew, or reasonably should have known, that the commercial motor vehicles would have been declared out of service upon inspection by the State Patrol. Requires inspector issuance of inspection reports to vehicle owners. Specifies inspection decal requirements and fees. Specifies decals to be affixed only to vehicles with Minnesota registration plates. Provides for random inspections and audits at vehicle owner facilities. Requires the commissioner to deposit revenues received into the Trunk Highway Fund. Specifies driver daily inspection report requirements and requires repair of defects before vehicle operation. Requires pretrip inspections. Prohibits the operation of vehicles not containing a copy of the inspection report. Requires peace officers notice to the State Patrol of inspected vehicles involved in accidents resulting in death, personal injury or property damage over \$4,500 for postcrash inspection purposes. Provides for enforcement by the commissioner of transportation. Requires compliance of commercial vehicles operated by private carriers for agricultural purposes. Specifies driveaway-towaway exemption application. Increases the complement of the State Patrol. Prescribes penalties. Effective date: Various dates. PURFEERST, LASLEY.

Agricultural retailer driving exception

Chap. 588-S.F. 2147 Requires private carriers engaged in intrastate commerce and operating vehicles transporting farm products within a radius of 50 miles of the business location of the carrier to comply with rules of the commissioner of transportation for driver qualifications. Exempts fertilizer and agricultural chemical retailers or employees from driver qualification rules relating to age for the transport of hazardous materials while transporting fertilizers and agricultural chemicals directly to farms for on farm use within a radius of 50 miles of the business location of the retailer. Provides a temporary exemption from rules governing maximum hours of service. Requires the commissioner of transportation to conduct a study of the effects of exempting fertilizer and agricultural chemical retailers and employees from driver hours of service rules. Specifies report requirements. Requires a report to the Legislature by Dec. 1, 1991. Effective date: August 1, 1990. FREDERICKSON, D.J., COOPER.

Veterans and Military Affairs

Cemeteries location prohibition repeal

Chap. 397-H.F. 2002 Repeals the prohibition against the location of cemeteries near state veterans homes or the University of Minnesota. Effective date: August 1, 1990. BEARD, DIESSNER.

Vets home board executive director appointment

Chap. 413-H.F. 1977 Requires the Veterans Homes Board to appoint an executive director. Specifies qualifications, powers and duties. Eliminates the authority of the board to appoint a deputy commissioner for veteran health care. Effective date: August 1, 1990. KINKEL, BERTRAM.

Veteran definition

Chap. 444-S.F. 1794 Redefines the term "veteran" for general purposes to include active military service certified by the U.S. secretary of defense with a discharge under honorable conditions. Entitles additional veterans to state financial assistance for higher education tuition expenses. Effective date: August 1, 1990. METZEN, O'CONNOR.

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2305	2477	407	Agriculture and Rural Development	2666	2334	608	Elections and Ethics
2311	2195	600	Environment and Natural Resources	2678	2483	488	Judiciary
2313	1983	545	Commerce	2683	2383	386	Local and Urban Government
2318	2092	493	Local and Urban Government	2685	2048	382	Education
2321	2253	408	Commerce	2689	2051	498	Health and Human Services
2325	2421	603	Elections and Ethics	2706	2432	402	Judiciary
2327	1743	513	Public Utilities and Energy	2709	1703	558	Environment and Natural Resources
2336	1890	374	General Legislation and Public Utilities and Energy Gaming	2735	2349	504	Commerce
2343	2536	523	Commerce	2751	2054	553	Judiciary
2346	2224	472	Health and Human Services	2769	2346	531	Governmental Operations
2350	2408	427	Environment and Natural Resources	2770	2430	491	Commerce
2351	1704	502	Environment and Natural Resources	2786	2609	586	Taxes and Tax Laws
2353	2396	528	Environment and Natural Resources	2812	2619	537	Finance
				2817	2629	612	Judiciary

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