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# *Session Review*

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*A Publication about the Minnesota Legislature*



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This edition of ***Session Review*** is, once again, a joint effort of the Senate Publications Office and the House Public Information Office. Staff from Senate Index contributed to the compilation of the summaries of all the bills passed by the Legislature. ***Session Review*** highlights major tax and spending bills, as well as some of the other significant or general interest legislation approved this year. In addition, this edition of ***Session Review*** provides summaries of the bills that were vetoed or line item vetoed by the governor. The 15 vetoed bills that have become law are also highlighted. All the bills approved by the Legislature are summarized. Finally, there is a Chapter Index indicating Senate File or House File number, chief authors, subject area and whether the chapter was vetoed or line item vetoed.

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**On the cover:** The fireworks at the Capitol during the Fourth of July Taste of Minnesota Celebration were an apt metaphor for the political fireworks under the dome during the legislative session. Photo by Laura Phillips.



# Tax compromise package

One of the major pieces of the state financial puzzle fell into place in the waning days of the session when legislators and executive branch negotiators agreed upon a tax proposal. An earlier omnibus tax bill had been vetoed by Gov. Arne Carlson. The second tax measure provides the state with a revenue increase of \$607 million.

The new law, sponsored by Rep. Paul Ogren and Sen. Douglas Johnson, authorizes a half cent increase in the sales tax, increases the income tax for some individuals and increases the tax on cigarettes by a nickel a pack. The measure also holds down property tax increases to an average of about 8 percent and maintains the budget reserve at \$400 million. In addition, the new law, Chap. 291, begins the process of phasing out the three tiered property tax system.

Under the new law, homes valued over \$115,000 will have the tax reduced from 3 to 2 percent over two years. Homes valued over \$72,000 are maintained at 2 percent and homes valued under \$72,000 are maintained at 1 percent. The law also provides that the rate for apartment buildings with more than 3 units will be reduced from 3.6 percent to 3.4 percent over 2 years and that the rate for apartment buildings with under 3 units will be reduced from 3 percent to 2.3 percent over 3 years. The rate for business and high value commercial-industrial property will be reduced from 4.95 percent to 4.6 percent over 3 years under the new law.

In the area of income taxes, conformity with federal tax law raises the most revenue. Under the measure, the income tax rate for married couples, filing jointly, is raised to 8.5 percent for

incomes over \$172,920. In addition, for married couples, filing separately, the rate is raised to 8.5 percent for incomes over \$133,620. For head of household the increase to 8.5 percent kicks in for incomes over \$141,480 and for individuals the rate increase to 8.5 percent is for incomes over \$97,460. The application of the 8.5 percent rate eliminates the so-called "bubble" in income tax rates by conforming to federal law. Currently, married couples filing jointly already pay the 8.5 percent rate if their income exceeds \$79,130; the 8.5 percent rate also applied to married couples filing separately with incomes over \$39,560; for heads of households with incomes over \$67,390; and for individuals with incomes over \$44,750.

The sales tax provisions of the new law raises the sales tax from the current 6 percent to 6.5 percent on July 1, 1991.

Two percent of the revenue collected goes to a local government trust fund. The 6.5 percent sales tax is reduced back to 6 percent on January 1, 1992, with 1.5 percent going to the local government trust fund, unless counties have made the decision by July 1, 1991 to impose the half percent additional tax on January 1, 1992. Counties that do not impose the .5 percent tax would receive no proceeds from the local government trust fund.

The local government trust fund provisions of the new law are aimed at financing non-school property tax relief programs. The measure establishes the trust fund under the commissioner of finance and appropriates money to be paid annually. However, Gov. Carlson line item vetoed the appropriations contained in the measure. According to Carlson's veto message the appropriations section did not reflect the agreement reached during the negotiation process with legislative leaders. In addition, a section providing grants to local units of government to be used as start-up money for shared services or functions was also line item vetoed.

The new law does not increase the gasoline tax or the tax on alcoholic beverages. Increases in both taxes had been under discussion but were eliminated from the compromise measure. However, the new law does place a surtax of 7.5 percent on 1-900 telephone numbers, include cellular telephones in the telephone gross earnings tax, extend the sales tax to dedicated phone lines, telephone paging services and kennel services, and place a \$7.50 surtax on car rentals.

Although a checkoff of food bank programs was not included in the new law, the measure does appropriate \$800,000 over the biennium for the food shelf program. Finally, the new law authorizes the use of \$150 million of the \$550 million budget reserve. However, the law specifies that the first priority for revenues in excess of forecast will be to restore the reserve at the \$550 million level.

## House-Senate compromise tax plan

<b>Property taxes</b>	
Home owners, average increase	Held to 8.6%.
Homes valued over \$115,000	Reduced from 3 to 2% over two years.
Over \$72,000	Maintained at 2%.
Under \$72,000	Maintained at 1%.
Homeowner property tax refund	Retains targeting. Eliminates cap on refund program for 1992.
Recreational	1992 reduced from 2.3 to 2.2%. 1993 under \$72,000 at 2%; over \$72,000 at 2.5%.
Apartments - over 3 units - under 3 units	Reduced from 3.6 to 3.4% over 2 years. Reduced from 3 to 2.3% over 3 years.
Business, high-value commercial- industrial	Reduced from 4.95 to 4.6% over 3 years.
<b>Income taxes</b>	
Married, filing jointly	Maintained at 8.5% for income over \$79,130. Raised from 8 to 8.5% for income over \$172,920.
Married, filing separately	Maintained at 8.5% for income over \$39,560. Raised from 8 to 8.5% for income over \$133,620.
Head of household	Maintained at 8.5% for income \$67,390. Raised from 8 to 8.5% for income over \$141,480.
Single	Maintained at 8.5% for income over \$44,750. Raised from 8 to 8.5% for income over \$97,460.
<b>Sales tax</b>	
General	Raised from 6 to 6.5% July 1, 1991. Reduced from 6.5% to 6% Jan.1, 1992.
Local	Counties decide by July 1, 1991, whether to impose .5% sales tax effective Jan. 1, 1992. Counties not imposing .5% tax receive no proceeds from govt. trust fund.
<b>Excise tax</b>	
Cigarettes	Increased from 38 to 43 cents per pack.
Gasoline	No change.
Alcohol	No change.
Total tax Increases	\$607* million
Use of budget reserve	\$150 million
State tax form changes	None



# Spending measures dominate session

Traditionally, each body of the Legislature develops the state spending bills through divisions that encompass broad subject areas. For instance, bills to fund the various systems of higher education are developed by the House Appropriations Committee Education Division and the Senate Finance Committee Education Division. The two bills are then recounciled at a conference committee and repassed by both bodies. The various divisions within the Senate Finance Committee are the Agriculture, Transportation and Regulation Division, the Education Divisions, the Environment and Natural Resources Division, the Health and Human Resources Division and the Economic and State Affairs Division. The House Appropriations Divisions are Economic Development, Infrastructure and Regulation Division, Education Division, Environment and Natural Resources Division, Human Resources Division and State Government Division.

After the conference committee reports have been repassed they are sent to the governor. The governor has the option of signing the bills, vetoing the measures in their entirety or exercising his authority to line item veto specific appropriations contained in each bill. This year, the governor chose to make extensive use of the line item veto.

In highlighting the various appropriations bills, an attempt has been made to indicate the major appropriations that were subject of line item vetoes. However, the highlights of the bills are brief outlines of provisions that hold general reader interest. The highlights are not meant to be comprehensive examinations of the total content of the appropriations bills. Therefore, readers



Education Funding conferees work out the details of Chap. 265.

seeking more exhaustive treatment of the specific language contained in the new laws are advised to obtain copies of the appropriate chapters. Copies may be obtained from the Secretary of the Senate's Office, 231 Capitol, St. Paul, MN 55155 or from the Chief Clerk of the House, 211 Capitol, St. Paul, MN 55155.

## *Economic and state affairs appropriations*

The omnibus state departments appropriations measure, Chap. 345, provides funding for a number of state agencies. The new chapter, sponsored by Rep. Phyllis Kahn and Sen. Carl Kroening, provides nearly \$778 million for the operations of state government. However, through the use of the line item veto, the governor reduced the total appropriation by \$27.98 million. Because of the budget crunch this year, the larger agency's base budgets had already been reduced by one percent. The result of the one percent reduction

amounted to savings of more than \$6 million.

The state departments appropriation measure also raises \$19 million, primarily through increases in court fees through the public defense system that will amount to about \$12.8 million. In addition, the new law requires the repayment to the general fund of a \$3.9 million loan to the STARS telecommunications network and authorizes the state auditor to bill an additional \$1.5 million for services provided to counties.

The legislative branch of government, which includes not only the House of Representatives and the Senate but also the Legislative Reference Library, the Revisor of Statutes and all the Legislative Commissions, receives an appropriation of \$97.2 million. The governor vetoed \$900,000 of the appropriation. The Supreme Court, which includes Supreme Court Operations, State Court Administration, Law Library Operations, Civil Legal Services and Family Law Legal Services, receives an appropriation of \$32.1 million. The Court of Appeals and the District Courts receive appropriations of \$11.4 million and \$106.38 million respectively. However, \$70,000

of the District Court appropriation, earmarked for a pilot diversion program for juveniles in Dakota County, was vetoed by the governor. The Board of Public Defense receives an appropriation of \$45.22 million under the new chapter.

Appropriations for most of the state's constitutional offices are contained in the measure. The Offices of the Governor and Lieutenant Governor receive \$6.79 million, the State Auditor receives \$13.2 million, the State Treasurer receives \$2.44 million and the Attorney General receives \$42.5 million. The governor's line item veto cut \$100,000 from the Office of the State Auditor.

The total appropriation for the Dept. of Administration amounts to \$74.28 million. Included within the language dealing with the department is a provision authorizing the \$3.9 million loan to the STARS telecommunication network revolving fund that must be repaid by the end of the biennium. In addition, the language requires that a commission be established to identify immediate potential cost savings in state government and to recommend actions to improve efficiency and effectiveness. Although the commission is not named in the chapter, the governor has recommended the establishment of a Commission on Reform and Efficiency (CORE) to identify costs savings. The language in the new law anticipates that the commission will identify \$15.7 million

in immediate savings through improving efficiency and effectiveness. Under the measure, the Legislative Commission on Planning and Fiscal Policy is to appoint five members to the commission.

Among the items receiving the governor's line item veto were the \$10,000 appropriation for the state employees' band; \$480,000 in public television station block grants; a \$1.68 million appropriation for public television equipment needs; the \$264,000 appropriation for public education radio stations; and a \$180,000 appropriation earmarked for equipment grants for affiliate stations of Minnesota Public Radio.

The Dept. of Finance receives a total appropriation of \$20.4 million under the new chapter. In addition, the department is required to make a progress report on designing the new statewide accounting and payroll systems. However, a \$2.5 million second year appropriation for the planning and implementation of the new system was line item vetoed.

The new chapter authorizes a \$17.75 million appropriation for the Dept. of Employee Relations. In addition, the measure requires reports on the impact of budget cuts on personnel in executive branch agencies and requires an effort to make any layoffs proportionally based on the percentage of total management, supervisory, line and support personnel

to total personnel in the agency experiencing the layoffs. The measure also specifies that every effort should be made to include departmental and agency employees in the restructuring process through their collective bargaining agents. Further, the measure requires that the commissioner of finance approve filling new or vacant management positions and specifies that state agencies must demonstrate that they cannot use available staff before hiring outside consultants.

The Public Employment Relations Board receives an appropriation of \$178,000 under the new chapter but, the governor line item vetoed the entire appropriation.

An appropriation of \$142.4 million is designated for the Dept. of Revenue under the measure. Language in the new chapter specifies that \$2.4 million is to be used to redesign the department's document processing system.

The Dept. of Trade and Economic Development receives an appropriation of \$81.76 million. The governor made a number of line item vetoes on appropriations within the department. According to the governor's veto message "line item vetoes in general are grant funds for numerous local initiatives that represent duplicative services, or services with only limited geographic significance." A total of \$21.328 million was cut by the vetoes.

Under the new law, the Amateur Sports Commission appropriation of \$1.08 million was cut by a total of \$97,000.

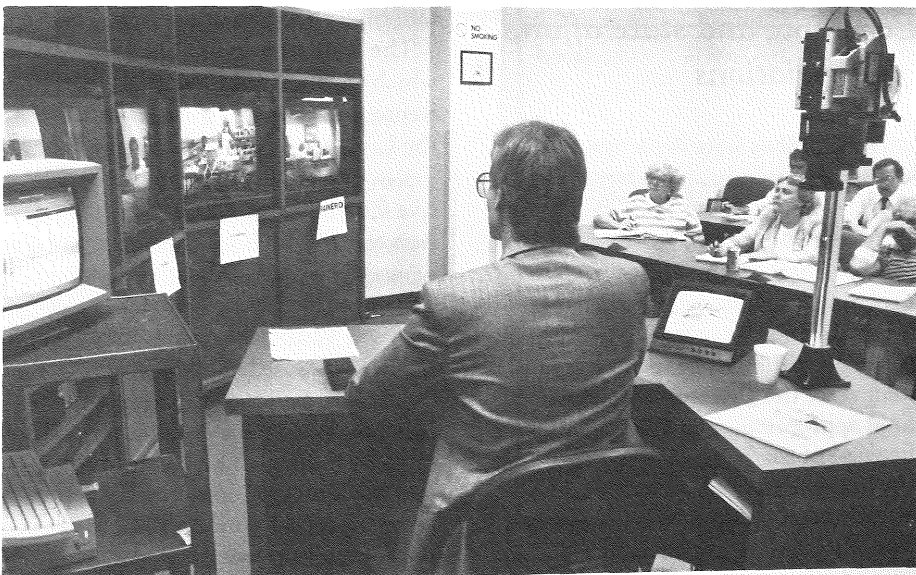
The Dept. of Military Affairs receives an appropriation of \$20.24 million. The measure specifies that \$4.03 million is to be used for the tuition reimbursement program and that \$770,000 is to be used for the reenlistment bonus program.

The Dept. of Veterans Affairs receives \$5.8 million for the biennium under the measure.

Other provisions of the measure specify that the salaries of legislators, judges and constitutional officers are frozen and that the increases recommended by the 1989 Compensation Council must not take effect until January, 1993.

The new law also contains provisions specifying the number of judges in each

Chap. 345 provided a \$3.9 million loan to the STARS network to begin offering interactive telecommunications services this year. The Statewide Telecommunications Access and Routing System offers a variety of services such as this interactive video classroom.





judicial district and provides that when a judgeship is transferred, the complement for the law clerk and court reporter are transferred with the judgeship.

In addition the state treasurer is authorized to issue medallions to commemorate popular events of state-wide interest such as the upcoming Superbowl.

The measure also authorizes units of local government to pay employees called to active duty for the Gulf war the difference between their salaries and their military pay.

Incentives for state employees to take early retirement are also contained in the measure. Under the new chapter, employees who are at least 55 and not yet 65, have at least 25 years of state service and retire between July 1 and October 1, 1991 will be eligible for employer-paid hospital medical and dental benefits until they are 65. Other sections of the measure authorize the same benefit for U of M employees, and city and county employees. Eligibility ends when the employee ceases receiving the retirement benefits they applied for or when the employee is eligible for health insurance from a new employer.

The second major portion of the bill deals with abolishing the State Planning Agency. Under the measure, the agency is abolished effective July 1, 1991 and many of the agency's functions are transferred to other agencies. The Office of Strategic and Long-range Planning is created under the new chapter and will house the Environmental Quality Board dispute resolution program, the Childrens' Council, the state demographer, and programs relating to water planning, groundwater information and nuclear waste. The Dept. of Administration will take over the functions of the land management information center, telecommunications policy and development disabilities. The Dept. of Trade and Economic Development will assume responsibility for regional development, targeted neighborhood revitalization and community resources programs. Responsibility for youth employment will be moved to the Dept. of Jobs and Training. Finally, the Dept. of Education will house functions relating to environmental education, adult literacy, and the Way to



Photos by Andrew VonBank

Appropriations to the State Film Board result in additional revenue by attracting TV, movie and commercial projects to Minnesota. The appropriation is in Chap. 345.

Grow/School Readiness Programs.

The third major portion of the new chapter makes numerous changes in the laws dealing with the public defender and the Board of Public Defense. The new law provides for the organization of the board, specifies the appointment process of the state public defender, clarifies public defender representation provisions, outlines the duties and funding for the state public defender. In addition, the measure addresses the district public defenders organization, duties and funding. The measure also extends the Eighth Judicial District Pilot Project to Dec. 31, 1993.

The last major section of the new chapter deals with the Minneapolis Employees Retirement Fund (MERF). The chapter authorizes the Minneapolis School District and the city to levy for contributions to MERF; sets the interest assumption at six percent and salary assumption at four percent; sets the

target date for full funding of MERF at June 30, 2020; provides that pre-74 MERF retirees will receive supplemental benefit lump sum payments from MERF; provides that the state and political subdivisions have standing to sue for breach of fiduciary duty and requires the court to award costs and attorney fees in a suit involving breach of fiduciary duty; specifies that an automatic bounce-back joint and survivor option is an option available to MERF retirees; and increases some MERF surviving spouse payments and surviving child payments.

## ***Omnibus environment and natural resources appropriations***

The environment and natural resources omnibus appropriations measure,

Chap. 254, provides for the appropriation of money for the protection, utilization and development of the state's environment and natural resources. The new law, carried in the Senate by Sen. Steve Morse and in the House by Rep. David Battaglia, provides \$500 million to state agencies, such as the Pollution Control Agency (PCA) and the Dept. of Natural Resources (DNR), and local entities for administrative support and program implementation.

Funding sources for this purpose include the general fund, the environmental fund, the metro landfill contingency trust fund, the game and fish fund and proceeds from the oil overcharge fund.

A number of provisions in the legislation provide for fee hikes in programs otherwise suffering from budget cuts. Snowmobile registration fees, which fund the snowmobile account, are raised from \$18 to \$30. As a trade-off for the hike, snowmobilers are allowed to register their vehicles at the point of sale. The statute also directs the DNR to conduct a study on the account's solvency and report back to the Legislature.

State parks' operation and maintenance will be aided by a rise in the general park sticker fee. The sticker, which is issued annually, will cost \$18; previously it was \$16.

A program to control Eurasian water milfoil will be supported by a flat \$2 surcharge on all boat licenses in Minnesota. The new law also provides for milfoil education that will be dispersed to people at the time they apply for a fishing license. On that note, \$100,000 is appropriated over the biennium to the DNR for Eurasian water milfoil research. The appropriation must be met by a \$200,000 match from the Freshwater Foundation.

Some provisions of interest to hunters and anglers include a hike in the fee for resident turkey hunting licenses and nonresident fishing licenses. The fee for hunting turkeys is raised from \$14 to \$16 and the fee for nonresident fishing licenses is raised from \$20 to \$25 for individual and from \$33.50 to \$35 for family licenses. Another provision prohibits a person from obtaining more than one moose hunting permit during a lifetime. Also, a new "trophy buck"

hunting license category is established. However, the family license to take deer with firearms is eliminated.

In the area of fish and wildlife, \$3.3 million is available from the game and fish fund over the biennium for Reinvest in Minnesota (RIM) programs, including the RIM Reserve and RIM Critical Habitat Programs.

The statute provides for a \$750,000 appropriation that will be administered by the DNR for wetlands digitalization and inventory. Other agriculture-related funding available until June 30, 1993, includes \$400,000 for the Family Farm Advocacy Program and \$300,000 for agriculture information centers. The \$300,000 appropriation must be matched dollar for dollar by nonstate funds.

A sum of \$1.5 million is appropriated from the land acquisition account for the state's acquisition of land comprising Tettegouche State Park, Glendalough State Park and other state park lands. The money can be used in either year of the biennium.

The Board of Water and Soil Resources is allotted grant money totalling \$3 million that will go to soil and water conservation districts for erosion control and water quality management cost-

sharing contracts. The bill restores flood plain management grants in the amount of \$320,000. The grant money, available until June 30, 1993, will be distributed among watershed districts and other local units of government in the southern Minnesota River basin. Funds for the abandoned well inventory pilot project are also reinstated, amounting to \$200,000 in the first year of the biennium.

Forestry-related funding includes a \$150,000 appropriation, available over the biennium, to the DNR for the development of old-growth forest type definitions. The DNR will also examine in that study the importance of old growth as a sensitive habitat. A total of \$400,000 is available for the same amount of time to the Environmental Quality Board for preparation of a Generic Environmental Impact Statement (GEIS).

The Minnesota Zoo is authorized under the measure to begin charging \$1.00 for parking. The parking fee is in lieu of raised admission fees.

Other provisions in the new law limit new fees or fee increases on the part of the Pollution Control Agency, require the commissioner of natural resources to compile a priority list of purple loo-

**Increased funding for the Women, Infants and Children Nutrition Program is in Chap. 292.**





estribe infestations to be controlled in designated public waters, require the preparation of a long-term statewide ecologically harmful exotic species management plan to prevent and curb the spread of ecologically harmful exotic animals and plants, and establish the Minnesota Releaf Program to encourage and fund the planting of trees to reduce atmospheric carbon dioxide levels and promote energy conservation. The Releaf Program is to be funded through a fee on carbon dioxide emissions.

In the agricultural area, the new law changes the terms nursery operator and dealer to nursery stock grower and nursery stock dealer and increases the grower and dealer certificate fees. The measure also increases food handler license fees and penalties, changes the egg handler fee schedule, and increases the limit on commercial cannery assessments. The new law also requires manufacturers to pay a fee for fluid milk process and a fee for milk used in the manufacture of fluid milk products sold in the state. Finally, the measure creates an interagency, interdisciplinary research center for agriculture health and safety within the Division of Environmental and Occupational Health in the University of Minnesota

School of Public Health to coordinate funding for research projects to reduce injury and death from farm accidents and long term exposure to hazardous agricultural agents.

Line item vetoes in the new law included the elimination of a \$10,000 appropriation for stream stabilization on the Snake River, a \$50,000 appropriation for county forest management grants and a \$200,000 appropriation for farm and small business management programs through the Technical College System.

## ***Omnibus health and human services funding***

A provision consolidating the AFDC, Food Stamp and Medical Assistance Programs into a pilot program that rewards economic self-sufficiency and families that stay together is included in Chap. 292. The intent of the Minnesota Family Investment Plan is to simplify the administration of the current welfare system, support families in moving toward self-sufficiency, prevent long-term dependency on welfare and help families increase their income.

The legislation, which is divided into 10 articles, carried by Sen. Don Samuelson and Rep. Lee Greenfield, carries a \$3.7 billion price tag for the upcoming biennium. Article I lists the individual appropriations to the Depts. of Health, Human Services, Corrections, Jobs and Training, Veterans Homes, and various boards and councils.

Article II of the bill contains provisions relating to the Dept. of Health. Provisions contained in the article include establishing a traumatic brain injury and spinal cord injury registry, requiring medical providers to report cases involving traumatic brain injuries or spinal cord injuries, and increasing the reinstatement drivers license fee to \$250 for drivers who have had their licenses revoked. The fee increase is earmarked to help fund the registry.

In an attempt to protect vulnerable individuals living in unlicensed board and lodging homes, the new law requires that residential care homes that have a minimum of five beds and provide sup-

portive services, lodging and meals to adults be licensed; exempts the licensing requirements for board and lodging establishments that provide services to individuals with mental illness until one year after residential care home rules are adopted. At that time, board and lodging facilities will need to obtain a residential home license.

In addition, the appropriation for the Women, Infants and Children (WIC) Nutrition Program was increased by \$1 million to allow more eligible families to receive assistance.

The biggest chunk of the budget is allocated to the Dept. of Human Services (DHS) in the amount of \$2.934 billion. Of that amount, a provision in Article III allocates approximately \$2.3 million to fund several programs designed to prevent the need for out-of-home placement of children. One initiative, the Families First Program, works with at-risk families who are on the brink of separation. The program is geared to reduce the number of children who are inappropriately placed in foster care as a result of a crisis.

In addition, the measure establishes an independent ombudsperson's office within the Indian Affairs Council, the Spanish-Speaking Affairs Council, the Council on Black Minnesotans, and the Council Asian-Pacific Minnesotans to investigate all agencies and programs providing protection or placement services to children from families of color and to work with the courts to ensure that personnel are trained to understand and represent the interests of children from families of color.

The new legislation also includes the establishment of a program to help dislocated workers in Minnesota. The Rapid Response Program is aimed at assisting employees, employers, businesses and labor organizations, community organizations, and local government units to effectively respond to announced or actual plant closings and substantial layoffs, in addition, to assisting dislocated workers.

Health care programs comprise Article IV of Chap. 292. Under one major provision, low income individuals will continue to receive chemical dependency services on a sliding fee basis at the seven regional treatment centers



Photo by Tom Olmscheid

chemical dependency units around the state, which had been slated for closure.

Another component of Article IV includes an initiative to draw down additional federal dollars to finance the Medical Assistance (MA) Program. The initiative involves instituting a surcharge on nursing homes, hospitals, doctors, dentists and health care plans to be used for the state MA match requirement. The federal funds generated will be used to repay the surcharge and provide additional funding to health care providers. MA eligibility is also expanded, under the new chapter, to include infants less than one year of age whose mothers were eligible for and receiving MA at the time of the birth; children between the ages of 6 and 18 years of age born after September 30, 1983, and whose family's income is less than 100 percent of the federal poverty guidelines; and individuals who are at least 50 years old and entitled to disabled widows' or widowers' benefits.

Another provision in Article IV includes a reduction in the reimbursement rates to special medical transportation providers. Under the provision, reimbursement rates are reduced from \$16 plus 60 cents per mile to \$12.50 plus \$1 per mile. Also, counties are now required to pay 50 percent of the non-federal share of MA payments for severely emotionally disturbed children placed in RTCs.

Another element of Article IV pertains to long term nursing care. The new legislation provides for the reduction of nursing facility efficiency incentive payments for failing to correct cited violations, increases the investment-per-bed limit for nursing homes, inflates the Intermediate Care Facilities for the Mentally Retarded (ICF/MRs) investment per bed limit and restricts ICF/MR development until July 1, 1993.

Additionally, the reimbursement rates to physicians and dentists for MA, GAMC and Children's Health Plan services will increase during the second year of the biennium, under the new law.

Article V contains provisions dealing with assistance payments. Due to the state takeover of welfare benefits, the new law allows the DHS to issue public assistance checks on behalf of counties for all assistance programs and the Food Stamp program. Also, the new legislation restores the county share of any future growth in four programs by requiring counties to pay 25 percent of the growth in Emergency General Assistance, 25 percent of the growth in GA Negotiated Rate Facility (NRF) Payments, 15 percent of the growth in MSA NRF Payments, and 50 percent of the nonfederal share of growth in Emergency Assistance.

The legislation also trims \$5 million from the General Assistance Program by

shifting individuals who are illiterate, lack English skills or who are completing high school or a GED to the Work Readiness Program. The Work Readiness Program is geared toward providing job services and financial assistance to the unemployed. However, provisions included in the measure, reduce eligibility for Work Readiness grants to five months (except for the illiterate who will still be eligible for seven months of benefits), reduce transportation funding for literacy classes, eliminates Start Work Grants, and disqualify higher education students from receiving benefits for a savings of \$18.6 million. The legislation also tacks on a residency requirement. For the first six months, the benefit level for new residents on either GA or WR, will be limited to 60 percent of the state grant, or the amount they would have received in their prior state of residence.

Included in Article V, is a provision dealing with welfare fraud. If an individual is convicted of welfare fraud, the individual will be disqualified from receiving public assistance for six months on the first conviction, 12 months on the second conviction and permanently disqualified after the third or subsequent conviction. In the event the disqualified individual is a caretaker of a minor, the remainder of the public assistance grant money will be paid in the form of protective payments.

Child care subsidies are funded at the same level and will receive a \$49.9 million appropriation for the biennium. Under the new law, an Early Childhood Care and Education Council is established and is authorized to award special incentive grants to encourage child care centers and family child care providers to obtain accreditation and certification and to improve wages for child care workers.

In addition, child support guidelines, used to determine child support payments, are also amended by the new law. The court is required to use the child support guidelines as a rebuttable presumption in all cases when establishing or modifying child support payments. The court is also allowed to base child support payments on a determination of the estimated earning ability of a parent who is voluntarily unemployed or under-

The omnibus tax bill, Chap. 291, provides a direct appropriation to the Minnesota Food Shelf Program.



Photo by Laura Phillips



employed while taking into consideration the obligor's prior earning history, education, job skills and the availability of jobs within the community. A parent is not considered voluntarily unemployed or underemployed if the situation is temporary and will lead to higher income, or if it represents a bona fide career change. If the court is unable to determine or estimate the earning ability of a parent, the court may calculate child support based on full-time employment of a 40-hour work week at either the federal minimum wage or the state minimum wage, whichever is higher. In addition, the new legislation includes provisions under which a licensing board may revoke or suspend an obligor's license if the obligor is found to be delinquent in child support payments.

Article VI contains provisions dealing with mental health and developmental disability issues. Specifically, the article requires the commissioner of human services to revise existing rules governing case management and family community support services; requires county boards to enter into individual placement agreements with acute hospital patient treatment services providers for adults, except for services reimbursed under MA and GAMC. Additionally, intensive home-based mental health services must be provided to children with severe emotional disturbances. The services may also be provided in a school setting, child care setting or in a community setting, and can include family therapy, client outreach, parent education and crisis assistance. Also, the new law provides that specialized residential treatment services for children with emotional disturbances who exhibit violent or destructive behavior must be offered. Screenings of emotionally disturbed children must include diagnostic and functional assessments, which evaluate family, school and community living situations.

A provision establishing the children's community based mental health fund is also included in the article. The purpose of the statewide program is to assist counties in providing services to children with severe emotional disturbances and their families. The services must be designed to help each child

function and remain with the family in the community.

A related provision establishes the Family Support Program, which is designed to assist families who have dependents with mental retardation living in their homes by offering support grants. The grants are limited to families who need support, whose dependents are under the age of 22, and who have been screened as requiring ICF/MR services. The new law caps the grant at \$250 per dependent or \$3,000 per year. Families receiving waived services and whose adjusted gross income is more than \$60,000 are ineligible for support grants under this program.

Article VI also includes a provision authorizing the downsizing of Institutions for Mental Diseases (IMDs) to 16 beds, in order to draw down more MA dollars. Also, the new chapter, requires the development of additional nursing home beds at RTCs using Housing Finance Agency mortgage money. Another provision included in the new law, relates to Semi-independent Living Services (SILS) for individuals with mental retardation or related conditions. The provision provides that services must be designed to promote independence, increase the individual's involvement with the community and increase the individual's opportunities for decision-making. The provision also allows for one-time living allowances under SILS of \$1500 per year to secure and furnish a home for clients.

Included in Article VII is the state's long-term care strategy for the 1990's. In an attempt to serve more frail elderly senior citizens who live in their homes, the legislation appropriates an additional \$7 million for the biennium. The additional funding will allow seniors to be cared for in their homes, rather than in a nursing home setting. The other long-term care strategy included in the new law is the implementation of four to six Seniors Agenda for Independent Living (SAIL) Projects. The mission is to create a new community-based care paradigm for long-term care in Minnesota in order to maximize the independence of senior citizens. The projects must include a statewide resource center offering respite and caregiver support to seniors. In addition, the new law

establishes a grant program for up to 10 Living-at-Home/Block Nurse Programs to enable senior citizens to live as independently as possible in their own homes and communities.

In addition to the other two initiatives, the new law includes the establishment of congregate housing services grants to provide on-site coordinators for senior citizens living in subsidized housing, in order to delay or prevent nursing home placements. Lastly, Article VII, sets forth the eligibility requirements for MA coverage for home health services, private duty nursing and personal care services. MA reimbursements are not authorized if the personal care assistant is the client's spouse, parent (if the client is under age 18), foster care provider, legal guardian or the responsible party. However, parents of adult children, adult children or adult siblings of the client may be reimbursed if they are granted a waiver.

The Dept. of Corrections received a \$331,035 million appropriation for the biennium to fund correctional facilities, community services and management services. Included in the budget is the establishment of a separate subsidy program to assist counties in constructing, rehabilitating, developing and maintaining adequate local detention facilities and alternative detention programs for adjudicated juvenile delinquents, petty offenders, alcohol offenders and petty controlled substance offenders. In addition, the exemption for the Board of Pardons from the state's Open Meeting Law is removed.

Article IX contains language relating to housing. Under the new chapter, three special needs programs for homeless persons in the Dept. of Jobs and Training and the Minnesota Housing Finance Agency are consolidated to establish uniform program requirements. In addition, the several categories are added to the special needs housing authorization including migrant housing, housing for low income people living alone and housing for homeless individuals and families. Finally, the measure authorizes Minnesota Housing Finance Agency tribal Indian programs to use existing off-reservation demonstration program funds for a home improvement loan program.

The last articles of the new chapter transfers the Workers' Compensation rehabilitation program from the Dept. of Jobs and Training to the Dept. of Labor and Industry on July 1, 1991.

Other appropriations include \$502,000 to the Sentencing Guidelines Commission, \$11.8 million for the various health related boards, \$6.3 million to the Dept. of Human Rights, \$28.3 million to the Housing Finance Agency, \$49.7 million to the Veteran's Nursing Home Board, and \$37.8 million to the Dept. of Jobs and Training.

Line item vetoes by the governor reduced the appropriations contained in the new chapter by about \$1 million. The vetoes include: a \$250,000 appropriation to improve property at regional treatment centers and state nursing homes to prepare the properties for lease; an \$80,000 appropriation for a regional demonstration project to provide health coverage to uninsured persons; a \$300,000 appropriation for coordinating rehabilitation services programs provided by the Dept. of Jobs and Training and the Dept. of Human Services; a \$100,000 appropriation for a rehabilitation special project grant; a \$75,000 appropriation for a pilot project for a mental health services delivery system; and a \$50,000 appropriation for an employment and education pilot program. In addition, the governor line item vetoed a transfer of funds from the consolidated chemical dependency treatment fund to the appropriation for the regional treatment centers.

### ***Agriculture, transportation and regulation funding***

Chapter 233, a \$2.6 billion spending measure, funds the Dept. of Transportation as well as many semi-state agencies and boards. In most cases the new law, sponsored by Sen. Keith Langseth and Rep. Jim Rice, represents spending cuts to the various agencies, including no Motor Vehicle Excise Tax Transfer in FY 92-93. (A reduced MVET transfer in FY 94-95 of ten percent was the target of one of the governor's more controversial

line-item vetoes. The veto of the ten percent transfer of MVET funds represents a \$35 million cut to the Trunk Highway fund in FY94-95, directing all MVET funds for FY 92-95 into the general fund.)

Much of the new statute is channeled to help meet a variety of federal matching funds for transportation, road and bridge improvements and airport development. The law appropriates \$811 million for state road construction by matching \$380 million in Highway User Taxes with \$431 million in Federal Highway Aid. Approximately \$617 million is appropriated from various funds to aid local governments with road repair and maintenance. General transit programs and administration are allotted \$17 million with another \$54 million going to the Regional Transit Board and \$1.5 million to the Transportation Regulation Board. A total of \$31 million is allocated for Aeronautics, with \$23 million for airport development and assistance. Included in the airport development program are grants for airport construction and maintenance.

The new chapter allocates \$212 million over the biennium to fund the Dept. of Public Safety. Included in the Public Safety budget are numerous programs including Gambling Enforcement, Liquor Control and the Criminal Apprehension Bureau. The omnibus measure also contains various statutory changes such as changing the name of the Greater Minnesota Corporation (GMC) to Minnesota Technologies, Inc., abolishing the commissioner of gaming office and reorganizing the gambling control divisions.

The Greater Minnesota Corporation took a big hit with a gubernatorial line-item veto of \$1 million. The veto is actually directed at the World Trade Center, which was targeted to receive the funds. Another veto cut \$1 million out of the Board of Peace Officer Standards and Training budget, quashing plans to create a School of Law Enforcement. Funding for the Transportation Study board was eliminated as well, an amount of \$250,000. Among the governor's other line-item vetoes are funding cuts for various projects within the Minnesota Historical Society and the State Arts Board, The vetoed

programs include historic site grants, the U.S.-U.S.S.R. student exchange program, Cloquet-Moose Lake Forest Fire Museum, Prairieland Expo Center, Battle Point Cultural Center and Kee Theatre, totalling \$606,000.

### ***Higher education funding***

Increasing the financial aid to students is one initiative pursued by the Legislature in developing the 1991 omnibus higher education law. While total appropriations to the various systems are reduced in Chap. 356, there is an increase in the Living and Miscellaneous Expense calculation, which is used as a base for determining the level of financial aid a student receives. The new law appropriates almost \$2 billion for Minnesota's technical colleges, community colleges, state universities, the University of Minnesota and the Higher Education Coordinating Board.

The new chapter, sponsored by Rep. Lyndon Carlson and Sen. LeRoy Stumpf, also defines full-time, part-time and resident student and directs the Higher Education Coordinating Board to provide prorated financial aid grants to students whose course load is less than full-time.

The measure continues the use of the average cost funding mechanism, which funds each system of higher education based on the number of qualifying students enrolled. The law clarifies which students are included in average cost funding calculations.

A new scholarship program is established in the legislation. The Minnesota Academic Excellence Scholarship Program is created and is to be funded through proceeds from the sale of specialized collegiate license plates. The amount of the scholarship is equal to the cost of attending a public institution for one year and can be renewed if the student maintains a 3.0 grade point average, continues in an identified field and progresses toward a degree. To fund the program, the commissioner of public safety is required to issue special collegiate license plates, carrying a design or insignia of a higher education institution

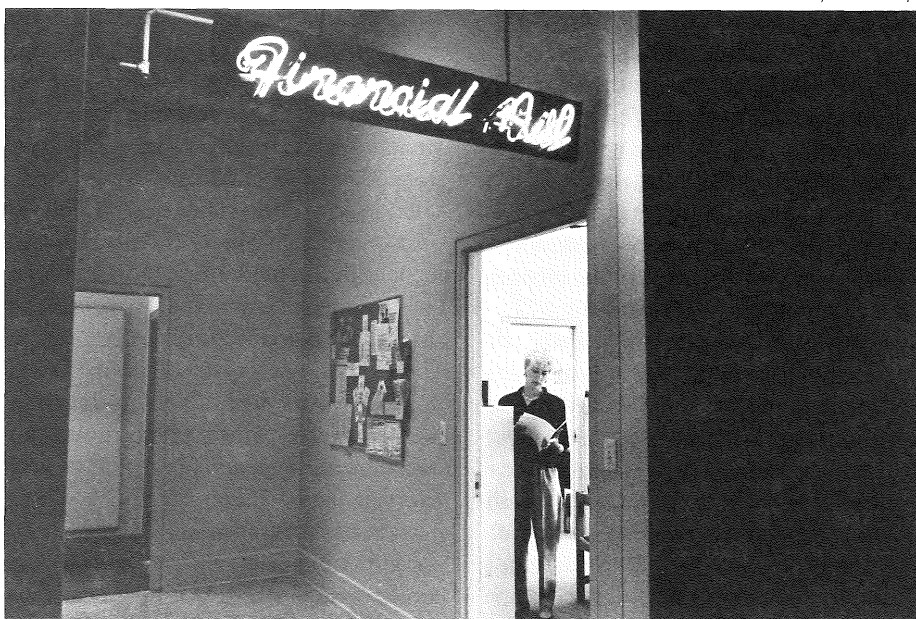


requested by the purchaser, to those contributing at least \$100 to a special scholarship account.

Another major focus of this year's higher education funding legislation was eliminating duplication between systems, encouraging efficiency and maintaining quality, access and affordability. Thus, the new chapter states the mission of each system of higher education: the technical colleges are to offer vocational training and education to prepare students for skilled occupations that do not require a bachelor's degree; the community colleges are to offer remedial instruction, lower division academic programs and occupational programs that transfer to bachelor's degree programs; the state universities are to offer undergraduate and graduate instruction through the master's degree level in liberal arts, sciences and professional instruction; and the University of Minnesota is to offer undergraduate, graduate and professional instruction through the doctoral level and is to be the primary research institution of the state. Each system is directed to provide programs that match the stated missions. In addition, an intersystem council is established to improve communications among post secondary systems on relevant policy issues.

In addition to the appropriations for student financial aid, the Higher Education Coordinating Board is allotted funds for activities and programs that include an average cost funding task force, interstate tuition reciprocity payments, work study programs, the MINITEX library materials sharing program and child care innovation grants. The law also directs the HECB to embark on a study directed at providing better consumer information, to coordinate the development and operation of a statewide post secondary graduate follow-up reporting system, and to make a grant to initiate regional coordination of telecommunications in the delivery of instructional programs.

The law directs the technical colleges to use money provided for extension programs to be used to support occupation programs. The law also provides that 12.75 percent of the federal funds received through the Carl D. Perkins



Chap. 356, the higher education appropriation measure, provides for an increase in student financial aid.

Vocation and Applied Technology Act must be allocated for secondary vocational technical education. In addition, several technical college campuses are authorized to construct facilities.

In order to improve the efficient delivery of services to students and to reduce unnecessary administrative expenditures, the measure authorizes each technical college and community college located in the same or nearby community to consolidate all administrative personnel and functions. The measure provides an exception if both institutions had an enrollment of 1,600 or more students in 1989.

The measure also authorizes facility construction at the state universities in St. Cloud and Mankato and provides a onetime appropriation to fund enrollment increases in the community college system. The legislation also requires the state university system to develop a school of law enforcement in the Metropolitan Area by July 1, 1992. Under the measure, the school may offer professional peace officer education, graduate degree programs and peace officer continuing education programs. The new chapter creates an advisory council to advise the post-secondary systems regarding professional peace officer education. In addition, a task force is created to improve the quality and delivery of law enforcement educa-

tion. The task force is charged with developing and implementing actions to recruit and retain women and minorities in peace officer education, increasing the amount of general education in the peace officer education program and providing information to students concerning transferability of credits and the licensing process. Funding for the new school, though, was line item vetoed in the agriculture, transportation and regulation omnibus appropriations measure.

The new chapter also requests the U of M Board of Regents to continue the dental hygienist program at the Duluth campus and directs the governing board of each higher education system to apply budget reductions to central administration. The measure also specifies that the U of M appropriation includes funding for the China Center to provide student services and requires the president of the U of M to report to the Legislature on the merits, feasibility and current status of reaching the same number of U of M students pursuing study abroad in languages other than English as there are foreign students studying at the U of M.

One of the more high profile items contained in the omnibus higher education funding measure, the creation of the higher education board to bring about the merger of the technical colleges, community colleges and state

universities, fell under the governor's line item veto. The governor struck through the \$1 million appropriation earmarked for the board. The governor also exercised the line item veto authority to trim an additional \$54 million from the new chapter. Many of the items cut by the governor were for noninstructional expenses in the second year of the biennium for all of the systems. In addition, funding for a conservation area study, an appropriation to the Iron Range Resources and Rehabilitation Board to provide higher education services, U of M appropriations for the Institute of Technology and system specials were also vetoed.

## Education funding

The mission of public education articulated in the new omnibus education funding law, Chap. 265, provides for lifelong learning, academic achievement and a productive work force. The largest element in the state's budget, at \$4.6 billion, the new chapter, sponsored by Sen. Ronald Dicklich and Rep. Ken Nelson, provides funding for education programs ranging from preschool to 12th grade.

The new law makes significant changes to the basic funding formula. Most notably, the measure changes the amount of revenue provided per pupil unit to \$3,050 and changes the weighting for secondary students from 1.35 pupil units to 1.3 pupil units.

The measure places a moratorium on referendum levies for FY 1992, but authorizes the commissioner of education to grant exemptions, up to \$10 million, for districts which are in statutory operating debt, or districts with referendums expiring during the moratorium period, or districts demonstrating hardship. Under the new chapter, referendum levy revenue will be limited to 35 percent of the general education revenue formula allowance. The measure also specifies that future referendum levies are to be based upon a dollar amount rather than a tax rate. According to the chapter, referendum

levies are to be equalized with state aid; the equivalent of ten percent of the general education revenue formula. The equalization is to be phased in over a three year period and is to be calculated using 50 percent of the qualifying district's equalizing factor.

The omnibus legislation also makes changes in the funding of AFDC pupils. The threshold for qualifying for aid is lowered so that all districts that enroll AFDC students receive compensation and additional revenue is to be phased in over four years. Similar changes are made for training and experience revenue.

In the area of transportation aid, the law adds handicapped school transportation to the definition of regular transportation and provides reimbursement up to an amount equal to that for nonhandicapped regular transportation. The formula allowance for regular transportation is increased but authorization for aid to districts for pupils involved in after school activities is removed. Other provisions restrict the reimbursement for transportation for open enrollment and lower the authorized levy for nonregular transportation cost.

The percent of salaries paid by the state for special education teachers, essential personnel for the education of students with disabilities and English as a Second Language teachers is decreased in the new law. However, a new special education equalization formula is created which will provide the equivalent of 66 percent to qualifying districts. Aid is made available for individualized learning and development in the amount of \$64 per average daily membership in grades K-2 for the 1991-1992 school year and \$66 per average daily membership for grades K-3 for the 1992-1993 school year.

The measure directs the commissioner of education to establish a mediation process to resolve disputes arising out of the identification, assessment, and placement of children with disabilities, allows the Faribault Academies for the Deaf and Blind to charge a pupil's resident district for unreimbursed costs and allows the instruction of low-performing pupils in a regular classroom along with specialized instruction services.

Under the law, Early Childhood and Family Education (ECFE) Programs receive an increase in revenue and activities that improve health, development and learning readiness are included in the scope of ECFE programs. A child entering kindergarten or first grade must receive health and development screening and all children who are at least four years old, but not enrolled in kindergarten are permitted to participate in learning readiness programs. In addition, the Way to Grow/School Readiness Program is expanded to be directed at children prebirth to age six and language is included to specify the required components of the program.

The measure increases revenue for Indian tribal contract schools and allows them to receive revenue for Early Childhood Family Education Programs for American Indian families. School boards are also required to respond to recommendations made by Indian parent committees regarding programs offered for American Indian children. In addition, language is included for American Indian teacher preparation grants.

Revenue is also provided for adult basic education and the state is directed to pay a portion of GED test cost for qualifying individuals. The law allows all persons who have not completed high school to be eligible for graduation incentive programs. The measure also allows a pupil who is at least 16 years of age to transfer from a public school to a nonpublic school with which the district has contracted for the provision of nonsectarian educational services.

Several provisions are intended to accelerate cooperation and combination between school districts. Included are the requirement that districts applying for cooperative secondary facilities grants submit a cooperation and combination plan. In addition, a cooperation and combination district may levy for obligations incurred by one of the preexisting districts. Cooperation and combination plans must specify whether capital and energy loan obligations outstanding in a preexisting district will remain with that district or with the newly formed district. The new chapter also allows a district to levy for the cost of severance pay for teachers placed on

involuntary leave because of the organizational consolidations.

The law also provides for the design and implementation of a new statewide delivery system for pre-kindergarten through grade 12 educational services by 1995. The law specifies that there will be three levels of education organization: the school district, an area education organization to provide cooperative programs and services and a state level administrative organization. The chapter specifies that each school district must develop a plan that describes the best way to design the system and submit the plan to the State Board of Education. The law also limits to one year the length of time that a school district is required to be a member of an Educational Cooperative Service Unit, an intermediate district, an education district, a secondary vocational cooperative or other interdistrict collaborative organizations.

The new chapter also reduces the reimbursement rate for school lunches but expands the types of meals that are eligible for reimbursement. The measure also requires districts where at least 40 percent of the lunches served are free or at reduced cost to offer school breakfast.

Up to eight outcome-based schools are authorized by the measure. The law states that the schools must be nonsectarian, must not charge tuition, must provide comprehensive education, be audited in the same way as a school district and accept all eligible pupils unless the school lacks space. The measure also specifies that the programs of an outcome-based school must be designed to meet the learner outcomes required in a signed written contract between the sponsor and the board of directors of the outcome based school. Up to two outcome based schools may be authorized in a district.

The legislation authorizes the sale of \$45.1 million in bonds to provide funding for the Maximum Effort School Loan Program. Maximum effort loans are approved for eight school districts; Cromwell, Cass Lake, Farmington, Pine Island, New London-Spicer, Dover-Eyota, Roseau, and Sartell.

Beginning in the 1995-1996 school year, the number of instructional days is increased by two each school year until

the 2004-2005 school year by which time there will be 190 days of instruction. The omnibus measure also requires that a school district operate at least three grade levels, limits superintendent contracts to three years, requires that a student be included as a nonvoting member of school boards, and allows a school district and a public library to jointly finance and operate a library for use by students and the public.

Other provisions include a reduction in the number of miles between elementary schools in order for a district to qualify for sparsity revenue, a redefinition of supplementary revenue, and an increase in the amount of money that can be used for staff development. Also, the law provides that the teacher licensing authority of the board of teaching and board of education expires on June 30, 1996. The measure directs the boards, in cooperation with the Higher Education Coordinating Board, to design teacher education programs.

Other miscellaneous provisions include an exception to the open enrollment application deadline when a pupil is assigned to a different school because of a cooperation agreement. The measure also establishes an open enrollment program for Minnesota students and students in neighboring

states in counties that share a border in common with Minnesota. In addition, the new law provides that the commissioner of education may award grants for teacher mentoring programs. Finally, the new law establishes peer review committees for improving instructional skills and to provide opportunities for personal growth.

The measure was not immune from the line item veto budget trimming process. The governor eliminated appropriations totalling \$28 million from the new law. Appropriations for debt service equalization aid, education district aid, secondary vocational cooperative aid, the Learning Readiness Program, the Minnesota Local Partnership Act, career teacher aid, for operating expenses of the Minnesota Education in Agriculture Leadership Council, for the Minnesota Principal Assessment Center, for computer assisted instructional strategy grants, for the planning of new residential facilities for the Lakeview program for handicapped students, for a grant to ISD 695, Chisholm for a leadership program and for the Legislative Commission on Children, Youth and Their Families were all eliminated. A number of the vetoes were, however, for appropriations for the second year of the biennium.

The education funding measure, Chap. 265, provides funding for preschool to grade 12 educational programs.

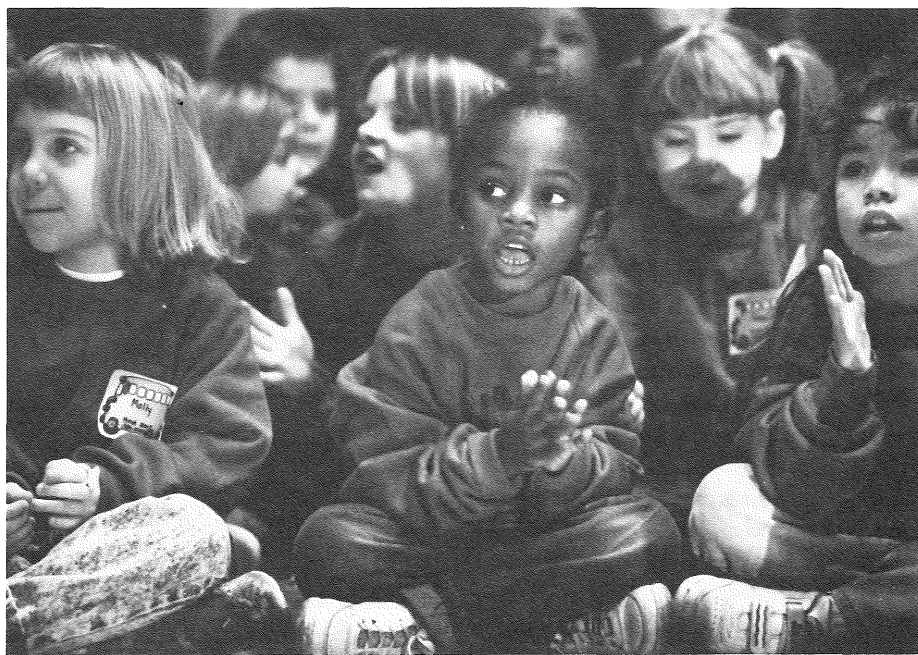


Photo by Tom Olmscheid



## Wetlands conservation

The Wetlands Conservation Act of 1991 provides the centerpiece for this session's environmental legislation. Chap. 354, sponsored by Sen. Charles Davis and Rep. Willard Munger, establishes a program for the enhancement, preservation and protection of wetlands within the state.

The new law makes a statement of legislative findings that wetlands provide for public value through conserving surface waters, maintaining and improving water quality, preserving wildlife habitat, providing recreation opportunities, reducing runoff, providing for floodwater retention, reducing stream sedimentation, contributing to improved subsurface moisture, helping moderate climatic change and enhancing the natural beauty of the landscape. Further, the new law states that it is in the public interest to achieve no net loss in the quantity, quality, and biological diversity of existing wetlands; to increase the quantity, quality and biological diversity of wetlands by restoring or enhancing diminished or drained wetlands; to avoid direct or indirect impacts from activities that destroy or diminish wetlands and to replace wetland values where avoidance of activity is not feasible and prudent.

The new chapter details the procedures for wetland prioritization and planning by requiring the state and local water plans to include the identification of high priority regions for wetland preservation, enhancement, restoration and establishment and by requiring the Board of Water and Soil Resources in consultation with the commissioner of natural resources to adopt rules establishing criteria to determine the public value of wetlands. Under the law, the rules must consider the public benefit and use of the wetlands and include criteria to determine the benefits for water quality, floodwater retention, public recreation, commercial uses and other public uses. The law also requires that the criteria be used for the classification of wetlands and to develop high priority wetland regions.

The new law provides for the compensation of landowners with Types 1, 2, and 3 wetlands who apply to the Board of Soil and Water Resources to include



Chap. 354 establishes a program for the enhancement, preservation and protection of Minnesota's wetlands.

the wetlands in the permanent wetlands preserve. In exchange for a permanent easement, landowners outside the Metro Area are to receive 50 percent of the estimated market value for agricultural property in the township. Agricultural landowners within the seven county Metro Area are to be compensated at the same rate. However, for non-agricultural land within the Metro Area, the rate is 20 percent of the estimated market value for agricultural property. Payment for adjacent upland acreage of cropped and noncropped land is to be made at 90 percent and 60 percent, respectively, of the market value of agricultural land.

The designation of wetland preservation areas is also provided for under the new law. The measure outlines the duration of wetland preservation areas, procedures for early termination of the designation, procedures for eminent domain actions, sets limits on public projects within wetland preservation areas, requires compliance with soil conservation practices and provides a tax exemption for land in wetland preservation areas.

The new law also provides for a wetland establishment and restoration program. Under the program, a willing landowner may apply to a local unit of government to have a wetland established or restored. The measure outlines the hearing requirements, approval processes, and the state cost-share program. In reviewing requests from local units of government, the Board of Soil and Water Resources must give priority to applications based on the public value of the wetland for water quality, flood protection, recreational uses, groundwater recharge and other public uses. In exchange for the cost-share payment to the local unit, the board acquires a conservation easement similar to a RIM-Reserve easement. Finally, after receiving approval of cost share funding from the board, the local unit must order the establishment of the wetland and pay all costs of establishing or restoring the wetland, including the compensation to the landowner. The new chapter specifies that in exchange for the permanent conservation easement on an established or restored wetland, the local unit must pay the

applicant the amount required for a permanent easement under the RIM-Reserve program for the establishment of the wetland.

The new law also provides for the regulation of wetland activities. Specifically, calcareous fens may not be filled, drained, or otherwise degraded by any activity unless the commissioner of natural resources, under an approved management plan, decides some alteration is necessary. Generally, the measure specifies that wetlands must not be drained or filled unless replaced by restoring or creating wetlands of equal public value. However, a replacement plan is not required for activities in a wetland: that was planted and harvested with annually seeded crops or was required to be set aside under the federal farm program in six of the ten years prior to January 1, 1991; that was placed in the federal CRP program and has not been restored with public or private assistance; that is necessary to repair and maintain existing public and private drainage systems; for which drainage was commenced prior to December 23, 1985; that is exempted from regulation under section 404 of the Clean Water Act; that is authorized by a general permit issued by the corps of engineers under the federal 404 program; that was restored for conservation purposes under a contract providing the landowner with the right to drain the wetland; that was created solely as a result of beaver dam construction; for the placement or repair of utility lines; for the maintenance of utility and pipeline right-of-ways; for temporary access to perform forest activities; for permanent forest roads; for maintenance of public highways, for repair of existing public works, for the repair of structures; for the construction of duck blinds; to conduct aquaculture activities; for wild rice production; for the normal agricultural control of pests; on agricultural land annually enrolled in the federal farm program already prohibited to alter a wetland under "Swampbuster;" or for development of a ditch system improvement for which infrastructure has been installed.

The procedures for adopting replacement rules, evaluations, applications and approval are also set forth under the new law.

Interim wetland activities, for the period between January 1, 1992 and July 1, 1993, are also covered by the new law. The measure specifies that state agencies or local units of government may not issue a permit for draining, burning or filling a wetland unless an exemption is provided. Exemptions are provided: for all the activities that were listed as not needing replacement plans; for development projects or drainage system improvement that have received approval or for which infrastructure has been installed, or that have received site plan approval or a conditional use permit within five years of the effective date of the new law; for which the local Soil and Water Conservation District or other permitting authority certifies that loss of wetland area will be replaced; and for enrollment in the federal farm program already prohibited to alter a wetland.

The new law also contains landmark language concerning ecologically significant peatlands. The language, the first of its kind in the nation, details prohibited activities on ecologically significant peatlands and list activities that are allowed. The activities that are allowed are narrowly defined and provide for recreational, scientific and educational use and for further protection of the peatlands.

Finally, the new law also provides bonding authority and makes appropriations for conservation easements on wetlands and for restoration. The new law authorizes a total of \$13 million in new and existing bonding and \$3 million in general fund appropriations.

## ***Crime victims notice requirements***

Under Chap. 170, crime victims must be notified of an offenders escape from prison or other type of corrective supervision, within six hours after the discovery of the escape. The law also specifies that victims must be notified of an offenders transfer from one correctional facility to another when the correctional program involves less security. In a related provision, the good faith effort to notify the victim must

occur prior to the release, transfer or change in security status of the offender.

The legislation, sponsored by Sen. Randy Kelly and Rep. Art Seaberg, also requires the prosecutor to make a reasonable good faith effort to notify each identifiable victim within 15 days of the final disposition of an offender's criminal case.

## ***Teacher termination procedures***

Post-probationary teachers whose contracts are not renewed by their school board now have a new avenue for resolving disputes that may arise from termination. A teacher may request arbitration instead of a hearing before the school board under Chap. 196, authored by Sen. Jane Ranum and Rep. Linda Scheid.

A school board may choose not to renew a teacher's contract for the following year or immediately discharge the teacher for a variety of reasons

ranging from discontinuance of the position to teacher misconduct. Previously, when notified of the board's intent, a teacher could only request a hearing before that same school board. Now the teacher has the additional option of requesting binding arbitration.

To receive an arbitration hearing, the teacher must file a written request for a hearing within 14 days of receiving notice of contract non-renewal or 10 days of receiving notice of being discharged. Those notices must be written and inform the teacher that arbitration is an option.

The law goes on to specify the criteria for serving as an arbitrator and specifies how an arbitrator may be selected if the teacher and board are unable to agree upon one. The arbitrator will then hear both sides and determine if the evidence warrants termination or discharge, or may impose a lesser penalty. The hearing can be either public or private at the option of the teacher.

The law also requires the Bureau of Mediation Services to maintain a list of qualified arbitrators for teacher dismissal

hearings from names submitted by the Minnesota Education Association, the Minnesota Federation of Teachers and the Minnesota School Boards Association.

## ***Veterans discrimination prohibited***

Insurance companies cannot refuse life insurance coverage to members of the United States reserve components or National Guard due solely to military status unless the reserve or guard member is called to active duty. Under chap. 188, sponsored by Sen. William Luther and Rep. Wes Skoglund, refusing to reinstate group life or health coverage to members and dependents whose coverage was discontinued while the member was on active duty constitutes an unfair and deceptive practice and is prohibited. The new law further states that the reinstated coverage must not contain any new preexisting condition or other exclusion except a condition

Several new laws were enacted to assist and honor returning Gulf war military personnel.



Photo by Tom Olmscheid



determined by the Veterans Administration to be a disability incurred or aggravated in the line of duty. Reinstatement is effective after the member applies and pays any required premium.

## **Contractors licensing**

In an attempt to address the problem of fly-by-night building contractors, the Legislature enacted a new law to require residential building contractors, remodelers and specialty contractors to be licensed by the state. Chap. 306, sponsored by Sen. Gregory Dahl and Rep. Jerry Bauerly, defines who must be licensed, requires continuing education, requires licensees to complete a written examination and sets forth the procedures for denial, suspension or revocations of licenses.

Under the measure, all residential building contractors, remodelers and specialty contractors must be licensed. The new law specifies that the commissioner of commerce must recommend which types of one-skill competency or single special skill groups are to be included as specialty contractors by Jan. 31, 1992. The commissioner must also recommend the licensing procedures and potential continuing education requirements that must be met by specialty contractors. The new law also provides for exceptions from the licensing requirement. Under the measure, the license requirement does not apply to: an employee of a licensee; a person, manufacturer or retailer furnishing products or materials; owners of residential real estate who improve the real estate or who build or improve a structure on the real estate and do the work themselves; an architect or engineer; a person working on a project by one or more contracts for which the total contract price is less than \$2,500; a mechanical contractor, plumber, or electrician; a person doing excavation for the installation of an on-site sewage treatment system; specialty contractors that are already required to be licensed; and specialty contractors that are not required to be licensed as determined by the Legislature.

The new law also establishes a Builders State Advisory Council to

advise the commissioner on licensing matters. Fees for the licensing of residential building contractors and remodelers are set at \$60 for the license period ending Mar. 31, 1993 and at \$75 per year after that date. The fees for specialty contractors are to be set by the commissioner.

Continuing education requirements are also outlined in the new law. The measure also specifies that a licensee must provide proof of completion of 15 hours of continuing education for each two-year license period. In addition, the commissioner must ensure that continuing education courses are offered throughout the state and are easily accessible to all licensees.

Application and examination procedures are also detailed by the new law. At a minimum, the law requires that the examination include appropriate knowledge or reference materials and code books to be used for technical information and understanding of the general principles of business management and other state laws. In addition, the commissioner and the council must determine the competency skills and installation knowledge required for the licensing of specialty contractors.

Procedures for the denial, suspension or revocation of licenses are also outlined in the law. In addition, the measure specifies that any person required to be licensed who performs unlicensed work is guilty of a misdemeanor. The new chapter authorizes the commissioner to bring actions, including cease and desist actions, against an unlicensed or licensed residential building contractor, remodeler, or specialty contractor to protect the public health, safety or welfare.

Residential building contractors, remodelers, and specialty contractors must also post a license bond with the commissioner. The residential building contractor and remodeler licensees must post a bond of at least \$5,000 and a specialty contractor must post a bond of at least \$2,500. In addition, contractors, remodelers and specialty contractors must have public liability insurance with limits of at least \$100,000 per occurrence and \$10,000 property damage insurance. The measure includes language authorizing the commissioner to increase

the minimum amount of insurance based on the type of license and the annual gross receipts of the licensee.

Finally, the measure exempts residential building contractors, remodelers, or specialty contractors licensed by the cities of St. Paul and Minneapolis from the state licensing requirement. However, the two cities must adopt and administer the tests for licensure established for the state license.

## **Battered women bill**

Low-income women who are battered and who are filing for an order for protection, will have their filing fees waived, under Chap. 272, sponsored by Sen. Ember Reichgott and Rep. Ann Rest.

The new law seeks to protect and empower battered women by specifying that a person who violates an order for protection within two years is guilty of a gross misdemeanor, and that the court is authorized to issue a new order for protection based on a violation of a prior order. Additionally, a peace officer may now arrest a person who has violated an order for protection at either the petitioner's residence or workplace without a warrant.

The legislation also creates a Sexual Assault Advisory Council. The council will act as a liaison between the commissioner of corrections and other organizations that provide services to victims of sexual assault.

In addition to the creation of a Sexual Assault Advisory Council, the new law creates a Battered Women's Advisory Council to also serve as a liaison between the commissioner and organizations that provide services to battered women. The council will advise the commissioner on planning, rulemaking, funding and evaluating programs and services for battered women. In addition, grants will be awarded to programs that provide emergency shelter services and support services to battered women and their children, and for educational programs that help to increase public awareness on the causes of battering, the solutions to preventing and ending domestic violence and the problems battered women face.



Photo by Tom Olmscheid

## *Airbus base*

One of the top headline grabbers late in the legislative session was an economic development proposal to provide Northwest Airlines with incentives to build a major aircraft maintenance base in Northeastern Minnesota. Chap. 350 contains bonding authority and tax incentives to provide Northwest Airlines with the funds to build a major Airbus maintenance and repair facility in Duluth and an engine overhaul facility near Hibbing. The facilities are to be used to service Northwest's growing fleet of Airbus A320s and Boeing 757s. According to supporters of the new law, the facilities will employ between 1,500 and 2,000 workers with an average salary of \$50,000 per year.

Specifically, the new law, sponsored by Sen. Sam Solon and Rep. Wayne Simoneau, authorizes the state to sell \$350 million in revenue bonds and use the proceeds to construct the maintenance facility in Duluth and the engine repair facility in Hibbing. In addition,

the law specifies that the Metropolitan Airports Commission or the Chisholm-Hibbing Municipal Airport will own the facilities and lease them to Northwest. The Metropolitan Airports Commission is also authorized to sell \$390 million in both revenue and general obligation bonds and lend the proceeds to Northwest for the airline's general acquisition needs.

The new chapter provides that the construction bonds are to be repaid through lease payments from Northwest, a direct subsidy from the city of Duluth and through revenues from tax increment financing districts in Duluth and Hibbing. The legislation also specifies that the proceeds of the bonds sold for Northwest's general acquisition needs are to be secured by property owned by Northwest Airlines in the Metro Area, primarily the pilot training facility in Eagan.

Should Northwest Airlines default on the lease payments, the new law specifies that one half of the construction bonds, \$175 million, are to be guaranteed by

the state's issuance of general obligation bonds. In addition, \$38 million is guaranteed by St. Louis County according to language in the new law.

Other tax incentives included in the new law include a corporate income tax credit of \$5,000 per new employee and a sales tax exemption on equipment and materials used in the construction of the facilities.

In addition, Chap. 350 specifies that provisions in the lease and loan agreements with the airline require that Northwest (and any successors should the airline be sold) maintain its corporate headquarters in Minnesota until the bonds are paid off. Finally, the new law requires the Legislative Commission on Planning and Fiscal Policy to review and approve all of the bond sales, lease, loan and revenue agreements.

## *Insurance reform*

With the warning of the savings and loan debacle fresh on their minds,

legislators took steps this year to prevent a similar catastrophe in the insurance industry. The result was Chap. 325, a massive, technical measure that increases the regulatory powers of the Dept. of Commerce and enacts several model laws recommended by the National Association of Insurance Commissioners. The new law, sponsored by Rep. Wes Skoglund and Sen. William Luther, sets in place monitoring systems and establishes investment standards to prevent the deterioration of the insurance industry's financial health.

The new law requires insurance companies that engage in reinsurance to submit to examination by the Dept. of Commerce, to have a reserve of at least \$20 million (\$50 million for companies insuring "long-tail" liabilities), and to have the commissioner's approval to sell more than 50 percent of its liabilities.

The ability of the Life and Health Guaranty Association to pay the liabilities of insolvent insurers is also enhanced under the new law. The measure protects policyholders to \$100,000 cash value and \$300,000 for performing annuities and life policies. The amounts will rise with inflation under the new law. However, the provision does not become effective until 1992.

Other provisions require increases in insurer equity, diversified investing to limit concentrations in high risk areas such as junk bonds and real estate, and tougher accounting standards. In addition, the chapter requires the licensing of managing general agents and reinsurance intermediaries, authorizes the commissioner to place a company under direct supervision and requires each domestic insurer to evaluate the company's compliance with its written investment policy.

## ***Missing child school records***

Children abducted by one parent away from the other parent may be easier to find with the passage of Chap. 187. The law, authored by Sen. Gene Waldorf and Rep. Rich O'Connor, is designed to alert law enforcement officials of the possible whereabouts of a missing child.

The law requires a school district to flag the school record of a student if the district is notified by a law enforcement agency of the pupil's disappearance. Whenever a copy of the student's record or information about the student is requested, the law further requires the school district to notify that same law enforcement authority of the request and provide information regarding from whence the request came. In addition, the district a student transfers to is required to contact the district where the student was previously enrolled to either verify any record provided them by the student's parent or guardian, or request a copy of the student's record.

## ***County fee increases***

Fees for services performed by county recorders offices were raised this session, under Chapter 226, carried by Sen. John Hottinger and Rep. Edgar Olson. The

fees are charged for services such as indexing and recording deeds and instruments. Most of the service fees were doubled, with the largest increase for filing abstracts of title. The new fee limits are raised to five dollars for every entry, \$50 for abstract certificates, one dollar per page for each exhibit included in the abstract and two dollars per name for required name search identification. In addition, a minimum fee of \$30 (50 cents per unit) is imposed for filing a condominium plat but fees for condominium floor plan certification were eliminated. Registrar's fees are also raised in the new chapter, in most instances by the sum of ten dollars.

Under the new law, one dollar of each fee collected by the county recorder will be deposited in the county recorders equipment fund. The fund is to offset costs incurred when counties modernize retrievable information systems equipment and recorded documents system equipment.



Under Chap. 195, owners of dangerous dogs will be required to post a warning sign.





Power generating facilities are encouraged to use renewable energy sources, such as wind, under Chap. 235.

## Energy saving legislation

Under Chap. 235, energy consumption in state buildings will be curbed 25 percent by the year 1996. The energy saving legislation, sponsored by Rep. Joel Jacobs and Sen. Steve Novak, is aimed

at reducing energy consumption in government, business and residential sectors.

The new chapter requires building and lighting codes that are based on federal law standards to be adopted by the Dept. of Public Service for state buildings by 1992. After January 1994, the new law

prohibits the use of incandescent bulbs in state building exit signs. The lighting provision is expected to result in an energy savings of \$9 million annually, after the first year of cost recovery.

Provisions are also designed to increase energy conservation initiatives among public utilities by mandating conservation investments. The measure requires gas utilities to invest .5 percent of their gross operating revenues in energy conservation improvements, while electric utilities must invest 1.5 percent of gross operating revenues. Municipal and cooperative utilities must invest the same amounts, depending on whether they furnish electric or gas service. Utilities may invest a portion of the revenues into the energy conservation account, administered by the Dept. of Public Service (DPSv), for low income energy conservation improvement programs. A total of \$40,000 is allocated to the DPSv for administration and analysis of conservation improvement programs, and \$1 million is appropriated from the general fund into the energy conservation account.

The new law allows utilities to file with the Public Utilities Commission (PUC) for rate hikes that cover the costs of the investments. For additional incentive, companies are eligible for tax adjustments based on investment amount.

For companies currently investing in load management programs as a conservation measure, the measure defines load management programs as those resulting in a demonstrable reduction in energy consumption.

Another section relating to low income related conservation pertains to the cold weather rule shut off procedure. Municipals and cooperatives are prohibited under the legislation from disconnecting a residential customer between October 15 and April 15 if the customer meets certain criteria: the customer cannot pay as indicated on forms provided by the utility, the customer's income is less than 185 percent of the federal poverty level, and the customer's payment schedule is current or reasonably current before October 15. The new chapter requires all municipals and cooperatives to notify all customers of these provisions.

The new legislation also attempts to curb the use of power generated from nonrenewable energy sources. The measure prohibits the PUC from issuing a certificate of need to the applicant of a facility generating power from a nonrenewable energy source unless the applicant can demonstrate that power generated from a nonrenewable energy source is less expensive (including environmental costs) than power generated from a renewable energy source. Renewable energy sources in the statute consist of energy generated from water, wind, sun, geothermal energy, or trees and other vegetation.

The measure also contains appropriations for administration and analysis of conservation programs, to improve the energy efficiency of residential oil-fired heating plants in low income households, for a study of the potential market for photovoltaic (solar power) devices and for a study to evaluate the need for a carbon emissions tax. All of the appropriations provisions were line item vetoed by the governor.

## ***Permanent replacement hiring prohibited***

Under Chap. 239, employers are prohibited from hiring permanent replacement employees during a strike or lockout. Under the new law, the striking employees, who must be represented by a certified bargaining unit, are essentially guaranteed their jobs in the event of a strike. Currently, employers are allowed to hire permanent replacement help during certain strikes that are not a result of unfair labor practices. Under the legislation, which is intended to protect the right to strike, hiring permanent replacement workers during any strike would be considered an unfair labor practice. However, the new legislation may not affect some Minnesota corporations connected to interstate commerce because such corporations are governed by federal laws. The federal laws governing strikes are virtually identical to the usurped Minnesota laws. The new law is sponsored by Sen. Florian Chmielewski and Rep. Irv Anderson.

## ***Waste management legislation***

Under Chap. 337 waste management efforts are accelerated and streamlined in a variety of ways.

A number of provisions in the legislation target activities in the state government. A provision requires public entities to purchase only uncoated, recycled paper that is manufactured by processes using little or no chlorine bleach. In addition, a government office must use reusable binding materials or staples or binding methods that do not use glue.

Under the legislation, each government office is responsible for meeting the recycling goal of 40 percent of generated solid waste. In addition, public entities are prohibited from distributing reports or publications to a member or employee of the Legislature, except the Secretary of the Senate, the Chief Clerk of the House or the Legislative Reference Library, unless the member or employee requested the report or publication.

The statute also expands the list of major appliances requiring reuse or recycling to include microwave ovens and dehumidifiers. The law stipulates

that PCB's in appliance capacitors must be removed before the appliances are recycled.

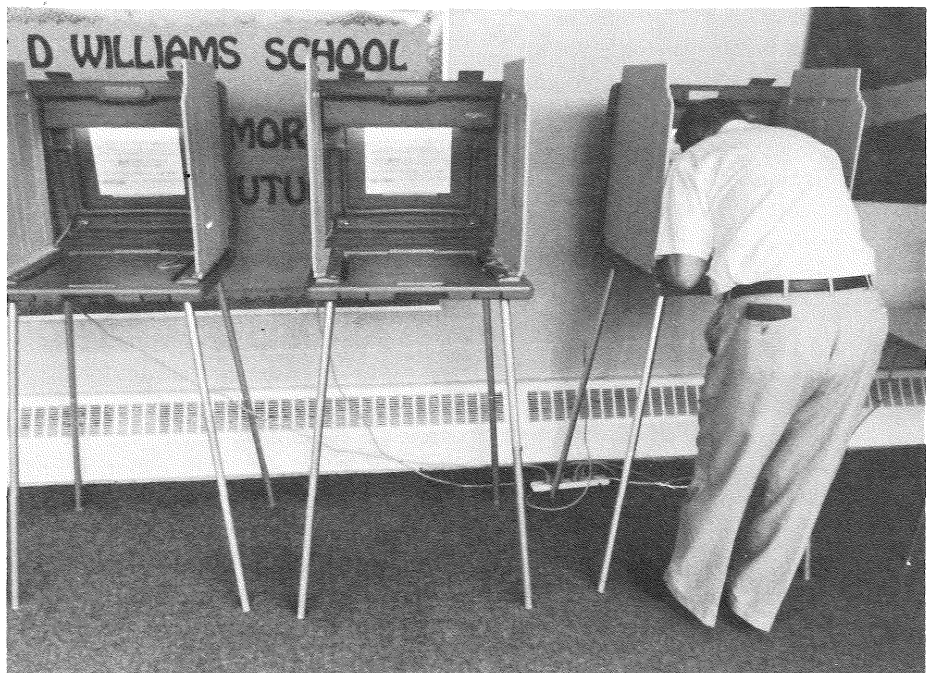
Each business and residential household in cities and towns over 5,000 will be required to have solid waste collection service under the new law. The household or business may be exempted from the law if it ensures the city or town that an environmentally sound alternative is used to manage and dispose of the waste.

Additionally, the legislation makes disposing of a battery in the garbage a crime.

Local governments are expected under the legislation to act on a county's application for a solid waste facility within 120 days of the request. Conversely, if the facility requires an environmental impact statement or assessment worksheet, the local government unit must approve of the application for a facility within 90 days after the adequacy of the statement or worksheet has been determined. The PCA is required in the statute to act on an application for a solid waste facility within 30 days of receipt of an application.

Counties are increasingly responsible for meeting and ensuring recycling goals under the new law. The statute sets county recycling goals that must be met

Photo by Tom Olmscheid



Chap. 245 provides for time off work for employees to vote in state and presidential primary elections.



Notice and right to purchase for residents of manufactured home parks are addressed in Chap. 26.

by 1996. Metropolitan counties must at that time be recycling 45 percent of total solid waste generated, while Greater Minnesota counties must be recycling 30 percent of generated solid waste.

Counties must also ensure that residents of single and multifamily dwellings have an opportunity to recycle. Additionally, counties must encourage building and business owners and managers to provide recycling opportunities and services.

Garbage haulers and collectors are also included in the new legislation. Solid waste collectors must keep daily records regarding the volume, weight, type and origin of waste collected. The records can be examined by an authorized person without a search warrant and must be maintained for two years. The law allows counties to adopt civil penalty fees—up to \$10,000—for haulers who violate designation ordinances by dumping at a facility other than the one designated. The legislation also allows counties to charge waste facilities a fee for waste coming from outside the county. However, a new provision exempts solid waste collectors from the fees or penalties under certain circumstances, such as if the designated site is closed. Solid waste collectors are required to be licensed after January 1, 1993, under the new law.

The new chapter, sponsored by Rep. Jean Wagenius and Sen. Gene Merriam, also modifies the waste facility siting

process and abolishes the inventory process for solid waste disposal facilities in the Metro Area. Under the new law, the Metro Council and each of the metropolitan counties are to discontinue all activities related to the siting of mixed municipal solid waste disposal facilities. In addition, the seven metro counties, the Met Council and the Office of Waste Management are to develop a specific process for siting and developing a disposal facility within the Metro Area to accommodate all of the ash produced by facilities in operation by August 1, 1996 that process mixed municipal solid waste. The counties, the Met Council and the Office of Waste Management are also to develop a specific process for siting and developing a mixed municipal solid waste disposal facility unless each county and the council agrees that a mixed municipal solid waste facility will not be needed within the next 15 years. Further, the counties are to design the siting process to avoid siting facilities where those facilities could have strong negative impacts on aquifers. The counties are to report, by Dec. 1, 1991, on the proposed process and on recommendations for legislative action. The Legislative Commission on Waste Management is directed to study statewide solid waste management facility siting procedures and recommend legislation by January 1, 1992. After hearing the reports and rec-

ommendations, the commission is to make a formal recommendation to either allow the repeal of the existing metropolitan landfill siting process or to reinstate that process.

Finally, the new law creates an Air Quality Advisory Task Force to conduct a comprehensive review of the state's air quality.

## ***Violent sports fan exclusion***

Sports fans who assault sports officials may be excluded from sports activities for up to one year under chapter 168, sponsored by Sen. John Hottinger and Rep. Steve Sviggum. Exclusions may be made by the board of directors of the State High School League or by a school board. Exclusions by the league may ban persons from attending games of the same sport or any other sport. A school board may exclude the person from any activity participated in by the school district. The law further establishes the procedures by which an exclusion order can be made and gives exclusive authority for excluding a head varsity coach to the school board employing the coach.

## ***Air emission permit requirement***

Operators of new or expanded incinerators must obtain air emission permits from the Pollution Control Agency before operation is allowed under Chap. 231. The provision, which is retroactive to March 1991, does not apply to incinerators that manage waste generated primarily by the owner or operator of the incinerator and that are at or under a 350 pound capacity. Under present law, incinerators at or under 1,000 pounds are allowed to operate without an air emission permit. The new law stipulates that the permit be granted for the incinerator only after the PCA has prepared and approved an environmental impact statement. This last provision is not retroactive but takes effect when the measure is signed into law. The new law is authored by Rep. Jeff Bertram and Sen. Joseph Bertram.



## ***Public employee health care coverage***

Counties may establish preventive health and recognition programs for their employees under chapter 128. Authored by Sen. Steve Morse and Rep. Linda Wejcman, the new law gives counties the authority to implement such programs as long as the counties provide the necessary funding.

The law also gives the commissioner of employee relations the authority to make rules concerning compliance with pay equity laws and makes former classified employees receiving disability retirement benefits eligible to return to work. It further allows the continuation of health care coverage for persons 55 years old or older who are retired or eligible to retire, or are at least 65 years old and enrolled in Medicare.

## ***Deadly force policies***

Under a new law, local and state law enforcement agencies are required to have written policies governing the use of deadly force by peace officers. Chap. 141, carried by Sen. Randy Kelly and

Rep. Dave Bishop, is in response to recent deaths involving the use of deadly force by peace officers.

The legislation also mandates that every local and state law enforcement agency must provide initial and ongoing instruction on the use of deadly force and the use of firearms to all full-time and part-time peace officers.

## ***Legal assistants practicing law***

In an effort to control the escalating costs of legal services and provide easier access to legal services, Chap. 299, authored by Sen. Randy Kelly and Rep. Andy Dawkins, requests the Supreme Court to review the delivery of legal services by specialized legal assistants and report back to the legislature by December 1, 1993.

Under Chap. 299, the report must address whether the delivery of legal services through specialized legal assistants is in the best interest of consumers of legal services. Not only that, the report must include the areas and scope of practice for specialized legal

assistants, the circumstances under which a specialty licensed is required, the qualifications for specialized legal assistants and the examination and license requirements.

The new law does not prohibit specialized legal assistants, who hold specialty licenses issued by the Supreme Court, from delivering legal services before July 1, 1995.

## ***Tree spiking prohibited***

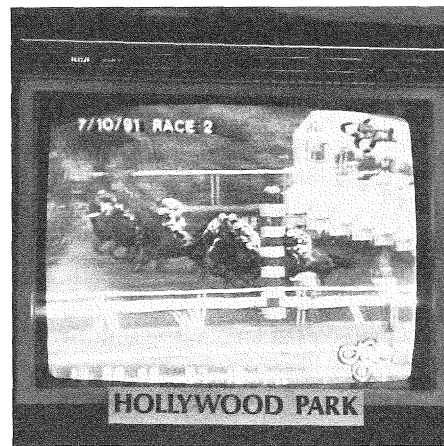
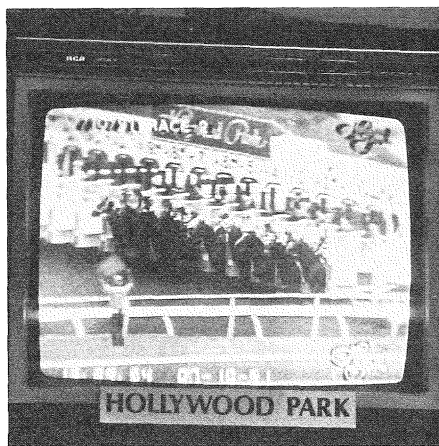
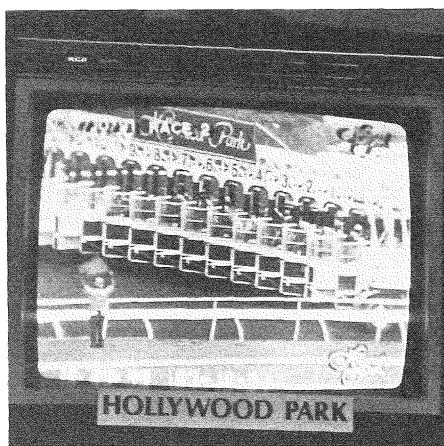
Radical environmentalists aiming to protect old growth forests by driving spikes into trees to hinder their harvest and processing would be guilty of a crime under Chap. 180, sponsored by Sen. Skip Finn and Rep. Loren Solberg. The law also makes possession of materials with intent to use for such purposes a crime, sets penalties for those crimes and provides for restitution of damaged property.

In addition, the law authorizes the commissioner of the Dept. of Natural Resources to substitute non-old growth forested lands for old growth forests for which a timber processor holds a permit.

Chap. 179 changes provisions concerning the handling, storage and transportation of eggs.

Photo by Tom Olmscheid





## Gaming provisions

Legalized off-track betting, in limited form, is one of the major components of Chapter 336, the omnibus gambling law passed this session. Teleracing, the legalized betting on horseraces at sites other than the state's only racetrack, Canterbury Downs, is the latest addition to the state's billion dollar gaming industry. The new law sets in motion the procedure for establishing legalized teleracing and establishes authority within the Minnesota Racing Commission to initiate the teleracing facilities. The measure allows for the licensing of two such facilities before January 1, 1992 and two thereafter. In addition, the new chapter sponsored by Sen. Charles Berg and Rep. Loren Solberg, makes several changes in gaming statutes, establishes provisions for compulsive gambling treatment and loosens current lawful gambling regulations.

The new law sets forth the various conditions under which parimutuel

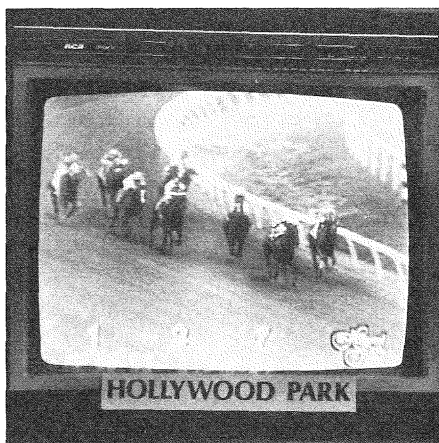
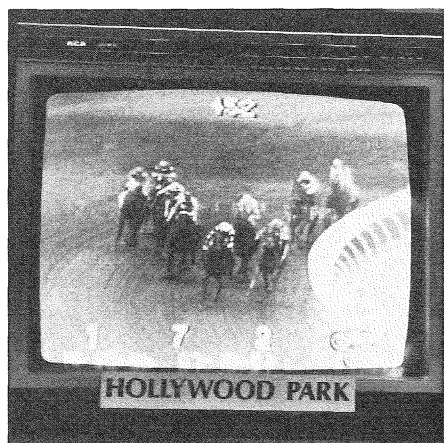
wagering on horse racing at teleracing facilities may be allowed in the state. The law gives the Racing Commission authority to issue class E teleracing licenses and requires at least one public hearing be held in the area where a class E license is to be issued. The law sets the annual fee for a class E license at \$500. The takeout, pool distribution, and types of betting at the teleracing facility are the same as those in effect at the sending racetrack.

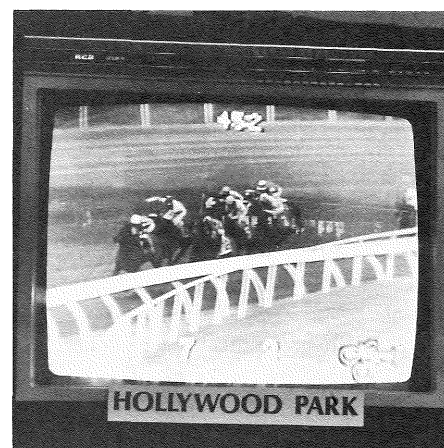
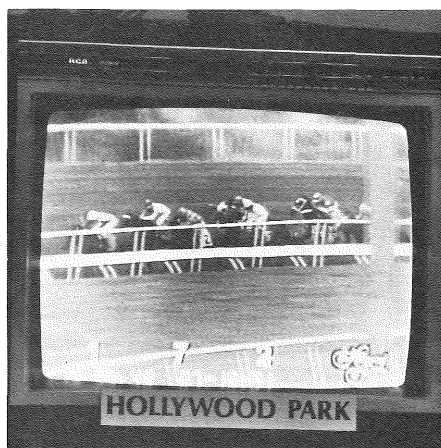
Purse requirements are changed and widened under the new law, repealing the formula that required a simple 8.4 percent of the first \$1 million in average daily handle be set aside for purses. The new language expands purse requirements to accommodate the expansion of parimutuel law over the past two years. For races at the Minnesota racetrack, and races that are simulcast from the Minnesota racetrack to a teleracing facility, 8.4 percent of total wagering handle must be set aside for purses. For other simulcasts during the racing

season, 50 percent of the total takeout must be set aside for purses, after various deductions for the pari-mutuel tax, breeders' fund contribution, and fees to the sending racetrack. For races outside racing season until Jan. 1, 2001, the amount set aside for purses varies, with 25 percent of the takeout, after deductions, set aside. An additional 8 percent of the total wagering handle must be set aside for the first \$125 million in total off-season handle, 30 percent for the next \$50 million, 40 percent for the next \$25 million, and 50 percent of the total wagering handle for amounts over \$175 million.

In addition, the minimum wager at both Canterbury and future teleracing sites has been reduced from \$2 to \$1. The new law also makes an allowance for a possible court challenge, by stating that if the teleracing provisions are found unconstitutional, the finding will not affect the constitutionality of the lottery and lawful gambling changes.

The new law also makes several





Photos by Andrew VonBank

changes in the lawful gaming statute and state lottery operations. The legislation restricts the use of religious themes and symbols in lottery advertising and, after July 1, 1991, the lottery may only expend 2.75 percent of its gross revenue on advertising. The lottery director is authorized to enter into agreements with other states for joint lottery games with other states. Under the new law, the compulsive gambling hotline number must be displayed in a prominent place wherever gambling is conducted; betting windows at the racetrack and teleracing facilities, and stores and bars where lawful gambling chances or lottery tickets are sold. In addition, compulsive gambling assessments must be performed prior to sentencing on persons convicted of felony theft, embezzlement or forgery. A compulsive gambling taskforce is established to study problems related to compulsive gambling.

Many changes that favor gambling organizations are included in the new statute. The law does away with the old

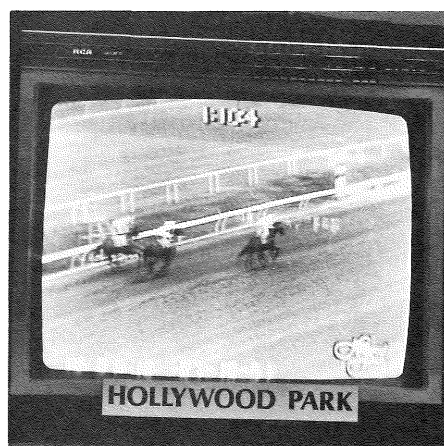
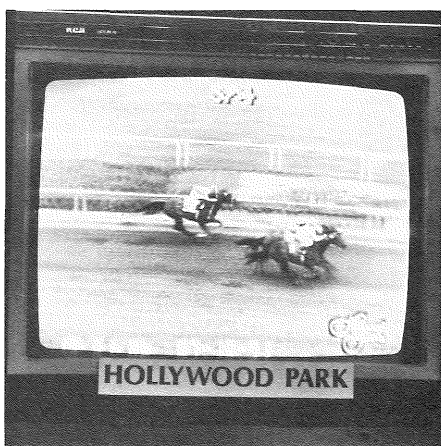
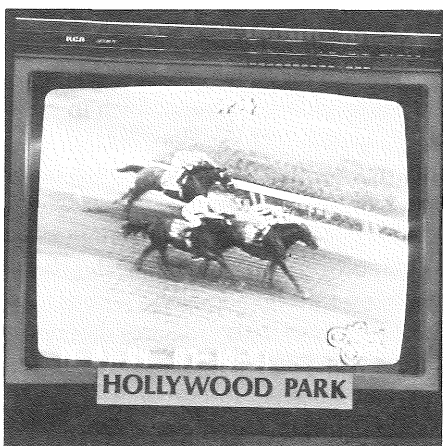
list of allowable expenses, instead defining allowable expense as any expense "directly related to the conduct of gambling." The new law also repeals the Lawful Gambling Control Board's authority to define allowable expense by rule. Changes in the lawful purpose expenditure definition include allowing half the cost of an annual audit as lawful purpose. In addition, the lawful purpose limit on property taxes was raised from \$7,200 to \$15,000.

Recipients of charitable gambling funds will no longer be required to report each contribution to the board. However, organizations are still required to report contributions monthly. Gambling licenses have been extended from one to two years under the new law, and the fee has been doubled accordingly. Premise permits are also extended from one to two years and the fee doubled.

Licensing of gambling equipment manufacturers and distributors is recodified in the new statute. Manufacture and sale of gambling equipment is

allowed to licensed distributors and for use in other states. Manufacturers may sell to Indian tribes for use in gaming under a tribal-state compact. In addition, sale of gambling devices are allowed for home use. Sale of one machine per year is allowed by persons not involved in manufacture, distribution or sale of gambling devices. License fees for distributors are changed to a sliding scale. Distributors of up to 100 used devices in a year will pay \$1,500, while distributors of over 100 used devices will pay \$2,000. (A used device is five years old or more.) Distributors and manufacturers of up to 100 new or used devices in a year will be assessed \$5,000, while those manufacturing or selling over 100 new or used machines in a year will be assessed \$7,500.

A number of changes to the laws governing paddlewheels are included in Chap. 336. The board is required to prescribe specific rules governing the use of paddlewheels by July 1, 1992. New paddlewheel games and equipment are





prohibited until July 1, 1993. The maximum price of a paddleticket is set at \$2 and the maximum prize may not exceed \$70. Under the new law, local governments may ban the use of paddlewheels within their jurisdiction.

Video games of chance are banned under the new chapter. The law makes reference to Indian gaming and states that use of video games of chance and otherwise illegal gambling devices are not prohibited on reservations. The new law does require that the governor, gubernatorial designees and the attorney general make reports to the House and Senate Gaming Committees on the status of negotiations of tribal-state gaming compacts.

Not included in this chapter, but in the Omnibus Transportation and Regulation Funding measure, is a measure abolishing the Dept. of Gaming and reorganizing the various divisions.

## *DWI omnibus legislation*

Comprehensive legislation providing stronger penalties for DWI offenders comprises Chap. 270, sponsored by Sen. Harold "Skip" Finn and Rep. Jeff Hanson.

Under the new law, repeat DWI offenders will be required to pay an

additional \$5 surcharge in addition to the \$76 chemical dependency assessment charge. Also, the measure increases the waiting period for a limited driver's license from 60 to 180 days for individuals who committed manslaughter or criminal vehicular homicide or injury resulting from the use of a motor vehicle.

In addition, the legislation provides that an individual who possesses a limited license and does not carry the license while operating a motor vehicle, is guilty of a misdemeanor. Also, if a person violates any conditions or limitations of a limited license, the individual is barred from operating a motor vehicle for the remainder of the suspension or revocation, or 30 days, whichever is longer.

Included in Chap. 270, is a provision creating a one-year pilot program for an ignition interlock system that is installed in the cars of individuals whose licenses have been cancelled or denied due to DWI or controlled substance violations. The purpose of the device is to prevent a recurring offender from drinking and driving. In addition, the individual who is participating in the program will be responsible for all costs associated with the device. The legislation also provides that it is a misdemeanor if a person knowingly lends, rents or leases a motor vehicle equipped with the device to a

person with a limited license, or tampers or fails to use the device.

Another initiative contained in the legislation that is geared toward the DWI repeat offender is one creating a program within the Dept. of Public Safety to provide grants to counties that establish appropriate sentencing alternatives for repeat DWI offenders who are considered to be of high risk to the community. However, funding for the provision was line item vetoed by the governor. The goal of the initiative is to protect the public and provide appropriate sentencing alternatives. Counties are required to assess the offender's chemical dependency and provide several stages of supervision including, but not restricted to, 30 days in jail, other forms of non-incarceration supervision and mandatory abstinence from alcohol and other drugs.

Lastly, the legislation includes a provision dealing with individuals who use breath alcohol testing devices located in bars. The provision exempts a liquor licensee, designer, manufacturer, distributor, or seller of such a device from any liability arising out of the result of the test. However, the exemption from liability only applies if a notice has been posted in the bar informing patrons of the exemption from liability, that the test is to be used for informational purposes only, and that DWI is a violation under state law.

Evidence regarding the result of a test by a breath alcohol testing device in a licensed bar is not admissible in either a civil or criminal proceeding, under the legislation.

## *Redistricting standards set*

Standards for drawing new legislative district boundaries were set forth in House Concurrent Resolution 2, authored by Rep. Peter Rodosovich and Sen. Lawrence Pogemiller. The resolution establishes 67 Senate districts and 134 House districts, and delineates the numbering system across the state of those districts. It also requires that new district populations not deviate more or less than 2 percent from the ideal, that districts must be as compact as possible,

The names and addresses of lottery winners are classified as private data under the omnibus gaming measure, Chap. 336.



Photo by Tom Himscheid



and must not divide counties, cities or towns unless necessary to meet population requirements.

In an effort to make the legislature reflect Minnesota's cultural diversity, the resolution prohibits diluting the voting strength of a racial or language minority and mandates that wherever a minority population concentration is found, the district lines be drawn so as to increase the probability that a member of that minority will be elected. The resolution also calls for maintaining the integrity of a community of interest within a legislative district. Communities of interest include neighborhood associations and socio-economically homogeneous areas.

### *Donation of vacation time*

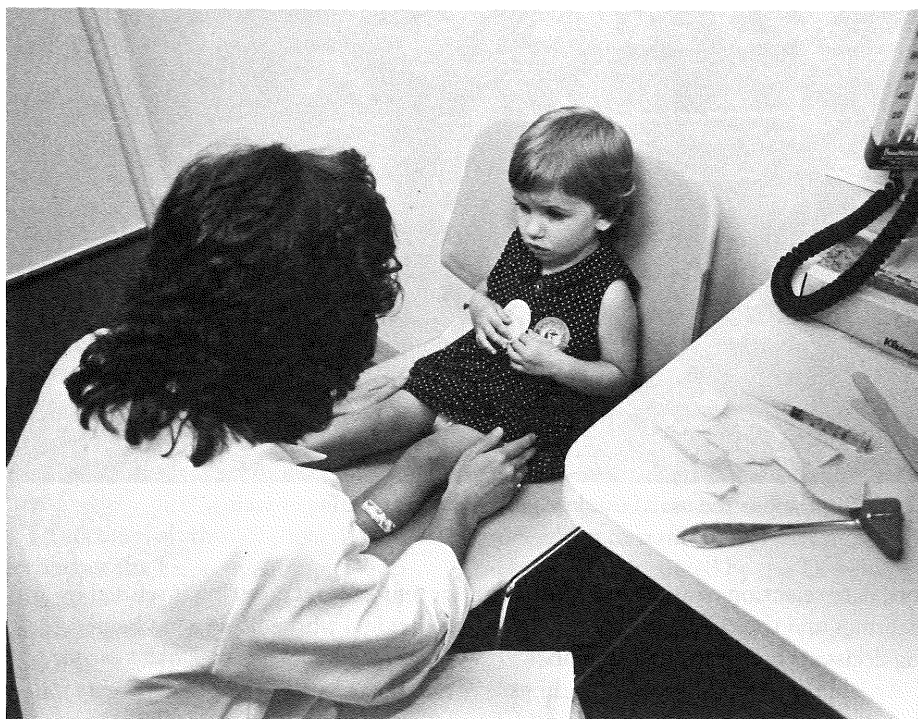
The amount of accrued vacation time that one state employee may contribute to another was increased. The new law, chapter 9, sponsored by Sen. William Luther and Rep. Paul Ogren, increases the amount from eight to 12 hours. Previous legislation requires the money only be used to pay medical expenses in excess of \$10,000.

### *Family law legislation*

Chap. 271, makes changes to court orders, final hearings, and joint custody hearings involving divorce proceedings. The legislation is an attempt to streamline and decrease the number of steps it takes to obtain a "simple" divorce.

In cases where domestic abuse may be a factor, the summons in a divorce proceeding will include language to transform it into a temporary restraining order. The temporary restraining order must include language prohibiting harassment by either party, prohibiting either party from disposing of any assets, requiring that insurance must be maintained and continued at the current level of coverage and prohibiting either party from changing their beneficiary.

In addition, Chap. 271, sets standards allowing divorce judgements and decrees to be issued without a final court



Chap. 30 requires children under age five to be immunized against haemophilus influenza type b.

hearing. However, the provision is only applicable in cases where there are no minor children involved, and the parties have entered into a written separation agreement listing all marital assets and debts and their apportionment between the parties.

Under the new law, statutes relating to joint legal and physical custody are amended. In cases of joint legal custody, the court is allowed to use a rebuttable presumption, upon request of either or both parents, that the joint legal custody is in the best interests of the child. However, before awarding joint physical custody, the court must consider and determine that the parents are flexible and cooperative to ensure that joint physical custody is in the best interests of the child.

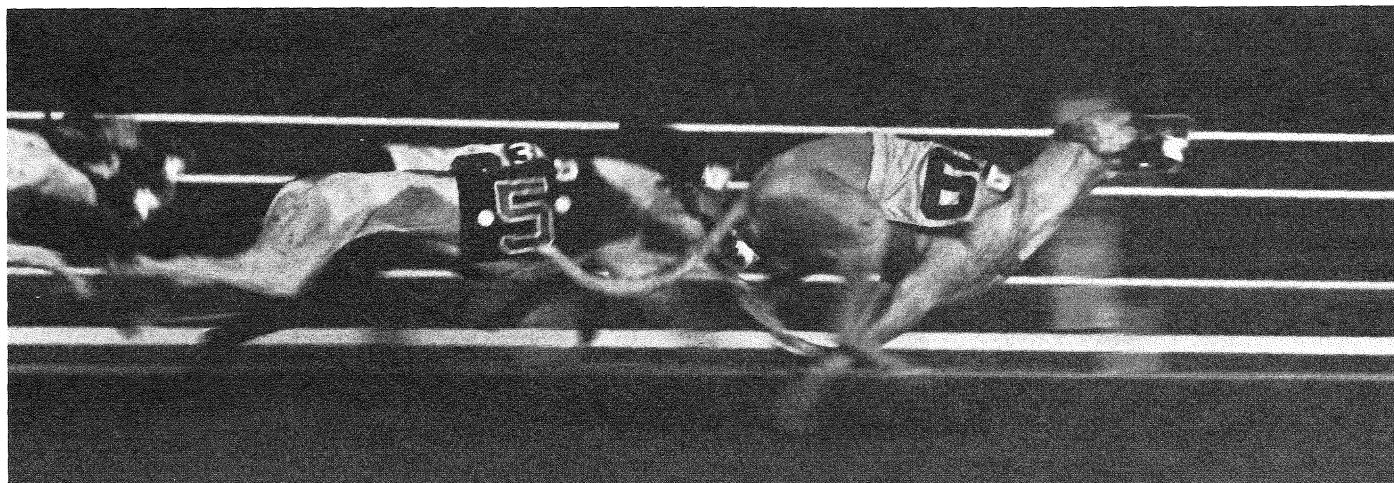
To make it easier for couples with no minor children, who have been married for less than five years, who have marital assets under \$10,000 and no more than \$5,000 in debts, and who have agreed on all issues that must be addressed in divorces, the legislation includes the creation of a summary dissolution procedure pilot project. The pilot project will be offered in at least three different judicial districts in the state, and will be

evaluated and reported to the Legislature by October 1, 1995. The legislation, is sponsored by Sen. Allan Spear and Rep. Kathleen Vellenga.

### *Unclassified state employees*

Chap. 238, sponsored by Sen. Gene Waldorf and Rep. Leo Reding transfers previously unclassified positions that do not meet statutory criteria for that status to the classified service. The law exempts state lottery employees whose primary responsibilities are in marketing, and specifies the employees in various agencies who may remain unclassified. In addition, the measure authorizes the commissioner of employee relations to develop and implement systems to place community college and state university systems positions and legal assistant positions in either the classified or unclassified service.

The second article of the chapter modifies the procedures by which labor disputes between state agencies and public employees are resolved. Those procedural modifications include evaluating the performance of arbitra-



Chap. 74 prohibits the use of live lures in greyhound training or racing.

tors, date selection of arbitration meetings and the timeframe for rendering decisions by the arbitration panel.

Article three ratifies various findings and recommendations by the commissioner of employee relations and the Legislative Commission on Employee Relations concerning managerial employees, unrepresented employees, unclassified employees, administrative law judges and the salaries of the chancellors of the state technical college system and the state university system. The last article makes changes to state payroll deduction and direct deposit practices by limiting direct deposit to only credit unions and financial institutions and limiting the payment of payroll deductions to only credit unions, labor organizations and insurance companies.

## ***DWI implied consent law expanded***

Chap. 136, makes changes to DWI advisories given by law enforcement officials to drivers who are being asked to take chemical tests for alcohol concentration. Under the legislation, at the time a test is requested a person will be informed that if the test is taken and the results show an alcohol concentration over the legal limit — which is .10 or more — the person's right to drive will be revoked for a minimum of 90 days; the person may be subject to criminal prosecution for a DWI offense, regardless of whether the test was taken

or refused; and if testing is refused by an individual whose license has been revoked once in the past five years or two times within the past ten years for DWI, the person may be subject to criminal prosecution. The legislation also provides that if the person refuses to take a test, the refusal may be offered as evidence against the person at trial.

## ***Sexual abuse statute of limitations lengthened***

Legislation designed to address the unique problems sexual abuse victims experience when reporting sexual abuse violations comprises Chap. 232, carried by Sen. Ember Reichgott and Rep. Kathleen Vellenga.

Oftentimes, victims are unable to recognize and report the source of harm done to them by the perpetrator until years later. Under current law, this phenomena, called delayed discovery, is not addressed. Hence, Chap. 232 extends the statute of limitations to six years for personal injury suits based on sexual abuse from the time the victim knew or had reason to know that the injury was caused by sexual abuse.

Additionally, for suits involving criminal sexual conduct cases, the legislation allows a minor victim to file an action within seven years after the offense or within three years after reporting the offense to law enforcement officials. For adult victims, suits can be

filed within seven years after the offense was committed.

The new law also grants special applicability to cases where a claim would otherwise be barred by allowing a suit to be brought up to August 1, 1992.

## ***Sex offender tracking***

Convicted sex and kidnapping offenders whose victims were minors will be required to report their current addresses to probation officers following their release from prison for ten years, under a new law, sponsored by Sen. Joe Bertram and Rep. Kathleen Vellenga. The purpose of the legislation is to aid law enforcement agencies in identifying and pursuing suspects in child abduction and sex offense cases since offenders characteristically repeat the same offenses.

Chap. 285, applies to individuals who have committed crimes against a minor that involved kidnapping, criminal sexual conduct, the solicitation of children for the purpose of engaging in sexual conduct, or the use of minors for the purpose of pornography or prostitution. Currently, there is no formal tracking of convicted sex offenders.

The legislation carries a criminal penalty in the form of a gross misdemeanor for anyone who fails to abide by the provisions. In addition, if an individual fails to register a change of address, the individual may be required

to continue to register for an additional five years.

Chap. 285, also includes provisions requiring the commissioner of public safety to distribute missing children bulletins to local law enforcement agencies, county attorneys, schools and other parties who are involved in locating missing children on a quarterly basis. The legislation also requires the commissioner to adopt standards for training personnel who are involved in investigating missing children cases. In addition, the new law makes it easier for law enforcement officers to gain access to medical and dental records of missing children for the exclusive purpose of aiding the investigation.

The new chapter also amends a provision that places restrictions on felony prosecutions for individuals who take, detain or fail to return a child. The new legislation provides that felony charges will be dropped against an individual who voluntarily returns the child within 48 hours.

### *Deli inspections*

Reducing the duplication of government services and regulations by

different agencies was the goal of Chap. 52, sponsored by Sen. Joe Bertram and Rep. Jeff Bertram. Specifically, the law addresses the licensing and inspection of the growing number of delicatessens and restaurants operating out of grocery and convenience stores. Previously, grocery and convenience stores were inspected and licensed by the Dept. of Agriculture. If those same stores operated delis, the local board of health could also require inspections and licensing fees. Under the new law, inspection of a deli or restaurant in a grocery or convenience store by the local health board is sufficient.

To accomplish that change, the law authorizes the Dept. of Agriculture to delegate its regulatory powers to local health boards and requires those local health boards to reach an agreement by March 1, 1992 with the Dept. of Agriculture as to the extent of those regulatory powers they will receive.

### *Seat belt fine increase*

The fine for not wearing a seat belt is increased to \$25 under Chap. 204. Currently the fine is \$10. A provision in

the current statute prohibits a peace officer from issuing a citation to a driver in violation of the seat belt law unless the officer stops the driver for a moving violation. In addition, the current law remains the same in that the offense may not be recorded on the person's driving record.

Under the new law, an out of state driver being stopped for a seat belt violation can plead guilty and pay the fine at the time of citation issuance with a credit card.

In addition, the new chapter, authored by Rep. Chuck Brown and Sen. Don Frank, requires that 10 percent of fine proceeds go to traffic safety educational programs administered by the Dept. of Public Safety.

### *Custody modifications*

Chap. 266 amends the standards for modifying joint custody orders. Under the new legislation, the court must consider and evaluate an amended set of standards in determining whether to modify prior joint custody orders. Prior joint custody orders may be modified if the court determines that there has been

Chap. 84 extends the date until March 15 for the removal of fish and dark houses from northern lakes.





Provisions concerning Light Rail Transit are contained in Chap. 298, a new law setting state transportation goals

a change in the circumstances of the child or both parents, that both parties agree to the modification, that the child has been integrated into the family of the petitioner with the consent of the other parent, that both parents agree in writing to the modification or that the parent seeking the modification is asking the court permission to move the child to another state.

Child support guidelines, used in determining the amount of child support payments, are also amended by the new law. The court is allowed to order the obligor to pay child support based on a percentage share of the obligor's net bonuses, commissions or other forms of compensation. In addition, the court is allowed to order the obligor to pay a specific dollar amount if the obligor receives no base pay.

The legislation also adds a provision setting new standards for satisfying child support obligations. The court is allowed to rule that an obligor has satisfied a child support obligation if the child was provided a home and care while the child was living with the obligor, or if the child was integrated into the family of the obligor with the consent of the other parent, and the child support payments were not

assigned to a public agency.

In instances where one party transfers, conceals or disposes of marital property without the other party's consent, the court, under the new law, can order that individual to compensate the other party. The legislation is sponsored by Sen. Ember Reichgott and Rep. Jean Wagenius.

### ***Developmentally disabled persons service providers training***

People who provide services to persons with developmental disabilities are the beneficiaries of educational materials to be developed under Chap. 276. The law, sponsored by Sen. John Hottinger and Rep. Carlos Mariani permits the State Board of Technical Colleges to develop those materials.

In so doing, the chancellor of the technical college system is required to appoint a 15-member task force comprised of people from different aspects of providing services to the developmentally disabled. The task force is required to report to the technical college board

and legislature their recommendations for changes in preservice and continuing education programs. Using those recommendations, the technical college board is required to coordinate their efforts with the Depts. of Human Services, Health, Education and Jobs and Training to develop the necessary materials.

### ***Transportation goals***

Some of the transportation goals under Chap. 298, sponsored by Sen. Keith Langseth and Rep. Henry Kalis, include safe and timely travel, multimodal access, and the efficient movement of goods to and from markets.

Under the new law, the Minnesota Dept. of Transportation (Mn/DOT) is directed to revise the state transportation plan every two years.

The commissioner of transportation is also directed to conduct a study of Minnesota railroad-highway grade crossing safety and improvements. The study, due in 1992, will include the benefits of warning devices and crossing improvements in curbing rail crossing violations and accidents. In addition, the driver of a motor vehicle violating a railroad crossing warning may be arrested within four hours of the incident. The statute also provides for railroad-highway grade crossing safety education in all driver education courses.

Park and rustic roads and natural preservation routes are granted protection under the new law. Natural preservation routes will be constructed and maintained by new minimum construction standards adopted by Mn/DOT. The routes will be designated by a newly-established sign system. Construction that negatively affects the aesthetic characteristics of park and rustic roads and natural preservation routes will be prohibited except in certain circumstances.

A section provides for consideration of light rail transit (LRT) in Minnesota. Application for federal funding for (LRT) will be made, under the law, by the Regional Transit Board, Mn/DOT and regional rail authorities, but it must be approved by the Metropolitan Coun-



cil. A light rail transit board is also established to review LRT preliminary engineering plans.

A provision of the new law, containing an appropriation to continue the Transportation Study Board was line item vetoed by the governor.

## *Jet skis regulated*

Chap. 225, authored by Sen. Bob Lessard and Rep. Tony Kinkel, regulates the use of personal watercraft such as a Kawasaki "jet ski". In addition to the regulations covering conventional watercraft, the law requires all passengers to wear a life jacket, the attachment of a lanyard-type engine cutoff switch to the operator if the craft is so equipped and an observer on board when towing a skier. The law prohibits the use of a personal watercraft between sunset and 8 a.m., with the return-to-idle system disengaged, in an unsafe manner or within 100 feet of swimmers or a secured boat or through aquatic vegetation fast enough to produce a wake.

The law establishes some age guidelines by requiring operators under age 13 be accompanied by someone over age 18, and operators that are at least age 13 but

less than 18 either have a watercraft operators permit or be accompanied by someone over age 18. Commercial dealers or renters of personal watercraft must provide their customers with a summary of the applicable laws and instruction in the safe use of personal watercraft. Rental operations must also provide personal flotation devices.

## *Oxygenated gasoline mandate*

Increasing the use of ethanol in gasoline is the aim of Chap. 302. Under the new law, sponsored by Sen. David Frederickson and Rep. Doug Peterson, oxygenated gasoline will be the only motor vehicle gasoline sold in the seven county Metro Area after October 31, 1995. In addition, the measure specifies that oxygenated gasoline will be the only motor vehicle gasoline sold statewide after October 31, 1997.

The legislation defines oxygenated gasoline as gasoline that meets the oxygen content standards set in the Federal Clean Air Act amendments of 1990; the oxygen content standard is 2.7

percent. One of the primary additives used to meet the standard is ethanol derived from agricultural products.

The new chapter also modifies the payments made by the commissioner of revenue to producers of ethanol. The measure specifies a payment of 20 cents for each gallon of ethanol produced on or before June 30, 2,000. The measure caps payments to all producers for the biennium at \$9 million and for any one producer in a fiscal year at \$3 million.

The new chapter also contains appropriations for the promotion and marketing of ethanol. However, the governor line item vetoed the appropriations.

## *Littering fine increase*

Under Chap. 138, a person who commits a second littering offense will be fined \$400. Currently, any littering offense after the first is met with a \$100 fine. The law remains the same in designating a first offense a misdemeanor and allowing littering offenses to be included on an offender's driving record. The measure is sponsored by Rep. Kathleen Blatz and Sen. William Belanger.

The fine for littering is increased to \$400 for a second offense in Chap. 138.



Photos by Tom Olmscheid

Senate Majority Leader Roger D. Moe

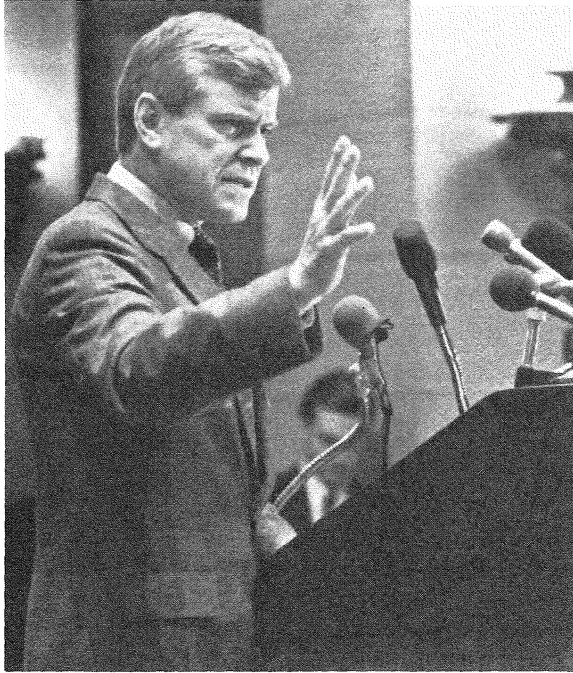
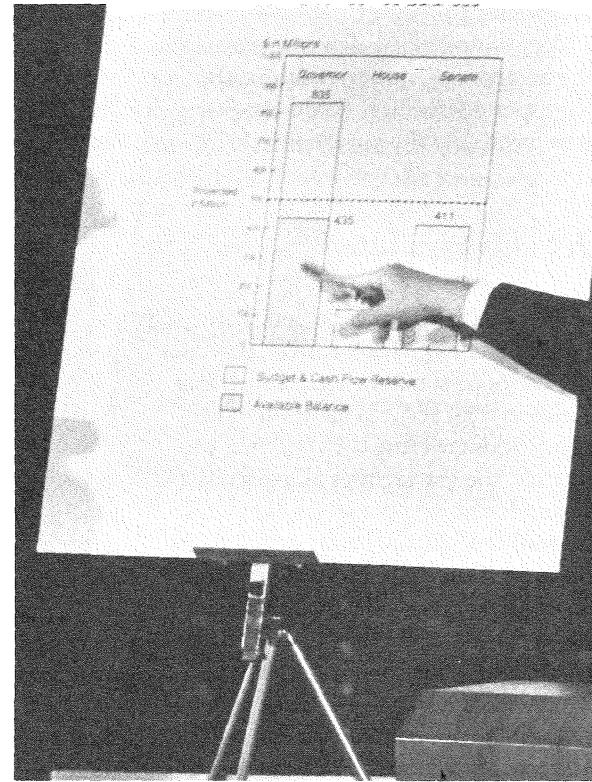


Photo by David J. Oakes

Gov. Arne Carlson



# Vetoed complicate session

In a variation of Yogie Berra's dictum that "it ain't over til it's over," the 77th Legislative Session wasn't really over at midnight May 20. Discussion and debate over the session went into extra innings after adjournment because of the threat of a gubernatorial veto hanging over virtually every major bill passed late in the session. And, true to his pledge, the governor did make use of his veto powers. The chief executive vetoed all or part of a record forty-three bills. However, a new wrinkle was added when DFL legislative leaders charged that 14 of the vetoed bills were not returned to the house of origin within the three day constitutional deadline. One other measure was returned to the wrong body of origin after being vetoed. The fate of the 15 bills remains in dispute at press time.

Some of the measures getting the thumbs down were highly controversial. The health care access, psychologist licensing and workers' compensation

bills were charged with both philosophical and partisan differences. Some of the vetoed measures were rejected on more technical, and less controversial, grounds. The following list gives a brief summary of the bills that were vetoed in their entirety, and of those bills that received line item vetoes, along with a statement from the governor's veto message. Finally, the 15 disputed bills are listed.

Chap. 41, H.F. 472, adds the word "chlorine" to the definition of high pressure piping to include piping used in high pressure chlorine systems. According to the veto message, the addition of the word "chlorine" would bring chlorine plumbing, used largely in wastewater treatment, under strict regulation by the Dept. of Labor and Industry and would exclude independent contractors. The measure was sponsored by Rep. Rich O'Connor and Sen. Gene Waldorf.

Chap. 46, S.F. 539, provides an

evidentiary presumption in civil action involving resale price maintenance. The veto message stated that if the bill were allowed to become law, manufacturers all over the world would have to adopt special policies, unique to Minnesota, for choosing and not choosing dealers. The bill was sponsored by Sen. Allan Spear and Rep. Rich O'Connor.

Chap. 87, H.F. 1455, authorizes the Minneapolis Park and Recreation Board to appoint two members to the Minneapolis Reapportionment Commission and establishes standards for the reapportionment of park districts. The governor's veto message stated that in one of the standards, each district shall consist of convenient contiguous territory not more than twice as long as it is wide, the word "convenient" is not defined in context and thus it is impossible to tell what might be construed as "convenient" under the statute. The measure was sponsored by Rep. Richard Jefferson and Sen. Lawrence Pogemiller.



Photo by Andrew VonBank

Speaker of the House Robert Vanasek



Photo by Tom Olmscheid

Chap. 91, H.F. 1310, creates the crime of assaulting public employees engaged in mandated duties and sets forth penalties for the new crime. According to the veto message, the measure is a victim discrimination bill and creates a special category for protection. The bill was authored by Rep. Ken Nelson and Sen. Jane Ranum.

Chap 127, H.F. 1086, is the first omnibus tax bill. The measure applies the sales tax to several new categories, raises the top rate for incomes taxes and provides for increased property tax relief to offset the expected rise in property taxes. According to the veto message, the measure "honors none of the principles laid out to ensure passage of legislation that protects Minnesota taxpayers and the state's economic health." The proposal was sponsored by Rep. Paul Ogren and Sen. Douglas Johnson.

Chap. 132, H.F. 378, provides for a land exchange between the state and a resident of Aitkin. The veto message stated that the bill attempts to exempt the land exchange from a constitutional

provision requiring the unanimous approval of the Land Exchange Board for such transactions. According to the message the land transaction would be unconstitutional. The measure was sponsored by Rep. Paul Ogren and Sen. Florian Chmielewski.

Chap. 178, S.F. 269, provides for the posting of warning signs in liquor establishments and provides an appropriation for the restoration of the Warren Burger home in St. Paul. The bill was line item vetoed to eliminate the \$50,000 appropriation for the Warren Burger home restoration. According to the veto message, funds are not available for this type of expenditure. The bill was carried by Sen. Leonard Price and Rep. Jeff Hanson.

Chap. 179, S.F. 510, makes several changes to the laws governing the storage, handling and transporting of eggs. In addition, the measure directs the commissioner of agriculture to survey meat handlers to determine the level of interest in establishing a state meat inspection program and appropriates \$10,000 to conduct the survey. The

survey and appropriation were line item vetoed by the governor. According to the veto message, funds are not available for this type of expenditure. The measure was authored by Sen. Charles Berg and Rep. Jeff Bertram.

Chap. 208, H.F. 961, appropriates money for the Agricultural Data Collection Task Force and the Farmer-Lender Mediation Program. The governor line item vetoed the \$15,000 appropriation for the Agricultural Data Collection Task Force. The veto message stated that the work of the task force can be absorbed in either the public or private sectors by those institutions managing farm lending and economic development programs. The measure was carried by Rep. Syd Nelson and Sen. Dallas Sams.

Chap. 216, S.F. 820, exempts the maintenance and renovation of State Fair buildings from governance by the Dept. of Administration. The veto message stated that with the exemption proposed in the bill, no jurisdiction may impose even a minimum level of life safety in State Fair buildings. The

measure was sponsored by Sen. Florian Chmielewski and Rep. Tom Osthoff.

Chap. 218, S.F. 268, extends the time period from one year to two years within which to file a complaint under the Human Rights Act. The veto message stated that there is no evidence that doubling the time period will enhance the identification and remedy of discriminatory practices. The bill was authored by Sen. John Marty and Rep. Alice Hausman.

Chap. 222, S.F. 449, provides that the St. Paul and Duluth Teachers' Retirement Funds may calculate and pay lump sum post-retirement adjustments that do not depend on investment performance. The veto message states that each fund already has authority to award lump sum adjustments based on investment performance but to expand the authority for a pension fund with a large unfunded liability is not sound pension policy. The measure was sponsored by Sen. Sam Solon and Rep. Rich O'Connor.

Chap 233, H.F. 53, is the omnibus agriculture, transportation, and regulation appropriations bill. The measure appropriates money to the Dept. of Transportation, the Dept. of Public Safety, the Regional Transit Board, the Transportation Regulation Board, the Board of Peace Officers Standards and Training, the Minnesota Safety Council, the Dept. of Commerce, the non-health related boards, the Dept. of Public Service, the Dept. of Gaming, the Ethical Practices Board, the Lawful Gambling Control Board, the Racing Commission, the Minnesota Municipal Board, the Minnesota Historical Society, the Minnesota Humanities Commission, the Board of the Arts, the Greater Minnesota Corporation, the Dept. of Labor and Industry, the Veterans of Foreign Wars, the Military Order of the Purple Heart, the Uniform Laws Commission and the Secretary of State. The governor line item vetoed provisions amounting to \$2.6 million for the Fiscal Year 92-93 biennium. The governor line item vetoed a \$35,000 appropriation for the Roosevelt signal tower for Lake of the Woods weather broadcasting; the \$1 million appropriation to establish a school of law enforcement within the state university system; a \$446,000 appropriation for grants to encourage

local historic preservation projects; a \$40,000 appropriation for participation in the U.S.-U.S.S.R. High School Academic Partnership Program; a \$25,000 appropriation for the Greater Cloquet-Moose Lake Forest Fire Museum; a \$25,000 appropriation for the Prairieland Expo Center; a \$50,000 appropriation for the Battle Point Cultural Center; a \$25,000 appropriation for the restoration of the Kee Theatre in Kiester; a \$1 million appropriation for a grant for the World Trade Center Corporation; a \$250,000 appropriation for the Transportation Study Board; and the language providing the formula for transferring funds to the highway user tax distribution trunk highway fund. The measure was sponsored by Rep. Chuck Brown and Senators Gene Merriam and Keith Langseth.

Chap. 235, H.F. 1246, expands energy conservation and improvement programs. The measure contains an \$80,000 appropriation for the administration and analysis of conservation programs and a \$1 million appropriation for programs to improve the energy efficiency of residential oil-fired heating plants in low income homes. In addition, the measure contains a \$55,000 appropriation for a study of the potential market for photovoltaic devices and for a study to evaluate the need for, and the impact of, a carbon emissions tax. The governor line item vetoed the appropriations and studies contained in the bill. The veto message states that the appropriation to improve the energy efficiency of residential oil-fired heating plants duplicates an existing program and that the appropriations for the studies are also duplicative. The measure was carried by Rep. Joel Jacobs and Sen. Steven Novak.

Chap. 236, H.F. 1542, authorizes motor vehicle engine replacement. According to the veto message, the veto was used on the advice of the attorney general because the legislation is not consistent with the Federal Clean Air Act and U.S. Environmental Protection Agency policy. The legislation was sponsored by Rep. Phyllis Kahn and Sen. Gregory Dahl.

Chap. 247, H.F. 1422, is the omnibus workers compensation reform bill. The measure contained provisions lowering

workers compensation insurance premium rates by 12 percent, freezing rates for two years and establishing a commission to study ways to bring about further reform to the system. According to the governor's veto message, the measure fell short of long-term structural reform and was therefore not acceptable. The measure was sponsored by Rep. Tom Rukavina and Sen. Florian Chmielewski.

Chap. 254, S.F. 1533, is the omnibus environment and natural resources appropriations bill. The measure provides funding for the Pollution Control Agency, the Office of Waste Management, the Zoological Board, the Dept. of Natural Resources, the Board of Water and Soil Resources, the Dept. of Agriculture, the Board of Animal Health, the Minnesota-Wisconsin Boundary Area Commission, the Citizens Council on Voyageur's National Park, the Science Museum of Minnesota, the Minnesota Horticultural Society. In addition, the measure directed appropriations from the Minnesota Future Resources Fund, the Minnesota Environment and Natural Resources Trust Fund and oil overcharge money to the special revenue fund. The governor line item vetoed provisions amounting to a total of \$260,000 for the biennium. According to the veto message, the governor line item vetoed a \$10,000 appropriation for stream stabilization on the Snake River; a \$50,000 appropriation for county forest management grants; and a \$200,000 appropriation for supplemental grant funding for farm and small business management programs. The measure was sponsored by Senator Steven Morse and Gene Merriam and Rep. David Battaglia.

Chap. 265, H.F. 700, is the omnibus education funding bill for grades preschool through 12. The measure is the largest single item in the state budget and funds a variety of programs as well as providing basic education aid. The governor line item vetoed provisions totalling \$28 million. According to the veto message, the governor line item vetoed a \$4.95 million appropriation for debt service aid; a \$1.395 million second year appropriation for education district aid; a \$138,000 second year appropriation for secondary vocational cooperative aid; a \$20 million second year ap-



appropriation for the Learning Readiness Program; a \$100,000 appropriation for the Minnesota Local Partnership Act; a \$750,000 appropriation for career teacher aids; the \$25,000 appropriation for the operating expenses of the Minnesota Education in Agriculture Leadership Council; the \$140,000 appropriation for the Minnesota Principals Assessment Center; the \$250,000 appropriation for computer assisted instructional strategy grants; a \$25,000 appropriation for a grant to Independent School District No. 518 in Worthington for the construction of new residential facilities for the Lakeview Program for handicapped students; the \$40,000 appropriation for a grant to Independent School District No. 695 in Chisholm for a leadership program; and the \$20,000 appropriation to establish the Legislative Commission on Children, Youth and Their Families. In addition, the governor line item vetoed two open and standing appropriations relating to debt service equalization aid. The measure was carried by Rep. Ken Nelson and Sen. Ronald Dicklich.

Chap. 270, H.F. 551, makes numerous changes in laws relating to DWI, including increasing the chemical dependency assessment charge, imposing an additional surcharge on repeat DWI offenders, and establishing a statewide pilot program to require the use of ignition interlock systems by persons with cancelled or denied drivers licenses. The measure contains a \$164,000 appropriation for grants to counties for DWI offender programs and a \$50,000 appropriation to fund a DWI task force. Both appropriations were line item vetoed by the governor. According to the veto message, the state cannot afford the expenditures. The chapter was sponsored by Rep. Jeff Hanson and Sen. Harold "Skip" Finn.

Chap. 286, S.F. 774, clarifies licensing requirements for residential programs for persons with chemical dependency and establishes procedures for contesting a transfer or discharge from a nursing home. The measure also contains a \$130,000 appropriation to continue a health screening and intervention program for herbicide and fumigant applicators. The appropriation provision was line item vetoed by the governor.

According to the veto message, the item is not a priority for the Dept. of Health. The measure was sponsored by Sen. Linda Berglin and Rep. Lee Greenfield.

Chap. 291, H.F. 1698, is the second omnibus tax bill. The measure increases revenue \$607 million to help combat the expected revenue shortfall. In addition, the new law authorizes a half cent increase in the sales tax, increases the income tax for some individuals and increases the tax on cigarettes by a nickel a pack. The measure also provides for phasing out the three tiered property tax system and holds down property tax increases to an average of about 8 percent. The governor line item vetoed two provisions in the measure. The first provision appropriates money from the newly-created local government trust fund to the commissioner of revenue for distribution of property tax aids and credits to cities, towns, counties and special taxing jurisdictions in Fiscal Years 94 and 95. According to the veto message, the provision violates the negotiated agreement between the executive branch and the legislative branch in formulating the compromise bill. The second provision appropriates money to provide grants to local units of government for the start-up costs of providing shared services or functions. According to the veto message, efforts to seek efficient ways to provide services do not need financial incentives in order to move forward. The bill was sponsored by Rep. Paul Ogren and Sen. Douglas Johnson.

Chap. 292, H.F. 719, is the omnibus health and human services appropriations bill. The measure appropriates funds for the Dept. of Jobs and Training, the Dept. of Corrections, the Dept. of Health, the Dept. of Human Services, the Ombudsman for Mental Health and Mental Retardation, the Veterans Nursing Homes Boards, the Sentencing Guidelines Commission, the Corrections Ombudsman, health related boards, the Council on Disability, the Council on Black Minnesotans, the Council on Affairs of Spanish Speaking People, the Council on Asian-Pacific Minnesotans, the Indian Affairs Council, the Dept. of Human Rights and the Housing Finance Agency. The governor line item vetoed provisions amounting to about \$1

million for the biennium. According to the veto message, the governor vetoed a \$250,000 appropriation to improve property at Regional Treatment Centers and state nursing homes to prepare the property for lease; an \$80,000 appropriation for a regional demonstration project to provide health coverage to uninsured persons; a \$300,000 appropriation for a plan for coordinating rehabilitation services programs provided by the Dept. of Jobs and Training and the Dept. of Human Services; a \$100,000 appropriation for a rehabilitation special project grant; a \$75,000 appropriation for a pilot project for mental health services delivery systems; and a \$50,000 appropriation for an employment and education pilot program. In addition, the governor line item vetoed a transfer of funds from the consolidated chemical dependency treatment fund to the appropriation for the regional treatment centers to fund the chemical dependency units. The measure was authored by Rep. Lee Greenfield and Senators Don Samuelson and Gene Merriam.

Chap. 298, S.F. 598, establishes state transportation system goals, requires a study of railroad highway grade crossing safety and improvement, establishes a port development assistance program, creates a transportation services fund and establishes a natural preservation highway program. The measure also contained an appropriation of \$290,000 for the Transportation Study Board. The governor line item vetoed the appropriation for the board. According to the veto message, the board has completed its mission and thus, the governor discontinued funding. The bill was authored by Sen. Keith Langseth and Rep. Henry Kalis.

Chap. 302, S.F. 559, provides financial incentives for ethanol production and mandates use of oxygenated gasoline statewide by 1995. The measure also includes two appropriations to promote ethanol fuel use and to prepare materials outlining the steps necessary to construct an ethanol plant. The appropriations, totalling \$240,000 were line item vetoed. According to the veto message, the appropriation to promote and market a product that is mandated is inappropriate. The measure was sponsored by Sen. David Frederickson

and Rep. Douglas Peterson.

Chap. 335, H.F. 2, is the health care access measure. The bill provides for state-subsidized health care coverage, creates a bureau of health care access, establishes the Minnesotans' Health Care Plan, provides a health insurance plan for small employers, provides for health insurance reform, restricts underwriting and premium rating practices and provides a seven cent per pack tax on cigarettes. According to the veto message, the measure does not offer universal health care, places a heavy financial burden on all Minnesotans, does not bring about reforms that would ease the escalating cost of health care and adversely affects the ability of private health insurance companies to continue serving individuals and small employers. The measure was sponsored by Rep. Paul Ogren and Sen. Linda Berglin.

Chap. 345, H.F. 1631, is the omnibus state departments appropriations bill. The measure provides funding for the Legislature, the judicial branch, the Office of Strategic and Long Range Planning, the State Auditor, the State Treasurer, the Attorney General, the State Investment Board, the Dept. of Administration, the Capitol Area Architectural and Planning Board, the Dept. of Finance, the Dept. of Revenue, the Dept. of Trade and Economic Development, the Amateur Sports Commission, the Dept. of Military Affairs, Mediation Services, and the Dept. of Veterans Affairs. The governor instituted 20 line item vetoes in the measure, amounting to about \$28 million. According to the veto message, the governor vetoed a \$600,000 appropriation carryforward and a \$400,000 carryforward in the legislative branch provisions. In addition, the governor vetoed the \$70,000 appropriation for the Dakota County Board to establish a pilot diversion program for juveniles who are alleged to have committed controlled substance offenses; a \$200,000 appropriation for state positions in the office of the state auditor; the \$10,000 appropriation for the state employees band; the \$480,000 appropriation for block grants to public television stations; the \$1.68 million appropriation for public television equipment needs; the

\$264,000 appropriation for public educational radio stations; the \$180,000 appropriation for equipment grants to affiliate states of Minnesota Public Radio; a \$2.5 million second year appropriation to the Dept. of Finance for planning and implementing the new statewide accounting and payroll information systems; the \$178,000 appropriation for the Public Employment Relations Board; a \$754,000 appropriation to regional development commissions for regional planning grants; an \$11.8 million appropriation for the Targeted Neighborhood Revitalization and Financing Program; a \$2.79 million second year appropriation for Metropolitan Area Regional Parks maintenance and operation; \$4.012 million for grants to pay principal and interest due on bond issued for the Great River Road Project, for the Como Park Conservatory, suburban Hennepin regional park land acquisition and development, and Washington County park land acquisition and development; a \$118,000 appropriation for a grant to the Minnesota High Tech Corridor; a \$75,000 appropriation for construction of the Itasca Center; a \$500,000 appropriation for a wage subsidy program to alleviate summer youth unemployment; the \$120,000 appropriation for the state's portion of the interstate compact on grain marketing; a \$150,000 appropriation for a grant to establish a tourist interpretive center on the site of the treaty of Traverse des Sioux; a \$400,000 appropriation for the Minnesota Cooperation Office for Small Business and Job Creation; a \$100,000 appropriation for Northeast Entrepreneur Fund, Inc.; a \$500,000 appropriation for a grant to Minnesota Project Outreach Corporation; and a \$97,000 appropriation to the Amateur Sports Commission for a full-time women's sports director, grants and a clerical worker. The measure was carried by Rep. Phyllis Kahn and Senators Carl Kroening and Gene Merriam.

Chap. 355, H.F. 783, makes several changes in laws relating to groundwater, wells, well boring, pesticides and research. The measure also contains an appropriation of \$400,000 to continue integrated pest management and research on the impact of agriculture on

groundwater. The appropriation provision was line item vetoed. According to the veto message, it is not appropriate to proceed with added research because of fiscal constraints. The measure was carried by Rep. David Bishop and Sen. Steven Morse.

Chap. 356, S.F. 1535, is the higher education omnibus appropriation bill. The measure appropriates funds to the Higher Education Coordinating Board, the technical college system, the community colleges, the state universities, the Mayo Medical Foundation and the University of Minnesota. The governor line item vetoed provisions in the measure amounting to \$70 million for the biennium. According to the veto message, the governor vetoed a \$1.546 million second year appropriation for noninstructional expenditures in the technical college system; a \$100,000 appropriation for community colleges to develop a plan for equity in funding between the center at Cambridge and other colleges of similar size; a \$14.585 million second year appropriation for noninstructional expenditures in the community colleges; a \$14.359 million second year appropriation for noninstructional expenditures in the state university system; a \$3.6 million second year appropriation for the U of M Institute of Technology; a \$19.6 million second year appropriation for fellowships for minority and disadvantaged students, general research, intercollegiate athletics, student loans matching money, industrial relations education, the Natural Resources Research Institute, the Sea Grant College Program, the Biological Process Technology Institute, the Supercomputer Institute, the Center for Urban and Regional Affairs, the Museum of Natural History and the Humphrey Exhibit; the \$1 million appropriation establishing a board to bring about the merger of the community colleges, technical colleges and state university systems; a \$25,000 appropriation for a conservation area study; and an appropriation used to pay the cost of providing higher education services in the taconite tax relief area. The measure was carried by Senators LeRoy Stumpf and Gene Merriam and Rep. Lyndon Carlson.



The courts will determine the fate of 15 vetoed bills that are in dispute.

## Vetoed bills that are law

Perhaps one of the more unusual developments of the Legislative Session is the dispute over the status of 15 bills. The bills were vetoed by the Governor, but were filed as law by the Secretary of State on the basis that the vetoes were ineffective because the vetoed bills were not returned to the house of origin within three days as required under Article IV, section 23, of the Minnesota Constitution. The following is a brief description of the 15 measures. For more complete information, check the appropriate categories in the Chapter Summaries portion of this publication.

Chap. 145, H.F. 1405, modifies the income and revenue distribution requirement for registered combined charitable organizations to qualify for state employee payroll deductions. The new law specifies that 70 percent of total campaign income and revenue be distributed to the designated agencies, rather than 70 percent of collected income and revenue. The measure was sponsored by Rep. Richard Jefferson and Sen. Allan Spear.

Chap. 185, H.F. 425, requires the sale of two tracts of state owned land in St. Louis County, authorizes the conveyance of state land to the city of Anoka, authorizes the sale of specific tax-forfeited lands that border public water in Cass County, authorizes the conveyance of and easment across specific Southwest

State University land, authorizes a land exchange between the city of St. Cloud and the State University Board, and authorizes the sale of land in Faribault County. The measure was sponsored by Rep. Joe Begich, and Sen. Douglas Johnson.

Chap. 213, S.F. 971, extends the ban of the use of biosynthetic bovine somatotropin (BST) for one year if the prohibition on BST use remains in effect in Wisconsin. According to the veto message, the U.S. Food and Drug Administration has determined BST is safe for commercial use and the moratorium would worsen Minnesota's competitive position in dairy production. Chap. 213 is the measure that was returned to the wrong house of origin. The measure was sponsored by Sen. Steven Morse and Rep. Chuck Brown.

Chap. 239, S.F. 597, is the "strike-breaker bill." The new law prohibits employers from hiring permanent replacement workers during a strike. Under the chapter, the hiring of replacement workers is an unfair labor practice. The measure was authored by Sen. Florian Chmielewski and Rep. Irv Anderson.

Chap. 246, S.F. 1571, is the legislative redistricting bill. The new chapter redraws legislative boundaries to reflect shifts in population that have occurred over the ten years preceding the 1990

census. The measure provides new Senate and House of Representative districts lines for the 1992 elections. The measure was sponsored by Sen. Lawrence Pogemiller and Rep. Peter Rodosovich.

Chap. 255, S.F. 300, relates to the licensing of psychologists. The new chapter requires a doctoral degree in psychology in order to be a licensed psychologist and provides that professionals below the doctoral level are to be licensed as psychological practitioners. Under the measure, psychological practitioners are prohibited from independent practice. However, psychologist with a masters degree who are currently in independent practice are "grandfathered" in under the new law. The measure was authored by Sen. Carol Flynn and Rep. Thomas Pugh.

Chap. 261, H.F. 1042, reduces the number of divisions in the Dept. of Trade and Economic Development and requires the House and Senate Economic Development Committees and the department to hold hearings to receive citizen recommendations on statewide economic development policy. The measure was authored by Rep. Ted Winter and Sen. Dennis Frederickson.

Chap. 262, H.F. 1050, requires that an executive branch reorganization order must be submitted to the chairs of the House and Senate Governmental

Operations Committees at least 30 days before being file with the secretary of state. The measure was carried by Rep. Myron Orfield and Sen. John Marty.

Chap. 284, S.F. 1152, authorizes the registrar of motor vehicles to prorrate the original registration on groups of passenger motor vehicles presented to the city of St. Paul by a lessor and regulates limousine services. The limousine regulation provisions require limousine license plates to be specially marked with the letters "LM," requires \$100,000 insurance coverage for property damage, removes the exemption from motor vehicle carrier regulations for persons providing limousine service and requires a permit and decal from the commissioner of transportation. In addition, the measure sets annual permit and decal fees and specifies enforcement and penalty provisions. The measure was sponsored by Sen. Gary DeCramer and Rep. Henry Kalis.

Chap. 289, H.F. 871, makes numerous changes to the provisions regulating electricians. The measure provides for the creation of a complaint committee to investigate, mediate or initiate administrative or legal proceedings on behalf of the board of electricians relating to violations of the Minnesota Electrical Act. In addition, the measure provides for the addition enforcement authority of the board and clarifies licensing requirements for master and journeyman electricians. The measure also specifies grounds for license denial, suspension or revocation and provides for the issuance of cease and desist orders. The measure was sponsored by Rep. Jim Farrell and Sen. Gene Waldorf.

Chap. 303, S.F. 931, modifies solid waste disposal problem materials plan requirements and requires the Office of Waste Management to consider relevant regional characteristics and the impact of the materials on processing and disposal technologies when developing the plan. In addition, the measure requires county household hazardous waste management plans to include a strategy for the separation of household hazardous waste from mixed municipal solid waste. The new chapter also requires preparation of a comprehensive written report on the energy and environmental strategy of the state to be

submitted to the Legislature by January 1 of each even numbered year. The measure was sponsored by Sen. Ted Mondale and Rep. Myron Orfield.

Chap. 307, S.F. 505, provides for the private sale of specific tax-forfeited land in Washington County and the transfer of state land to Clearwater County in exchange for tax-forfeited land located in Itasca State Park. The measure was carried by Sen. Gary Laidig and Rep. Harriet McPherson.

Chap. 320, H.F. 137, provides for a method of withdrawal for candidates for constitutional office after a primary. Under the chapter, a candidate may withdraw by filing an affidavit requesting the candidate's name be withdrawn from the ballot no later than 16 days before general election. The measure also provides that a candidate may withdraw after the deadline if a catastrophic illness is diagnosed after the deadline, the illness will permanently incapacitate the candidate and the candidate or the candidate's legal guardian files an affidavit verifying that the illness was diagnosed after the deadline and is catastrophic. The chapter also specifies that if a candidate for governor withdraws, the secretary of state must remove the names of both the candidate for governor and the name of the candidate's running mate for lieutenant governor. The measure also specifies that a major political party has the authority to fill a vacancy in nomination of that party's candidate. Under the chapter, a major political party may provide in its governing rules a procedure to fill vacancies in nomination for all offices elected statewide. The nomination certificate must be filed within seven days after the vacancy in nomination occurs or before the 14th day before the general election, whichever is sooner. If the vacancy occurs through the candidate's death or catastrophic illness, the nomination certificate must be filed within seven days after the vacancy but no later than four days before the general election. The chapter also provides that if there is a vacancy, the new candidate for governor is to select the candidate for lieutenant governor. In addition, if a candidate withdraws after the 16th day but before four days before the election, the secretary of state

is to instruct the election judges to strike the name of the withdrawn candidate from the ballot and not substitute any other candidate's name. Finally, the chapter specifies that a write-in vote cast for a candidate for governor without a write-in vote for a candidate for lieutenant governor must be counted as a vote for the candidate team. The measure was authored by Rep. Linda Scheid and Sen. William Luther.

Chap. 348, H.F. 222, establishes a regional international trade service center pilot project to provide international trade assistance to business. The chapter requires the center to be administered by the board of directors of the Minnesota World Trade Center Corporation and requires the centers to seek matching funds from federal, state and local public and private sources. The measure was carried by Rep.

Richard Krueger and Sen. Gregory Dahl.

Chap. 349, H.F. 635, sets campaign contribution limits, sets redistricting goals and deadlines, and limits special elections. Under the chapter, candidates for governor and lieutenant governor cannot accept contributions of more than \$20,000 in an election year or \$3,000 in other years from any individual, political committee or political fund. In addition, the precinct caucus date is set for the first Tuesday after the first Monday in March in every state general election year. The measure specifies that it is the Legislature's intent to complete congressional and legislative redistricting activities in time to permit counties and municipalities to begin the process of reestablishing precinct boundaries as soon as possible after the adoption of the congressional and legislative plans but in no case later than 25 weeks before the state primary election. The chapter also sets goals for the redrawing of ward lines and other election district boundaries. Finally, the chapter specifies that no municipality school district may conduct a special election during the 19 weeks before the state primary election, except for special elections conducted on the date of the school district general election. The measure was sponsored by Rep. Peter Rodosovich and Sen. Lawrence Pogemiller.



# Session Law Summaries

## Agriculture and Rural Development

### Red River Valley Winter Shows

**Chap. 35-S.F. 34** Includes the Red River Valley Winter Shows as a member of the state agricultural society. Effective date: April 24, 1991. MOE, R.D., LIEDER.

### Animal carcass disposal

**Chap. 37-S.F. 391** Allows the Board of Animal Health to authorize alternative methods of animal carcass disposal. Changes rendering plant procedures for carcass use. Effective date: August 1, 1991. BERTRAM, BAUERLY.

### Grocery store licenses

**Chap. 52-H.F. 1017** Regulates grocery store "deli" sales and services. Includes persons selling food for consumption on or off site on grocery or convenience store premises in the classification of retail food handlers for licensing purposes. Authorizes the commissioner of agriculture to enter into agreements with local boards of health to delegate licensing and inspection duties pertaining to grocery or convenience stores. Requires the local boards of health to work with the commissioner, by March 1, 1992, to eliminate duplicate licensing and inspection of grocery and convenience stores. Excludes grocery stores serving meals or containing fountains, bars, booths, delicatessens or table service from hotel, resort and restaurant regulations. Excludes restaurants or delicatessens in grocery stores from statutory city council licensing and regulation. Effective date: May 7, 1991. BERTRAM, BERTRAM.

### Reforestation and diseased wood use programs

**Chap. 116-S.F. 437** Authorizes the commissioner of agriculture to establish experimental programs to research tree varieties most suitable for municipal reforestation under the Local Pest Control Act. Specifies required research conditions. Expands the contracting authority of the commissioner relating to shade tree disease control to nurseries, colleges and universities and to energy conservation. Reduces the frequency requirement for the commissioner to report to the Legislature to every other year. Requires the Dept. of Natural Resources to be involved in the investigation and evaluation of potential uses of diseased wood. Specifies recommendation requirements. Effective date: August 1, 1991. BERNHAGEN, LASLEY.

### Egg law changes

**Chap. 179-S.F. 510** Modifies the egg law. Defines terms relating to hazardous eggs. Provides for the continued use of equipment not meeting design and fabrication requirements if the equipment is in use before the law takes effect and is in good repair, capable of being maintained in a sanitary condition and capable of maintaining a temperature of 50 degrees Fahrenheit or less. Reduces the maximum temperature for egg storage to 50 degrees Fahrenheit (10 Celsius) except for cleaning, sanitizing, grading, and further processing when the temperature must be maintained at 45 degree Fahrenheit or below. After August 1, 1992, eggs offered for retail sale must be held at a temperature of 45 degrees Fahrenheit except that equipment in use prior to August 1, 1991, is exempt from the requirement. Specifies the maximum temperature for vehicles used for egg transportation as 50 degree Fahrenheit. Requires all eggs offered for sale in cartons, boxes or cases, rack, or other packaging materials to contain the statement: "Perishable. Keep Refrigerated." Requires the use of pasteurized eggs in uncooked or undercooked food or

requires food containing unpasteurized eggs to be processed under a method approved by the commissioner sufficient to destroy the pathogen salmonella. Authorizes the use of shell eggs certified free of pathogens by a process approved by the commissioner. Provides for uniformity of shell egg and inspection provisions with federal law. Specifies the shelf life for candled and graded eggs. Modifies violation and penalty provisions. Requires the commissioner of agriculture to conduct a survey of meat handlers to determine the level of interest in establishing a state meat inspection program — LINE ITEM VETOED. Requires a report to the Legislature by February 1, 1992 — LINE ITEM VETOED. Appropriates money for the study and report — LINE ITEM VETOED. Effective date: July 1, 1991. BERG, BERTRAM.

### Paddy wild rice fee refund abolition

**Chap. 191-H.F. 1299** Abolishes the refund of agricultural commodities promotion checkoff fees paid by paddy wild rice producers. Effective date: August 1, 1991. TUNHEIM, MOE, R.D.

### Farmer Lender Mediation Program appropriation

**Chap. 208-H.F. 961** Extends and appropriates money to the commissioner of agriculture for the Agriculture Data Collection Task Force — LINE ITEM VETOED. Extends and appropriates money to the Minnesota Extension Service for the Farmer Lender Mediation Program. Effective date: July 1, 1991. NELSON, S., SAMS.

### BST ban extension

**Chap. 213-S.F. 971** Extends the ban on the use of biosynthetic bovine somatotropin (BST) until June, 1992. Provides that the ban is effective 30 days after the commissioner of agriculture publishes notice in the State Register that the states of Minnesota and Wisconsin or states having 40 percent or more of total U.S. milk production have adopted provisions that restrict general use of BST. Provides that the ban remain in effect only so long as restrictions are effective in Wisconsin or in states having 40 percent or more of milk production. Effective date: Contingencies. MORSE, BROWN.

### State Fair construction provisions

**Chap. 216-S.F. 820** Expands the state agricultural society (State Fair) exception from Dept. of Administration building construction supervision requirements for the maintenance or renovation of buildings. Exempts society contracts from department management and review requirements. Requires attorney general review. Authorizes the attorney general to sue to avoid the obligation of the society to pay or to recover payments made under unsatisfactory services conditions. Requires approval of society real estate transactions by the board of managers before submission for approval by the executive council. Expands conditions for county board financial assistance for State Fair exhibits and increases the appropriation limit to \$2,000. Eliminates deposit, supervision, appropriation and bond and expenditure statement requirements. VETOED. CHMIELEWSKI, OSTHOFF.

### Genetic engineering regulation

**Chap. 250-H.F. 1129** Regulates genetically engineered plants, pesticides, fertilizers and soil and plant amendments. Requires and provides for permits from the commissioner of agriculture for the release of genetically engineered organisms to protect humans and the environment from the potential for adverse effects. Requires commissioner administration, implementation and enforcement. Provides for the commissioner to issue genetically engineered plant, fertilizer and soil or plant amendment permits. Specifies the application and fee requirements. Authorizes the denial, revocation or change if the commissioner determines that the use may cause unrea-

sonable adverse effects. Requires the commissioner to adopt rules governing the issuance of permits for proposed releases of genetically engineered plants, pesticides, fertilizers and soil and plant amendments. Requires and provides for the registration of experimental genetically engineered pesticide products. Specifies the application and fee requirements. Expands chemical release liability provisions to include genetically engineered organisms. Authorizes the Environmental Quality Board to place conditions on or to deny, modify, suspend or revoke permits. Authorizes and provides for persons proposing releases that require federal permits to apply to the board for an exemption from the board's permit requirements. Requires the board to assess proposers of releases for the costs of processing the exemptions. Effective date: August 1, 1991. KAHN, DAVIS.

#### **Right of first refusal provisions**

**Chap. 263-H.F. 1371** Abolishes the right of first refusal of an immediately preceding former owner who was a participant in the Family Farm Security Program. Extends the time period for exercise of a right of first refusal in some cases. Specifies application. Effective date: August 1, 1991. BROWN, BERG.

#### **Livestock dealer licensing**

**Chap. 288-S.F. 1284** Modifies provisions of the Livestock Market Agency and Dealer Licensing Act. Modifies the definition of livestock relating to horses and the definition of livestock dealer relating to buying or selling frequency. Exempts the operation of livestock market agencies, dealers, agents and packers at public stockyards from swine identification and health standards requirements and from injunctive relief and audit provisions. Authorizes the commissioner of agriculture to impose civil penalties for violations. Prescribes procedures and authorizes the issuance of citations. Provides for citation contest and appeal procedures. Imposes a duty to prosecute violations on county and city attorneys. Effective date: August 1, 1991. RENNEKE, OLSON, E.

#### **Ethanol promotion**

**Chap. 302-S.F. 559** Modifies the payments made by the commissioner of revenue to producers of ethanol (gasohol) or wet alcohol. Requires the commissioner to pay the commissioner of agriculture to promote ethanol fuel use and to publish, through the marketing division of the department and in consultation with Dept. of Trade and Economic Development Bureau of Business Licenses Environmental Permits Control Unit, the commissioners of the pollution control agency and the public safety and the Minnesota Extension service, a document describing the planning, permitting and constructing of an ethanol plant — LINE ITEM VETOED. Specifies oxygenated gasoline requirements. Specifies that after October 31, 1995, gasoline sold or offered for sale as fuel for a motor vehicle licensed in Minnesota or another jurisdiction in air quality nonattainment counties must have a minimum oxygen content of 2.7 percent. Specifies that after October 31, 1997, the requirement for oxygenated gasoline applies state-wide. Removes the requirement of bulk purchases by governmental entities to qualify for the distributor tax credit on agricultural alcohol gasoline. Effective date: August 1, 1991. FREDERICKSON, D.J., PETERSON.

#### **Aquaculture Development Act**

**Chap. 309-H.F. 958** Classifies aquaculture permit and procedures data. Requires the commissioner of agriculture, in consultation with the commissioners of the pollution control agency and natural resources, to annually certify the trophic state of the waters used for aquatic farming. Modifies the definition of aquaculture and the aquaculture (fish farm) program. Authorizes the commissioner of agriculture to establish a Minnesota Aquaculture Development and Aid Program for support of applied research, demonstration, financing, marketing, promotion, broodstock development and other services. Requires the commissioner to act as permit or license coordinator for aquatic farmers. Requires state agencies issuing multiple permits or licenses to consolidate the permits or licenses by

July 1, 1992, to expedite the permitting process. Exempts Dept. of Natural Resources (DNR) transportation permits. Requires state agencies to adopt rules or issue orders establishing permit and license requirements, approval timelines and compliance standards. Provides an appeal procedure for persons denied permits or licenses. Requires the commissioner of natural resources, in consultation with the commissioner of agriculture and the aquaculture advisory committee to adopt rules for the construction and operation of a quarantine facility for quarantined fish eggs and for approving or rejecting importation of exotic aquatic or genetically altered aquatic species. Requires the commissioner of the pollution control agency, in consultation and cooperation with the commissioners of agriculture and natural resources, to develop water quality permit requirements for aquaculture facilities by May 1, 1992. Specifies report requirements. Requires aquaculture therapeutics to be registered and labeled in the same manner as pesticides. Includes feed for aquatic animals in the definition of commercial feed under the Commercial Feed Law. Imposes the farm machinery sales tax on aquaculture production equipment. Defines aquaculture production equipment. Excludes repair or replacement parts. Provides for corporate ownership of aquatic farms. Effective date: June 4, 1991. SPARBY, BERG.

#### **Agricultural law enforcement**

**Chap. 316-S.F. 928** Authorizes and provides for enforcement of agricultural laws by the commissioner of agriculture. Prescribes criminal or administrative penalties for violations. Specifies administration penalty written citation content requirements. Provides for a penalty upon failure to correct. Provides for appeals through contested case proceedings. Grants the commissioner investigatory and subpoena issuance authority. Provides for District Court orders to compel compliance. Effective date: August 1, 1991. NEUVILLE, BERTRAM.

#### **Farmstead cheese provisions**

**Chap. 327-S.F. 1050** Eliminates the pasteurization requirement for farmstead cheese and for facilities making 70,000 pounds or less of cultured dairy food per year. Requires the commissioner of agriculture to provide a plan to the manufacturer before inspection to assist in meeting processing and facility requirements. Authorizes the commissioner to require pasteurization if test samples demonstrate cheese and cultured dairy foods are not free of pathogens. Requires inspection of the facilities at least four times each year. Effective date: July 1, 1991. MEHRKENS, WALTMAN.

#### **Minnesota Agriculture Development Act**

**Chap. 332-H.F. 702** Transfers the Rural Finance Authority (RFA) to the Dept. of Agriculture. Adds the commissioner of trade and economic development to the membership of the board and increases the number of public members. Specifies that the commissioner of agriculture is to be the chair of the board and transfers the commissioner of finance to vice chair. Expands eligibility for beginning farmer loans under the authority. Provides for an agricultural development bond program under the Rural Finance Authority. Specifies guiding principles for the performance of duties and the implementation of powers of the RFA. Requires the authority to establish a beginning farmer and agricultural business enterprise loan program to aid in the acquisition of agricultural land and property. Requires the authority to provide financial assistance to agricultural producers. Authorizes the combination of programs to facilitate the implementation of permanent soil and water conservation practices, to facilitate the acquisition of conservation equipment and to encourage the development of agricultural business enterprises. Requires the authority to develop an agricultural development bond beginning farmer and agricultural business enterprise loan program. Authorizes mortgages or secured loans. Specifies eligibility requirements and provides for terms and conditions of the loans or purchase contracts and for loan allocation. Authorizes and provides for the issuance of bonds by the authority. Authorizes the authority to establish bond

reserve funds. Provides for funding and use and restricts withdrawals. Requires annual reports to the Legislature. Provides remedies for bondholders in cases of default by the authority. Declares bonds as securities for legal investment purposes. Prohibits or requires the disclosure of conflicts of interest. Authorizes the authority to impose an application and origination fee for loans issued under the beginning farmer and agricultural business enterprise loan program. Authorizes the administration of rules. Provides for release of information obtained under the bond program for federal tax purposes. Changes the term manufacturing pool to small issue pool under the bond allocation act for development bond and business enterprise loan program inclusion purposes. Requires the reservation of specific amounts from the unified and small issue pools for use by the RFA for the program. Effective date: August 1, 1991. SPARBY, SAMS.

## Commerce

### Real estate appraiser temp licenses

**Chap. 7-H.F. 153** Requires the commissioner of commerce to issue temporary licenses to real estate appraisers. Specifies notice and disclosure requirements. Specifies that a licensee issued a temporary license must be notified as soon as the examination, and the course that will satisfy the preclicensing education requirements, are available. Specifies that the temporary license expires six months from the date of the notice. Effective date: March 23, 1991. MORRISON, HOTTINGER.

### Automatic garage door opener provisions

**Chap. 10-H.F. 104** Strengthens provisions regulating automatic garage door opening systems in residential buildings. Clarifies the definition of automatic garage door opening system. Specifies that an automatic reversing requirement must be met when servicing or repairing automatic garage door opening systems. Requires persons servicing or repairing the systems to perform on site tests and to issue warning labels for systems failing to pass the tests. Specifies the content of the warning label and requires residence occupant notice. Specifies the conditions for fulfillment of specified manufacturer labeling requirements. Clarifies legislative intent relating to the nonconsideration of garage door opening systems as improvements to real property for statutes of limitations purposes. Effective date: March 26, 1991. MILBERT, SOLON.

### Motor vehicle contract reassignment prohibition

**Chap. 12-H.F. 275** Prohibits the unlawful reassignment of motor vehicle contracts. Specifies that a person who is not a party to a contract and who has not first obtained written authorization from the secured creditor, lessor, or lienholder, may not get control of the vehicle and then sell, transfer, assign, or lease it to another person or assist, cause or arrange the actual or purported sale, transfer, assignment, or lease of the motor vehicle to another person. Provides for civil remedies and authorizes attorney general actions for enforcement purposes. Effective date: August 1, 1991. FARRELL, HOTTINGER.

### Real estate licenses prohibition removal

**Chap. 20-H.F. 373** Removes the prohibition on the issuance of real estate salespersons licenses to officers of corporations or members of partnerships licensed as brokers. Prohibits officers licensed as salespersons from exercising authority over brokers or trust accounts administered by brokers. Effective date: August 1, 1991. SCHEID, PRICE.

### Insurance agent rehabilitation regulation

**Chap. 39-H.F. 598** Regulates agent rehabilitations and agency contract cancellations by fire and casualty loss insurance companies. Requires insurer written notice of intent to rehabilitate. Authorizes termination of agency contractual relationships after advance notice of termination if the agent and company are not able to reach a

mutually acceptable plan of rehabilitation. Specifies notice content requirements. Prohibits contract termination based on an adverse loss experience for a single year; the geographic location of the agent's auto and homeowners insurance business; or the performance of obligations required of an insurer under Minnesota statutes. Requires negotiation before notice of termination. Requires the commissioner of commerce to investigate suspected violations. Authorizes the imposition of a civil penalty and sets a limit. Authorizes the commissioner to relieve companies from policy renewal obligations if the company's compliance is demonstrated to represent a hazard or potential hazard to the financial integrity of the company. Prohibits a company from soliciting business in the notice of nonrenewal after termination. Modifies agency commission payment requirements. Prohibits the reduction of agent commissions, bonuses or other compensation contained in written agreements without first providing 180 days advance notice to the agent. Effective date: August 1, 1991. PUGH, PAPPAS.

### State fund depository authorization

**Chap. 42-H.F. 697** Authorizes the state executive council to designate credit unions as depositories of state funds. Authorizes election or board of directors appointment of credit union supervisory committees. Specifies membership limits. Clarifies investment authority of boards of directors. Effective date: August 1, 1991. REDING, SPEAR.

### Medicare supplement plan sales requirement clarification

**Chap. 43-S.F. 6** Clarifies a medicare supplement insurance plan issuance restriction by deleting reference to age 65 or older. Effective date: August 1, 1991. WALDORF, OSTHOFF.

### Restraint of trade evidentiary presumption

**Chap. 46-S.F. 539** Provides an evidentiary presumption in resale price maintenance cases. VETOED. SPEAR, O'CONNOR.

### Comprehensive Health Insurance Association

**Chap. 54-H.F. 1418** Excludes Medical Assistance and General Assistance Medical Care payments from the calculation of the total premiums of contributing members of the Minnesota Comprehensive Health Insurance Association. Effective date: August 1, 1991. GREENFIELD, SAMUELSON.

### Motor vehicle franchise provisions

**Chap. 69-H.F. 274** Clarifies the application of manufacturer warranty obligations to dealers relating to the performance of repair services. Includes manufacturers and distributors of motor vehicle engines under warranty obligation provisions. Requires manufacturer indemnification to include court costs and attorney and witness fees. Provides a rebuttal against allegations of good cause for proposed franchise termination by specifying that a dealer may present evidence including, but not limited to, a showing that the grounds for termination resulted from acts or circumstances beyond the control of the dealer and which were communicated to the manufacturer, or that in evaluating the dealer's compliance with reasonable sales criteria, the manufacturer failed to consider the dealer's sales of factory program vehicles. Clarifies or modifies unlawful acts or unfair practices by manufacturers, distributors or factory branches. Prohibits manufacturers from denying the right to acquire factory program vehicles to dealers holding valid franchises to sell the same line of vehicles. Authorizes the imposition of reasonable restrictions and limits on the purchase or resale of vehicles. Effective date: August 1, 1991. SPARBY, STUMPF.

### Farm equipment dealership regulations

**Chap. 70-H.F. 415** Clarifies farm equipment dealership regulations. Includes parts and attachments in the definition of farm equipment and includes wholesalers in the definition of farm equipment dealer. Clarifies the definition of dealership agreement and the status of inconsistent agreements. Effective date: May 11, 1991. SPARBY, HOTTINGER.

#### **Heavy equipment dealership agreements provisions**

**Chap. 71-H.F. 832** Regulates heavy and utility equipment dealership agreements termination, cancellation or discontinuance. Provides a manufacturer obligation to repurchase unused heavy and utility equipment in new condition that has been purchased by the dealer from the manufacturer within the 24 months preceding notification of intent to terminate, cancel or discontinue the agreement. Requires and provides for partial payments for equipment parts. Provides for dealer notice of return of equipment to the manufacturer. Specifies manufacturer inspection and payment requirements. Provides a dealer remedy that is supplemental to contract remedies and authorizes the dealer to elect to pursue either remedy. Requires manufacturer repurchase of equipment upon the death of the dealer. Imposes civil liability on manufacturers for failure to comply. Specifies repurchase requirement exceptions. Effective date: May 11, 1991. SPARBY, SOLON.

#### **Fair housing law instruction requirement**

**Chap. 75-H.F. 807** Requires real estate brokers and salespersons to receive three hours of instruction in state and federal fair housing laws, regulation and rules as part of the initial education requirements. Requires real estate brokers and salespersons to receive two hours of training every even-numbered year as part of the continuing education requirement. Effective date: January 1, 1992. RICE, KROENING.

#### **Credit card as ID prohibition**

**Chap. 88-H.F. 238** Prohibits requiring the provision of credit card numbers as a condition of check cashing or acceptance. Prohibits requiring credit card numbers as a means of identification. Provides an exception if the person requesting the number has agreed with the issuer to cash or accept checks from the issuer's cardholders; if the issuer has agreed to guarantee cardholders checks; and if the cardholder has given actual, apparent, or implied authority for the use of the card as a condition of check cashing. Authorizes requests for the display of credit cards for credit card information purposes. Specifies that a person may not write down or request to be written down the address or telephone number of a credit cardholder on a credit card transaction form as a condition of accepting a credit card as payment. Provides an exception if the address or telephone number is necessary for the shipping, delivery, or installation of consumer goods or services. Effective date: August 1, 1991. WEJCMAN, HOTTINGER.

#### **Disabled student insurance provision**

**Chap. 95-S.F. 231** Requires accident and health insurers, nonprofit health service plan corporations, health maintenance organizations and fraternal benefit societies providing dependent coverage for full time students to treat as full time those students with physical or mental disabilities carrying at least 60 percent of a full course load. Effective date: August 1, 1991. KELLY, FARRELL.

#### **Real estate appraiser licensing requirements**

**Chap. 97-S.F. 1315** Modifies real estate appraiser licensing requirements. Modifies the composition of and repeals qualification requirements for membership on the Real Estate Appraiser Advisory Board. Increases the number of license classes from two to five. Provides for the licensing of state real property appraisers, federal real property appraisers, certified federal residential real property appraisers, certified federal general real property appraisers and temporary practice. Specifies prerequisite course hours for taking the examination for each class of license. Specifies experience requirements for licensing purposes. Modifies nonresident service of process provisions. Authorizes the commissioner of commerce to issue transitional licenses. Requires the commissioner to certify and transmit to the appraisal subcommittee established under federal law, the names of those licensees who have satisfied the requirements for certification established by the appraisal subcommittee and to collect and transmit any required fees. Provides for the validity and effectiveness of existing real estate appraiser licenses. Effective date: May 18, 1991. HOTTINGER, MORRISON.

#### **Abstractors bond requirement**

**Chap. 100-H.F. 178** Increases the minimum bond or liability insurance requirement for abstractors. Specifies an amount of \$250,000 for abstractors residing in counties having more than 200,000 inhabitants and an amount of \$100,000 for abstractors residing in other counties. Eliminates the abstractor seal impression requirement. Repeals an obsolete examination exemption provision. Effective date: August 1, 1991. KELSO, JOHNSTON.

#### **Nondiagnostic x-ray prohibition**

**Chap. 101-H.F. 276** Prohibits accident and health insurance policies, individual or group service plans or subscriber contracts, health maintenance contracts and fraternal benefit contracts offering dental insurance plans from requiring nondiagnostic x-rays. Authorizes health care providers to refuse to provide x-rays unnecessary for diagnosis and treatment. Prohibits the denial or withholding of dental insurance benefits for refusal to provide the x-rays. Effective date: August 1, 1991. ORFIELD, ADKINS.

#### **Insurance agreement prohibition**

**Chap. 109-S.F. 635** Specifies that an agreement between an insurer and a health care provider may not prohibit, or grant the insurer an option to prohibit, the provider from contracting with other insurers or payers to provide services at a lower price than the payment specified in the contract; require, or grant the insurer an option to require, the provider to accept a lower payment in the event the provider agrees to provide services to any other insurer or payor at a lower price; or require, or grant the insurer an option of, termination or renegotiation of the existing contract in the event the provider agrees to provide services to any other insurer or payer at a lower price. Effective date: May 20, 1991. SAMUELSON, LOUREY.

#### **Real estate closing provisions**

**Chap 113-H.F. 146** Prohibits real estate salesperson, brokers, attorneys, auctioneers, builders or title companies from requiring persons to use a particular closing agent for closing services in connection with residential real estate closings. Requires listing agreements to include a notice informing sellers of the right to choose closing agents and to include disclosure of controlled business arrangements between licensees and closing agents for the arrangement of closing services. Authorizes the commissioner of commerce to adopt implementation, administration and enforcement rules. Effective date: August 1, 1991. O'CONNOR, METZEN.

#### **Chemical dependency reviewers requirements**

**Chap. 115-H.F. 525** Restricts the denial of insurance claims based on evaluations of a chemical dependency claim reviewer selected by the insurer unless the reviewer meets the qualifications specified in law. Requires insurers to annually file a report containing the specific evaluation standards and criteria used in evaluations. Specifies the report content requirements. Specifies qualifications of chemical dependency claim reviewers. Effective date: August 1, 1991. KALIS, BECKMAN.

#### **Medicare supplement policy conformity**

**Chap. 129-S.F. 328** Conforms state Medicare supplement policy requirements relating to suspension, reinstatement, renewability and replacement to federal law. Requires basic Medicare supplement plans to cover 80 percent of the usual and customary hospital and medical expenses and supplies incurred during travel outside the United States. Requires the commissioner of commerce to provide the public with additional data relating to loss ratios and earned premiums. Requires written signed statements relating to duplicate coverage. Effective date: November 5, 1991. SOLON, SKOGLUND.

#### **Rescission agreement provisions**

**Chap. 131-S.F. 918** Prohibits insurers and insureds from agreeing to rescind policies under unsatisfied claims conditions. Specifies conditions for rescission agreements. Requires no-fault automobile



insurers to provide copies of claim files to insureds submitting claims for basic economic loss benefits upon request. Authorizes the exclusion of internal company memoranda, materials that relate to any insurance fraud investigation, materials that constitute attorney work-product or that qualify for the attorney-client privilege and medical reviews. Authorizes a copying fee. Effective date: August 1, 1991. LUTHER, CARRUTHERS.

#### **Comprehensive Health Insurance Plan modifications**

**Chap. 165-H.F. 815** Modifies provisions relating to the Minnesota Comprehensive Health Insurance Plan. Requires and provides for annual determination of premium rates. Requires closed meetings of the Comprehensive Health Association to hear appeals upon enrollee request. Extends the deadline, until August 1, 1992, for allowing experimental use of alternative means of health care delivery. Authorizes the association to form a preferred provider network or to contract with an existing provider network to deliver services and benefits. Authorizes the adoption of a provider payment schedule and the negotiation of provider payment rates subject to the approval of the commissioner of commerce. Provides for the satisfaction of the requirement for policies issued to be qualified plans through a preferred provider network. Regulates payments to nonparticipating providers. Classifies PPO agreement data. Provides for enrollment in the plan with a waiver of the preexisting condition limit for persons with terminated prior coverage, including persons exceeding the maximum lifetime benefit. Provides for an exception. Effective date: Various dates. SKOGLUND, RANUM.

#### **Liquor store sign requirement**

**Chap. 178-S.F. 269** Requires licensed retail liquor establishments and municipal liquor stores to conspicuously post signs outlining the penalties for driving while under the influence of alcohol or controlled substances and the prohibition against serving alcoholic beverages to persons under 21 or to intoxicated persons. Specifies sign and posting requirements. Appropriates money to the city of St. Paul and the Dayton's Bluff Historic Association for the purchase and partial rehabilitation of the Warren Burger home —LINE ITEM VETOED. Effective date: August 1, 1991. PRICE, HANSON.

#### **Military insurance refusal prohibition**

**Chap. 188-H.F. 205** Prohibits the refusal to insure or continue to insure the life of members of reserve components of the armed forces or the National Guard due to member status or duty assignment except assignment to active duty. Prohibits the refusal to reinstate coverage for insureds or covered dependents of reserve or National Guard members under life or health insurance policies or contracts terminated, cancelled or nonrenewed during active duty. Provides for and regulates reinstatement. Effective date: May 28, 1991. SKOGLUND, LUTHER.

#### **Sales rep termination modifications**

**Chap. 190-H.F. 786** Clarifies or modifies provisions relating to the termination of sales representative agreements. Expands the definition of good cause. Defines sales representative and broadens the list of exemptions. Modifies the definition of sales representative agreement. Defines wholesale orders. Modifies conditions for termination of the agreements. Provides for the treatment of agreements of indefinite duration for renewal purposes. Clarifies commission payment requirements. Modifies arbitration provisions. Provides for confirmation of decisions by the District Court. Provides for scope of application. Effective date: May 28, 1991. BLATZ, LUTHER.

#### **DPS Weights and Measures Division provisions**

**Chap. 198-S.F. 998** Specifies responsibilities, duties and powers of the Weights and Measures Division of the Dept. of Public Service. Provides for a director in lieu of a supervisor and specifies special police powers of the director. Adopts weights and measures standards recommended by the U.S. Dept. of Commerce and the

National Institute of Standards and Technology. Recognizes the system of weights and measures in customary use in the United States and the metric system. Requires the Dept. of Public Service to adopt, by rule, definitions of basic units and tables of weights and measures and weights and measures equivalents to govern weighing and measuring equipment and transactions. Defines or redefines terms. Specifies a method of sale for commodities. Authorizes department administration rules. Provides for bulk sales. Specifies the information required in packages and requires that when a packaged commodity is advertised with its retail price, the quantity declaration that appears on the package must also appear in the advertisement. Effective date: August 1, 1991. BENSON, J.E., FARRELL.

#### **Reverse mortgage counseling requirement**

**Chap. 201-S.F. 1411** Requires counseling for reverse mortgage loans. Requires mortgage lenders to keep certificates on file documenting borrower receipt of counseling from housing counseling agencies approved by the Dept. of Housing and Urban Development. Specifies the certificate's content requirements. Imposes a civil penalty for failure to comply. Specifies that counseling services to be provided include a review of the advantages and disadvantages of reverse mortgage programs; an explanation of how the reverse mortgage affects the borrower's estate and public benefits; an explanation of the lending process; a discussion of the borrower's supplemental income needs; and an opportunity to ask questions of the counselor. Effective date: August 1, 1991. SAMS, THOMPSON.

#### **Rental car liability coverage increase**

**Chap. 207-H.F. 875** Modifies provisions relating to the involuntary termination of insurance agents. Clarifies the definition of agent and transfers determination procedures from the commissioner of commerce to the review board. Provides for the imposition of administrative penalties. Increases the no-fault automobile insurance property damage liability coverage requirements for rental vehicles to \$35,000. Requires automobile policies providing for the adjustment or settlement of losses due to damaged window glass to assume costs sufficient to pay for the replacement of the glass. Effective date: Various dates. FARRELL, MONDALE.

#### **Unclaimed property actions authorization**

**Chap. 229-S.F. 425** Authorizes the commissioner of commerce to request other states to bring actions to recover unclaimed property in the other state. Requires Minnesota to pay all expenses incurred. Authorizes the commissioner to agree to pay fees. Prohibits the reduction of claimant amount by expenses paid. Effective date: May 29, 1991. LAIDIG, FARRELL.

#### **Personal property replacement coverage provisions**

**Chap. 244-S.F. 1128** Provides for fire (homeowners) insurance replacement cost coverage for personal property. Prohibits insurers from refusing to issue a single residential renters insurance policy to provide coverage for up to four individuals residing in the same household, if all of the individuals are named insureds on the policy and meet the insurer's normal underwriting requirements. Effective date: August 1, 1991. LUTHER, SKOGLUND.

#### **Miscellaneous intoxicating liquor provisions**

**Chap. 249-H.F. 683** Prohibits intoxicating liquor retailers from having interests in or renting property to manufacturers, brewers or wholesalers. Specifies the period of effectiveness for brand registrations. Provides for renewal. Requires approval of the commissioner of public safety for on-sale intoxicating liquor license issuance by cities to clubs or congressionally chartered veterans organizations. Provides for and regulates the sale of intoxicating liquor at the Target Center in Minneapolis. Consolidates provisions relating to county issuance of seasonal on-sale licenses. Extends the period of validity. Modifies provisions relating to county board issuance of off-sale intoxicating liquor licenses. Includes first class cities in a location restriction for county board issuance of licenses. Places a stronger

location restriction on the issuance of licenses near cities located outside the Metro Area that have a population over 5,000 and had established a municipal liquor store before August 1, 1991. Expands the authority of the Metropolitan Airports Commission to issue off-sale wine licenses for the Minneapolis-St. Paul International Airport. Eliminates the requirement for commissioner approval of licenses issued by governing bodies of Indian tribes. Requires the governing body to give notice to the commissioner of the name and address of the licensee. Provides for commissioner issuance of a retailer identification card. Clarifies the application of on-sale intoxicating liquor license fees. Authorizes gambling on licensed premises under Indian tribal ordinances or tribal-state compacts. Transfers on-sale intoxicating liquor license applicant background check responsibilities from the Bureau of Criminal Apprehension to the commissioner. Clarifies a provision prohibiting the issuance of multiple licenses. Prohibits off site storage of intoxicating liquor without permission of the commissioner. Specifies the applicability of on-sale intoxicating liquor license limits to fourth class cities. Changes the expiration date for bottle club consumption and display permits. Increases the minimum age for keeping a supply of intoxicating liquor on club premises. Authorizes the imposition of civil penalties for conducting or permitting unlawful gambling on licensed premises or for failure to remove impure products. Includes municipal liquor stores in the prohibition on permitting underage persons to consume alcoholic beverages on the premises. Clarifies a provision regulating the sale of intoxicating liquor on Christmas day. Authorizes county issuance of Sunday liquor licenses upon voter approval. Restricts the sale of alcoholic beverages containing more than 80 percent alcohol. Authorizes the commissioner to examine alcoholic beverages on licensed premises or in municipal liquor stores to determine product purity. Authorizes orders for removal or disposal of liquor failing to meet the commissioner's standards of purity. Authorizes the commissioner to promulgate rules. Authorizes cities owning municipal liquor stores to issue club licenses without voter approval. Authorizes and provides for the St. Louis County Board to issue an on-sale intoxicating malt liquor license to a specific establishment. Authorizes and provides for the city of Alexandria to issue on-sale Sunday liquor licenses to restaurants and bowling centers. Restricts the number of on-sale intoxicating liquor licenses in the cities of Virginia and Hibbing. Repeals special laws. Changes the term "nonintoxicating malt liquor" to "3.2 percent malt liquor." Effective date: Various dates. JACOBS, SOLON.

#### **Bank verification requirements**

**Chap. 256-S.F. 880** Increases bank verification requirements for opening checking accounts. Requires banks to verify identification validity. Clarifies a financial intermediary liability immunity provision. Restricts the imposition of service charges for dishonored checks. Specifies printer check labeling requirements. Grants the commissioner investigation and subpoena powers relating to verification or worthless check information release violations by financial intermediaries or drawers. Modifies procedures and liability for civil restitution for holders of worthless checks. Allows an additional service charge for use of law enforcement agencies to obtain payment of dishonored checks. Clarifies criminal penalties for issuing dishonored checks. Specifies additional information required to be released to holders of worthless checks by financial institutions. Effective date: August 1, 1991. SPEAR, SPARBY.

#### **MCHA board membership modification.**

**Chap. 264-H.F. 20** Modifies the membership of the board of directors of the Minnesota Comprehensive Health Insurance Association by requiring that two members be plan enrollees. Requires a public hearing before rate increases or benefit changes are made in the plan. Specifies notice requirements. Requires health insurers to furnish summaries of health care review organization claims review findings to providers requesting the review or to insureds or claimants upon request. Specifies summary content requirements. Effective date: August 1, 1991. WINTER, MARTY.

#### **Barber registration provisions**

**Chap. 282-S.F. 1474** Clarifies and modifies registration requirements for barbers, apprentices and instructors. Requires a certificate of registration or a temporary apprentice permit issued by the board and a shop registration card to operate a barber shop. Requires a certificate of registration or a temporary permit to serve as an instructor. Requires a certificate of registration to operate a barber school. Modifies certificate qualification requirements. Eliminates the time limit for completion of required course hours. Increases the bond requirement for barber school operation purposes. Requires notice to the board of designated operators of barber schools owned by persons not meeting requirements. Specifies application requirements for initial certificates of registration and sets fees. Provides for temporary apprentice permits for nonresidents. Clarifies certificate or permit display requirements. Modifies requirements for reinstatement after failure to renew certificates. Expands grounds for certificate denial, suspension, revocation or censure. Provides for summary suspension. Repeals criminal penalties and requirements for establishing additional barber schools. Effective date: Various dates. DICKLICH, RUKAVINA.

#### **Delinquency charges in insurance premium finance agreements**

**Chap. 283-S.F. 205** Modifies the limits on delinquency and cancellation charges in insurance premium finance agreements. Specifies that the delinquency charge may not exceed five percent of the delinquent installment. Specifies that the cancellation charge is \$10. Effective date: August 1, 1991. SOLON, PUGH.

#### **Board of Electricity provisions**

**Chap. 289-H.F. 871** Clarifies or modifies provisions relating to the Board of Electricity. Clarifies definitions and defines additional terms. Provides for a complaint committee to investigate, mediate or initiate administrative or legal proceedings on behalf of the board relating to violations of the Minnesota Electrical Act. Specifies additional enforcement authority of the board. Clarifies licensing requirements of master and journeyman electricians, installers and electrical contractors. Makes optional the requirement for the board to, by rule, provide for the issuance of special electrical licenses. Specifies requirements for the performance of electrical work by unlicensed persons. Clarifies employment requirements and restrictions. Specifies additional grounds for license denial, suspension or revocation. Authorizes board imposition of civil penalties for violations. Specifies enforcement authority of the complaint committee. Provides for hearings on license revocation or suspension. Authorizes and provides for temporary suspension pending final determination of hearing order. Authorizes and provides for the issuance of cease and desist orders after an investigation of the facts has been conducted by the attorney general. Authorizes the board to impose fees to cover proceedings costs. Authorizes District Court actions and provides for injunctive relief. Requires cooperation of subjects of investigations. Expands the licensing requirement exemption for maintenance electricians and expands the inspector exemptions to include the installation, material and equipment in facilities subject to the jurisdiction of the federal Mine Safety and Health Act. Grants the University of Minnesota inspection authority. Specifies site and records inspection authority of the board. Effective date: August 1, 1991. FARRELL, WALDORF.

#### **Interstate banking expansion**

**Chap. 296-S.F. 785** Permits interstate banking with the states of Michigan and Ohio. Effective date: April 1, 1992. COHEN, JACOBS.

#### **Contractor licensing**

**Chap. 306-H.F. 218** Requires and provides for the licensing of residential building contractors, remodelers and specialty contractors by the commissioner of commerce. Specifies exemptions and exclusions. Requires the commissioner to appoint a builders state advisory council. Specifies membership, terms and duties. Sets licensing fees for residential building contractors and remodelers.

Authorizes the commissioner to adjust the fees to recover administration and enforcement costs. Requires the commissioner to establish licensing fees for specialty contractors and specifies a limit. Authorizes a local surcharge and specifies a limit. Authorizes the commissioner, in consultation with the council, to adopt standards for continuing education requirements and course approval. Provides for temporary licenses. Specifies application and examination requirements. Prohibits local license requirements. Provides for denial, suspension or revocation of licenses. Prescribes penalties for violations. Provides for the licensing of nonresidents. Specifies bonding and liability insurance requirements. Requires the license number of licensees to be placed on building permits, business cards, advertising, contracts and lien notices. Authorizes the commissioner to develop materials and programs to educate the public on licensing requirements. Provides for license renewal. Authorizes the commissioner to adopt administration and enforcement rules. Temporarily exempts building contractors, remodelers and specialty contractors licensed by the cities of St. Paul and Minneapolis from the licensing requirements. Effective date: Various dates. BAUERLY, DAHL.

#### **Real estate brokers licensing exemption**

**Chap. 311-S.F. 1244** Clarifies the exemption for any person who is licensed as a securities broker-dealer or is licensed as a securities agent representing a broker-dealer who offers to sell or sells an interest or estate in real estate which is a security and is registered or exempt from registration or part of a transaction exempt from registration, when acting solely as an incident to the sale of the securities. Effective date: August 1, 1991. COHEN, SCHEID.

#### **Credit service organization regulation**

**Chap. 314-S.F. 204** Defines and regulates credit services organizations. Requires registration with the commissioner of commerce. Specifies registration disclosure and contract copy requirements. Specifies commissioner's authority to set fees. Requires registration statement availability for buyer inspection upon request. Specifies organization surety bond requirements. Specifies prohibited acts of salespersons, agents, representatives and independent contractors. Requires disclosure statements and written contracts between buyers and credit services organizations. Specifies disclosure statement and contract content requirements. Specifies notice of cancellation requirements. Prescribes penalties for violations and provides for the recovery of buyer damages. Prohibits the waiver of rights. Effective date: August 1, 1991. MARTY, CARRUTHERS.

#### **Insurance solvency provisions**

**Chap. 325-H.F. 12 Article I — Reinsurance.** Regulates credit for reinsurance. Reduces the reinsurance consent threshold. Specifies requirements for assuming insurers in order for domestic ceding insurers to be allowed to reduce liabilities or increase assets by the amount of the reinsurance. Provides for the acceptance of assuming insurers in states with similar standards. Requires the maintenance of a trust fund for the payment of valid claims. Specifies trust fund, annual reporting and reinsurance agreement requirements. Provides for a reduction from liability for reinsurance ceded to assuming insurers failing to meet requirements. Authorizes the commissioner of commerce to implement rules. Specifies applicability.

**Article II — Model Administrative Supervision Act.** Authorizes and provides for the commissioner of commerce to supervise insurers not yet financially impaired or insolvent but operating irresponsibly. Specifies notice options of the commissioner. Specifies requirements for release of supervision. Authorizes commissioner extension of the supervision period for noncompliance. Provides for the confidentiality of proceedings and records. Specifies prohibited acts during the period of supervision. Provides for administrative review of commissioner actions. Authorizes the commissioner to implement rules. Specifies commissioner and department liability immunity provision.

**Article III — Standards and commissioners authority for companies considered to be in hazardous financial condition.** Specifies standards for consideration by the commissioner of commerce to identify insurers in a financial condition hazardous to policyholders,

creditors or the general public. Specifies authorized remedial actions. Provides for administrative and judicial review.

**Article IV — Managing General Agents Act. Regulates relationships between insurers and managing general agents.** Prohibits the consideration of the following as managing general agents: an employee of the insurer; a U.S. manager of the U.S. branch of an alien insurer; an underwriting manager who, pursuant to a contract, manages all of the insurance or reinsurance operation of the insurer, is under common control with insurer and whose compensation is not based on the volume of premiums written; or an attorney in fact authorized by and acting for the subscribers of a reciprocal insurer or interinsurance exchange under powers of attorney. Specifies licensing and contract requirements and duties of insurers. Authorizes examination of managing general agents as insurers. Prescribes penalties for violations and provides for judicial review. Authorizes the commissioner of commerce to implement and administrate rules.

**Article V — Life and Health Guaranty Association.** Requires annual inflation adjustment of liability limits of the Life and Health Guaranty Association. Requires the association to borrow money as necessary. Requires notice to applicants for life or health insurance policies after January 1, 1992, relating to coverage by the association. Provides for the effect of the notice requirement.

**Article VI — Minnesota Insurance Guaranty Association amendments.** Allows late filing of workers compensation claims in liquidation. Excludes financial guaranty insurance from guaranty association coverage. Defines financial guaranty insurance. Expands the definition of member insurer to include insurers with suspended, revoked, nonrenewed or voluntarily withdrawn licenses or certificates of authority. Provides that membership obligations survive mergers, consolidations, restructurings, incorporations or reincorporations. Eliminates an assessment provision and clarifies a provision relating to nonduplication of recovery. Excludes workers compensations policies from the provision.

**Article VII — Standard Valuation Law.** Requires life insurance companies to submit annual opinions supporting estimates of needed reserves and the adequacy of assets available to meet liabilities reflected in the reserves. Authorizes the commissioner of commerce to define the specifics of the opinion by rule. Provides for insurers appointment of qualified actuaries to sign the actuarial opinions. Requires commissioner approval. Provides for actuarial liability limit. Specifies supporting memorandum requirements. Provides for the confidentiality of material provided by insurance companies to the commissioner. Clarifies minimum aggregate reserve requirements. Authorizes the commissioner to adopt minimum standards applicable to the valuation of health, disability, accident and sickness plans. Requires the commissioner to review the standards for appointment of qualified actuaries and report to the Legislature on effectiveness. Increases the complement of the Dept. of Commerce for actuarial opinions and analysis review purposes.

**Article VIII - Investments for domestic insurers.** Modifies restrictions on authorized investments by domestic property and casualty insurers. Expands the definition of custodian bond and defines additional terms. Requires insurance companies to monitor current publicly available financial information and other data relating to custodian banks. Provides for the acceptance of letters of credit. Authorizes the commissioner of commerce to impose additional limits on investments. Specifies investment diversification requirements. Limits investments in securities of single issuers. Provides for exceptions. Clarifies or modifies provisions relating to government, revenue or bank obligations. Limits investments in noninvestment grade obligations (junk bonds), stocks, limited partnerships and real estate or real estate mortgage loans. Authorizes investments in collateralized mortgage obligations. Authorizes the commissioner to increase limits on investments up to an additional five percent on real estate. Modifies the limit on foreign investments. Specifies loan collateral requirements.

**Article IX — Modifies restrictions on authorized investments by domestic life insurers.** Prohibits investments in securities or property with interest obligations in default. Modifies investment limits relating to government obligations. Limits investments in

mortgage loans. Eliminates a mortgage participation certificate qualification provision. Modifies provisions relating to stock investments. Authorizes investments in investment and noninvestment grade obligations and sets limits. Authorizes nonprofit health service plan corporations and health maintenance organizations (HMOs) to invest in commercial paper under specific conditions. Provides for investments in asset backed arrangements. Defines asset backed arrangements. Authorizes financial transactions. Authorizes the commissioner of commerce to impose additional investment limits. Authorizes companies to organize corporations to hold investments under specific conditions. Applies domestic life insurance company investment restrictions and requirements to the corporations. Modifies foreign investment provisions and specifies limits. Modifies real estate investment provisions. Eliminates sale requirements. Repeals public utility obligation and certificate of deposit investment provisions.

**Article X — Administration.** Authorizes the commissioner of commerce to charge for desk audits. Clarifies examination powers of the commissioner. Specifies an examination frequency requirement. Requires examiners to observe the guidelines and procedures adopted by the national Association of Insurance Commissioners. Modifies examination and records access provisions. Provides that access refusal is grounds for license suspension, denial or nonrenewal. Specifies additional authority of the commissioner. Specifies examination report requirements. Provides for rebuttal. Provides for commissioner review and for commissioner orders. Provides for appeals. Provides for confidentiality of and access to examination reports. Enhances the penalty for violating orders. Restricts commissioner acceptance of examination reports prepared by other states on foreign insurers after January 1, 1994. Requires the Dept. of Commerce to establish procedures prohibiting examiner conflicts of interest. Provides a liability immunity provision. Applies capital and surplus requirements to all types of insurance. Eliminates the ceiling on special deposits. Provides for the valuation of invested assets. Modifies annual statement form requirements. Increases the limit on the fee for valuing life insurance policies. Modifies the definition of admitted assets. Increases the penalty for failing to file an annual statement and reduces the time limit for default correction. Modifies an HMO real estate investment restriction. Requires the commissioner to report to the Legislature on the effectiveness of the requirements, on the feasibility of entering interstate compact agreements to enhance insurer regulation and on the Life and Health Guaranty Association and the Insurance Guaranty Association. Requires the commissioner of employee relations to authorize the commissioner of commerce to establish examination and selection criteria for additional Commerce Dept. position appointments. Increases the complements of the department and of the office of the attorney general.

**Article XI — Reinsurance Intermediary Act.** Regulates and requires the licensing of reinsurance intermediary brokers (RB) and reinsurance intermediary managers (RM). Provides an attorney exemption. Authorizes the commissioner of commerce to impose bond and insurance requirements on RMs. Specifies license issuance terms and grounds for license denial. Specifies contract requirements for transactions between RBs and insurers and RMs and reinsurers. Specifies recordkeeping requirements. Prescribes duties of insurers using RB or RM services. Prescribes RM and reinsurer responsibility. Specifies prohibited acts by RMs. Subjects reinsurance intermediaries to examination by the commissioner. Prescribes administrative and civil penalties and liabilities for violations. Provides for judicial review. Authorizes the commissioner to implement and administer rules.

**Article XII — Insurance regulatory information system.** Requires insurers to participate in the National Association of Insurance Commissioners (NAIC) Insurance Regulatory Information System for financial ratios calculation purposes. Specifies annual statement filing requirements. Specifies NAIC liability immunity provision. Provides for the confidentiality of financial analysis ratios and examination synopses submitted to the Dept. of Commerce by IRIS. Authorizes the commissioner of commerce to suspend, revoke •

refuse to renew certificates of authority for insurer failure to file annual statements.

**Article XIII — Business Transacted with Producer Controlled Property/Casualty Insurer Act.** Regulates agent placement of business with companies owned or controlled by the agent. Specifies contract, relationship disclosure, funds payment, loss reserve certification, commissioner payment report and audit committee requirements. Limits transactions by reinsurance intermediaries. Specifies the liability of controlling producers in insolvency of controlled insurers. Sets a penalty for violation.

**Article XIV — Insurance holding company systems.** Implements the NAIC model Insurance Holding Company Systems Act. Regulates insurer ownership or control by another company. Authorizes and provides for the organization or acquisition of subsidiaries. Specifies additional investment authority. Provides for the acquisition of control or merger. Sets forth filing requirements. Requires commissioner of commerce approval. Sets forth a public hearing requirement. Specifies exemptions from and violations of the regulations. Regulates acquisitions involving a change in control. Specifies exemptions. Specifies preacquisition notice and waiting period requirements. Specifies considerations for commissioner determination of competitive standard violations. Provides for orders and penalties. Requires and provides for the registration of insurer members of insurance holding company systems. Provides for exemptions. Specifies registration statement requirements. Provides for disclaimer. Specifies standards for transactions within a holding company system. Regulates dividends and other distributions. Provides for management of domestic insurers subject to registration. Specifies additional examination authority of the commissioner. Provides for the confidentiality of information and documents obtained by the commissioner. Authorizes commissioner rules. Sets forth voting securities prohibition and sequestration provisions. Specifies receivership and insurer license revocation, suspension or nonrenewal authority of the commissioner. Provides for judicial review. Repeals the existing Insurance Holding Company Systems Act except for the provision regulating criminal proceedings.

**Article XV — Life reinsurance agreements.** Prohibits life insurance companies from receiving credit for reinsurance without a reinsurance agreement transferring risk from the ceding insurer. Requires commissioner of commerce prior approval for an exception. Specifies accounting standards. Requires written agreements. Provides for the continuation of existing agreements.

**Article XVI — Loss reserve certification.** Requires property and casualty insurance companies to annually certify the adequacy of loss reserves to the commissioner of commerce. Specifies qualified actuary requirements. Exempts township mutual companies from the requirement.

**Article XVII — RICO.** Adds felony theft offenses resulting in the failure of insurance companies, nonprofit health service plan corporations, HMOs or fraternal benefit associations to the list of crimes covered by the Minnesota RICO (racketeering) law.

**Article XVIII — Investment policy.** Requires domestic insurance companies and HMOs to have written investment policies to provide guidance for investment decisions by management. Requires board directors approval. Requires annual review and company compliance determination. Specifies policy content requirements. Requires company filing of a policy certification with the annual statement.

**Article XIX — Valuation of real estate loans and investments.** Requires insurers to establish written procedures approved by the company board of directors for the valuation of commercial mortgage loans and real estate owned. Requires procedures to be made available to the commissioner upon request for compliance examination purposes. Specifies the procedure for insurer valuation of commercial mortgage loans and real estate acquired through foreclosure for reserves establishment or investment values carry and statutory accounting purposes. Requires performing mortgage loans to be carried at amortized acquisition cost. Specifies procedure for insurer evaluation of the carrying value of distressed, delinquent, restructured and foreclosed mortgage loans and real estate owned. Specifies independent audit requirements. Provides for independent



appraisals of mortgage loans in the process of foreclosure and real estate owned. Requires an annual report. Requires and provides for random sample independent appraisals of specific loans of specific insurers. Authorizes commissioner rules. Specifies recordkeeping and reporting requirements. Authorizes the commissioner to require additional procedures under market value overstatement conditions. Regulates insurer selection of independent appraisers. Provides for insurer reserve accounts.

**Article XX — Assumption reinsurance.** Requires policyholder consent for life insurer transfer of policy obligations to another life insurance company. Specifies assumption agreement filing and notice requirements. Requires original insurer retention of secondary liability on the policy. Provides for the transfer of policies under hazardous or receivership conditions.

**Article XXI — Miscellaneous.** Reduces the time period for insurer notice to the commissioner of commerce of discipline by other states. Clarifies the definition of insolvent insurer under the Insurance Guaranty Association Act for coverage purposes. Authorizes the commissioner to disclose to the board of directors of the association information relating to the financial condition of member insurers. Sets forth an information use restriction. Reduces the waiting period for commissioner examination of nonchartered risk retention groups. Establishes minimum loss ratios for noncomprehensive policies of accident and health insurance companies. Authorizes enrollment in the Comprehensive Health Insurance Plan without the preexisting conditions limit upon application for coverage within 90 days of termination of prior coverage due to insurer insolvency. Eliminates the cap on title insurance guaranty funds. Requires a general insurer notice of policy or contract limits and exclusions of protection. Requires the Dept. of Commerce to review the adequacy of reserves of companies selling noncomprehensive policies and the earning generated from investment of premiums. Requires a report to the Legislature. Effective date: Various dates. SKOGLUND, LUTHER.

#### Definition of "signed"

**Chap. 329-S.F. 601** Defines "signed" as it is defined under the Uniform Commercial Code for credit agreements purposes. Effective date: August 1, 1991. JOHNSON, D.E., UPHUS.

## Economic Development and Housing

#### Manufactured home parks sale

**Chap. 26-S.F. 154** Requires and provides for notice and right to purchase for residents of manufactured home parks before park sale; conversion or closing. Specifies purchaser and park owner duties in resident notification and filing deadlines. Provides for the effect of noncompliance. Specifies exclusions. Provides for the filing of affidavits of compliance after sale of the park. Effective date: August 1, 1991. MERRIAM, JOHNSON, A.

#### Multicounty housing authority commissioners

**Chap. 33-S.F. 252** Authorizes multicounty housing and redevelopment authorities comprised of more than three political subdivisions to appoint additional commissioners. Effective date: August 1, 1991. RENNEKE, OSTROM.

#### Neighborhood revitalization boards

**Chap. 59-S.F. 286** Provides for the membership, organization and powers of neighborhood revitalization program policy boards in first class cities. Effective date: August 1, 1991. POGEMILLER, JEFFERSON.

#### St. Paul Port Authority and schools

**Chap. 98-H.F. 1151** Exempts from competitive bidding requirements corporations under contract with the St. Paul Port Authority

to operate a port facility. Validates a 1991 sale of general obligation school building bonds by Independent School District #625, St. Paul. Effective date: Various dates. OSTHOFF, KELLY.

#### Minnesota International Volunteer Corps

**Chap. 114-H.F. 121** Requires the office of volunteer services in the Dept. of Administration to disseminate information about and encourage participation in the Minnesota International Volunteer Corps by representatives from public and private sector organizations to teach American business entrepreneurship in the Soviet Union or East Central Europe. Effective date: August 1, 1991. JAROS, HOTTINGER.

#### Outdoor recreation space grant preference

**Chap. 157-H.F. 1326** Requires the commissioner of trade and economic development in awarding grants under the outdoor recreation grant program to give special consideration to proposed outdoor recreation projects demonstrating particular need based on the factors of socioeconomic level, transportation, handicapped accessibility, lack of recreational facilities, non-recreational development and concentration of school-aged children. Requires the commissioner to incorporate into the annual project ranking process a procedure for awarding additional ranking points to project applications demonstrating special need based on the factors. Effective date: August 1, 1991. CLARK, BERGLIN.

#### East Range Economic Development Authority

**Chap. 177-S.F. 1164** Creates the joint East Range Economic Development Authority between the city of Biwabik and the town of White. Specifies the authority's powers and duties and defines the area of operation. Specifies tax increment financing projects approval requirements. Provides for the appointment and terms of authority commissioners. Authorizes and provides for the issuance of general obligation bonds. Effective date: Local approval. JOHNSON, D.J., JANEZICH.

#### International Partnership Program

**Chap. 220-H.F. 1353** Requires the commissioner of trade and economic development to establish an International Partnership Program to promote joint ventures in research and development, commercialization and export opportunities with companies and governments. Specifies optional activities and an international partnership fund match requirement. Authorizes the commissioner to establish an international partnership project as part of the review procedure. Authorizes the commissioner to solicit applications and proposals from Minnesota companies and nonprofit organizations. Specifies application of proposal requirements and authorized grant uses. Authorizes the commissioner to establish application priorities, to adopt administration rules and to establish an advisory committee. Requires a report to the Legislature by January 15, 1992. Effective date: August 1, 1991. SEGAL, MONDALE.

#### Advantage Minnesota, Inc.

**Chap. 252-H.F. 1109** Creates Advantage Minnesota, Inc. as a non-profit public corporation to market the economic development potential of the state for economic growth enhancement purposes. Requires the corporation to encourage businesses to remain in the state and to promote expansion of current and new employers and businesses in the state. Provides for a board of directors and executive committee. Requires financial and compliance audits. Requires an annual activities report to the Legislature by the commissioner of trade and economic development. Effective date: August 1, 1991. FRERICHS, GUSTAFSON.

#### DTED reorganized

**Chap. 261-H.F. 1042** Reduces the number of divisions in the Dept. of Trade and Economic Development (DTED). Retains the Community Development and Minnesota Trade Divisions. Eliminates the Business Promotion and Marketing Division and changes

the Policy Analysis and Science and Technology Division to the Business Development and Analysis Division. Requires the legislative policy committees, in consultation with DTED, to hold hearings to receive citizen recommendations and to report to the Legislature by January 15, 1993 on a statewide economic development policy. Specifies the report requirements. Requires the commissioner to provide, through the Business Assistance Center, a program to provide assistance to businesses to create safe work places and to reduce the number and severity of workplace injuries. Delineates program requirements. Effective date: August 1, 1991. WINTER, FREDERICKSON, D.R.

#### **Publicly owned manufactured home parks**

**Chap. 287-S.F. 652** Requires publicly owned manufactured home parks or recreational camping areas to pay all required fees. Provides for neighborhood land trusts under the Housing Finance Agency to preserve the affordability of housing for persons and families of low and moderate income. Specifies trust powers and ground lease requirements. Specifies options and restrictions relating to first option to purchase, buildings and improvements, mortgages, liens and rights of heirs. Effective date: Various dates. SOLON, RODOSOVICH.

#### **Regional seed capital fund**

**Chap. 295-H.F. 1088** Requires the Greater Minnesota Corporation (GMC), in consultation with private venture and seed capital companies and other public and private organizations, to establish a regional seed capital fund to invest in early stage and small companies in the state through equity investments. Restricts investments in Metro Area based companies. Specifies a match requirement. Requires the fund to identify sources of technical, managerial and marketing assistance for companies funded by the program, make appropriate referrals and establish a procedure for liquidating private investments. Requires GMC board annual reports to the Legislature and the governor. Authorizes and provides for economic development authorities to participate with public or private corporations to provide seed or venture capital to small businesses located in economic development districts and specifies investment limits and requirements. Effective date: August 1, 1991. SEGAL, METZEN.

#### **Greater Minnesota Corporation changes**

**Chap. 322-H.F. 930** Changes the name of the Greater Minnesota Corporation (GMC) to Minnesota Technology, Inc. Increases the size of the board of directors and modifies term and membership requirements. Provides for University of Minnesota and public post-secondary system representation. Expands duties of the corporation and specifies science and technology related duties. Requires state agencies to establish peer review systems to evaluate scientifically and technologically related research. Requires the corporation to recommend guidelines. Authorizes requests to the corporation by the governor and legislators for evaluation of loans or grants for funding scientifically and technologically related research and development. Authorizes the appointment of ad hoc committees by the corporation. Provides a new structure for the Agricultural Utilization Research Institute. Requires the board to adopt bylaws for and maintain the place of business of the institute. Prohibits conflicts of interest or financial benefit to private individuals or corporations. Specifies audit requirements. Requires the corporation to report to the governor and the Legislature on recommendations for a state science and technology policy. Dissolves the board of directors of the GMC. Requires the board of the corporation to succeed the GMC board. Requires the corporation to provide funding for technology resource centers to maintain a geographic balance of services throughout the state. Transfers programs from the Dept. of Trade and Economic Development to the corporation. Abolishes the Office of Science and Technology and the Committee on Science and Technology Research and Development. Effective date: July 1, 1991. KRUEGER, BERNHAGEN.

#### **Housing Finance Agency provisions**

**Chap. 346-H.F. 833** Regulates the use of tax exempt revenue bonds. Authorizes and provides for Housing Finance Agency (HFA)

and city loans financed with proceeds of mortgage bonds to purchase existing housing during a specified part of an origination period. Restricts the loans for new housing in the Metropolitan Area. Authorizes the loans to purchase new and existing housing after the period of restriction. Requires the HFA and cities to encourage loans for existing or new housing in nonmetropolitan areas. Requires Metro Area cities definition of redevelopment areas for submission to the Metropolitan Council. Restricts commitments and loans to builders or developers. Require the HFA and cities to report annually to the Legislature on activity financed with mortgage bond proceeds. Modifies or clarifies provisions of the Bond Allocation Act. Defines housing pool, rent and single room occupancy unit. Allocates \$10 million in bonding authority to the Dakota County Housing and Redevelopment Authority. Reduces the allocation by the commissioner of finance to the manufacturing pool. Eliminates references to multifamily in provisions relating to housing pools. Changes allocation dates. Modifies an entitlement issuer allocation deduction requirement. Authorizes additional proposed multifamily projects financed with proceeds from residential rental bonds. Clarifies maximum rent requirement. Requires issuers to monitor project compliance with rental rate and income level requirements. Authorizes orders of noncompliance. Specifies that the penalty is to be paid to the issuer rather than to the commissioner of finance. Authorizes issuers to waive insubstantial violations. Modifies the house price limits for single family housing programs financed by housing pool allocations. Prohibits cities in entitlement counties from applying for allocations from the housing pool. Requires the cancellation and return for reallocation to the HFA of unified pool allocations under specific conditions. Prohibits the Dept. of Finance from revoking allocations received after receiving a notice of issue from the issuer. Repeals single family mortgage bond and pool transfer provisions. Effective date: August 1, 1991. REST, POGEMILLER.

#### **Regional international trade service center pilot project**

**Chap. 348-H.F. 222** Establishes a regional international trade service center pilot project to provide international trade assistance to businesses. Requires administration by the board of directors of the Minnesota World Trade Center Corporation. Specifies duties and staff requirements. Requires the centers to seek matching funds from federal state and local public and private sources. Requires the Dept. of Trade and Economic Development to solicit proposals from qualified vendors to provide the services. Specifies contract requirements. Appropriates money to the University of Minnesota Board of Regents for a grant to the Red River Trade Corridor Project. Effective date: July 1, 1991. KRUEGER, DAHL.

#### **Northwest Airbus maintenance facilities**

**Chap. 350-H.F. 1655 Article I — Aircraft maintenance and engine repair facilities: state financing.** Authorizes and provides for the commissioner of finance, upon request of the governor, to issue revenue bonds to finance the construction of a heavy maintenance facility for aircraft at the Duluth International Airport to be owned by the Metropolitan Airports Commission (MAC) and leased to and operated by Northwest Airlines. Authorizes and provides for the issuance of bonds to finance an aircraft engine repair facility at the Chisholm-Hibbing Municipal Airport to be leased for the repair of aircraft engines or components. Specifies limits. Specifies lease requirements. Requires the corporate headquarters of Northwest Airlines to remain in Minnesota for the duration of the agreement. Provides for environmental review. Specifies reporting requirements of the commissioner of trade and economic development and specifies the powers of the commissioner of finance. Specifies a severability clause. Exempts the engine repair facility from the property tax. Provides a corporate income or franchise tax credit for job creation to the operator. Provides a sales tax exemption for materials, equipment and supplies used or consumed in constructing the facilities. Expands powers of MAC relating to the facility in Duluth. Authorizes and provides for the cities of Duluth and Hibbing to create tax increment financing districts for the facilities.

**Article II - Metropolitan Airports Commission.** Authorizes and provides for the MAC to issue additional general obligation revenue

bonds for property acquisition purposes including construction of an aircraft heavy maintenance facility at the Minneapolis-St. Paul International Airport. Authorizes the commission to create a tax increment financing district at the airport.

**Article III - Intergovernmental coordination.** Establishes an interagency task force to coordinate the financial transactions involved in constructing the facilities. Specifies membership and duties. Requires and provides for approval by the commissioner of finance and the Legislative Commission on Planning and Fiscal Policy before issuance of bonds by the MAC. Requires advisory recommendations from the legislative commission before issuance of bonds by the commissioner of finance. Effective date: August 1, 1991. SIMONEAU, SOLON.

## Education

### School district consolidation-Kittson, Marshall

**Chap. 5-H.F. 245** Authorizes and provides for school district consolidation in Kittson and Marshall Counties if approved by referendum. Effective date: March 7, 1991. TUNHEIM, STUMPF.

### Televised meetings

**Chap. 44-H.F. 331** Authorizes education district and joint vocational technical district boards and boards of school districts operating under joint powers agreements to conduct public meetings via interactive television. Requires compliance with the open meeting law. Effective date: May 3, 1991. KINKEL, FINN.

### Maximum Effort School Loan transfer requirements

**Chap. 45-H.F. 73** Modifies requirements for transfers within the Maximum Effort School Loan fund. Eliminates the deduction for interest payments from the proceeds of state bonds for maximum effort school loans. Validates construction contracts entered into by Independent School District #484, Pierz. Effective date: May 3, 1991. TUNHEIM, STUMPF.

### Referendum authorization-Elgin-Millville, Plainview

**Chap. 57-H.F. 230** Authorizes and provides for Independent School Districts #806, Elgin-Millville and #810, Plainview to hold a referendum on combining before the start of formal cooperation in lieu of first cooperating. Authorizes the referendum to include a proposal to issue general obligation bonds for capital expenditures. Specifies plan requirements. Provides for cooperation and combination revenue. Effective date: Various dates. WALTMAN, MEHRKENS.

### Cultural diversity initiatives

**Chap. 126-H.F. 1475** Requires the post secondary educational institution governing boards to report on the status of cultural diversity initiatives on campuses. Specifies report requirements. Requires the reports to be submitted to the Higher Education Coordinating Board by December 31, 1991, for review and comment and subsequent submittal to the Legislature by February 1, 1992. Effective date: August 1, 1991. MARIANI, RANUM.

### Dept. of Education provisions

**Chap. 130-S.F. 417** Makes noncontroversial clarifications and modifications to school district and Dept. of Education provisions. Changes application and notice deadlines under the enrollment options (Open Enrollment) program. Modifies nonresident district notice requirements relating to enrollment agreements between school boards and enrollment exceptions. Expands the purposes of the Minnesota Academic Excellence Foundation to include nonpublic schools and clarifies powers relating to the receipt of gifts. Authorizes the foundation to determine procedures and amounts expended for awards and recognitions. Modifies the conditions for county auditor determination of the date for holding a special election to elect a board after school district consolidation and

eliminates the authority of the county to pay election judges. Modifies the definition of nonpublic school for aid payment purposes. Requires adjustments to assurance of mastery and individual learning and redevelopment aids due to the tax levy recognition change. Defines and modifies aid and credit payment dates. Removes the exception for post-secondary vocational education under a school district aid payment percentage provision and modifies the schedule for the payment of the nonpublic school aids. Includes education districts under aid adjustment and levy equity and limit provisions. Prohibits the reduction of capital expenditure equipment or health and safety aid based on fund transfers. Modifies the deadline for application for health and safety program aid and levy. Includes nonhandicapped pupils under a specific tuition payment requirement for alternative attendance programs and modifies a tuition charging option of Area Learning Centers. Modifies education district referendum levy notice requirements. Changes the date for awarding of interagency adult learning advisory council grants. Eliminates the requirements for the State Board of Teaching to notify the commissioner of education of teachers intending to return from extended leaves of absence. Includes technical colleges and intermediate school districts under specified levy notice and limit provisions. Removes the prohibition on state paid employer contributions into the Teachers Retirement Fund (TRA) for extended leaves of absence. Modifies prior appropriation reductions for specific aids and eliminates the reductions for cooperation and combination and PER process aids. Requires sales or use taxes collected by the commissioner of revenue from the Minnesota Educational Computing Consortium before January 5, 1991, to be deposited in the permanent school fund. Provides recodification instructions to the revisor. Repeals the down payment and program improvement levies and provisions relating to MECC except the provision governing the distribution of proceeds upon sale. Maintains the right of the commissioner of finance to seek legal remedy to enforce rights granted in agreements entered into according to the repealed sections. Effective date: Various dates. DICKLICH, NELSON, K.

### Joint board membership requirements

**Chap. 153-H.F. 696** Modifies membership requirements for school district joint vocational technical boards and changes the reporting frequency requirement. Authorizes boards to appoint additional members under specified agreement conditions. Effective date: July 1, 1991. STREENSMA, FREDERICKSON, D.J.

### Fan ban

**Chap. 168-H.F. 424** Provides for a limited exclusion from interscholastic athletic events for persons assaulting sports officials in connection with interscholastic athletic activities. Authorizes and provides for imposition by the board of directors of the State High School League or by school boards. Specifies procedure. Authorizes the exclusion of head varsity coaches for assault only by the school board employing the coach. Effective date: August 1, 1991. SVIGGUM, HOTTINGER.

### Disabled students provisions

**Chap. 173-H.F. 1119** Requires the public post-secondary educational institution governing boards to develop policies to provide for the needs of enrolled or admitted students with disabilities. Requests the governing boards of private post-secondary institutions to develop similar policies. Specifies policy content and availability requirements. Requires the boards to report on the policies and services to the Legislature by February 1, 1992. Effective date: August 1, 1991. TUNHEIM, STUMPF.

### Missing children school records availability

**Chap. 187-H.F. 499** Requires and provides for school district flagging of school records of pupils currently or previously enrolled upon notice by a law enforcement agency to the district of the disappearance of the child. Requires notice to the law enforcement agency of requests for or inquiries concerning the records of the missing child. Requires records transfers within 30 days of transfer for

pupils changing schools. Requires information received indicating the transferring child as a missing child to be reported to the Dept. of Public Safety. Provides for the disclosure of the data. Effective date: August 1, 1991. O'CONNOR, WALDORF.

#### **Teacher arbitration procedure provisions**

**Chap. 196-S.F. 86** Provides for binding arbitration of disputes relating to the proposed termination, discharge or demotion of teachers after the probationary period. Requires a statement of the arbitration option in contract termination or discharge or demotion notices. Specifies requests and arbitrator selection requirements and arbitration procedures. Requires the commissioner of mediation services to maintain a list of arbitrators. Specifies arbitrator qualification requirements. Requires the Minnesota Education Association (MEA), the Minnesota Federation of Teachers (MFT) and the Minnesota School Boards Association to each provide a list of names annually. Authorizes commissioner list maintenance rules. Limits teacher grievance procedure options. Effective date: August 1, 1991. RANUM, SCHEID.

#### **School district consolidation**

**Chap. 209-H.F. 752** Authorizes and provides for the consolidation of Independent School Districts #351, Hallock and #352, Humboldt-St. Vincent. Effective date: May 28, 1991. TUNHEIM, STUMPF.

#### **Omnibus education aids legislation**

**Chap. 265-H.F. 700** Omnibus education aids appropriations and appropriation reductions.

**Article I — General education revenue.** Increases the levy recognition formula. Reduces the pupil unit count in grades 7 to 12. Modifies the calculation of AFDC pupil units and requires certification of the AFDC pupil count in the school district of residence. Limits the general education aid reduction to school districts due to the reduction in employer Teacher Retirement Association (TRA) contributions. Modifies the referendum levy. Provides for revenue equalization. Modifies the training and experience index and provides for construction of the matrix and computation of revenue, levy and aid. Increases the general education basic revenue formula allowance. Reduces the mileage requirement for elementary sparsity revenue qualification purposes. Modifies the supplemental revenue and minimum allowance formulas. Provides for supplemental revenue for reorganized school districts. Increases the general education tax rate. Modifies restrictions on uses of the revenue. Includes debt service equalization aid as source of general education aid funding — LINE ITEM VETOED. Modifies the revenue reduction formula. Increases the amount of reserved revenue for staff development programs. Restricts use of the revenue to outcome based education activities. Requires reservation of five dollars times the number of actual pupil units for parental involvement programs. Provides a moratorium on referendum increases. Authorizes the commissioner of education to authorize up to \$10 million in levies. Requires school districts to apply for the authority to hold an election. Prohibits the reduction of general education revenue for an excess fund balance for ISD #676, Badger. Specifies conditions. Reduces aid to school districts by the amount of increased revenue recognized for referendum levies due to change in recognition.

**Article II — Transportation.** Limits reimbursement rate to parents for transportation under the enrollment options and post-secondary enrollment options programs. Prohibits transportation aid for late transportation home after school activities and restricts aid for summer program transportation. Removes the definition of adjusted authorized predicted cost per full time equivalent and minimum regular transportation allowance for transportation aid entitlement purposes. Increases the transportation formula allowance. Reduces the limit on the adjusted predicted base cost and the inflation adjustment factor. Modifies the nonregular transportation revenue formula and provides for excess nonregular transportation revenue. Reduces the basic transportation tax rate. Modifies the nonregular transportation levy. Requires the Dept. of Education to adjust the 1991 levy for the amount of the change in the levy for Fiscal Year

1992. Recognizes the entire amount of the levy as revenue for Fiscal Year 1992. Specifies appropriations transfer authority.

**Article III — Special programs.** Requires the commissioner of education to establish a mediation process to assist parents and school districts in resolving disputes resulting from identification, assessment or education placement of handicapped children and extends the deadline for hearing review officer decisions upon appeal. Requires and provides for selection of hearing review officers by the commissioner. Authorizes and provides for the Minnesota State Academies for the Deaf and Blind to retain tuition paid by school districts. Authorizes and provides for the commissioner to approve applications from school districts to provide prevention services as an alternative to special education and other compensatory programs. Requires court notice to resident districts of temporary placement of nonhandicapped pupils outside the district. Modifies the formulas for limited English proficiency and handicapped children programs teacher salaries aid and handicapped children summer school aid. Authorizes the use of assurance of mastery revenue for high school students and specifies conditions. Provides for special education levy equalizations revenue and aid. Provides for alternative delivery revenue and aid. Modifies eligibility for individualized learning and development aid. Modifies the aid formula. Modifies the secondary vocational aid formula. Modifies the tribal contract or grant school aid formula. Provides for early childhood family education revenue. Establishes a grant program to prepare Indian teachers. Modifies Indian parent committee resolution requirements. Requires districts and schools providing Indian education programs to develop long range plans. Specifies plan content requirements. Requires school districts to provide special education to suspended handicapped students. Requires appropriate educational services to dismissed handicapped students. Provides for governance of Pine Point School by the White Earth Reservation Tribal Council. Sets standards for the school. Removes the experimental status. Provides for payment of state aids, revenue and grants to the tribal council for support of the school. Modifies audit requirements and extends the sunset. Provides a 1992 special education levy adjustment. Appropriates money to the Dept. of Education for special education programs including travel for home based services, residential facilities aid, the assurance of mastery and Indian scholarships. Appropriates money for post-secondary preparation grants, language and culture and education programs, teacher preparation grants and tribal contract schools and individualized learning and development.

**Article IV — Community services.** Requires integration of youth community service into the curriculum of youth service programs. Requires school districts to adopt standards for extended day programs. Modifies early childhood family education programs requirements. Authorizes community education advisory councils. Requires and provides for early childhood developmental screening before enrollment in kindergarten or first grade. Modifies component requirements and provides for aid. Provides for extended approval of adult basic education programs. Removes references to continuing education programs. Provides for revenue. Requires the commissioner of education to pay a portion of the costs of GED tests taken by qualifying individuals. Requires State Board of Education rules. Reduces adult education high school graduation aid. Increases early childhood family education revenue and levy. Increases youth service revenue and repeals youth development plan revenues. Increases the community education levy. Increases the membership of the interagency adult learning advisory council. Modifies eligibility requirements for the high school graduation incentives program and expands adult basic education program opportunities. Modifies incentives program aid provisions. Expands the Way To Grow/School Readiness program. Requires the involvement of the commissioner of health. Specifies required program components and funding priorities. Modifies program advisory committee membership requirements and duties. Transfers program administration responsibility to the commissioner of education upon State Planning Agency abolishment. Requires school districts contracting with nonprofit nonpublic schools to prepare reports for the Dept. of Education. Requires the commissioner of education to establish eligibility



standards to determine the eligibility of individuals taking the GED test at a reduced cost. Appropriates money to the Dept. of Education for adult programs, community education aid, early childhood family education, health and developmental screening aid, hearing impaired adult programs, adult graduation aid, evaluation of basic skills programs, GED and learn to read on TV. Appropriates money for Way To Grow Programs. Repeals early childhood health and developmental screening provisions.

**Article V — Capital facilities.** Authorizes the commissioner of education to submit a negative review and comment for projects of school districts failing to submit the required capital facilities plan. Requires the inclusion of a description of the telephone capabilities of facilities in construction proposals. Modifies published notice requirements. Provides for shared facilities. Requires full payment of debt service aid. Reduces the health and safety revenue equalizing factor and specifies a revenue maximum. Requires commissioner establishment of health and safety project applications prioritizing criteria. Provides for handicapped access and fire safety improvements to school buildings. Establishes a debt service equalization program. Appropriates funds for debt service equalization aid — LINE ITEM VETOED. Specifies debt service levy. Exempts property leased to the school districts for preschool and early childhood family education or community education programs from the property tax. Authorizes extra capital expenditure levies to lease sites. Requires the establishment of county facilities groups outside the Metropolitan Area for public buildings inventory purposes. Requires the Metropolitan Council to develop the inventory of the Metro Area. Requires a Dept. of Education health and safety levy adjustment. Authorizes and provides for ISD #393, Lesueur, #508, St. Peter and #734, Henderson to issue bonds for capital projects. Authorizes a lease purchase levy in ISD #423, Hutchinson. Authorizes and provides for ISD #625, St. Paul to issue bonds to acquire or better facilities. Specifies notice and public meeting requirements. Authorizes the commissioner to adjust the maximum effort debt service fund excesses owed to the state by school districts. Appropriates money to the department for capital expenditure facilities and equipment, health and safety and for the Maximum Effort School Loan Fund. Appropriates money for debt service aid — LINE ITEM VETOED.

**Article VI — Education organization and cooperation.** Modifies a severance pay requirement for teachers placed on unrequested leave due to adjoining states attendance or secondary education agreements. Specifies retroactive effect. Authorizes fund transfers in reorganized school districts. Defines reorganization operating debt. Authorizes levies. Provides for the allocation of money among regional management information centers and educational cooperative services units (ECSU). Limits participation and financial support. Requires the inclusion of outstanding energy loans and capital loan obligations in attachment information to the county auditor and in dissolution resolutions and orders. Provides for election by cooperating and combining districts of the method of repaying the loans. Allows combination without cooperation. Exempts cooperating school districts with secondary education agreements from interdistrict cooperation agreement requirement. Provides for the election by cooperating and combining districts of the method of repaying capital loans. Expands the authority of member school districts to transfer from one education district to another. Sets conditions. Requires application to the Dept. of Education. Specifies a time limit for department acceptance or rejection of applications after receipt. Modifies education district common academic calendar requirements. Clarifies combination referendum requirements. Modifies the education district revenue and levy formulas. Modifies the distribution of additional cooperation and combination aid. Reduces the secondary vocational cooperative revenue formula and eliminates the aid penalty for underlevies. Modifies the intermediate school district levies. Eliminates the limits on the number of members of the board of Intermediate School District #916, Anoka, Ramsey and Hennepin counties. Requires approval of the state board of technical colleges to participate in the district. Authorizes ISD #138, Chisago and

Isanti counties and #141, Chisago and Washington counties to join in the district without voter approval. Provides a telecommunications grant to ISD #561, Goodridge. Requires the consideration of residents of ISD #483, Motley, attending school in ISD #793, Staples as open enrollment students as nonresident pupils. Provides for aid calculation. Authorizes fund transfers in ISD #239, Rushford-Peterson. Requires an education district levy adjustment. Provides for a preK-12 and community education service delivery system to reduce the number of different cooperative organizations. Authorizes ISD #543, Deer Creek and #819, Wadens to recognize additional cooperation and combination revenue received for Fiscal Year 1993 in Fiscal Year 1992. Appropriates money to the Dept. of Education. Appropriates money to the Dept. of Education for education district aid — 1993 appropriation LINE ITEM VETOED. Appropriates money to the Dept. of Education for secondary vocational cooperative aid — 1993 appropriation LINE ITEM VETOED. Repeals secondary vocational cooperative and additional district bargaining revenue.

**Article VII — Other aids and levies.** Provides a public education mission statement. Increases the required number of annual days of instruction in stages. Expands the educational effectiveness program to early childhood family education and post-secondary teacher preparation programs. Requires the commissioner of education to administer and research an outcome based education in-service. Establishes a Learning Readiness Program. Specifies child and program eligibility. Specifies advisory council and report requirements. Includes private, nonprofit trade and technical schools under the post-secondary enrollment options program. Extends the program to students attending high schools located forty miles or more from a post secondary institution. Requires and provides for school site management agreements. Modifies the limit on the number of staff development days and the general education revenue formula for alternative programs to reflect the required increase in the number of days of instruction. Provides for Learning Readiness aid. Minnesota Local Partnership Act. Establishes a program to enhance the learning and development of children and youth through coordinated services. Specifies eligibility and Community Education Council requirements. Makes mandatory the option for board of teaching rules to require exposure to elementary or secondary teaching experience. Sunsets the teacher licensing authority of the boards of teaching and education. Requires redesigning of teacher education programs. Requires Higher Education Coordinating Board assistance. Establishes an alternative licensing program for school administrators. Requires candidates for license to teach hearing impaired students in grades K-12 to demonstrate a minimum level of proficiency in American sign language. Increases the reimbursement requirement for private alternative programs. Modifies the definition of essential learner outcomes and defines outcome based education under the planning, evaluation and reporting process. Expands curriculum area requirements. Modifies curriculum advisory committee membership and duty provisions. Requires school boards to annually solicit the opinions of high school graduates or GED recipients concerning school experiences and to periodically collect consumer opinions relating to satisfaction levels. Modifies school district assessment and staff development plan requirements. Authorizes levies for employer paid health insurance costs for retired employees and specifies conditions. Requires Learning Readiness Program reports. Requires State Board of Education recommendations to the Legislature for integrating education funding and the achievement of state and local outcomes and to review rules for consistency with legislative policy. Provides for outcome based education program contracts. Appropriates money to the State Board of Teaching for teacher education improvement, to the HECB for summer program scholarships and to the Dept. of Education for area learning center and arts planning grants and for PER process aid. Appropriates money to the Dept. of Education for the Learning Readiness Program and the Minnesota Local Partnership Act — LINE ITEM VETOED. Repeals the office of educational leadership. Repeals the teacher center planning grants and task force.

**Article VIII — Other programs.** Creates the Legislative Commission on Children, Youth and Families. Limits the reserved fund balance for unemployment insurance. Specifies levy requirement. Authorizes and provides for a chemical abuse prevention program for targeted children and young people. Continues and codifies the minority teacher incentive program. Modifies school lunch aid. Authorizes the charging of food service administrative, supervisory and lunchroom utility costs under food service programs to the food service fund and specifies exclusions. Modifies school breakfast program requirements. Establishes a process to enable the commissioner of education to award grants for teacher mentoring programs. Modifies task force duties. Changes the name of the Minnesota Education in Agriculture Council to the Minnesota Education in Agriculture Leadership Council and eliminates a restriction on reimbursement to members for expenses. Increases the fee for private business, trade and correspondence school licenses and solicitors' permits. Provides for the allocation of revoked drivers license fees to chemical abuse prevention programs in elementary schools. Modifies a debt service levy excess provision. Authorizes school districts nonoperating fund transfers and prohibits levy reductions as a result of the transfers. Requires the State Council on Vocational Technical Education to establish a task force on education and employment transitions, specifies plan requirements. Appropriates money to the State Board of Teaching for fellowship grants — LINE ITEM VETOED. Appropriates money to the State Board of Technical Colleges and to the Dept. of Education for abatement, nonpublic pupil, school lunch and food storage and tobacco use prevention aid, for career teacher aid and for minority teacher incentives. Appropriates money to the Dept. of Education for education in agricultural leadership — LINE ITEM VETOED. Appropriates money to the Dept. of Education for the Minnesota Principal Assessment Center, for computer assisted instructional strategy grants, for ISD #518, Worthington for planning for construction of new residential facilities for the Lakeview Program for Handicapped Students, and for ISD #695, Chisholm for a leadership program — LINE ITEM VETOED. Appropriates money to the Dept. of Education for ISD #707, Nett Lake, for liability insurance and unemployment compensation costs and for grants from the alcohol impaired driver account. Appropriates money to the Dept. of Education for the Legislative Commission on Children, Youth, and Families — LINE ITEM VETOED. Repeals the Legislative Commission on Public Education, tobacco use prevention programs and the education product and loan repayment revolving account.

**Article IX — Miscellaneous.** Provides additional exceptions to the deadlines under the open enrollment program. Provides for the enrollment options programs with bordering states. Provides for the establishment of outcome based schools. Changes the flexible year program to the flexible learning year program. Modifies rulemaking and variance of the authority of the State Board of Education relating to teacher licensure. Authorizes the commissioner of education to establish procedures to set and collect fees to defray conference and workshop costs incurred by the department. Requires the Dept. of Education to develop standard editing checks for data submitted by school districts or ESV regional centers. Eliminates the requirement for State Board of Education approval of transfers from one regional management information center to another. Eliminates the data element dictionary. Modifies data reporting requirements and ESV computer council duties. Removes a restriction on the establishment of regional management information centers. Requires board members to be current school board members. Changes the budget frequency requirement. Restricts obligations to computer hardware. Requires a fund transfer and requires unanimous board consent for computer purchases. Clarifies alternative management information systems approval requirements. Imposes a duty on schools to maintain a number of elementary and secondary grades. Allows school boards under interdistrict cooperation agreements to hold meetings in any district party to the agreement. Provides for the rights of teachers upon dissolution of or employing district withdrawal from cooperative districts. Limits employment contracts for superintendents. Removes seniority and unrequested leave provi-

sions and specifies conditions. Allows supervision by only one principal in specified school buildings. Authorizes school boards to reimburse employees for legal fees incurred in defending criminal charges resulting from the performance of duties. Prohibits foreign exchange students from enrolling in the post-secondary enrollment option program. Provides a new method of transferring aid between school districts and post-secondary institutions under the program. Modifies extracurricular activities revenue and expense provisions. Requires school boards to appoint a student to serve as an advisory member or to establish a youth advisory council. Authorizes the counting of foreign exchange students graduating from high school or the equivalent as resident pupils for funding and levy purposes. Provides for revenue for outcome based schools. Modifies school board reporting requirements for teacher license suspension or revocation purposes. Provides for peer review of probationary and continuing contract or nonprobationary teachers. Codifies and provides for staff and faculty exchange programs. Authorizes school districts to hire persons without a license degree to serve as high school varsity coaches. Modifies the credit received toward tenure by teachers of English as a second language (ESL) under a licensure exemption. Prohibits commercial relationships between the State High School League Board and corporations or organizations. Specifies conditions. Defines terms for school bus driver license revocation investigation purposes. Requires the commissioner to cancel school bus driver endorsement permanently under specified conditions. Requires background checks. Exempts school district clerks from Saturday and evening hours requirements for absentee ballots acceptance purposes. Exempts regular education programs from human services licensing requirements and modifies the exemption for programs providing social or recreational activities. Includes the current budget in school district truth in taxation provisions. Increases delinquent property tax penalties and reduces the redemption period under specified conditions. Defines terms for license revocation investigation purposes. Requires the court to order inclusion of license investigations in presentence investigations of persons convicted of committing crimes against minors involving child physical or sexual abuse or criminal sexual conduct. Requires the State Board of Education to establish preparation time requirements for elementary school teachers comparable to the requirements for secondary school teachers. Provides a special effective date and applicability to Mid-range Special Education Cooperative #932. Provides an expenditure limit to regional management information centers. Authorizes the distribution of regional subsidies to member districts.

**Article X — Public libraries.** Authorizes and provides for school districts and cities to jointly operate libraries for use by students and the public. Provides for a joint library board. Modifies the distribution formula for regional library basic system support grants and appropriates money to the Dept. of Education for the grants and for multicounty, multitype library systems.

**Article XI — State education agencies.** Eliminates Interagency Coordination Council, commissioners of education and state planning, Academic Excellence Foundation, State Board of Education and state auditor reports to the Legislature. Requires joint preparation of education system recommendations and the biennial budget by the State Board of Education and the commissioner. Requires the board of the Center for Arts Education to adopt intern procedures to administer and monitor aids and grants. Limits enrollment at the center. Authorizes additional instruction and requires a room and board fee. Changes the center fund to an account in the special revenue fund. Authorizes the use of rental income for service and programs. Authorizes board rules relating to student discharge from the dormitory. Requires the center to offer resource and outreach programs. Specifies a magnet program identification requirement. Provides unemployment compensation eligibility for specified employees. Appropriates money to the Dept. of Education for educational effectiveness programs, the Academic Excellence Foundation, the Faribault academies and the Arts Education Center. Repeals the requirement for the University of Minnesota, the state universities and community colleges to provid

the HECB with the information on credit awarded for advanced placement program examinations. Repeals the requirement for the HECB to publish data on teacher education program students and graduates. Repeals the center magnet arts programs.

**Article XII — Maximum Effort School Loan Program.** Approves capital loans to ISD #115, Cass Lake; #192, Farmington; #682, Roseau; #748, Sartell; #345, New London-Spicer; #533, Dover-Eyota; #95, Cromwell; and #255, Pine Island. Authorizes districts with approved capital loans to issue general obligation bonds without voter approval for the difference between the approved cost and the sum of the loan granted and voter approved bonding authority. Appropriates money to the Dept. of Education for the loan fund. Effective date: Various dates. NELSON, K., DICKLICH.

#### **Developmental disabilities task force creation**

**Chap. 276-H.F. 761** Authorizes the State Board of Technical Colleges to contract with state or private entities to develop education materials for providers of services to persons with developmental disabilities. Requires the chancellor of the technical college system to appoint a task force to assist in the development of appropriate education materials. Specifies membership. Requires the technical college system to coordinate the development of education materials with the Depts. of Human Services, Health, Education and Jobs and Training. Requires a task force report to the state board and the Legislature. Effective date: August 1, 1991. MARIANI, HOTTINGER.

## *Elections and Ethics*

#### **Ballot preparation instruction changes**

**Chap. 221-S.F. 1178** Modifies instructions for the preparation of election ballots. Restricts the prohibition on scheduling school events on election day to regularly scheduled elections held in the local government unit of the school's location. Effective date: August 1, 1991. MERRIAM, WEAVER.

#### **Election provisions**

**Chap. 227-H.F. 478** Changes the requirement for the commissioner of natural resources to include absentee ballot applications with deer licenses issued to an availability requirement. Requires post-secondary institutions receiving federal or state funds to issue identification cards to enrolled students and to prepare lists of enrolled students residing in student housing or within ten miles of the campus. Requires the list to be certified and sent to the appropriate county auditor for use in election day registration. Provides for use of current valid student identification cards or fee statements as "proof of residence for voter registration purposes. Requires the post-secondary institutions to provide voter registration forms to students upon payment of tuition, fees and activities funds at the beginning of fall quarter. Specifies the requirements of those forms. Provides for voter registration at the time of fee payment. Clarifies the availability of information contained in voter registration lists for law enforcement purposes. Authorizes the secretary of state to withhold from the public information list the names of registered voters placed under court ordered protection. Modifies death reporting requirements. Requires the commissioner of health to report deaths and specific additional information to the secretary of state. Requires the secretary of state to prepare lists of registrants from the reports of county auditors for statewide registration system status change purposes. Authorizes and specifies procedures for county board experimental absentee ballot procedures. Authorizes the submission of absentee ballot applications to county auditors or municipal clerks by electronic facsimile devices. Requires notarized affidavits of candidacy. Requires local election official approval of the use of public facilities for elections. Defines local election official. Specifies requirements for appropriate facilities. Authorizes municipalities or counties to allocate costs to school districts for elections held at the

same time as the municipal or county election. Requires municipalities to determine the voting method in combined local elections. Authorizes the secretary of state to authorize Ramsey and Kittson counties to conduct elections by mail on an experimental basis. Requires a secretary of state implementation report to the Legislature by January 15, 1993. Provides for the order of counting gray box ballots. Changes the time for issuance of certificates of election. Provides for the effectiveness of ordinances changing the year of statutory city general elections. Provides for a referendum on the ordinance. Changes the deadline for municipal or school district clerk notice to the county auditor of municipal and school district elections. Authorizes bond election notices before receipt of review and comments from the commissioner of education and before initiation of the election. Provides for an experimental election in Independent School District #271, Bloomington. Modifies the language requirement for campaign literature disclaimers. Applies the Minnesota Election Law to hospital district elections. Modifies election notice and filing requirements and procedures. Effective date: Various dates. LASLEY, HUGHES.

#### **Election judges provisions**

**Chap. 237-H.F. 398** Authorizes and provides for high school students age 16 or older and enrolled in a course of study of Minnesota government to be appointed as without party affiliation trainee election judges in the municipality of residence. Modifies requirements for employee time off work without penalty to serve as election judges by extending the notification period and allows employer reduction of salary or wages by the amount received as an election judge. Requires certification from the appointing authority of hours of service and hourly compensation with the written request. Authorizes employers to restrict the number of persons at a single worksite serving as election judges to 20 percent of the total workforce. Authorizes the secretary of state to authorize educational activities relating to voting and elections for elementary or secondary school students in polling places on state, county, municipal or school district election days. Specifies ballot requirements and prohibits interference with the conduct of elections. Authorizes the presence of teachers and students participating in the activities in the polling places during voting hours. Effective date: Various dates. OSTHOFF, HUGHES.

#### **Primary election employee time off**

**Chap. 245-H.F. 326** Provides for time off work for employees to vote in state and presidential primary elections. Effective date: August 1, 1991. OSTHOFF, HUGHES.

#### **Candidate withdrawal procedures**

**Chap. 320-H.F. 137** Prohibits election judges from removing absentee ballot envelopes from return envelopes before 8 p.m. on election day, either in the polling place or at an absentee ballot board. Eliminates specific absentee voter list examination requirements. Modifies the form of the affidavit on the back of return envelopes relating to the statement of not casting another vote. Provides the method of withdrawal of candidates for constitutional office from the general election ballot. Specifies a deadline. Provides for the removal of governor and lieutenant governor candidate names from the ballot. Authorizes major political parties to fill vacancies in nomination. Modifies the deadline. Requires and provides for substituted gubernatorial candidates to select candidates for lieutenant governor. Provides for the removal of candidates from the ballot after the deadline. Provides for the counting of write in votes cast for governor without a vote for a candidate for lieutenant governor. Modifies absentee ballot marking and delivery requirements for members of cooperatives. Effective date: August 1, 1991. SCHEID, LUTHER.

#### **Campaign expenditure provisions**

**Chap. 349-H.F. 635** Modifies the definition of campaign expenditure relating to the purchase of goods or services. Includes payment for food and beverages for campaign volunteers in the definition of

noncampaign disbursement. Authorizes the executive director and staff of the Ethical Practices Board to provide information relating to limits on corporate contributions to individuals required to file with the board. Prohibits constitutional officers from soliciting or accepting contributions from lobbyists or political committees or funds during regular legislative sessions. Requires the reporting of the sum of all noncampaign disbursements in campaign reports. Requires the reporting of loans in preelection reports. Limits preprimary expenditures in contested races to the spending limit. Defines otherwise eligible to receive a public subsidy for expenditure limit agreement purposes. Restricts the adjusted expenditure limit publication requirement of the Ethical Practices Board to each election year. Reduces contribution limits to candidates for constitutional office. Clarifies coverage of separate political party accounts in the state elections campaign fund. Requires the state treasurer to distribute funds to candidates in the form of checks made payable to the campaign fund of the candidate. Require the Ethical Practices Board to provide public subsidy agreement forms to candidates on request. Provides for consideration of transfers of public subsidies from principal campaign committees to political parties as a noncampaign disbursement. Requires congressional candidates to submit a copy of the federal designation of a principal campaign committee with the signed agreement. Authorizes rescission of expenditure limit agreements by congressional candidates. Clarifies postelection year expenditure and costs provisions. Includes year of birth in voter information required to be made available for public inspection. Changes the date for the convening of precinct caucuses. Changes deadlines for the redistricting of city wards and other local government election districts and for reestablishment of precinct boundaries. Authorizes and provides for eligible voters to apply to the District Court for a writ of mandamus requiring the redistricting of wards or local government election districts or to revise plans adopted by the governing body responsible for redistricting wards or districts. Specifies application filing deadlines. Specifies limits on the holding of municipal or school district special elections before state primary elections. States a legislative policy for the completion of congressional and legislative redistricting activities in time to permit counties and municipalities to begin the process of reestablishing precinct boundaries for state primary election purposes. Specifies the effective date of the adoption of reestablished precinct boundaries. Requires county auditors to publish prior notice describing the congressional, legislative and county commissioner district boundaries in the county in qualified newspapers. Authorizes the establishment of alternate dates for adopting precinct boundary changes, posting boundary change notices and for notifying voters affected by boundary changes as provided in rules of the secretary of state. Requires the secretary of state to conduct conferences with county auditors and municipal and school district clerks for instruction on procedures to redraw election districts and establish precincts. Modifies requirements for the location of polling places. Authorizes the establishment of a single polling place for combined precincts. Modifies the standards for redefining city ward and school election district boundaries. Specifies the effective dates of the adoption of new boundaries. Changes the percentage of change requirement for holding county commissioner elections after redistricting. Effective date: Various dates. RODOSOVICH, POGEMILLER.

## Employment

### Boiler definition

**Chap. 41-H.F. 472** Expands the definition of high pressure piping to include piping used in high pressure chlorine systems. VETOED. O'CONNOR, WALDORF.

### Wage definition

**Chap. 48-H.F. 324** Defines wages to include payments required to be made to a vacation or health, welfare or pension fund on behalf of

the employee for employee lien for wages purposes. Effective date: August 1, 1991. FARRELL, CHMIELEWSKI.

### Deceased construction workers plaques

**Chap. 192-H.F. 118** Requires the commissioner of labor and industry upon request of the families of workers killed in public construction projects to erect plaques on the completed projects in honor of the deceased workers. Effective date: August 1, 1991. TRIMBLE, KELLY.

### Replacement workers prohibition

**Chap. 239-H.F. 304** Declares public and private employers hiring of permanent replacement employees to perform bargaining unit work during strikes or lockouts as an unfair labor practice. Effective date: June 2, 1991. ANDERSON, I., CHMIELEWSKI.

### Omnibus workers compensation provisions

**Chap. 247-H.F. 1422 Article I — Compensation Benefits.** Expands the definitions of daily and weekly wage to include holiday and vacation pay. Expands the definition of employee to include voluntary uncompensated workers in the building and construction industry rendering services for joint labor management nonprofit community service projects. Expands the definition of family farm to include farms with total liability and medical payment coverage equal to \$300,000 and \$5,000, respectively, under a farm liability insurance policy. Alters temporary total and temporary partial disability benefits and conditions for payment. Provides for the payment of temporary total compensation to employees during retraining. Grants compensation judges additional compensation authority. Increases the limit on the payment of burial expenses. Delays cost of living adjustments.

**Article II — Medical and Rehabilitation.** Removes physical rehabilitation from the scope of vocational rehabilitation. Provides retraining compensation for surviving spouses if it is determined that training will enable the surviving spouse to be self supporting. Requires the commissioner of labor and industry to, by rule, establish a fee schedule and limits for qualified rehabilitation consultants and vendors. Modifies the composition of the rehabilitation review panel to include rehabilitation vendors and qualified rehabilitation consultants in representation. Eliminates the authority of the commissioner to appoint alternates. Makes rehabilitation consultation and services optional at the request of the employee, employer or commissioner. Specifies notice or report requirements of employers to employees or to the commissioner whenever the employee's temporary total disability will likely exceed 13 weeks. Alters procedures for the selection of qualified rehabilitation consultants. Specifies rehabilitation plan deadlines and requires commissioner monitoring of plans. Requires charges for services to be submitted on forms prescribed by the commissioner. Specifies administrative conference location requirements and authorizes telephone conferences. Requires employers to provide foreign language translation services. Requires medical treatment to be provided by certified health care providers and specifies exceptions. Prescribes conditions for denial of compensation. Includes hospitals in reporting requirements. Authorizes and provides for managed care for injured workers. Specifies health care eligibility and application requirements. Requires and provides for commissioner certification of health care providers. Provides for review of services and the confidentiality of records. Requires commissioner rules in cooperation with the commissioners of health, commerce and human services. Extends the effectiveness of and modifies requirements for medical fee rules. Limits the liability of employers for services included in the medical fee schedule and for treatment, articles and supplies provided to employees. Provides for the determination and handling of excessive health or medical services charges. Requires physician examinations to be scheduled at a location within a 150 miles of the residence of the employee unless the employer can show cause to the department to order an examination at a location further from the employee's residence. Requires the commissioner, after consultation with the Medical Services Review Board, to adopt rules establishing a single



fee schedule for examinations. Requires and provides for the enrollment of health care providers for payment receipt purposes and requires provisions for retroactive enrollment.

**Article III — Insurance.** Authorizes policies issued by the assigned risk plan and the workers compensation insurance fund to include all states coverage. Expands trucker employer notice of coverage requirements. Requires and provides for reductions in workers compensation insurance rate schedules and prohibits the filing of rate increases between April 1, 1991 and January 1, 1993. Requires the commissioner of labor and industry to survey employers for determination of implementation of the required reductions. Requires a report to the Commission on Workers Compensation and the Legislature by March 1, 1992. Requires the commissioner of commerce to evaluate the current system of classification of truck drivers for fair and equitable workers compensation rates determination purposes. Requires a correction order for findings of unfairness or inequity.

**Article IV — Miscellaneous.** Modifies the interest rate on payments made upon determination of liability in disputes between employers or insurers for reimbursement purposes. Recodifies and modifies binding arbitration provisions. Specifies conditions for chief administrative law judge certification of a question of workers compensation to the Workers Compensation Court of Appeals as important and doubtful. Provides for review by the Supreme Court and requires expedited decisions. Specifies notice requirements. Requires the chief administrative law judge to assign workers compensation cases to compensation judges using a block system.

**Article V — Commission on Workers Compensation.** Creates a permanent Commission on Workers Compensation to examine the elements of the current workers compensation system and recommend reforms. Specifies membership and duties. Requires initial studies and repeals the Advisory Council on Workers Compensation and repeals the workers compensation system after July 1, 1993.

**Article VI — Workers compensation rehabilitation program.** Transfers the workers compensation program responsibilities of the Rehabilitation Services Division of the Dept. of Jobs and Training to the Dept. of Labor and Industry.

**Article VII — Self-insurance.** Modifies provisions regulating workers compensation self insurance. Requires audits of self insurance applications and specifies procedures. Requires the self insurance advisory committee to review financial data filed with the Dept. of Commerce every five years after certification for certificate revocation recommendation purposes. Eliminates the authority of the commissioner to modify net worth requirements. Changes the annual report filing deadline for group self insurers. Changes the frequency of estimated future liability determination for nongroup private self insurer security fund members. Modifies the calculation of security fund assessments for private employers ceasing to be self insured. Requires the deposit of securities with the state treasurer or in custodial accounts and requires the filing of surety bonds with the commissioner. Authorizes the commissioner and state treasurer to sell or collect sufficient funds to pay compensation due in cases of employer or fund default. Provides for the assignment, custody, release and exchange or replacement of securities. Repeals rules. VETO. RUKAVINA, CHMIELEWSKI.

#### Compensation coverage

**Chap. 260-S.F. 432** Requires successful bidders on nonresidential construction projects to provide workers compensation and unemployment compensation coverage for workers. Provides for the determination of employee status. Provides a civil remedy and prescribes a penalty for violation. Effective date: August 1, 1991. SAMUELSON, RICE.

#### Sick leave use

**Chap. 268-S.F. 1317** Clarifies and modifies the definition of employee under parenting leave from employment provisions. Authorizes the use of employer provided personal sick leave benefits for absences due to injury to a child. Defines personal sick leave benefits. Effective date: June 2, 1991. FRANK, BEGICH.

#### Boiler inspection provisions

**Chap. 331-S.F. 707** Provides for the certification of hobby boilers or show engines by the Division of Boiler Inspection of the Dept. of Labor and Industry. Requires the commissioner to waive full radiographic examination if specific requirements are met. Modifies the exception to the requirement for inspection of boilers and pressure vessels for every vessel that contains water under pressure, including those containing air that services only as a cushion, whose design pressure does not exceed 300 p.s.i.g. and whose design temperature does not exceed 210 degrees Fahrenheit. Excepts manually fired boilers for model locomotive, boat, tractor, stationary engine or antique motor vehicles constructed or maintained as hobbies for exhibition, educational or historical purposes from the inspection requirement. Effective date: August 1, 1991. GUSTAFSON, FARRELL.

## Energy and Public Utilities

#### Public utilities placement

**Chap. 99-H.F. 357** Grants town boards authority over pipeline placement along town road rights-of-way. Authorizes the imposition of prior notice and restoration requirements for the placement of pipelines or public utility or telephone poles or cables. Requires notice by public utilities or pipelines to the appropriate county, city or town before the use of public road rights-of-way to construct or repair lines or cables. Authorizes waiver. Effective date: August 1, 1991. JACOBS, NOVAK.

#### Low income housing code

**Chap. 134-H.F. 910** Requires the state building code to provide for building new low income housing according to energy efficiency standards adopted by the commissioner of public service. Defines low income housing. Effective date: August 1, 1991. BODAHL, JOHNSON, J.B.

#### Public utilities exemption

**Chap. 147-H.F. 282** Requires the Public Utilities Commission (PUC) to exempt from prior rate regulation small gas public utilities that serve fewer than 650 customers as long as the utility serves no more than a total of 2,000 customers upon request from the franchising municipality. Requires the PUC to require the utility to adopt the cold weather disconnect policies and procedures of the commission. Requires PUC regulation of the utilities upon municipal rescission of the exemption request. Effective date: May 23, 1991. COOPER, BERNHAGEN.

#### Fire code restrictions

**Chap. 149-H.F. 132** Requires the state building and uniform fire codes to prohibit the use of incandescent bulbs in internally illuminated exit signs. Excepts battery powered backup bulbs. Requires state agencies to use money allocated for utility expenditures for the purchase of replacement bulbs. Requires the commissioner of public service, in consultation with the commissioner of administration, to solicit outside information on proposed amendments to the state building code by August 1, 1991. Requires the amendments to equal or exceed the most energy efficient codes adopted by other states and the model conservation standards adopted by the Pacific Northwest Power Planning Council. Requires the commissioner of public service to solicit outside information on proposed codes or standards for commercial heating, ventilation and air conditioning (HVAC) systems and installations to assure energy efficient new and remodeled commercial development. Effective date: Various dates. DAWKINS, MARTY.

#### Telephone multiparty line prohibition

**Chap. 152-H.F. 1127** Prohibits telephone companies from offering or providing multiparty line service to more than two subscribers per

line without approval by the Public Utilities Commission (PUC). Requires telephone companies providing multiparty line service to file a plan with the PUC for purposes of service elimination by October 31, 1993. Requires explanations for approval of multiparty line telephone service beyond October 31, 1991. Requires a schedule for elimination of the service. Requires recovery of the costs of converting from multiparty line service through proportional rates for all customers. Effective date: August 1, 1991. PETERSON, FREDERICKSON, D.J.

#### **Utilities regulation exemption**

**Chap. 154-H.F. 564** Exempts licensed hotels, motels, restaurants, lodging and boarding houses, resorts and places of refreshment providing telephone service to patrons on the premises of the establishment from regulation by the Public Utilities Commission. Requires the establishments to charge fair and reasonable rates and to provide notice of charges and service providers to patrons. Subjects the establishments to complaint and investigation procedures. Effective date: August 1, 1991. JACOBS, NOVAK.

#### **Public Utilities Commission provisions**

**Chap. 184-H.F. 924** Authorizes the Public Utilities Commission to allow public utilities to recover from ratepayers expenses incurred for economic and community development. Effective date: May 25, 1991. KELSO, BECKMAN.

#### **Fee limits**

**Chap. 234-H.F. 1190** Limits the water use permit processing fee for municipalities furnishing electric service and cogenerating steam for home heating. Limits assessments against cooperative electric associations and municipal electric utilities by the Public Utilities Commission or the Dept. of Public Service to the maximum assessments allowed against public utilities. Authorizes appeal. Exempts installations of real estate signs, to a depth of twelve inches, from the one call excavation notice system. Effective date: May 29, 1991. JACOBS, FINN.

#### **Energy conservation improvement programs**

**Chap. 235-H.F. 1246 Article I — Conservation improvement programs.** Expands energy conservation improvement programs. Expands the definitions of energy conservation improvement and public utility. Requires public utilities to spend and invest a percentage of gross operating revenues for energy conservation improvements. Authorizes the commissioner of public service to require greater investments or spending for utilities that project a peak demand deficit of 100 megawatts or greater within five years under mid-range forecast assumptions. Provides for appeal. Specifies transitional spending requirements. Requires municipalities and cooperative electric associations to identify and implement energy conservation improvement spending and investments. Requires commissioner reviews. Requires the commissioner to give special consideration and encouragement to programs using energy efficient lighting. Modifies other energy conservation program requirements and eliminates the definition of low income. Establishes the low income energy and conservation account in the general fund to finance programs designed to meet the energy needs of low income persons and to make energy conservation improvements in underserved areas. Specifies program requirements. Restricts public utility conservation improvement program expenses recovery. Authorizes the filing of rate schedules providing for automatic adjustment of charges to reflect tax and fee changes. Specifies a restriction. Requires the commissioner to report to the Legislature on proposals to include in conservation improvement programs the providers of liquefied petroleum gas (LPG or propane) and fuel oil for residential heating and to adopt amendments to the energy code to implement energy efficient standards for new commercial buildings. Modifies petroleum products inspection fees. Appropriates money to the commissioner of public service for administration and analysis of conservation improvement programs and to the energy and conservation account for programs to improve the energy efficiency of

residential oil fired heating plants in low income households — LINE ITEM VETOED.

**Article II — Cold weather rule.** Expands the cold weather utilities disconnection prohibition rule to municipalities and cooperative electric associations. Specifies restrictions and notice requirements.

**Article III — Energy efficient lighting.** Requires the state building and uniform fire codes to prohibit the use of incandescent lighting in internally illuminated exit signs after January 1, 1994. Excepts battery powered back up bulbs.

**Article IV — Certificate of need process.** Prohibits the Public Utilities Commission (PUC) from issuing certificates of need for large energy facilities generating electric power through the use of nonrenewable energy sources or transmitting electric power generated by nonrenewable energy sources without justification from applying public utilities for the nonuse of renewable energy sources. Defines renewable energy source.

**Article V — Energy conservation: buildings.** Authorizes the commissioner of administration, in consultation with the Dept. of Public Service and in cooperation with public utilities or comprehensive energy services providers, to conduct a shared savings program involving energy conservation expenditures on state owned buildings for energy consumption reduction purposes. Specifies contract requirements. Authorizes the commissioner to exclude from the program buildings implementing energy conservation measures. Requires a report to the Legislature by January 1, 1993. Requires the commissioner of public service, in cooperation with the commissioner of administration, to review the state building code and the energy conservation standards for public buildings in view of long range energy needs, the effect of conservation programs and advances in technology relating to weatherization and energy efficiency. Requires a report to the Legislature by January 15, 1992, and specifies report requirements.

**Article VI — Financial incentives.** Authorizes the PUC to order public utilities to develop and submit to the commissioner for approval incentive plans describing the method of recovery and accounting for utility conservation expenditures and savings. Specifies approval consideration requirements. Authorizes the commissioner to set rates to encourage effective implementation of utility conservation programs. Requires applicants for certificates of need for large energy facilities to show inability to meet demand for electricity more cost effectively through energy and load management measures.

**Article VII — Studies.** Requires the commissioner of public service to study the potential market for photovoltaic devices and the need for and impact of a carbon emissions tax, specifies study requirements, requires reports to the Legislature — LINE ITEM VETOED. Requires the public utilities commission to examine the economic and technical aspects of the process of using methane gas from qualified landfills to produce electricity and report to the Legislature. Appropriates funds — LINE ITEM VETOED. Effective date: Various dates. JACOBS, NOVAK.

#### **Low income energy assistance advisory task force**

**Chap. 297-S.F. 1466** Creates an advisory task force on low income energy assistance to study the establishment of an energy assistance foundation to provide emergency energy assistance to households that are eligible for assistance and to solicit funds for low income energy assistance programs. Provides for membership and administration of the task force. Requires the Pollution Control Agency to make recommendations to the Legislature by January 1, 1992 on methods of use, recapture and recycling of chloroflourocarbons (CFCs) and on appropriate training provisions for persons installing or repairing refrigeration equipment and systems using CFC refrigerants. Specifies consultation requirements. Effective date: August 1, 1991. PIPER, TRIMBLE.

#### **Renewable energy incentives**

**Chap. 315-S.F. 1112** Provides incentives for the use of renewable energy power sources by public utilities. Includes the value of environmental costs avoided as avoided capacity and energy costs for

flexible tariff qualifying facilities payment purposes. Requires the Public Utilities Commission to quantify and value environmental costs associated with each method of electricity generation and to set rates for electricity generated by renewable energy. Exempts wind energy conversion systems used as electric power sources from the property tax. Effective date: Various dates. JOHNSON, J.B., TRIMBLE.

## Environment and Natural Resources

### Western Lake Superior waste definitions

**Chap. 55-H.F. 843** Modifies the definition of solid waste under the provisions governing the Western Lake Superior Sanitary District to include sludge from a water supply treatment plant or air contaminant treatment facility and sludges, in solid, semisolid, liquid or contained gaseous form. Excludes from definition hazardous waste, animal waste used as fertilizer, sewage sludge and point source discharges. Changes the date for adoption of the annual budget by the district board to November 1. Effective date: Local approval. MUNGER, SOLON.

### Timber contracts bond requirement

**Chap. 61-S.F. 732** Provides an alternative to bond or deposit requirements on contracts for cutting timber on state lands. Requires the state to annually allow a reduction in the value of bank letters of credit given as security for timber permits proportionate to the value of the harvested timber at the request of the permittee. Specifies that the remaining amount is to at least equal the value of the timber remaining to be harvested under the permit. Effective date: May 7, 1991. LESSARD, JOHNSON, R.

### Firearm safety provisions

**Chap. 63-S.F. 729** Specifies requirements relating to the safe handling of firearms in order for persons born after December 31, 1979 to obtain a license to hunt wild animals by firearms. Requires a firearms safety certificate or equivalent training. Effective date: August 1, 1991. MERRIAM, PUGH.

### Disabled hunters program

**Chap. 72-H.F. 877** Authorizes the commissioner of natural resources to establish criteria, special seasons and limits for persons with physical disabilities to take big and small game with firearms and by archery in designated areas. Specifies verification and physically disabled hunters program participation requirements. Effective date: August 1, 1991. JOHNSON, A., MERRIAM.

### Tax forfeited land sales-Cook, St. Louis Counties

**Chap. 73-H.F. 620** Authorizes and provides for the sale of tax-forfeited land bordering public waters in Cook County. Authorizes and provides for the commissioner of natural resources to sell state land in St. Louis County by private sale for trespass resolution purposes. Effective date: May 11. BATTAGLIA, JOHNSON, D.J.

### Tax-forfeited land sales-Anoka County

**Chap. 78-H.F. 248** Authorizes and provides for the sale of tax-forfeited lands in Anoka County bordering public waters or natural wetlands in the cities of East Bethel, Ramsey, Linwood, Andover and Coon Rapids. Authorizes the sale of a tax-forfeited government lot bordering public waters. Effective date: May 14, 1991. LASLEY, DAHL.

### Fishhouse extension

**Chap. 84-H.F. 1208** Extends the date until March 15 for mandatory removal of fish and dark houses from the ice of waters north of a line

formed by Trunk Highway 200 and U.S. Route No. 2. Effective date: August 1, 1991. BATTAGLIA, LESSARD.

### Timber permits

**Chap. 92-S.F. 515** Increases the maximum number of permits allowed to be held by purchasers of timber on state lands to six. Sets the interest rate for permit extensions. Effective date: August 1, 1991. FINN, JOHNSON, R.

### Tax-forfeited land sales-St. Louis County

**Chap. 108-S.F. 958** Authorizes and provides for private sales of tax-forfeited lands and an easement in St. Louis County. Requires lands conveyed to continue to be subject to St. Louis County zoning and land use management ordinances and regulations. Requires the commissioner of revenue to release claims in reversionary interest on the use of real property for road purposes to the city of Biwabik. Effective date: August 1, 1991. DICKLICH, RUKAVINA.

### State land sales-Carlton County

**Chap. 110-H.F. 1006** Requires and provides for the conveyance of state land in Carlton County to the city of Moose Lake for location of an electrical substation to meet the needs of Mercy Hospital and Nursing Home. Effective date: August 1, 1991. LOUREY, CHMIELEWSKI.

### Sewer commission bonds

**Chap. 117-S.F. 531** Authorizes and provides for water or sewer commissions to issue bonds for specific purposes. Effective date: August 1, 1991. DECRAMER, PETERSON.

### Land exchange-Aitkin County

**Chap. 132-H.F. 378** Requires and provides for the commissioner of natural resources to exchange state land in Aitkin County for land owned by a private party. VETOED. OGREN, CHMIELEWSKI.

### Tax-forfeited land provisions-Otter Tail County

**Chap. 159-H.F. 914** Authorizes and provides for the commissioner of natural resources to convey donated state land in Otter Tail County to the heirs of the donor. Authorizes authorities with jurisdiction over tax-forfeited lands bordering public waters withdrawn from sale to submit proposals for disposition to the commissioner. Requires the commissioner to evaluate the lands and make recommendations on proposed dispositions to the Legislature. Effective date: August 1, 1991. LASLEY, JOHNSON, J.B.

### Water runoff provisions

**Chap. 160-H.F. 128** Requires water detention devices on developments covering or replacing surface vegetation with an impervious surface of land over one acre under the local water resources protection and management program. Specifies exemptions. Requires the local water management plans to specify controls using the best available technology to minimize off site stormwater runoff and the discharge of pollutants to ground and surface water. Requires the plans to maximize overland flow and flow distances over surfaces covered with vegetation, to increase on site infiltration, to replicate predevelopment hydrologic conditions, to encourage natural filtration functions and to reduce mosquito breeding habitat. Requires the Board of Water and Soil Resources to develop guidelines by January 1, 1992 to assist local government units. Effective date: January 1, 1992. REDING, MORSE.

### Red Lake Watershed District provisions

**Chap. 164-S.F. 397** Alters the terms of a prior grant to the Red Lake Watershed District for flood plain management. Effective date: May 21, 1991. STUMPF, SPARBY.

### One way radio provisions

**Chap. 166-H.F. 1001** Authorizes the use of one way radio communication between handlers and dogs for hunting purposes. Effective date: August 1, 1991. TRIMBLE, PRICE.

#### **Red River of the North Watershed provisions**

**Chap. 167-H.F. 743** Renames the Red River Watershed District the Red River of the North Watershed and eliminates reference to the Lower Red River Watershed Management Board. Changes the required crediting of property tax levy proceeds of the district from the administrative fund to the construction fund and proceeds from the construction fund to the general fund. Clarifies authorized uses of the proceeds. Requires the Red River Watershed Management Board to adopt criteria for member districts to follow in applying for funding from the board. Expands the authority of the board to cooperate with water management and flood control authorities in Minnesota and South Dakota. Effective date: May 25, 1991. LIEDER, STUMPF.

#### **Petrofund provisions**

**Chap. 175-H.F. 744** Requires the Dept. of Health to adopt rules to allow the use of flush threaded polyvinyl chloride casing and screens for leak detection and monitoring wells at underground or above-ground petroleum storage tank sites. Requires the Petroleum Tank Release Compensation Board to adopt rules to ensure the reimbursability of submitted costs. Authorizes board adoption of rules requiring certification of environmental consultants. Allows partial reimbursement from the petroleum tank release cleanup account in the environmental fund for interest costs incurred for corrective actions. Modifies conditions for board consideration of applications for reimbursement. Specifies corrective action plan requirements. Requires Pollution Control Agency commissioner review and approval. Authorizes and provides for responsible persons to assign the right to receive reimbursement to lenders advancing funds to pay corrective actions costs or to contractors providing corrective action services. Specifies board duties. Authorizes the board to demand return of reimbursement by responsible persons for failure to reimburse agreed amounts to persons taking corrective actions. Creates an exception to the authority of the board to demand return for failure to complete corrective action. Creates the crime of consultant and contractor fraud. Requires persons submitting applications to the board for reimbursement to provide relevant financial records requested by the board. Effective date: August 1, 1991. SPARBY, NOVAK.

#### **State land sales provisions**

**Chap. 176-S.F. 1289** Prohibits the sale of state land administered by the department of natural resources to employees of the department for six months following the transfer of title from the state. Effective date: August 1, 1991. BELANGER, BLATZ.

#### **Bond provisions-Hopkins.**

**Chap. 182-S.F. 350** Authorizes and provides for the city of Hopkins to issue bonds without election to pay for environmental response costs at a Hopkins landfill. Specifies requirements and limits. Authorizes the city to impose a landfill cleanup assessment against real property and to levy a service charge to pay for costs. Specifies limits. Specifies that funding mechanisms are not to affect the liability of persons for costs or damages associated with releases from the landfill or the right of the city to pursue responsible parties or indemnification from parties for costs or damages. Requires the city to seek reimbursement of costs under applicable insurance contracts and from persons liable for releases from the landfill. Requires the city to take reasonable actions in seeking reimbursements to remediate methane at the landfill. Specifies required uses of recovered amounts. Authorizes use of the metropolitan landfill contingency action fund to reimburse local government units for costs incurred under work plans approved by the commissioner of the Pollution Control Agency to remediate methane at closed disposal facilities. Appropriates money to the commissioner to reimburse the city of Hopkins for the costs. Reduces the maximum amount of bonding authority by the amount appropriated. Effective date: Various dates. MONDALE, OLSEN, S.

#### **State owned land provisions**

**Chap. 185-H.F. 425** Requires and provides for the commissioner of

natural resources to sell before December 31, 1991 tracts of state owned land in St. Louis County leased as campgrounds. Authorizes and provides for commissioner of administration conveyance of specified land bordering public waters to the city of Anoka for a public works facility. Requires commissioner of human services certification prior to conveyance and reversion to the state. Specifies city obligations including a scenic easement conveyance to the Dept. of Natural Resources. Authorizes and provides for the sale of specified tax-forfeited lands bordering public water in Cass County. Authorizes and provides for the conveyance of specified state lands and an easement at Southwest State University to an individual for development of student housing. Authorizes and provides for the exchange of state land between the city of St. Cloud and St. Cloud State University. Authorizes and provides for the commissioner of natural resources to sell state owned land in Faribault County. Effective date: May 26, 1991. BEGICH, JOHNSON, D.J.

#### **State owned mineral leasing**

**Chap. 194-S.F. 962** Modifies provisions relating to the leasing of state owned iron ore and other minerals. Eliminates the specified time for prospecting permit sales. Authorizes the sale of permits at times and places designated by the commissioner of natural resources. Reduces the notice of sale publication frequency requirement. Specifies a permit application deadline. Authorizes the presence of only one member of the executive council at the bid opening. Modifies a provision relating to the subjection of royalties on removed ore to increase. Effective date: May 28, 1991. DICKLICH, BEGICH.

#### **Hazard signs**

**Chap. 197-S.F. 302** Requires recycling centers and junkyards to accept hazard signs. Effective date: August 1, 1991. HÖTTINGER, JANEZICH.

#### **Wild rice harvest license**

**Chap. 200-S.F. 561** Authorizes minors under 16 years of age accompanied by a person with a wild rice license to harvest wild rice without a license. Effective date: August 1, 1991. LESSARD, RUKAVINA.

#### **Wastewater treatment facilities**

**Chap. 212-S.F. 1129** Modifies provisions relating to the authority of local government units to contract for design and/or construction of wastewater treatment facilities. Authorizes contracts for the design or construction of water treatment facilities. Expands document content requirements. Eliminates the requirement for final acceptance of the facilities by the Pollution Control Agency (PCA) and PCA bid consideration authority. Authorizes the awarding of contracts before PCA approval. Requires PCA approval of plans and specifications for wastewater treatment facilities. Requires Dept. of Health approval of plans and specifications for water treatment facilities before construction. Requires local government unit consideration of the design life in awarding contracts. Includes collection and distribution systems in the definition of facility. Modifies contract security and insurance requirements. Eliminates bid bond requirements. Eliminates provisions relating to the awarding of federal grants for treatment works. Effective date: August 1, 1991. LESSARD, VALENTO.

#### **Water provisions**

**Chap. 214-S.F. 1064** Exempts proceedings by the Board of Water and Soil Resources from the Administrative Procedure Act. Provides for contested case hearings in proceedings to establish or terminate watershed districts upon demand of local government units or residents. Authorizes the appeal of final decisions to the Court of Appeals in lieu of the District Court. Exempts the Housing Finance Agency from restrictions on transfers of marginal land and wetlands. Limits the prohibition on new water use permits for the appropriation of water from the Mt. Simon-Hinckley aquifer to the Metropolitan Area. Exempts tree and shrub planting from public



utility one call excavation notice requirements. Effective date: August 1, 1991. DAVIS, JENNINGS.

#### **Tax-forfeited land sales-Clay County**

**Chap. 215-S.F. 84** Authorizes and provides for Clay County to sell tax-forfeited land bordering public water in the city of Barnesville. Effective date: May 29, 1991. LANGSETH, DAUNER.

#### **Tax-forfeited land sales-Clay, Cottonwood Counties**

**Chap. 217-S.F. 83** Authorizes and provides for Clay and Cottonwood Counties to sell tax-forfeited land bordering public water in the cities of Hitterdal and Windom respectively. Effective date: May 29, 1991. LANGSETH, DAUNER.

#### **State land sales**

**Chap. 219-S.F. 1216** Allows sales of state lands in counties adjacent to the county of land location. Clarifies notice requirements. Eliminates the requirement for the published notice to describe each parcel of land to be sold. Authorizes the commissioner of natural resources to sell state property bordering public waters. Requires and provides for the commissioner to convey state land to the town of Lake in Roseau County. Effective date: May 29, 1991. STUMPF, TUNHEIM.

#### **Hazardous waste exemption**

**Chap. 223-S.F. 822** Exempts state agencies or local government units acquiring property through eminent domain proceedings or adopting redevelopment plans describing the property and stating the necessity of the taking and persons acquiring property from the condemning authority from responsibility for removal and remediation of hazardous waste under the Environmental Response and Liability Act (Superfund). Clarifies the responsible person status of mortgagees or contract for deed vendors relating to mortgage foreclosures or contracts for deed termination. Effective date: August 1, 1991. MERRIAM, PUGH.

#### **Personal watercraft provisions**

**Chap. 225-H.F. 633** Regulates the use and operation of personal watercraft. Defines personal watercraft. Specifies operation prohibitions and a minimum age requirement for operation without the presence of an adult. Requires a permit for operation by minors between the age of 13 and 18 years. Specifies exceptions. Requires dealers to distribute a summary of the laws and rules governing the operation of personal watercraft and to provide instruction upon request to purchasers relating to safe operation. Specifies requirements for rental operations. Effective date: Various dates. KINKEL, LESSARD.

#### **Mineral data classification**

**Chap. 228-S.F. 837** Modifies the classification of mineral data relating to private analyses of drill cores and private land under mineral leases. Sets a deadline for commencement of exploratory borings proposed on maps submitted to the commissioners of health and natural resources. Provides for the submission of exploration data to the commissioner of natural resources. Specifies classification provisions. Effective date: August 1, 1991. JOHNSON, J.B., HAUSMAN.

#### **Air emission permits**

**Chap. 231-H.F. 21** Requires air emission permits from the Pollution Control Agency (PCA) before construction of new or expanded medical (infectious) waste incineration facilities. Specifies exceptions. Requires PCA preparation and approval of environmental impact statements for new or expanded facilities for permit purposes until adoption of revisions to the air emission rules for incinerators. Effective date: Various dates. BERTRAM, BERTRAM.

#### **Motor vehicle engine replacement**

**Chap. 236-H.F. 1542** Clarifies the authority to replace or rebuild motor vehicle engines under emission control equipment tampering

prohibition provisions. Requires motor vehicle compliance with standards and requirements after engine replacement. Specifies standards for exchanged and rebuilt engines for Metropolitan Area emission inspection purposes. VETOED. KAHN, DAHL.

#### **Milfoil provisions**

**Chap. 241-S.F. 800** Requires the commissioner of natural resources to prepare a management plan and establish a statewide coordinating program to prevent and curb the spread of ecologically harmful exotic animals and aquatic plants. Defines ecologically harmful exotic species. Specifies management plan requirements. Specifies the governor's regional cooperation and the commissioner's rule adoption authority. Expands the angling (fishing) license exemption for nursing home residents to residents of licensed boarding care homes or board and lodging facilities and persons regularly participating in adult day care programs or similar activities sponsored by licensed nursing or boarding care homes. Exempts residents of drug and alcohol residential treatment programs under the age of 20 years from the license requirement. Modifies the requirements for the tagging of deer, bear, elk or moose. Expands eligibility for special permits for disabled persons to hunt from a motor vehicle or to use snowmobiles or all-terrain vehicles to trap beaver and otter. Requires medical evidence verified in writing by a licensed physician. Establishes a disability duration requirement for eligibility for the special permit to take deer or turkey with a crossbow. Requires the commissioner to establish a program of a number of checks per year of trailered boats for Eurasian water milfoil fragments. Specifies commissioner recordkeeping requirements and requires a report to the Legislature by January 1, 1993. Requires the commissioner to review the big game possession and transport tagging requirement and report to the Legislature by the same date on recommended changes. Effective date: May 25, 1991. PRICE.

#### **Adopt-a-park program**

**Chap. 242-S.F. 1027** Establishes the Minnesota adopt-a-park program to encourage business and civic groups or individuals to assist on a volunteer basis in improving and maintaining state parks, monuments, historic sites and trails. Requires coordination by the commissioner of natural resources through regional offices. Requires the commissioner to enter into informal maintenance and improvement agreements with business and civic groups or individuals. Authorizes commissioner assistance and signs erection. Prohibits the displacement of public employees by volunteers participating in the program. Requires a department study and report to the Legislature on the program. Specifies study requirements. Effective date: May 29, 1991. PRICE, JOHNSON, R.

#### **Legislative Task Force on Minerals report**

**Chap. 253-H.F. 354** Provides a deadline for the final report of the Legislative Task Force on Minerals to the Legislature. Provides that the task force is to expire upon report submission. Extends the availability of a prior appropriation to the task force. Effective date: June 1, 1991. MURPHY, DICKLICH.

#### **Battery disposal provisions**

**Chap. 257-S.F. 793** Prohibits the placement of rechargeable batteries or products in mixed municipal solid waste. Specifies the responsibility of manufacturers of rechargeable batteries or products for the costs of collecting and recycling waste batteries and products. Requires manufacturers to implement pilot projects for the collection and proper management of the batteries and products by April 15, 1992. Specifies project requirements. Requires progress and final reports on the projects to the Legislative Commission on Waste Management (LCWM). Requires implementation of permanent collection and management programs by April 15 1994. Specifies manufacturer contracting authority. Authorizes anticompetitive conduct and specifies liability immunity. Authorizes the commissioner of the Pollution Control Agency (PCA) to exempt new types of rechargeable batteries from the requirements. Requires battery manufacturers to inform final purchasers of the prohibition on the

disposal of waste batteries and to provide a telephone number for final consumers to obtain information on specific procedures to follow in returning batteries for recycling or proper disposal. Modifies provisions regulating the mercury content of batteries and prohibits the sale of dry cell batteries containing mercuric oxide electrodes. Prohibits the sale of alkaline manganese batteries containing mercury after January 1, 1996 and specifies exceptions. Requires PCA approval of nonrechargeable batteries before sale. Specifies rechargeable battery or product retailers posting requirements. Prohibits rechargeable battery or product manufacturers not participating in the required pilot projects and programs from selling the batteries or products in the state after January 1, 1992. Authorizes state recovery of reasonable administrative expenses, court costs and attorney fees incurred in enforcement actions. Effective date: Various dates. DAHL, WAGENIUS.

#### **Game and fish rules**

**Chap. 259-S.F. 919** Modifies provisions relating to the adoption of game and fish rules by the commissioner of natural resources. Provides for alternative methods of publication. Deletes obsolete references to publication under the game and fish laws. Authorizes and provides for the commissioner to adopt emergency game and fish rules. Specifies attorney general review and publication requirements. Authorizes and provides for the commissioner to protect wild animals by emergency rule. Clarifies the authority of the commissioner to post hunting lands. Requires the commissioner to publish information on hunting and fishing on state land. Prohibits hunting and fishing in scientific and natural areas and on water access sites unless allowed by rule of the commissioner. Wildlife management areas to be open to hunting and trapping unless closed by commissioner rule. Requires the commissioner to prescribe seasons and limits for migratory birds and waterfowl in accordance with federal law. Provides for the expiration of specified existing orders of the commissioner. Effective date: July 1, 1992. MERRIAM, WEAVER.

#### **State parks provisions**

**Chap. 275-H.F. 1009** Adds lands to Father Hennepin State Park in Mille Lacs County and Tettegouche State Park in Lake County. Deletes lands from Banning and St. Croix State Parks in Pine County and Sakatah Lake State Park in Le Sueur and Rice Counties. Authorizes the commissioner of natural resources to lease a number of acres in Lake Maria State Park to a private party and to lease a number of acres in Interstate State Park to the Chisago County Historical Society for the St. Croix Valley Heritage Center. Specifies lease restrictions. Authorizes the commissioner to make a grant to the historical society for architectural planning for the heritage center. Specifies match requirement. Authorizes the army to use without charge a portion of Fort Snelling State Park. Requires the commissioner to examine the continued inclusion of the property in the park. Requires a report to the Legislature by January 15, 1992. Effective date: Various dates. JENNINGS, JOHNSON, J.B.

#### **Petroleum tank release cleanup account provisions**

**Chap. 294-H.F. 181** Prohibits reimbursements from the petroleum tank release cleanup account for initial or supplemental applications for costs incurred after June 4, 1987, and payable under an applicable insurance policy. Specifies exception. Provides for Pollution Control Agency and Petroleum Tank release Compensation Board insurance subrogation rights. Effective date: June 2, 1991. SPARBY, NOVAK.

#### **Solid waste problem material provisions**

**Chap. 303-S.F. 931** Modifies solid waste problem materials disposal plan requirements. Clarifies the definition of problem material. Requires the Office of Waste Management in developing the plan to consider relevant regional characteristics and the impact of the materials on specific processing and disposal technologies. Sets a deadline of November 15, 1992, for development by the office of the problem material separation and collection plan. Requires county household hazardous waste management plans to include a strategy for separation of household hazardous waste from mixed municipal solid

waste. Prohibits Pollution Control Agency solid waste facility permits issuance without the required solid waste management plan amendments relating to household hazardous waste. Requires solid waste disposal or resource recovery facilities to include other problem materials in household hazardous waste management plans. Modifies plan content requirements and changes the implementation deadline to September 30, 1992, and September 30, 1993. Modifies restrictions on the issuance or renewal of facility permits for failure to comply with household hazardous waste management plan requirements and imposes restrictions for failure to comply with problem materials management plan requirements. Requires the governor to biennially transmit to the Legislature a state energy and environmental strategy report. Specifies report content requirements. Requires state department and agency assistance. Specifies preliminary strategy report requirements. Imposes the primary responsibility for preparing the energy and environmental strategy report of the state on the Environmental Quality Board (EQB). Specifies procedures. Specifies the intent of the Legislature to impose the primary responsibilities for preparing the preliminary strategy report relating to energy on the Dept. of Public Service and for preparing the preliminary strategy report relating to the environment on the Pollution Control Agency. Specifies report size limits. Designates the federal Mississippi National River and Recreation Area as an area of critical concern. Requires the governor to review the Mississippi River critical area plan and to specify additional standards and guidelines to affected communities to insure preservation of the area pending completion of the federal plan. Effective date: August 1, 1991. MONDALE, ORFIELD.

#### **State offices recycling efforts**

**Chap. 304-H.F. 322** Requires the commissioner of administration, under the state resource recovery program, to establish a central materials recovery facility to manage recyclable materials collected from state offices in the Metropolitan Area and a recyclable materials collection and transportation system for state offices. Requires commissioner audits of materials collected to identify materials for waste reduction and recycling activities. Requires the commissioner to measure progress toward recycling and waste reduction goals. Authorizes contracts with private entities. Eliminates the requirement for the commissioner to collect the cost savings under the resource recovery program for deposit in the general fund. Effective date: July 1, 1991. WAGENIUS, MERRIAM.

#### **Hazardous substance discharge prevention duties**

**Chap. 305-H.F. 977** Imposes a duty to prevent discharges and releases of hazardous substances or oil and to prepare for response to discharges on persons in control of the materials in order to protect the environment and public safety or health. Imposes specific preparedness requirements on vessel, truck, railroad car and facility or pipeline owners or operators. Provides for demonstration of satisfactory preparedness to the commissioner of the Pollution Control Agency (PCA) or to the commissioner of agriculture. Authorizes the commissioner of transportation to examine the financial assurance mechanisms of responsibility for persons responsible for vessels. Requires persons required to show specific preparedness to prepare and maintain prevention and response plans for a worst case discharge. Specifies plan requirements and specifies that the plan must be completed by March 1, 1993. Requires notice to the commissioner of public safety of submission of the plan to the federal government; of the granting of exemptions or extensions of time by the federal government for submission of the plan; or completion of the plan if submission to the federal government is not required. Provides for prevention and response plan review by the commissioners of the PCA, agriculture, or public safety or by local officials. Provides for the establishment of citizens advisory groups following discharges of oil or hazardous substances to facilitate the exchange of information and concerns relating to the discharge and response. Provides for plan requirements enforcement and compliance. Authorizes commissioner financial assurance orders under inadequate response conditions. Identifies and exempts good samaritans from

response costs liability. Authorizes cooperation between private and public responders. Requires the commissioner of public safety to coordinate state agency preparedness for response to discharges of oil or hazardous substances. Specifies duties, jurisdiction and requires an annual report to the Legislature. Requires the commissioner to establish a single answering point system for use by persons responsible for reporting emergency incidents and conditions involving hazardous materials or oil. Expands the authority of the PCA to issue penalty orders. Requires the commissioner of public safety, transportation, natural resources, agriculture, military affairs, the PCA and other state agencies to review the adequacy of existing radio, telephone and other communications between local, state, federal, private and other responders to hazardous substances incidents and to report to the Legislature. Requires the commissioner of the PCA, in consultation with public and private responders, to review current state practices for response and follow up to discharges and to report to the Legislature. Requires the commissioners of public safety, the PCA, natural resources, agriculture and transportation to seek federal funds. Requires a portion to be used to train state agency and local government unit personnel in recognition of and response to discharges and releases. Effective date: Various dates. SOLBERG, MORSE.

#### **Land transfers-Washington and Clearwater Counties**

**Chap. 307-S.F. 505** Authorizes and provides for the private sale of tax-forfeited land in Washington County and the transfer of state land to Clearwater County in exchange for tax-forfeited land located in Itasca State Park. Effective date: June 4, 1991. LAIDIG, MCPHERSON.

#### **Waste management provisions**

**Chap. 337-H.F. 303** Regulates the printing and distribution of copies of reports or publications submitted to the Legislature by public entities. Authorizes executive summaries. Requires the Legislative Water Commission to oversee the activities of the Pollution Control Agency (PCA) relating to water pollution control. Modifies printing, paper and ink purchasing and document binding requirements for recycling purposes. Includes the Metropolitan Council and agencies, the Metropolitan Mosquito Control District, the Legislature and the courts in the definition of public entity. Increases the number of residential structures subject to the recycling space requirement under the state building code. Expands the composting preference under the Waste Management Act to include food waste. Includes residential furnaces, microwave ovens and dehumidifiers in the definition of major appliances. Modifies the definition of mixed municipal solid waste. Modifies duties of the Legislative Commission on Waste Management (LCWM). Sets a deadline for commissioner of administration development of waste reduction procurement programs. Modifies recycling goal requirements of the commissioner and Metropolitan Area state agencies. Specifies recyclable materials container requirements for state agencies, local government units and school districts. Sets deadlines for local government units approval or disapproval of county requests for solid waste facilities establishment. Expands the options for the solid waste management consolidated report. Modifies county solid waste management plan requirements. Requires consistency with state law and sets an approval deadline. Requires county consent for inconsistent local activities. Modifies the priority for solid waste management projects. Eliminates Waste Management Office grants for waste reduction projects. Requires the director to give priority to innovative methods for waste separation for reuse and recycling. Expands the definition of total solid waste generation to include residential waste materials. Sets supplementary county recycling goals. Changes the due dates for office and Metropolitan Council interim monitoring and expenditure reports. Authorizes inclusion in the solid waste management policy report in even numbered years. Requires costs incurred by counties for collection, storage, transportation and recycling of major appliances to be collected from persons discarding the appliances. Requires counties to encourage the provision of recycling services and opportunities to generators of

commercial, industrial and institutional solid waste. Grants sanitary districts recyclable materials market development authority. Modifies solid waste management district establishment and organization provisions. Specifies the authority of the districts. Expands solid waste management facilities designation exemptions and sets limits. Modifies the subjection to designation of mixed municipal solid waste. Requires counties or districts to exclude from designation materials to be separated for recycling at transfer stations located outside the area subject to designation under specific conditions. Provides for transfer station owners exclusion qualification. Classifies data received by counties or districts granting exclusions. Authorizes exclusion revocation for failure to meet required conditions. Authorizes counties to include civil and criminal penalties in designation ordinances and to impose penalties for delivery of mixed municipal solid waste to nondesignated processing or disposal facilities. Sets penalty limits. Specifies recordkeeping requirements of persons collecting solid waste and of owners or operators of solid waste disposal facilities. Modifies inspection provisions. Classifies information received, inspected or copied by counties and restricts information use. Expands eligibility for used oil grants to all local government units. Authorizes counties to impose an additional fee on mixed municipal solid waste disposal facility operators. Specifies an exemption and sets fee limits. Authorizes counties, cities or towns to impose fees on operators of facilities for the disposal of construction debris. Provides an exemption and sets fee limit. Changes the fee payment requirement for disposal facility operators in Greater Minnesota to a fee collection requirement. Requires separate accounting of fees collected by local government units. Requires solid waste collection licensing authorities to prohibit mixed municipal solid waste collectors from imposing a greater charge on recycling than on nonrecycling residents. Requires the licensing of mixed municipal solid waste collectors. Restricts the transportation or deposit in the state of solid waste generated outside the state for processing or disposal purposes. Authorizes cities or towns to implement organized collection plans without regard to the 180 day waiting period if the city or town and all the persons licensed to operate mixed municipal solid waste collection services and doing business in the city or town agree on the plan. Requires cities and towns to provide residential and business solid waste collection services. Authorizes exemptions for households or businesses using environmentally sound alternatives. Further restricts the disposal of major appliances. Requires recycling or reuse. Defines recycling. Requires the Waste Management Office to review county household hazardous waste management plans. Prohibits the sale of packaging or products containing lead, cadmium, mercury or hexavalent chromium of specific concentrations that have been intentionally introduced as an element during manufacture or distribution of the packaging after August 1, 1993. Specifies exemptions. Specifies manufacturer and distributor certificate of compliance requirements. Sets a civil penalty for noncompliance. Requires PCA rules. Extends the date for consideration of incinerator ash as a special waste. Modifies the hazardous waste generator tax review requirement of the Legislative Commission on Waste Management. Requires the commissioner of the PCA to notify applicants for solid waste facility permits of incomplete applications. Requires approval, disapproval or delay of decisions within 30 days of receipt of completed applications. Authorizes solid fuel fired boilers to use refuse derived fuel (RDF) under specified conditions. Authorizes facilities producing RDF to accept waste for processing only from counties providing for the removal of household hazardous waste from the waste. Clarifies the prohibition on the use of nondegradable plastic connecting rings for beverage or motor oil containers. Modifies posted notice requirements of persons selling lead acid batteries at retail. Includes recycling and waste reduction services in the definition of solid waste management services for county waste management purposes. Eliminates the authority of Carlton and St. Louis Counties to regulate the collection of solid waste. Authorizes local sanitary districts to require recycling and regulate the collection of recyclable materials. Repeals provisions relating to the inventory process for solid waste disposal facilities in the Metropolitan Area. Requires

discontinuance of all siting activities. Requires the Metropolitan Council and agencies to recycle 40 percent of solid waste generated. Requires assistance by the council to the agencies in implementing effective recycling programs and specifies reporting requirements. Requires Metro Council review of county household hazardous waste management plans. Authorizes the operation of household hazardous waste facilities by metropolitan cities, counties or towns. Modifies provisions relating to Metro Council review of waste processing facilities. Expands metropolitan county semiannual certification reporting requirements. Defines unprocessed waste for collection and disposal purposes. Prohibits the placement of processed or unprocessed mixed municipal solid waste generated in the Metro Area in disposal facilities not in compliance with the minimum requirements for design, construction and operations of the disposal facilities. Requires the metropolitan counties, in consultation with the Metro Council and the Office of Waste Management, to develop a specific process for siting and developing a disposal facility for ash and solid waste. Provides an exception. Requires a report to the Legislative Commission on Waste Management for study and subsequent recommendations to the Legislature. Authorizes landowners to repurchase development rights from metropolitan counties purchasing temporary development rights for inventory purposes. Authorizes the Metro Council to continue to levy ad valorem taxes for debt service on solid waste bonds issued for the environmental analysis of solid waste disposal sites. Authorizes the use of bond proceeds for sealing of monitoring wells and other measures by counties engaged in the analysis. Requires Metro Council approval. Requires the director of the Office of Waste Management to include an analysis of progress made toward the implementation of nationwide labeling of products to address environmental concerns in the 1992 Solid Waste Management Policy Report and to recommend a statewide product and packaging environmental labeling system. Creates the air quality advisory task force to conduct a comprehensive review of air quality. Specifies task force membership and duties. Requires interim and final reports to the Legislature. Effective date: Various dates. WAGENIUS, MERRIAM.

#### **LCMR provisions**

**Chap. 343-S.F. 621** Clarifies and corrects provisions relating to the Legislative Commission on Minnesota Resources (LCMR) and the Minnesota Environment and Natural Resources Trust Fund. Eliminates the trust fund independent audit requirement. Requires the submission of work programs and semiannual progress reports by agencies or entities receiving money from the Minnesota Future Resources Fund or the Minnesota Environment and Natural Resources Trust Funds or oil overcharge money for commission approval before expenditure of the money. Eliminates the authority of the commission to adopt bylaws. Clarifies duties of the citizens advisory committee to the commission. Eliminates the requirement for peer review panel review of research proposals and eliminates the requirement for designated state agency liaison officers to attend advisory committee meetings. Modifies administrative expense payment provisions. Provides for a proration requirement. Changes the due date for the biennial report by the commission to the governor and the Legislature. Requires the transfer of remaining grant money and acquired property relating to the establishment and operation of a Midwest Native Plant Center at the University Landscape Arboretum to the commissioner of natural resources by June 1, 1991, for administration purposes. Effective date: August 1, 1991. DAHL, KAHN.

#### **Infectious Waste Control Act modifications**

**Chap. 344-S.F. 783** Modifies provisions under the Infectious Waste Control Act. Includes veterinarians under the act. Creates exceptions to the prohibition on compacting or mixing sharps or infectious waste with other waste materials. Authorizes persons to prepare common management plans for all owned and operated generating facilities. Specifies plan requirements. Modifies the requirement for the reporting of quantities of infectious and pathological waste generated, decontaminated, stored, incinerated, transported or

disposed of at facilities, hospitals and nursing homes. Specifies generator fee requirements. Requires generators incinerating infectious or pathological waste on site to submit an attachment to the management plan detailing the incineration operation. Eliminates the requirement for a separate management plan and the separate fee. Requires the commissioner of health to appoint a medical waste task force. Specifies representation requirements and duties. Requires a medical waste management strategy report to the Legislative Commission on Waste Management and the Legislature. Reduces an appropriation to the Pollution Control Agency for hazardous waste control and decreases the complement of the agency. Effective date: August 1, 1991. DAHL, DILLE.

#### **Environmental Enforcement Act of 1991**

**Chap. 347-H.F. 694 Article I — Civil enforcement.** Expands current authority to impose administrative penalties for air and water pollution and solid and hazardous waste management violations. Provides for payment of enforcement costs from the environmental fund. Specifies unlawful acts relating to water pollution control and solid waste management information and monitoring. Authorizes the Pollution Control Agency (PCA) to refuse to issue or to authorize the transfer of hazardous or solid waste facility permits to construct or operate commercial waste facilities. Authorizes PCA background investigations of permit applicants at applicants' expense. Requires PCA notice of permit denial. Provides for hearings. Requires the PCA permit fee schedule to reflect reasonable and routine permitting, implementation and enforcement costs. Authorizes the agency to impose an additional enforcement fee for up to two years to cover the costs of implementing and enforcing permit conditions. Prohibits the state from seeking penalties under other provisions of law for violations covered by PCA administrative penalty orders. Requires the PCA to prepare a plan for using the administrative penalty authority. Requires agency approval. Establishes a field citation pilot project for issuance of citations by agency personnel and Dept. of Natural Resources conservation officers for unauthorized disposal of solid waste. Specifies penalty amounts. Provides for appeals of citations and for enforcement. Specifies that the authority of conservation officers to issue field citations is in addition to other remedies available under statutory or common law, except that the state may not seek penalties under any other provisions of law for the incident subject to the citation. Requires the PCA, in consultation with the Dept. of Natural Resources and the attorney general, to study the effectiveness and limits of the pilot program. Requires report submission to the Legislative Commission on Waste Management. Requires the PCA to study the role of local government units in enforcing requirement of state environmental programs and to monitor the use of the new enforcement authority and to monitor the use of money from the environmental fund. Requires the PCA to report the results to the Legislature.

**Article II — Hazardous waste liability.** Clarifies the responsible person status of mortgagees or contract for deed vendors relating to mortgage foreclosures or contract for deed terminations under the Environment Response and Liability Act.

**Article III — Criminal enforcement.** Imposes criminal penalties for knowingly discharging hazardous or toxic pollutants, including agricultural chemicals, into the air or water. Defines hazardous air pollutant and toxic pollutant. Modifies the definition of knowledge. Subjects property used in connection with convictions for water or air pollution violations to forfeiture. Modifies the definition of hazardous waste permit. Imposes criminal penalties for the unlawful disposal of solid waste and for failing to file documents required to comply with state disposal system filing requirements. Reduces the limits on fines for violation of emission standards. Reduces the limits on fines for permit or reporting violations. Exempts persons notifying the PCA of violations and taking prompt remedial steps from criminal penalties. Increases the penalties for false statements, false representations or false certification of documents. Increases the penalty for falsifying or tampering with a monitoring device. Requires the PCA to maintain and publicize a toll free telephone number to enable citizens to report information relating to potential environ-



mental violations. Authorizes the establishment of an awards program. Appropriates money. Effective date: Various dates. LONG, RIVENESS.

#### **Wetland Conservation Act of 1991**

**Chap. 354-H.F. 1 Article I — Policy.** Establishes a public policy for the conservation, preservation and enhancement of wetlands to achieve no net loss in quantity, quality and biological diversity, to avoid destruction or diminution and to replace wetland values.

**Article II — Wetland prioritization and planning.** Requires state, watershed and county water resource plans to identify high priority areas for wetland preservation, enhancement, restoration and establishment. Requires the Board of Water and Soil Resources, in consultation with the commissioner of natural resources to adopt rules establishing criteria to determine the public value of wetlands. Specifies criteria requirements.

**Article III — Permanent wetland preserves.** Authorizes the Board of Water and Soil Resources under the Reinvest in Minnesota Resources Program to acquire permanent easements on land containing Type 1, 2, or 3 wetlands. Specifies easement requirements and provides for payment and enforcement.

**Article IV — Wetland preservation areas.** Provides application procedures for approval of wetland preservation areas in high priority wetland areas designated by the Board of Water and Soil Resources. Specifies application content requirements and county duties. Specifies fees. Requires the board to maintain preservation area maps. Provides for the duration of wetland preservation areas. Authorizes and provides for owner termination. Allows early expiration in the event of a public emergency upon petition from the owner or county to the governor. Prescribes procedures for eminent domain actions by entities, except utilities, with the power of eminent domain. Requires Environmental Quality Board (EQB) review. Specifies public hearing requirements. Authorizes EQB suspension of action if it determines that the action is contrary to wetland preservation and that there are feasible and prudent alternatives that may have a less negative impact on the wetland preservation area. Prohibits construction projects for public sanitary sewer systems, public water systems, and new public drainage systems and prohibits assessments. Excepts public projects if the owner of the wetland preservation area elects to use and benefit from a public project. Requires preservation area owners to manage the areas with sound soil conservation practices. Adds lands in wetland preservation areas to the definition of wetlands for property tax exemption purposes. Provides for payments to counties by the commissioner of revenue for revenue lost due to the exemption.

**Article V — Wetland establishment and restoration program.** Establishes a wetland establishment and restoration program. Provides for landowner application to local government units for the establishment or restoration of wetlands in high priority areas. Specifies notice, preliminary hearing and approval requirements. Requires a survey report after preliminary approval. Provides for final hearing and local approval. Requires local units to apply to the Board of Water and Soil Resources for cost share funding of approved projects. Specifies application and conservation easement acquisition requirements. Requires the board to give priority to applications based on the public value of proposed wetlands. Provides for establishment orders.

**Article VI — Regulation of wetland activities.** Distinguishes public waters wetlands from wetlands. Defines wetlands. Specifies principles to be followed in replacing wetlands. Specifies priority. Requires restoration and replacement to be in accordance with the ecology of the landscape. Restricts the drainage of calcareous fens. Specifies agricultural, drainage, utility, forest and highway activity exemptions from wetland replacement plans. Requires appropriate erosion control measures and compliance with applicable federal, state and local requirements and prohibits watercourse fish passage blockage. Requires the Board of Water and Soil Resources, in consultation with the commissioner of natural resources, to adopt rules for approval of wetland value replacement plans. Specifies rule requirements. Requires evaluation of questions by a technical

evaluation panel after on site inspection. Specifies deadlines for replacement completion and for plan approval by local government units. Authorizes the charging of a processing fee. Specifies notice of application and decision requirements. Provides for appeal. Requires the governor to establish a wetland heritage advisory committee for rules and program review purposes. Requires replacement credits. Specifies an exception. Specifies eligibility of replaced wetlands for Reinvest in Minnesota Program enrollment. Authorizes property owners to use the bed of wetlands for pasture or croplands during drought periods or to fill wetlands to accommodate wheeled booms on irrigation devices if the fill does not impede normal drainage. Requires control of noxious weeds on wetlands. Requires and provides for compensation for loss of private use. Specifies eligibility and application requirements. Grants the commissioner and conservation and peace officers enforcement authority. Prescribes a penalty for violation. Authorizes court ordered restitution. Requires the board and the commissioner, in consultation with federal agencies, to develop a plan to simplify and coordinate state and federal regulatory procedures relating to wetland use. Requires a report to the Legislature. Requires the commissioner to file copies of national wetlands inventory maps with soil and water conservation districts. Provides a public notice requirement. Requires legislative review of rules.

**Article VII — Interim wetland activities.** Restricts the interim draining, burning or filling of wetlands. Provides for enforcement. Provides for soil and water conservation district certification fee authority.

**Article VIII — Minnesota Peatland Protection Act.** Establishes and designates areas as peatland scientific and natural areas to be preserved and managed by the commissioner of natural resources. Restricts activities in the areas. Requires the commissioner to develop a management plan for each area and to establish baseline data on the ecology and biological diversity of the areas. Requires monitoring of ongoing changes. Authorizes the commissioner to petition for ditch abandonment to eliminate repairs or improvements. Requires the granting of flowage easements if the public drainage system is necessary as a drainage outlet for lands outside of the peatland scientific and natural areas. Requires the commissioner to acquire, by exchange or eminent domain, surface interests on trust fund lands contained in peatland scientific and natural areas. Authorizes the acquisition of lands within the boundaries of peatland areas owned by the state and administered by local county boards. Allows peat mining in wetlands subject to permit and reclamation requirements and rules.

**Article IX — Section 404 Program.** Authorizes the commissioner of natural resources to adopt rules establishing a permit program for regulating the discharge of dredged and fill material into public waters. Requires the commissioner to obtain approval from the federal Environmental Protection Agency to administer the permit program under Section 404 of the federal Clean Water Act. Prohibits rules more restrictive than federal regulations. Provides for commissioner enforcement of compliance. Imposes civil penalties for violations. Requires the commissioner to adopt rules to provide for administration of the Section 404 Program and to report to the Legislature on existing laws inconsistent with the program. Requires the governor to obtain the authority to administer the program.

**Article X — Miscellaneous.** Requires the commissioner of natural resources to accept wetlands as gifts or grants. Specifies exceptions. Authorizes drainage system repairs to include the restoration or enhancement of wetlands, wetland replacement and realignment to prevent drainage of wetlands. Authorizes the placement of noncropland adjacent to restored wetlands in the Conservation Reserve Program under the RIM Program. Modifies the definition of once through system for water use purposes. Sets a minimum water use processing fee for water use permits issued for irrigation of agricultural land for years in which there is no appropriation of water under the permit or the permit is suspended for more than seven consecutive days between May 1 and October 1. Imposes a penalty on unpaid balances of fees remaining after sending of a second notice of fees due. Requires annual joint wetlands reports to the Legislature by the

commissioner of natural resources and the Board of Water and Soil Resources. Provides for the valuation of restored or preserved wetlands at wetland value for property tax purposes. Modifies the exception to the requirement for tax-forfeited marginal land and wetlands to be withdrawn from sale. Increases the bonding authority of the Public Facilities Authority. Requires the commissioner of revenue to appoint a farmland assessment technical advisory board to provide technical information on the method of valuing farmland according to productivity factors. Requires the Dept. of Revenue to determine data on a per acre basis by soil productivity index based on moving averages. Specifies certification requirements. Requires the use of rentals or yield records if the crop equivalency rating is not available to determine the valuation of tillable agricultural land. Requires a report to the Legislature on study results.

**Article XI — Appropriations.** Appropriates money to the Board of Water and Soil Resources for wetland restoration, for acquisition of conservation easements, to increase the complement of the board and for grants to the Minnesota Association of Soil and Water Conservation Districts for education and training of local government officials, to the commissioner of natural resources for implementation purposes and to the attorney general for incurred costs. Authorizes and provides for the issuance of state bonds. Specifies a limit. Transfers funds previously appropriated for the water bank program to the Board of Water and Soil Resources Board for easements. Effective date: Various dates. MUNGER, DAVIS.

#### Ground water provisions

**Chap. 355-H.F. 783** Removes the exception from the surcharge on pesticides for sanitizers or disinfectants. Reduces the license application surcharge for licensed lawn service applicators. Abolishes surcharges on pesticides if the surcharge amount based upon percent of annual gross sales is less than \$10. Requires applications for reimbursement or payment from the Agricultural Chemical Response Compensation Board to be received at least 30 days before a board meeting for consideration purposes. Specifies an exception. Authorizes the board to waive the time requirement under undue financial hardship conditions. Modifies reimbursement figures. Modifies a deadline for board action on completed application requests. Modifies requirements for drilling, sealing and constructing water wells, borings and elevator shafts. Includes vertical heat exchangers and elevator shafts in the definition of boring and changes the term "well certificate" to "well disclosure certificate." Requires the commissioner of health to regulate the modification and repair of wells and borings. Authorizes borings inspection. Requires the commissioner to adopt rules establishing minimum standards for design, location, construction, maintenance, repair, sealing, safety and resource conservation relating to borings. Adds representation from the Dept. of Transportation and the Board of Water and Soil Resources to the membership of the Advisory Council on Wells and Borings. Authorizes local boards of health under delegation agreements with the commissioner to charge fees for well sealing and to require permits in lieu of notice requirements. Requires the commissioner to review and approve local ordinances proposed under delegation agreements. Requires a well contractors license to seal wells. Clarifies other licensing or registration requirements and specifies additional requirements for renewal. Modifies well identification label requirements. Modifies and clarifies requirements for the construction of wells on the property of another. Eliminates references to monitoring wells. Modifies work completion report and permit fee requirements. Clarifies requirements for commissioner repair orders. Specifies additional well disclosure certificate requirements and additional exceptions to the requirements. Requires reports by condominium associations to the commissioner of the location and status of wells in common areas. Specifies that lessees of state shorelands are responsible for well identification upon sale. Modifies duties of the county recorder or registrar of titles and imposes a fee for receipt of completed disclosure certificates for filing and deed recording purposes. Requires the commissioner to maintain the certificates for at least six years. Imposes liability for failure to disclose known well status. Requires notice of proposed well sealings. Expands the eligibility for

the well sealing cost share program to well sealings under metropolitan ground water management plans undergoing review and comment. Reduces the surety bond requirement for the limited well contractors licenses issued for specific installation or repair purposes. Modifies an exception to the prohibition on groundwater thermal exchange wells serving another function. Modifies commissioner enforcement provisions. Specifies corrective order statement requirements and provides for reconsideration. Expands administrative penalty provisions to elevator shafts or borings and environmental boreholes. Eliminates commissioner equipment impounding order authority. Authorizes the commissioner to apply to District Court for warrants authorizing the seizure and impoundment of drilling machines or hoists. Authorizes actions for wrongful seizures. Prohibits the denial of a variance for an agricultural chemical facility water well in Steele County under specific conditions. Specifies a testing requirement. Increases the complement of the Dept. of Health. Appropriates money to the University of Minnesota to continue the integrated pest management and research by agricultural experiment stations on the impact of agriculture on groundwater — LINE ITEM VETOED. Effective date: Various dates. BISHOP, MORSE.

## Finance

#### Budget deadline extension

**Chap. 1-S.F. 1** Extends the deadline for submission of the budget by the governor to the Legislature until February 20, 1991. Effective date: January 15, 1991. MOE, R.D., LONG.

#### Current fiscal year budget reductions

**Chap. 2-H.F. 47** Reduces appropriations for the biennium ending June 30, 1991.

**Article I — Summary.** Summarizes transfers from other funds, prior year adjustments, appropriation reductions, cancellations and deficiency appropriations.

**Article II — Education finance adjustments.** Reduces appropriations for transportation aid for enrollment options, summer special education aid, secondary vocational handicapped aid, assurance of mastery aid, individualized learning and development aid, adult graduation aid, health and developmental screening aid, secondary vocational cooperative aid, cooperation and combination aid, PER process aid, tobacco use prevention aid, career teacher aid, educational service unit loans, adult education basic skills evaluation, the Dept. of Education, the Minnesota Center for the Arts Education and the task force on mathematics, science, technology and international education. Total reductions of \$6.528 million.

**Article III — Postsecondary education.** Reduces appropriations to the Higher Education Coordinating Board, the University of Minnesota, the State University Board, the Community Colleges Board and the State Board of Technical Colleges. Total reductions of \$17.02 million.

**Article IV — Human development.** Requires the commissioner of human services to make money transfers from the consolidated chemical treatment fund to the general fund. Cancels the remainder after all services provided in Fiscal Year 91 are reimbursed. Changes the effective date of a provision relating to eligibility for chemical dependency fund services. Eliminates state liability for payment of services to ineligible persons. Authorizes the Dept. of Human Services to receive new federal funds for child care. Reduces appropriations for mental health and family support programs. Prohibits counties from entering into agreements for new General Assistance or supplemental aid negotiated rate beds but provides two exceptions. Provides for an increased number of registrants required to participate in the work readiness employment and training program as a condition of eligibility for work readiness assistance to

meet federal participation requirements. Reduces appropriations for health care and authorizes the transfer of money from nongrant accounts for the alternative care grant program under insufficiency conditions. Reduces appropriations to the Veterans Nursing Homes Board and the Dept. of Jobs and Training. Transfers money from the dislocated worker fund to the general fund. Reduces an appropriation to the Dept. of Corrections. Transfers balances in the asbestos abatement fund of the Dept. of Health to the general fund. Total reductions of \$18.23 million.

**Article V — Environment and natural resources.** Reduces appropriations to the Pollution Control Agency for the clean water partnership program, the medical waste program, the household hazardous waste program, solid waste composition study and on site treatment (septic tank) grants. Reduces appropriations to the Office of Waste Management for litter prevention, control and abatement grants and problem materials collection and disposal. Reduces appropriations to the Dept. of Natural Resources. Reduces appropriations to the Dept. of Agriculture for family farm security interest payment adjustments and for elk management. Reduces appropriations to the grasshopper contingent account. Cancels an appropriation to the Zoological Board. Transfers money from the Minnesota Resources Fund to the general fund. Total reductions of \$2.209 million.

**Article VI — Infrastructure and regulation.** Reduces appropriations to the Dept. of Transportation for highway development and program delivery. Transfers Motor Vehicle Excise Tax proceeds to the general fund. Reduces appropriations to the Regional Transit Board. Transfers funds in the Greater Minnesota Corporation and the infrastructure development fund to the general fund. Total reductions of \$52.808 million.

**Article VII — State government affairs.** Reduces appropriations to the Legislature, the governor, the Dept. of Administration, the Dept. of Trade and Economic Development, the Housing Finance Agency and the Dept. of Military Affairs. Requires or provides for fund transfers and cancellations. Estimates the amount of money resulting from the executive order relating to the hiring and procurement freeze. Requires and provides for appointing authorities in the executive branch to encourage employees to take unpaid leaves of absence. Eliminates rebates to municipalities under the state building code. Total reductions of \$4.375 million.

**Article VIII — Local aids.** Reduces local government aid payments for 1991 to counties, cities, towns and special taxing districts. Effective date: January 31, 1991. FRERICHS, GUSTAFSON.

#### **Moratorium on aid negotiated rate agreements delay**

**Chap. 15-S.F. 141** Delays the effective date of the moratorium on new General Assistance or supplemental aid negotiated rate agreements until April 1, 1991. Effective date: March 28, 1991. TRAUB, GREENFIELD.

#### **Claims against the state**

**Chap. 150-H.F. 1657** Provides for payment of various claims against the state. Appropriates money to the commissioner of corrections for payment of inmate claims and for reimbursement to state or local agencies of amounts paid for medical services to individuals injured while performing community service work for correctional purposes. Appropriates money to the commissioner of public safety for payment of fines assessed against claimants due to erroneous weight limit posted on the Champlin Bridge and for legal defense costs. Appropriates money to the commissioner of natural resources for damage incurred from failure to inform claimants about required permits. Appropriates money to the commissioner of transportation for chloride used as dust control on township roads. Appropriates money to the commissioner of veterans affairs for payment of claims for adjusted compensation arising from World War II, the Korean conflict and Vietnam service. Requires the Dept. of Transportation to pay the actual costs of connecting specific individuals to city water. Effective date: May 24, 1991. STEENSMA, BECKMAN.

#### **Omnibus transportation, infrastructure and regulation appropriations**

**Chap. 233-H.F. 53** Appropriates money to the Dept. of Transportation for airport development and assistance, the Advisory Council on Metropolitan Airports Planning, transit assistance and administration, railroads and waterways, motor carrier regulation, highway, street and road construction, transportation data analysis and air transportation services. Appropriates money to the Regional Transit Board for Metro Mobility. Appropriates money to the Transportation Regulation Board. Appropriates money to the Dept. of Public Safety for officer survivor benefits, nuclear plant preparedness, Criminal Apprehension Bureau cross jurisdictional criminal activity investigation, the state patrol, chemical use assessment reimbursements to counties, the academic excellence scholarship collegiate plates program, worthless checks recovery, liquor control, gambling enforcement, the Office of Drug Policy, traffic and pipeline safety, the Crime Victims Reparations Board, the Children's Trust Fund for the Prevention of Child Abuse, the Emergency Response Commission and the Crime Victim Ombudsman. Appropriates money to the Peace Officer Standards and Training (POST) Board for the school of law enforcement — LINE ITEM VETOED. Appropriates money to the Minnesota Safety Council. Appropriates money to the Dept. of Commerce for the Petroleum Tank Release Cleanup Board, for enforcement and licensing. Appropriates money to the non-health related boards. Appropriates money to the Public Utilities Commission, to the Dept. of Public Service, for lawful gambling control, to the racing commission, to the state lottery, to the Ethical Practices Board and to the Minnesota Municipal Boards. Appropriates money to the Minnesota Historical Society for public programs, statewide outreach — LINE ITEM VETOED, the Sibley House Association, the International Center — LINE ITEM VETOED, the Military and Air National Guard Museums, the Government Learning Center, the Greater Cloquet-Moose Lake Forest Fire Museum — LINE ITEM VETOED, the Prairie Land Expo Center — LINE ITEM VETOED, the Battle Point Cultural Center — LINE ITEM VETOED. Appropriates money to the Minnesota Humanities Commission, to the State Board of the Arts, and for restoration of the Kee Theatre — LINE ITEM VETOED. Appropriates money to the Greater Minnesota Corporation for grants to the Agricultural Utilization Research Institute, the World Trade Center Corporation — LINE ITEM VETOED, the Natural Resources Research Institute, the Minnesota Inventor's Congress, Minnesota Project Innovation and the Minnesota Project Outreach Corporation. Appropriates money to the Dept. of Labor and Industry for workers compensation and workplace regulation and enforcement. Appropriates money to the secretary of state for the presidential primary election. Appropriates money to the Veterans of Foreign Wars, to the Military Order of the Purple Heart, and to the Disabled American Veterans. Appropriates money to the Uniform Laws Commission. Appropriates money to the Transportation Study Board — LINE ITEM VETOED. Authorizes fund transfers. Requires studies and provides for the payment of tort claims. Authorizes the Transportation Regulation Board to grant temporary charter carrier permits in the Metro Area if the board finds that the service will operate in connection with the Super Bowl game, the petitioner is fit and able to conduct the proposed operations and the petitioner's vehicles meet the applicable safety standards. Extends the expiration dates of insurance agent and adjuster licenses. Requires the commissioner of commerce to prorate insurance agent license fees to reflect the extension of the license term. Directs a prior appropriation for use for the Bloomington Ferry Bridge and specifies a match requirement. Eliminates the requirement for the commissioner of commerce to report the results of a healing arts cost effectiveness study to the Legislature. Extends the Transportation Study Board. Prohibits the assessment of the Ethical Practices Board for attorney general legal services costs. Requires quarterly assessments for the costs of nuclear power plant emergency response plans. Eliminates the sale of infrastructure development bonds. Increases the limit on life insurance policy valuing fees and initial insurance agent license issuance fees. Increases franchise registration application, amendment and annual report filing fees. Exempts real

estate closing agents from real estate broker examination requirements. Limits the reimbursement obligation under the petroleum tank release cleanup fund. Authorizes the State Arts Board to contract for the performance of duties and makes a standing appropriation to the board. Eliminates Minnesota Historical Society grants to the Humanities Commission. Allows the Humanities Commission to establish the Institutes for Lifelong Learning and for the Advancement of Teaching. Clarifies the location of the State History Center. Allows the Historical Society to charge user fees. Expands the inclusion of former municipal state aid streets in the county state aid highway system. Increases the bicycle registration and motorcycle drivers license endorsement fees and modifies their allocation. Specifies activities eligible for the public transit subsidy program. Modifies occupational safety and health provisions and increases penalties for violations. Increases employment agency manager license examination fees. Increases employment agency and entertainment agency fees. Requires the Dept. of Public Service to charge inspection fees for petroleum supply monitoring. Reestablishes the Minnesota Racing Commission, the Gambling Control Board and the State Lottery as independent agencies. Modifies membership and compensation provisions. Reduces the amount of Motor Vehicle Excise Tax transferred to the trunk highway and transit assistance funds. Changes a transfer date. Adds federal rules on drug testing and employee assistance programs to the list of rules enforced by the Office of Pipeline Safety. Changes the name of the State Emergency Response Center to the State Emergency Management Center and expands the scope of the center. Increase a filing and search fee under the Uniform Commercial Code. Increases the penalty assessment on traffic fines and authorizes the use of a portion by the POST Board for a school of law enforcement. Eliminates the Dept. of Gaming and the position of commissioner of gaming. Repeals a provision eliminating the position of public fire safety educator. Effective date: Various dates BROWN, MERRIAM.

#### **Omnibus environment and natural resources appropriations**

**Chap. 254-S.F. 1533 Article I — Appropriations.** Appropriates money to the Pollution Control Agency for water, air and solid and hazardous waste pollution control. Appropriates money to the Office of Waste Management for SCORE block grants to counties and to develop markets for mixed municipal solid waste compost. Appropriates money to the Zoological Board. Appropriates money to the Dept. of Natural Resources for mineral resources management, shoreland management grants, the stream maintenance program, stream stabilization on the Snake River — LINE ITEM VETOED, a loan to the city of Fridley to reconstruct the Locke Lake dam, forest management, county forest management grants — LINE ITEM VETOED, state park development projects and interpretive programs, trails and waterways, nongame wildlife management, lake and stream management, emergency deer feeding, Reinvest in Minnesota (RIM) programs, boat and water safety, Tettegouche and Glendalough State Parks land acquisition, Upper Mississippi comprehensive plan implementation. Appropriates money to the Board of Water and Soil Resources for general, cost sharing, sediment and erosion control and flood plain management grants, for the conservation reserve program, comprehensive local water planning and a statewide abandoned well inventory project. Appropriates money to the Dept. of Agriculture for promotion and marketing, family farm security interest payment adjustments, the family farm advocacy program, agriculture information centers, farm and small business management programs — LINE ITEM VETOED, sustainable agriculture, county agricultural society and livestock breeders association grants, for payment of livestock and crop damage claims, for the Duluth Seaway Port Authority and for a farm safety audit pilot project. Appropriates money to the Board of Animal Health for pseudorabies control and research. Appropriates money to the Minnesota-Wisconsin Boundary Area Commission, to the Voyageurs National Park Citizens Council, to the Minnesota Horticultural Society, to the Science Museum, and to the Minnesota Academy of Science. Appropriates money to the DNR, PCA, Water and Soil Resources Board, commissioners of education, state planning and agriculture, the University of

Minnesota and the Science Museum under the Minnesota Resources Program for projects including the Superior Hiking Trail, blufflands protection, historic shipwrecks preservation, Northwest Company Fur Post Historic Site Visitor Center, groundwater sensitivity mapping, well sealing, environmental education, biological control of pests, native grass and wildflower seed production, old growth forest development, oak regeneration and management, the fish catch and release portion of the CORE program, Eurasian water milfoil and mosquito control, scientific and natural areas acquisition and development, the Thomas Sadler Roberts Bird Sanctuary restoration and for soil survey completion. Appropriates oil overcharge money to the commissioner of administration, the University of Minnesota, the Office of Waste Management and the DNR for traffic, road, plastic and energy projects. Requires or provides for fund transfers. Requires studies and surveys. Specifies work program and semiannual progress report requirements. Provides for the continued availability for prior appropriations. Temporarily increases the complements of specific state agencies. Requires the commissioner of the PCA to submit a report to the Legislative Commission on Waste management and to the Legislature by Nov. 1, 1991, on the use of funds in the Superfund account. Specifies consultation and criteria requirements. Appropriates money from the bond proceeds fund to the Board of Water and Soil Resources for the RIM Conservation Reserve Program. Appropriates money to the commissioner of natural resources for state trail acquisition and development, state park rehabilitation and development, and state forest acquisition within Dorer Memorial Forest. Appropriates money to the commissioner of trade and economic development for regional park acquisition, including Cedar Lake Park in the cities of Minneapolis and St. Louis Park.

**Article II — Environment and natural resources.** Subjects new Pollution Control Agency fees or fee increases to legislative approval. Clarifies the procedure for commissioner of natural resources requests for full time equivalent positions relative to legislative appropriations. Requires the commissioner to compile a priority list of purple loosestrife infestations to be controlled in designated public waters for distribution by the commissioner of agriculture to county agricultural and local weed inspectors. Requires DNR control in priority order. Requires money received from sales of natural resource related merchandise at the State Fair to be available for State Fair related costs. Requires retail dealers to issue temporary registration permits to snowmobile purchasers at the point of sale. Increases the snowmobile registration fee and exempts snowmobiles used for agricultural purposes from the fee. Authorizes the commissioner to designate critical natural habitat acquired in less than fee title. Modifies the DNR payment for easements in the native prairie bank under the reinvest in Minnesota resources fund. Defines ecologically harmful species and requires the commissioner to prepare a statewide ecologically harmful exotic species management plan by January 1, 1993. Requires the commissioner to establish a statewide coordinating program to prevent and curb the spread of ecologically harmful exotic animals and aquatic plants. Authorizes rules. Provides for the Superior Vista Trail for bicycles and hikers from Duluth to Two Harbors. Makes mandatory the option of the commissioner to prescribe a special daily vehicle state park permit for groups. Increases state park permit fees. Authorizes use of the state park working capital fund to operate state park resource management and interpretive programs. Expands the watercraft surcharge and authorizes use for control, public awareness, law enforcement, monitoring and research on nuisance aquatic exotic species including zebra mussel. Establishes the Minnesota Releaf Program to reduce atmospheric carbon dioxide levels and promote energy conservation. Specifies implementation plan requirements. Extends the deadline for commissioner completion of land sales. Requires local government units in the Metro Area to cooperate with the commissioner in using lands adjacent to public waters for public access purposes. Authorizes the commissioner to use condemnation authority in cases of violation. Prescribes penalties for the unlawful selling or buying of bear. Modifies moose license eligibility. Increases the resident and nonresident hunting license fees for turkey and increases nonresident



angling license fees. Sets a resident license fee to take antlered deer in more than one zone and eliminates the resident family license to take deer with firearms. Excludes the fishing surcharge and issuing fees from county retention requirements. Eliminates the requirement to obtain a small game license to hunt turkey. Requires the Board of Water and Soil Resources to make grants to counties for comprehensive local water planning. Requires implementation of priority actions identified in approved plans. Requires the sealing of abandoned wells. Conforms PCA permit fee requirements to the Federal Clean Air Act. Requires the collection of an annual fee from facilities to pay for costs to develop and administer permit program requirements. Provides for fee calculation, requires inflationary increases and provides for rules. Requires the money collected to be deposited in an air quality account in the environmental fund. Requires a report to the Legislature by December 30, 1992. Clarifies and corrects provisions relating to the Legislative Commission on Minnesota Resources and the Minnesota Environment and Natural Resources Trust Fund. Eliminates the authority of the commission to adopt bylaws. Clarifies duties of the citizens advisory committee to the commission. Eliminates the requirement for peer review panel review of research proposals and the requirement for designated state agency liaison officers to attend advisory committee meetings. Changes the due date for the biennial report to January 15 of each odd-numbered year. Establishes Glendalough State Park in Otter Tail County.

**Article III — Agriculture.** Requires the Minnesota Extension Service, in cooperation with the commissioner of agriculture, to implement a voluntary farm equipment safety program for training and certifying rural youth. Modifies plant pest control provisions. Changes the terms “nursery operator” and “dealer” to “nursery stock grower” and “nursery stock dealer.” Defines landscaper. Increases grower and dealer certificate fees. Grants the commissioner administrative penalty imposition authority, sets limits and provides for appeals. Clarifies a prohibited act of wholesale produce dealers relating to commitment to pay. Prohibits processors from committing to pay less than the full contract price under conditions relating to failure to harvest. Requires growers to be compensated at the same rate as for harvested crops minus any contractual provision for green manure or feed value. Excuses both parties from payment or performance for crop conditions beyond the control of the parties. Increases food handler license fees and penalties. Imposes a license fee and penalties on nonresident frozen dairy manufacturers. Extends commissioner of agriculture penalty waiver authority to all penalties. Changes the term “egg dealer” to “food or egg handler.” Changes the basis for computing the annual inspection fee and increases the fee schedule. Increases the limit on commercial cannery assessments charged by the commissioner and eliminates the requirement to use food handlers license fees to reduce assessments. Reduces and limits on farm grade A and manufacturing grade inspection and reinspection fees for milk products. Specifies a fee limit. Requires manufacturers to pay a fee for fluid milk processed and milk used in the manufacture of fluid milk products sold in the state. Reduces the limit on payments from the ethanol development fund. Urges the extension service to retain and keep filled the staff position of farm safety specialist. Creates an interagency, interdisciplinary research center for agriculture health and safety within the Division of Environmental and Occupational Health in the University of Minnesota School of Public Health to coordinate funding for research projects to reduce injury and death from farm accidents and long term exposure to hazardous agricultural agents and to make health care facilities available to persons suffering from agriculture related health problems. Requires the commissioner to appoint a Farm Safety Advisory Commission to support, review and monitor the programs and activities of the center. Requires safety equipment on farm tractors at the time of sale. Requires the extension service to coordinate and carry out a farm safety audit pilot project in partnership with selected township mutual insurance companies. Requires a report on finding to the Legislature by January 1, 1994. Requires the commissioner of public safety to report to the Legislature by July 1, 1992, on improvements in public road safety relating to lighting and

reflector requirements on farm vehicles. Requires the Pesticide Applicator Education and Training Review Board to evaluate the effectiveness of extension service applicator training programs. Requires the commissioner to continue dairy farm inspections at the 1990 level. Makes technical changes to Minnesota Grown matching account provisions. Effective date: Various dates. MERRIAM, WENZEL.

#### **Omnibus human services appropriations**

**Chap. 292-H.F. 719 Article I — Appropriations.** Appropriates money to the commissioner of human services for administration, legal and intergovernmental programs, for economic support and transition services for families, for fraud investigation programs, and for bicultural employment service case managers to Success Through Realizing Individual Development and Employment (STRIDE) eligible refugees and immigrants. Authorizes the commissioner of revenue to collect child support obligations. Appropriates money for economic support and services to the elderly. Requires the appointment of a task force to make recommendations on Indian elder access to services. Appropriates money for camping programs and for support programs for the mentally ill. Requires the commissioner to recommend standards for the licensing or credentialing of chemical dependency professionals. Requires the commissioner to develop recommendations for residential and other treatment programs for persons suffering from Prader Willi Syndrome. Appropriates money for services to special needs adults and children including grants to the New Chance Demonstration Project for pregnant teenagers and for state-operated residential care for special needs populations. Provides for the transfer of money from the consolidated chemical dependency treatment fund to the appropriation for the regional treatment centers to fund the chemical dependency units — LINE ITEM VETOED. Authorizes transfer of regional treatment center buildings to the Dept. of Corrections. Provides that the appropriation to improve property at regional treatment centers and state nursing homes to prepare the property for lease does not cancel — LINE ITEM VETOED. Provides for other transfers, including the restructuring of chemical dependency and development disabilities programs and provides for program employee concerns. Appropriates money for health care for families and individuals, for the ombudsman for mental health and mental retardation, and for the Veterans Nursing Home Board. Appropriates money for a regional demonstration project to provide health coverage to uninsured persons — LINE ITEM VETOED. Appropriates money to the commissioner of jobs and training for rehabilitation services, for services for the blind, for the economic opportunity office, and for employment and training programs. Appropriates money for developing a plan for rehabilitation services provided by the Dept. of Jobs and Training and the Dept. of Human Services to citizens with disabilities through a single point of entry at the community level — LINE ITEM VETOED. Transfers money appropriated for a rehabilitation special project grant to the commissioner of labor and industry — LINE ITEM VETOED. Appropriates money to the commissioner of corrections for correctional institutions, for community services and for management services. Appropriates money for the Sentencing Guidelines Commission. Appropriates money to the commissioner of health for protective health services, for health care delivery systems including the issuance of a hospice license to a specific facility. Appropriates money to the commissioner of health for a state wide family planning hotline grant. Authorizes a surcharge on nursing home beds for nursing home licensing laws effectiveness assessment. Appropriates money for health support service. Appropriates money for the health related boards including the boards of chiropractic, dentistry, medical examiners, nursing, examiners for nursing home administrators, optometry, pharmacy, podiatry, psychology, and marriage and family therapy. Appropriates money for the Council on Disability, the Council on Black Minnesotans, the Council on Affairs of Spanish-speaking people, the Council on Asian-Pacific Minnesotans, and the Indian Affairs Council. Appropriates money to the commissioner of human rights, the commissioner of the Housing Finance Agency (HFA) and the commissioner of finance. Provides for the

transfer of money.

**Article II — Health Department.** Authorizes counties to establish and operate programs of preventive health and employee recognition services for county employees. Exempts sales, exchanges and transfers of property from requirements related to well disclosure if the buyer knows of no wells on the property but specifies that the deed or other instrument of conveyance must contain a statement that the purchaser does not know of any wells on the property. Includes unlicensed mental health practitioners in the definition of "provider" for access to health records purposes. Provides for grants to community health boards and Indian tribes for drug and alcohol abuse prevention programs. Requires the commissioner of health to establish a central registry of persons sustaining traumatic brain or spinal cord injuries. Exempts home care providers operated by government entities from license fees. Requires all entities establishing and operating residential care homes to obtain a license. Provides for the Dept. of Health as the exclusive state agency charged with inspecting residential care homes. Authorizes the commissioner to seek temporary restraining orders if continued activity by the licensee or employee would create an imminent risk of harm to a resident of the facility or to place a monitor in a home if the commissioner determines that violations require extended surveillance to enforce compliance or to protect the health, safety, or welfare of the residents. Requires the commissioner to develop, by rule, procedures for reporting allegations of abuse and neglect in homes. Requires licensees to provide the commissioner with notice of the cessation or curtailment of operations. Prevents board and lodging establishments from licensure under the Human Services Licensing Act under specific conditions. Requires the commissioner to convene a work group to make recommendations regarding rule development for residential care homes. Authorizes the awarding of grants to agencies experienced in providing services to communities of color for outreach and education programs for targeted groups at risk of acquiring the immunodeficiency virus infection (HIV). Prohibits the commissioner from limiting the amount of family planning special project grant funds allocated to organizations submitting application for more than one region. Clarifies provisions relating to voluntary licensure for marriage and family therapists. Changes terminology relating to the Board of Social Work or the Board of Marriage and Family Therapy. Eliminates the Board of Unlicensed Mental Health Professionals. Provides for complaint investigation and disciplinary actions by the Boards of Social Work and Marriage and Family Therapy against licensees. Creates the Office of Mental Health Practice within the Dept. of Health. Creates a Mental Health Advisory Council to investigate complaints and enforce disciplinary actions against unlicensed mental health practitioners. Specifies reporting requirements for institutions, professional societies, licensed professionals and insurers. Provides immunity from civil liability or criminal prosecution for persons, health care facilities, businesses or organizations that submit reports or cooperate with investigations. Provides for the sealing of judicial records in cases of judicial review of disciplinary actions and provides for exceptions. Requires unlicensed mental health providers to cooperate fully with investigations. Requires the Office of Mental Health Practice to maintain a file containing the reports and complaints filed against unlicensed mental health practitioners. Prescribes disciplinary actions available to the commissioner. Provides a mental health bill of rights. Provides for the commissioner of health to fund the Office of Mental Health as a percentage of the indirect costs charged to each health-related licensing board. Requires board and lodging establishments providing supportive or health supervision services to obtain a residential care home license. Prohibits counties from approving new negotiated rate facility beds paid by General Assistance (GA) or Minnesota Supplemental Aid (MSA). Specifies an exception for adult foster homes or intermediate care facilities needed to meet downsizing requirement. Requires notification to brain injured persons or their guardians of the availability of public programs and of rehabilitative services. Provides for transition period procedures for the Board of Unlicensed Mental Health Service providers relating to completion of pending disciplinary and complaint actions.

**Article III — Miscellaneous social service programs.** Removes the sunset date for the Indian Affairs Council, the Indian Affairs Advisory Council, the Spanish-speaking Affairs Council, the Council on Black Minnesotans and the Council on Asian-Pacific Minnesotans. Increases the limit on the Dept. of Human Services revenue maximization account. Removes the sunset on the Council on Disability. Eliminates the responsibility of the regional service centers of hearing impaired persons to assist the central interpreter referral agency. Requires the commissioner to maintain and coordinate statewide access to interpreter referral services and clarifies the duties of the interpreter referral services. Changes the Permanency Planning Grants to Counties Act to the Minnesota Family Preservation Act. Requires the commissioner to monitor the provisions of family based services. Requires the commissioner to provide for the distribution of additional federal revenue for family preservation. Requires the commissioner to provide out of home placement support services and Indian child welfare grants. Requires emergency placement to be reviewed for compliance with the Minority Family Heritage Act, the Minnesota Indian Family Preservation Act and the federal Indian Child Welfare Act in terms of grants and coordination of family based crisis services and family reunification service programs. Requires a review by child placing agencies after children of color are placed with families of a different racial or ethnic heritage. Establishes an independent ombudspersons office within the Indian Affairs Council, the Council on Black Minnesotans, and the Council on Asian-Pacific Minnesotans. Provides for an ombudsperson advisory committee. Requires a child placing agency notice to Indian tribes for legal custody transfers or misdemeanor level delinquent acts of an out of home placed Indian child. Authorizes county funded burials to include cremation for persons not known to be opposed to cremation because of religious affiliation or beliefs. Modifies provisions relating to the Dislocated Workers Program and the Rapid Response Program. Conveys land to the city of Cambridge.

**Article IV — Health care.** Clarifies an exception to a nursing home moratorium related to beds moved from a state nursing home. Authorizes the certification of licensed nursing home beds for Medical Assistance (MA) provided that the beds meet the certification requirements and the facility enters into a written agreement with the commissioner specifying that MA reimbursement will not be requested for a greater number of residents than the facility had MA certified beds on April 1, 1991. Requires nursing homes to use efficiency incentive payments to correct violations. Requires increased wages to personnel below top management employed in residential and community support programs for persons with mental illness. Requires the commissioner of human services to maintain a regional based system of chemical dependency units in the regional treatment centers. Modifies staffing provisions. Increases payment rates for day training and habilitation services vendors after July 1, 1991. Provides for increased payment rates to be used to increase salaries to personnel below top management working in semi-independent living services programs. Eliminates the annual inflation adjustments for providers of day training and habilitation services. Authorizes metropolitan transportation support grants to provide reimbursement for client transportation through cost-effective alternatives to Metro Mobility. Provides a new allocation formula for metro transportation support grants. Requires separate accounts within the consolidated chemical dependency fund for persons entitled to services and those eligible to receive services dependent upon sufficient funding. Specifies regional treatment center chemical dependency treatment units as eligible vendors. Authorizes the human services referee to order the local human services agency to reduce or terminate MA or General Assistance Medical Care (GAMC) before a final order if the referee determines that the sole issue on appeal is one of a change in state or federal law and the commissioner or the local agency notifies the recipient before the action. Provides Children's Health Plan enrollees with a right to appeal. Modifies continuation of health insurance coverage for HIV infected persons covered under GAMC. Requires the payment of surcharges by nursing facilities, hospitals and health plans. Clarifies

MA and GAMC payment rates for inpatient hospital services. Includes Indian health service facilities designated by the federal government to provide acute care in the definition of hospital. Limits hospital inflation adjustments to statutory maximums. Requires the commissioner to consult with an independent actuary in establishing rates for MA prepaid health plans. Authorizes MA to be paid for infants born on or after January 1, 1991, to women who were eligible for and receiving medical assistance on the date of the child's birth, until the child's first birthday, as long as the child remains in the woman's household. Requires the commissioner to make determinations of the level of care needed by disabled children eligible for MA. Increases the income limit for MA premium, coinsurance and deductible coverage for medicare beneficiaries. Extends MA eligibility to widows and widowers of at least 50 years of age. Authorizes veterans income and reparations payments to be deducted from income for institutionalized persons if the veteran does not have a spouse or child. Requires drugs covered by MA to be dispensed by a licensed pharmacist or a physician enrolled as a dispensing physician. Requires special transportation providers under MA to receive and maintain a current physician order by the recipient of the attending physician. Eliminates the annual inflation adjustment for personal care assistants. Authorizes certified adult nurse practitioners and certified geriatric nurse practitioners to enroll as independent MA providers. Provides for MA to cover public health clinic services and the services of a clinic meeting criteria established in rule by the commissioner. Requires local agencies to receive and perform initial processing of MA applications from pregnant women and children at federally qualified health centers and disproportionate share hospitals. Requires counties to pay partial nonfederal MA costs for placement of severely emotionally disturbed children in regional treatment centers. Requires local agencies to investigate and determine eligibility for MA. Establishes the inflation factor to increase nursing home operating costs. Requires the commissioner to reimburse nursing homes specializing in the treatment of Huntingtons Disease. Modifies the reduction of the nursing facility efficiency incentive for homes with uncorrected violations. Establishes special rates for short stay facilities. Modifies rates for hospital attached convalescent and nursing care facilities. Provides for the determination nursing home property rates for rate years beginning in 1991. Eliminates the annual inflation adjustment for home and community-based waived services but provides an exception for community alternatives for disabled individuals and community alternative care waived services programs. Provides for increased salaries for persons providing home and community based waived services for persons with developmental disabilities. Provides for additional criteria for authorizing MA payment for very dependent persons with special needs. Provides for ICF/MR salary adjustments. Increases reimbursement to various health care providers. Clarifies language related to eligibility for GAMC. Limits provisions of special transportation services under GAMC. Requires the commissioner to consult with an independent actuary in establishing GAMC prepaid health plan rates. Requires county agencies to disregard additional earned income up to \$150 for persons living in negotiated rate residences. Limits payments to GA or MSA negotiated rate facilities. Establishes maximum rates for uncertified boarding care homes. Requires commissioner actions relating to certified boarding care facilities and nursing homes declared institutions for mental diseases. Eliminates the inflation adjustments for negotiated rate facilities. Requires the commissioner to study the regulation of long term care facilities and recommend a system to monitor the financial performance of nursing homes on an ongoing basis. Provides for contingent budget reductions if federal money is not available.

**Article V — Assistance payments.** Authorizes data disclosure to the Higher Education Coordinating Board relating to child support payments to a public agency for grant eligibility purposes. Authorizes court orders to licensing boards for a hearing on the suspension of occupational licenses for child support obligors in arrears. Transfers eligibility determinations for the Telephone Assistance Plan to the Dept. of Human Services. Specifies notice contents. Modifies

provisions relating to the centralized disbursement system. Authorizes contracts with financial institutions to process public assistance checks. Specifies exceptions to the state takeover of public assistance benefits. Modifies provisions for the Minnesota Family Investment Program and specifies eligibility. Modifies provisions relating to the STRIDE Program. Clarifies the state share of the nonfederal portion of AFDC emergency assistance. Provides for disqualification from AFDC for wrongfully obtaining benefits. Expands the authority of the commissioner to establish fraud prevention pilot projects. Requires applicants for food stamps to attest to the truth of the application under penalty of perjury. Specifies conditions for weekly issuance of GA payments. Requires persons disqualified from federal programs to be ineligible for work general assistance during disqualification periods. Modifies Work Readiness eligibility and payment provisions. Specifies that persons enrolled in higher education institutions are ineligible for Work Readiness. Requires counties to provide Work Readiness recipients with orientation, assessment and employability development plans. Eliminates child care provision requirement and limits transportation services from Work Readiness payments. Limits GA and Work Readiness payments for new state residents. Requires MSA to be paid in accordance with the requirements of federal law and subject to the requirements of state takeover provisions. Modifies duties of the commissioner to authorize rules for the distribution of federal child care funds. Provides for the allocation of basic sliding fee child care funds to counties according to a specific formula. Authorizes the commissioner to distribute special child care funds and to adopt rules. Adds STRIDE control groups to the list of families eligible for AFDC child care. Authorizes the commissioner to receive and distribute federal child care funds. Provides for the equalization of rates between private and public pay clients. Establishes the Minnesota Early Childhood Care and Education Council. Authorizes the operation of regional resource and referral agencies. Authorizes the commissioner to issue grants. Specifies new factors for the commissioner to consider in allocating resource and referral funds to economic development regions. Modifies a child support enforcement provision relating to paternity. Requires peace officers removing a child from the home due to suspected abuse to give the parent a list of social service agencies. Requires court approval of child support agreements between parties if each is represented by counsel. Requires the timely serving and filing of documentation of income. Requires child support guidelines to be reviewed every four years. Provides for the modification of child support orders. Requires the commissioner to monitor families unable to receive child care subsidies after being off AFDC for over a year. Requires the commissioner to allocate money to the Minnesota Early Childhood Care and Education Council in developing the state plan for child care funds use.

**Article VI — Mental health and developmental disabilities.** Extends the provision requiring the commissioner of human services to report annually to the Legislature on steps taken to implement the Adult Mental Health Act. Requires the commissioner to seek federal, nonstate and nonlocal funding for adult mental health services. Requires the commissioner to coordinate the community support service program with case management for adults with mental illness. Modifies the definition of psychiatric nurses providing clinical services for mentally ill. Requires the commissioner to adopt permanent and emergency rules to revise the procedures governing case management services for adults with mental illness. Requires county boards to ensure that placement decisions for residential services are based on the clinical needs of an adult. Requires county boards to ensure each entity under contract with the counties to provide acute care are hospital treatment services. Requires county boards to enter into individual placement agreements with an acute care hospital inpatient treatment services provider for eligible adults. Requires the commissioner to adopt permanent and emergency rules to govern implementation of case management and family community support services. Requires the commissioner to complete implementation of the Minnesota Comprehensive Children's Mental Health Act. Requires the commissioner to develop treatment services and management activities for children with emotional

disturbances within available resources. Requires county boards to ensure each entity under contract to provide residential treatment services has admission, continued stay, discharge criteria and discharge planning criteria as part of the contract. Requires the commissioner to provide special residential services for severely disturbed children. Requires screening of children for residential and inpatient services to be conducted by a mental health professional. Requires county boards to collect summary information on screened children and to make the information available to the public. Authorizes and provides for the children's community-based mental health fund. Requires the commissioner to finance regional treatment center nursing home beds with the Housing Finance Agency (HFA) mortgage money. Authorizes counties to be reimbursed for providing semi-independent living services (SILS) for developmentally disabled clients. Excludes SILS services and specific waived services from need determination requirements. Authorizes and provides for a family support program to assist families of children with mental retardation or related conditions. Specifies that county payment rates for day training programs for the developmentally disabled will be governed by the Dept. of Human Services rules. Requires the commissioner to develop secure beds for mentally ill persons using mortgage funds from the HFA. Requires each residential program to provide annual information to the commissioner. Authorizes MA payments for case management for children with severe emotional disturbance. Modifies provisions relating to case management of persons with mental retardation or related conditions. Provides for an admission team for admissions to intermediate care facilities for persons with mental retardation or related conditions (ICF/MR). Requires a demonstration project of family foster care services for persons with developmental disabilities to achieve regional treatment center census reduction or to develop alternative placements for nursing home patients inappropriately placed in nursing homes. Establishes a special committee to study the needs of children with severe emotional disturbances and requires a report by December 1, 1991. Authorizes Dakota County to establish a pilot project for mental health services to reduce commitments to state hospitals. Requires the commissioner to convene a task force to study the feasibility of establishing an integrated children's mental health fund. Requires the development of local protocols. Sets forth instructions to the revisor.

**Article VII — Alternative care/SAIL.** Changes the name of the Interagency Board to the Interagency Long Term Care Planning Committee. Sets forth duties. Requires the collection of long term care research and data for recommendation purposes. Clarifies the relationship with other regulatory programs for MA certified home care providers. Provides for congregate housing services demonstration projects for older persons living in subsidized housing in order to delay nursing home placement. Requires the commissioners of health and human services to develop rules for the licensure of personal care services provided under the MA program. Clarifies provisions for home health services, private duty nursing, personal care and other services covered. Clarifies home health services provisions. Lists exemptions from nursing home preadmission screening requirements. Modifies the alternative care grant program. Specifies uses of funding by county agencies. Establishes a Seniors Agenda for Independent Living (SAIL) to implement projects for a new long term care cooperative strategy. Specifies goals. Requires the commissioner to establish projects in four to six counties or groups of counties to demonstrate the feasibility and cost effectiveness of local long term care strategies meeting state long term care goals. Specifies local long term care strategy and project requirements. Requires the commissioner to establish and maintain a statewide caregiver support and respite care resources center and to establish and maintain up to 36 projects to expand the respite care network and to support caregivers. Provides for the selection of grantees and specifies authorized fund users. Requires the commissioner to evaluate the success of the projects and recommend continuation or expansion to the Legislature by February 15, 1993. Requires the commissioner, with the advice of the Long Term Care Planning Board to contract for a public awareness campaign to educate the public on the aging process, the

long term care system and available alternatives. Specifies limits for adult foster care and family adult day care providers. Provides for county certification of persons exempt from licensing requirements providing adult foster care to related persons. Requires the establishment of an advisory committee to provide recommendations to the Dept. of Human Services relating to program and service needs of persons with traumatic brain injuries. Defines traumatic brain injury and clarifies or expands case management duties. Modifies assessment requirements for ventilator dependent MA recipients. Limits the negotiated rate under GA for foster care placement for individuals eligible for the home and community-based services waiver for the elderly. Modifies the allowable MA rate for alternative care pilot projects. Allows a percentage increase on home care services.

**Article VIII — Criminal justice.** Requires the Supreme Court to prepare fiscal notes at the request of the Legislature upon commissioner of finance determination of legislation proposing new or expanded mandates on a District Court or the public defense system. Eliminates the county probation reimbursement account. Increases reinstatement fees of revoked drivers licenses to be used for probation and parole services reimbursement, driver education grants and traumatic brain injury and spinal cord injury registry costs. Amends provisions relating to grants-in-aid to counties for adult detention facilities and programs. Establishes a juvenile detention services subsidy program. Amends day fines provisions and authorizes a pilot project for the development of a day fine system. Specifies statewide detoxification transportation funds allocation. Transfers powers and duties relating to the Children's Trust Fund for the Prevention of Child Abuse from the Dept. of Public Safety to the Dept. of Human Services. Authorizes the commissioner to transfer unobligated Community Corrections Act funds to the Dept. of Human Services budget. Amends the Open Meeting Law to remove the exemption for the Board of Pardons. Amends work release provisions and violations of conditions of work release. Requires the Board of Pardons to hold a meeting when taking formal action on pardon or commutation. Allows crime victims or law enforcement officers to submit statements at the meeting. Clarifies the good conduct allowance sentence reduction provisions. Deletes a provision relating to Rogers Hall at the Faribault Regional Treatment Center. Requires judicial districts to complete a written criminal justice resource management plan. Requires the commissioner to establish a task force on corrections crowding. Establishes a youth employment and education pilot program to provide targeted youth between the ages of 14 and 18 with employment and education counseling and assistance — LINE ITEM VETOED.

**Article IX — Housing.** Requires the Environmental Quality Board to coordinate the implementation of an interagency compliance with existing state and federal lead regulations and report to the Legislature. Amends lead abatement provisions. Requires the commissioner of health to conduct assessments of lead contamination in the residences of children and pregnant women with contaminated lead blood levels over 10 micrograms per deciliter. Specifies commissioner duties for lead poisoning prevention. Consolidates the temporary housing program, low-income persons living alone program and housing for homeless persons demonstration program to establish uniform program requirements. Modifies the definition of persons and families of low and moderate income to include persons under guardianship or conservatorship. Adds the Dept. of Administration to the definition of eligible mortgagor. Expands HFA eligibility criteria for housing rehabilitation loans to include families with incomes that do not exceed the maximum income limits allowable under a section of federal law and if the borrower or a member of the family require a level of care provided in a hospital, skilled nursing facility, or intermediate care facility for persons with mental retardation or related conditions; if home care is appropriate and if the improvement will enable the borrower or family member to reside in the housing. Provides for the abatement of hazardous levels of lead paint in residential buildings or contaminated soil on the property occupied by low and moderate income persons. Modifies HFA special needs housing authorization. Authorizes loans for residential housing for migrant farmworkers. Authorizes the HFA to



make grants or loans for housing for chronic chemically dependent adults meeting specific criteria. Authorizes HFA loans for lease purchase housing and for grants for blighted neighborhoods. Authorizes the HFA to issue bonds for refunding. Authorizes the HFA to establish a rent subsidy program for a family stabilization demonstration project. Modifies the reporting date for the HFA biennial report. Expands existing project criteria for low income housing tax credits to include projects with units for the mentally ill, the developmentally disabled, the drug dependent, the brain injured or accessible to the physically disabled. Authorizes a housing capital reserve program. Adds accessible housing to the list of Metro Area exceptions for financing of new construction with mortgage revenue bond proceeds. Authorizes HFA tribal Indian programs to use existing off-reservation demonstration program funds for a home improvement loan program.

**Article X — Workers Compensation Rehabilitation Program.**

Transfers the Workers Compensation Rehabilitation Program from the Dept. of Jobs and Training to the Dept. of Labor and Industry. Effective date: Various dates. GREENFIELD, MERRIAM.

**Omnibus state government appropriations**

**Chap. 345-H.F. 1631 Article I — State departments.** Appropriates money to the legislative, judicial and executive branches of state government. Appropriates money to various boards and commissions. Imposes base cuts. Appropriates money to the various legislative commissions. Provides for carry forward of previous appropriations to the Legislative Commission on Planning and Fiscal Policy and the Legislative Coordinating Commission — LINE ITEM VETOED. Appropriates money to the Supreme Court for community dispute resolution program grants, for legal assistance programs and for various studies and reports. Requires the Supreme Court to study and report to the Legislature on the costs of transferring the costs of the court administration offices and guardian ad litem programs to the state. Requires the Supreme Court to continue the study of racial bias in the judicial system. Requires the state court administrator to establish a pilot project to study the feasibility of providing access to court records through the Total Court Information System. Appropriates money to the District Courts for a Dakota County pilot diversion program for juvenile controlled substance offenders — LINE ITEM VETOED. Appropriates money to the Judicial Standards Board and the Public Defense Board. Requires the attorney general to increase fees charged to agencies to cover criminal investigations and prosecutions of environmental law violations. Appropriates money to the state auditor. Appropriates money for and requires new positions in the auditor's office for increased research and analysis duties — LINE ITEM VETOED. Appropriates money to the commissioner of administration for the Statewide Telecommunications Access and Routing System (STARS) Program, for a study of the potential uses for the Waseca campus of the University of Minnesota, to establish a database of building classification standards. Appropriates money for the state employees band — LINE ITEM VETOED. Appropriates money to the commissioner of administration for public television and radio grants and for equipment grants — LINE ITEM VETOED. Appropriates money to the Capitol Area Architectural and Planning Board (CAAPB) for site selection and preliminary planning for the labor history center. Appropriates money the commissioner of finance. Appropriates money for the planning and implementation of the new statewide accounting and payroll information systems — second year appropriation LINE ITEM VETOED. Requires the commissioner of employee relations to report on the impact of budget cuts on executive branch agencies. Requires a state auditor analysis of local government unit salary limits. Appropriates money to the Public Employment Relations Board — LINE ITEM VETOED. Appropriates money to the Dept. of Trade and Economic development for a community resource program study, for regional planning — LINE ITEM VETOED, for economic recovery, for the targeted neighborhoods revitalization and financing program — LINE ITEM VETOED, for a grant to the Metro Council for regional parks maintenance and operation — second year appropriation LINE ITEM VETOED, for grants to pay principal and

interest due on bonds for the Great River Road Project — LINE ITEM VETOED, for grants to the city of St. Paul for the Como Park Conservatory — LINE ITEM VETOED, for grants to the Suburban Hennepin Park District for land acquisition and development — LINE ITEM VETOED, for grants to Washington County for land acquisition — LINE ITEM VETOED, for the Minnesota High Tech Corridor — LINE ITEM VETOED, for the quality council, for the Itasca tourist center — LINE ITEM VETOED, for the Nicollet tourist center — LINE ITEM VETOED, for Advantage Minnesota, for the job skills partnership, for Minnesota Project Innovation, for Project Outreach Corporation grants — LINE ITEM VETOED, for grants to the Northeast Entrepreneur Fund, Inc. — LINE ITEM VETOED, for the Minnesota Cooperation Office for Small Business and Job Creation — LINE ITEM VETOED, for the World Trade Center Corporation medical exposition, trade fair and health care congress, for a wage subsidy program to alleviate summer youth unemployment — LINE ITEM VETOED, for Minnesota Trade Office international exchange programs, for the state's portion of the Interstate Compact on Agricultural Grain Marketing — LINE ITEM VETOED, and for a small business incubator pilot project. Appropriates money to the Amateur Sports Commission for a full-time women's sports director, for a student clerical worker and for grants — LINE ITEM VETOED. Restricts Duluth eligibility for URAP funding. Appropriates money to the Dept. of Military Affairs for the tuition reimbursement and reenlistment bonus programs, for special assessments made by the cities of Anoka, Stillwater and Brooklyn Park against armory property, for veterans emergency financial and medical needs, for a welcome home celebration and for a grant to the Vinland National Center. Freezes the salaries of legislators, judges and constitutional officers. Provides no salary supplement appropriation. Provides for the payment of tort claims and for the funding of legislators and constitutional officers retirement under the Minnesota State Retirement Fund and for the funding of the Minneapolis Employees Retirement Fund (MERF). Appropriates money for police and fire amortization aid. Requires additional studies and reports. Provides for fund transfers and for the continued availability of prior appropriations. Authorizes the governor to transfer base cuts among agencies. Increases the number of judgeships in the first, second, fourth, fifth, eighth, ninth and tenth judicial districts. Expands powers and duties of the legislative auditor and state treasurer. Authorizes state agencies to contract with the attorney general for additional legal and investigative services. Modifies attorney general costs provisions. Appropriates amounts received for providing access to public data to the state agency providing the access. Eliminates the requirement for the revisor of statutes to assess agencies fees for the cost of providing aid in rule drafting and processing. Authorizes the use of imprest cash funds for travel advances to employees. Requires state agency and public body consultation with the CAAPB in developing capital improvement plans. Changes the effective date for Compensation Council salary recommendations. Requires the commissioner of finance to consult with the state treasurer before agreeing to pay depository charges. Expands the exception to the annual warrant cancellation requirement to include warrants issued for federal assistance programs. Specifies conditions for commissioner of finance reallocation and transfer of bond proceeds. Eliminates the requirement to transfer to the debt service account in the state bond fund interest earned on bond proceeds in the infrastructure development fund. Provides a standing appropriation to the commissioner of finance for expenses of bond issuance agreements. Requires the Dept. of Finance to set aside funds for CAAPB planning and consulting services. Permits balances in seminar and workshop fee accounts to be carried forward provided that the funds are expended in the following fiscal year. Authorizes the commissioner of finance to establish procedures to accept funds for reimbursement of expenditures at the governor's residence. Allows longer land or premises leases by the commissioner of administration if the lease agreement provides the state a unilateral right to purchase all leased land and premises and if the lease agreement provides for the transfer of the ownership of the leased land and buildings upon normal termination of the lease for an amount not to exceed \$1. Requires the commis-

sioner of administration to periodically submit to the Legislature a list of studies relating to the organization and management of state agencies. Prohibits higher education institutions from purchasing interconnective computer technology without prior approval of the Information Systems Management Office. Requires state agencies responsible for data collected and reported by local government units to file computer impact statements when a statutory change affects the reporting and data collection of local government units. Restricts the use of direct appropriations to education institutions for STARS network usage costs to payment of the costs. Authorizes the use of money in the general services revolving fund to operate a records center. Requires the state building inspector to assist municipalities in state building code handicapped accessibility compliance. Provides for the protection of employees in the restructuring of state agencies. Provides for the payment of a salary differential to state and local government employees called to active duty in the military reserve. Authorizes the commissioner of employee relations to use FICA savings generated from the dependent care expense account program to pay for administrative costs of the program. Requires the University of Minnesota to pay workers compensation reinsurance premiums directly to the Workers Compensation Reinsurance Association. Authorizes cities, counties or towns to grant economic recovery grant money to regional development commissions to provide the local match required for revolving loan fund capitalization. Appropriates money in the capital access reserve fund to the commissioner of trade and economic development to pay claims. Requires the commissioner of trade and economic development to establish a business development and preservation program. Adds the commissioner to the membership of the Job Skills Partnership Board. Requires the state auditor to review private audits of the State High School League. Requires public television and radio stations to repay state funds used to purchase equipment if the equipment is sold or otherwise converted to a person other than a nonprofit or municipal corporation. Changes the vote requirement of the records disposition panel from unanimous to majority. Requires the commissioner of transportation to provide space free of charge to the Tourism Office for travel information centers. Requires the Workers Compensation Court of Appeals to expedite the issuance of decisions in cases submitted without oral argument. Authorizes the chief judge to waive the time limit for good cause. Authorizes the secretary of state to coordinate and facilitate the exchange of information among computer systems after legislative redistricting. Establishes a wage subsidy program for adolescents. Creates a Revenue Department service and recovery special revenue fund to recover the costs of furnishing public government data and related services. Authorizes the commissioner of revenue to allow taxpayers to use financial transaction cards to pay state taxes. Prescribes penalties and fees. Increases Tax Court appeal fees. Requires the taxing of costs and disbursements against the losing party. Requires judges social security contributions to be made by payroll deductions. Requires fees for state witnesses in criminal cases to be paid by counties. Prohibits the attorney general from charging the Dept. of Human Rights for legal representation on behalf of complaining parties filing discrimination charges with the department. Eliminates the requirement for Hennepin County to file a copy of audited financial statements with the state auditor. Caps local police and fire amortization aid and codifies supplementary aid provisions. Provides economically depressed second class cities with targeted neighborhood revitalization program eligibility. Requires local building authority certification of review and approval of handicapped accessibility building improvements. Imposes a bond allocation application fee on issuers to offset the cost of program administration. Provides funding for a family farm legal assistance program under the qualified legal services program. Requires the provision of free telephone access to attorneys for persons restrained. Imposes a fee on persons requesting arbitration in civil actions. Modifies judges retirement fund contribution provisions and reduces disability benefits. Requires the Supreme Court to determine and reimburse juror travel reimbursement fees. Imposes postconviction surcharges on felony, gross misdemeanor, and misdemeanor crimes and local ordinance violations other than

parking or traffic violations. Authorizes the commissioner of natural resources to use part of an appropriation for Cannon River Valley Trail development. Provides funding for rehabilitation of and improvements to the armory in St. Paul. Eliminates a federal funds procurement requirement for funding a new armory. Authorizes Minnesota Project Innovation to establish a Small Business Innovation Research Marketing and Technical Assistance Program. Requires the Supreme Court to report to the Legislature on the results of the Eighth Judicial District Pilot Project. Provides employer paid health insurance benefits as an early retirement incentive for eligible state and local government employees. Requires the commissioner of revenue to attempt to collect amounts owed for sales and use tax on international purchases by travelers. Clarifies eligibility for an Environmental Quality Board genetically engineered organisms permit exemption relating to federal permit issuance. Allows state employees to take voluntary unpaid leaves of absence. Requires the Metropolitan Council to study and report to the Legislature on the need for and the feasibility of a regional trunk radio system. Repeals the requirement for the eighth judicial district to levy for administrative costs. Repeals the annual appropriation for police and fire amortization aid. Repeals some trade promotion duties of the commissioner of trade and economic development. Repeals a Hennepin County audit requirement.

**Article II — State Planning Agency.** Abolishes the State Planning Agency and transfers functions and duties to the Dept. of Administration, Dept. of Trade and Economic Development, Dept. of Jobs and Training, Dept. of Education, Dept. of Employee Relations and Dept. of Human Services and to the office of the governor. Creates the Office of Strategic and Long Range Planning for transfer of the office of the state demographer, the Environmental Quality Board, the office of dispute resolution, the Action for Children Council and some environmental functions. Conforms statutory provisions to the abolishment and duty transfers.

**Article III — Public Defense.** Limits entitlement to and required representation by the state public defender of indigent petitioners on appeal to the first direct appeal of the conviction. Allows representation without charge of others pursuing postconviction remedies and financially unable to obtain counsel. Requires judicial district screening of requests for appointment of counsel and allows investigation of the financial status of defendants. Authorizes the state public defender to assign representation to district public defenders. Modifies the membership and duties of the State Board of Public Defense. Transfers the responsibility for appointment of a chief administrator from the chair of the board to the state public defender. Modifies duties of the administrator. Removes the state public defender from board supervision and requires responsibility to the board. Requires the state public defender to supervise the state public defender system. Specifies duties. Provides for the appointment of a chief district public defender for each district. Provides for the budgeting of district public defender compensation and economic benefit increases. Requires misdemeanor and juvenile representation in the second, third, fourth, sixth and eighth judicial districts upon direction from the District or Juvenile Court. Provides health insurance benefits for district public defenders through the host county. Specifies required board considerations in distributing funds to district public defenders. Modifies county cost payment requirements. Authorizes the board to fund only items and services included in original budgets. Requires the board to implement a uniform system for district public defender hours and cases reporting. Limits the obligation of the state for the costs of public defender services. Modifies the use of a prior appropriation. Extends the Eighth Judicial District Pilot Project. Transfers board employees to the office of the state public defender. Extends the term of the current state public defender.

**Article IV — Pensions and retirement.** Authorizes Special School District #1 and the city of Minneapolis to levy for contributions to the MERF as a result of the limit on state contributions. Specifies a limit. Sets MERF interest and salary assumptions. Extends the target date for full funding. Provides lump sum supplemental benefit payments for pre-1974 retirees. Authorizes and provides the state

and participating local government unit suits for alleged breach of fiduciary duty. Prohibits multiple lawsuits on behalf of taxpayers for the same claims. Requires the court to award costs and attorney fees in addition to damages and other relief. Modifies Metropolitan Airports Commission and Metropolitan Waste Control Commission contributions toward elimination of unfunded liability. Limits the state contribution. Specifies that excesses are to be paid by participating employers. Provides an automatic bounce back joint and survivor annuity option. Increases survivor benefits. Effective date: Various dates. TRIMBLE, MERRIAM.

#### **Omnibus higher education appropriations**

**Chap. 356-S.F. 1535 Article I — Appropriations.** Appropriates money to the Higher Education Coordinating Board (HECB), technical colleges, community colleges, state universities, the University of Minnesota and the Mayo Medical Foundation. Provides funding for the new higher education board — LINE ITEM VETOED. Authorizes fund transfers and requires base level adjustments. Appropriates money for noninstruction expenditures for the technical colleges, community colleges and state universities — second year appropriations LINE ITEM VETOED. Provides for HECB telecommunications and child care grants. Authorizes grants for resident students participating in the Akita Program. Specifies duties of the average cost funding task force. Requires the HECB to review the use of dislocated rural workers grants and to administer an income contingent loan repayment program. Limits expenditures for technical college extension programs. Provides for allocation of federal funds received from the Carl D. Perkins Vocational and Applied Technology Education Act of 1990. Authorizes specific technical college construction. Requires the community college system to develop a plan for equity funding of the center at Cambridge — LINE ITEM VETOED. Authorizes the State University Board to implement quality education plans through campus initiatives. Authorizes construction at St. Cloud and Mankato State Universities. Requires an overseas studies evaluation by the president of the University of Minnesota. Requests the U of M Board of Regents to continue the dental hygienist program at the Duluth campus. Appropriates money for the Institute of Technology for the Minnesota Mining and Mineral Resources Research Institute, the geological survey, the Underground Space Center, the Talented Youth Mathematics Program, the Microelectronics and Information Science Center, and the Productivity Center — second year appropriation LINE ITEM VETOED. Appropriates money to the U of M for fellowships for minority and disadvantaged students, general research, intercollegiate athletics, student loans matching money, industrial relations education, natural resources research institute, the Sea Grant College Program, the Biological Process Technology Program, the Biological Process Technology Institute, the Supercomputer Institute, the Center for Urban and Regional Affairs, the Museum of Natural History and the Humphrey Exhibit — second year appropriation LINE ITEM VETOED. Funds the Waseca campus for the first half of the biennium.

**Article II — Coordination and quality initiatives.** States missions for each of the public post-secondary education systems. Requires the systems to review and redesign programs and courses in accordance with the stated missions. Specifies an exception. Requires Higher Education Advisory Council review of program offerings within each system to ensure elimination or transfer of programs inconsistent with the missions. Requires the HECB to oversee the implementation of the transfer and elimination of programs. Establishes an intersystem council to improve communications among post-secondary systems on policy issues. Specifies membership and duties. Requires joint administrative appointments for technical and community colleges located in the same or nearby communities except those in which both of the cooperating institutions had a full-year equivalent enrollment or average daily membership of at least 1,600 in Fiscal Year 1989. Provides that personnel involved in consolidated functions are to be joint employees of the State Board of Technical Colleges and the State Board for Community Colleges. Provides an exception for instructional staff. Requires and provides for technical

and community colleges implementation of administrative consolidation pilot programs. Requires the community and technical college systems to develop necessary plans for implementation. Requires a report. Clarifies or modifies powers and duties of the HECB. Requires the State Board of Technical Colleges to create at least nine but no more than 15 technical college districts by December 15, 1991. Requires assignment of all portions of the state to a district but provides exceptions. Provides for formation and operation as joint vocational technical districts. Establishes a task force on post-secondary funding to develop an alternative funding formula for post-secondary educations. Specifies membership. Requires a report to the Legislature. Requires public post-secondary systems to propose to the Legislature mechanisms to promote better opportunities for student success and enhanced instructional quality. Requires the Higher Education Advisory Council to resolve differences and inconsistencies among the systems relating to credit transfer policies. **Article III — Enrollment, funding and management.** Establishes the state share of the cost of instruction for enrollment in specific categories. Excludes undergraduate students who do not meet the residency criteria, students enrolled in extension at the technical colleges and students enrolled in recreational or leisure-time activity courses from the enrollment calculation for average cost funding purposes. Specifies residency restrictions. Modifies the membership of the task force on average cost funding. Provides for the payment of local assessments that are less than five percent of the boards' appropriation for repair and replacement by the post-secondary governing boards. Clarifies the scope of state university activity funds. Authorizes the chancellor of the state university system to establish a fund to be administered by the State University Board for systemwide purposes. Provides for direct recommendations to the board by the Legislature on the acceptance of gifts. Authorizes the State University Board to keep money received from successful litigation by or against the board. Requires a report. Authorizes the State Board for Community Colleges to contract with student housing facility owners to assist in operation, control and management of the facility. Extends the moratorium on off campus sites. Requires the HECB, in consultation with the governing boards, to develop and implement a plan for transferring courses and programs currently offered by the community college system in Duluth and to present to the Legislature recommendations for linking funding of post-secondary education systems to achievement of system plans and missions and to achievement by students of system and institution learner outcomes.

**Article IV — Iron Range higher education.** Creates a committee to advise the commissioner of the Iron Range Resources and Rehabilitation Board on providing higher education programs in the taconite tax relief area. Specifies membership. Requires the committee to advise the commissioner relating to development of a contract with a higher education system to provide courses. Requires contract approval by the HECB and the system board. Modifies the distribution of taconite tax proceeds to fund the courses — LINE ITEM VETOED.

**Article V — Conservation study.** Appropriates money to the commissioner of natural resources for a contract with the Natural Resources Research Institute for a conservation areas study — LINE ITEM VETOED.

**Article VI - Peace officer training.** Requires the state university system to develop a school of law enforcement in the Metropolitan Area. Authorizes the school to offer professional peace officer education, graduate degrees, continuing education programs and to conduct applied research. Establishes an advisory council of law enforcement faculty and administrators, peace officers, police chiefs, sheriffs and citizens to advise the post-secondary systems relating to professional peace officer education. Creates a task force to improve the quality and delivery of law enforcement education. Specifies membership and duties. Requires the task force to develop a plan for an integrated peace officer education program pilot project in the Metro Area. Requires a progress report to the Legislature. Repeals a provision regulating the distribution of money appropriated for peace officer training. (The appropriation for this article is contained in

Chap. 233 and was LINE ITEM VETOED.)

**Article VII — Academic excellence scholarship.** Creates the Minnesota Academic Excellence Scholarship Program to reward students demonstrating outstanding ability, achievement and potential in English/creative writing, fine arts, foreign language, math, science, or social science. Specifies eligibility requirements, procedures for selections of recipients, scholarship amounts and conditions for renewal. Provides for the number and distribution of awards. Requires and provides for the commissioner of public safety to issue special collegiate motor vehicle license plates to applicants contributing to a scholarship account to be created in the general fund. Specifies recordkeeping requirements. Requests the University of Minnesota Board of Regents, the State University Board and the governing boards of eligible private colleges and universities to cooperate with the Higher Education Coordinating Board, the Academic Excellence Foundation, public and nonpublic high schools and school districts to publicize the availability of the scholarships and to identify qualified students.

**Article VIII — Financial aid.** Modifies the definition of student and defines full and half time and satisfactory academic progress for grant-in-aid purposes. Requires the HECB to prorate the cost of attendance for students attending less than full time. Modifies child care and part time student grant provisions. Specifies a minimum stipend. Authorizes and provides for the HECB to ask the commissioner of finance to lend general fund money to the grant account to ease cash flow difficulties. Modifies a funds distribution provision under the nursing grant program for licensed practical nurses. Increases the required eligible employer contribution to student compensation under work study grants. Modifies an eligibility requirement for the public safety officers killed in line of duty education benefit. Requires the HECB to establish a grant program to encourage innovative approaches in providing or financing child care services to post-secondary students. Specifies qualifications and a grant limit. Provides for applications and requires a board report to the Legislature on grants distribution. Repeals the definition of designated rural area. Requires HECB definition. Eliminates the part time student grant program.

**Article IX — Higher Education Board.** Merges the state university, community college and technical college systems. Creates the Higher Education Board to govern the merged systems. Specifies membership, powers and duties. Establishes a Higher Education Board Candidate Advisory Council to assist the governor in determining criteria for and identifying and recruiting qualified candidates for membership on the board. Specifies membership and duties. Requires the Legislative Coordinating Commission to provide administrative and support services for the advisory council. States the mission of the board. Authorizes the appointment of local campus advisory committees. Specifies membership. Requires the board to define the role and authority of the committees and to establish procedures for the appointment and termination of members. Specifies transitional budget, personnel, planning and instructional duties of the board. Requires the board to hire an interim chancellor. Provides for the transfer of powers from the State Technical College, State Community College Board and State University Board to the Higher Education Board. Abolishes the separate boards after July 1, 1995. Provides for a cooperation requirement. Provides for the status of current employees and for collective bargaining. (The appropriation for this article was LINE ITEM VETOED.) Effective date: Various dates. MERRIAM, CARLSON.

## Gaming Regulation

**Greyhound training lure regulation**

**Chap. 74-H.F. 179** Prohibits the training of greyhounds for racing or conducting greyhound races using live lures or live bait. Effective date: May 10, 1991. KELSO, JOHNSTON.

**Racing Commission rules**

**Chap. 330-S.F. 1316** Authorizes the Racing Commission to adopt rules governing affirmative action plan and economic opportunity contract goals for disadvantaged and emerging small businesses, racial minorities, women and disabled individuals. Effective date: August 1, 1991. FRANK, OSTHOFF.

**Omnibus gaming regulation provisions**

**Chap. 336-S.F. 506 Article I — Teleracing.** Provides for the licensing of teleracing facilities by the Racing Commission. Authorizes issuance to Class B license holders. Sets limits and sets the fee. Provides for Class E licenses. Specifies application, hearing and investigation requirements. Grants the commission access to criminal history data compiled by the Gambling Enforcement Division of the Dept. of Public Safety. Requires notice to the commissioner of ownership or management changes. Provides for license suspension and revocation. Requires licensees to provide work areas for the commission for wagering supervision and control purposes. Authorizes and provides for parimutuel betting at teleracing facilities. Provides for pools. Modifies breakage and purse requirements. Eliminates references to televised racing day and eliminates provisions relating to televised races. Provides for simulcasting and telerace simulcasting. Reduces the minimum bet requirement. Provides for the disposition of proceeds. Subjects simulcasts and telerace simulcasts to commission regulation. Authorizes the commission to assign officials to preside over activities. Authorizes commission teleracing facilities operation rules. Sets forth a severability clause.

**Article II — Miscellaneous.** Increase the per diem rate for members of the Racing Commission. Requires occupation licensing of parimutuel clerks at county fairs. Requires licensees conducting parimutuel betting or lawful gambling and lottery retailers to post the toll free telephone number established by the commissioner of human services for the compulsive gambling treatment program. Modifies the apportionment of breeders fund money in the thoroughbred and quarterhorse categories. Specifies required uses. Requires recipient annual reports to the Racing Commission and the Legislature on fund uses. Expands commission annual report content requirements. Authorizes medication administration supervision by veterinarian designees. Requires and provides for manufacturer or distributor license issuance by the commissioner of public safety. Prohibits the issuance of licenses to persons, corporations, firms or partnerships that have an officer, director, or other person with a direct or indirect financial or management interest of five percent or more, who have ever been convicted of a felony, been convicted of a crime involving gambling, been connected with or engaged in an illegal business or had a license revoked or denied by another jurisdiction for a violation of law or rule related to gambling. Specifies application content requirements and fees. Authorizes background and financial investigations by the director of gambling enforcement. Provides for license renewal and authorizes suspension or revocation under specific conditions. Regulates the transportation of gambling devices into the state. Defines allowable expense and profit carryover. Modifies the limit on real estate taxes under the definition of lawful purpose expenditure and includes partial costs of an audit in the definition. Eliminates some allowable expenses from authorized use of profits. Eliminates the requirement for Gambling Control Board administration rules. Eliminates the requirement for board registration of net profit recipients. Requires the board to adopt rules governing paddlewheels before July 1, 1992 and places a moratorium on approval of new types of paddlewheel equipment for sale in the state. Removes the net profit report acknowledgment requirement. Increases the period of validity for organization licenses and premises permits. Modifies gambling manager provisions. Reduces the fidelity bond requirement. Requires training of replacement gambling managers within 90 days after licensing. Modifies the exemption from bingo card numbering requirements. Eliminates the requirement for the posting of pull tab prizes. Authorizes the board to issue orders requiring organizations selling pull tabs to post major pull tab prizes and winners if the board has reasonable grounds to believe that



the organization or an individual has been or is providing information to a player or players that provides an unfair advantage related to the potential winnings from pull tabs. Prescribes posting requirements and appeal procedures. Defines major prize. Specifies gambling premises minimum lease period and rental amount requirements. Specifies storage requirements for paddlewheels. Requires reports by licensed organizations to include a reconciliation of profit carryover with cash balance on hand. Modifies annual audit requirements. Requires the commissioner of revenue to set standards in lieu of the Gambling Control Board. Specifies organization recordkeeping requirements. Requires the board to prepare and distribute to licensed organizations an accounting manual. Authorizes a contract for manual preparation. Regulates paddlewheel prizes. Authorizes local government units to prohibit the use of paddlewheels. Modifies agreements authority of the state lottery director. Authorizes and provides for the posting of securities or irrevocable letters of credit by lottery retailers in lieu of bonds. Provides that temporary suspensions of lottery contracts automatically become permanent suspensions if no hearing is requested within 30 days of the temporary suspension taking effect or unless the director vacates or modifies the order. Classifies the phone numbers and street addresses of lottery winners as private data. Prohibits the exploiting of religious holidays in lottery advertising. Accelerates the date for the limit on the use of gross revenues for advertising. Requires and provides for compulsive gambling assessments in presentence investigations of persons convicted of crimes associated with compulsive gambling. Requires the commissioner of human services to establish rules. Includes the use of 900 telephone numbers under specific conditions in the definition of lottery for gambling crime purposes. Defines 900 telephone number. Clarifies the prohibition on video games of chance. Defines video game of chance. Imposes a penalty for operating gambling devices. Exempts the operation of gambling devices in residential dwellings for amusement purposes. Modifies other penalties and eliminates the penalty for paying compensation for game credits. Clarifies the authority of the state to participate in tribal-state gambling compacts relating to gambling devices and the conduct of video games. Requires the governor and the attorney general to study the issue of requiring gambling equipment to be purchased from state suppliers and report to the Legislature. Requires the commissioner of human services to report to the Legislature on a method of implementing compulsive gambling assessments of offenders. Appropriates money to the commissioner of human services to implement the compulsive gambling treatment program. Requires the lottery director to transfer money from the lottery operations account to the general fund for the program. Effective date: Various dates. BERG, OSTHOFF.

## Governmental Operations

### State employee vacation time donation

**Chap. 9-H.F. 290** Expands the state employees vacation donation program for the unreimbursed medical expenses of other state employees to include more hours of accrued vacation time per fiscal year. Effective date: March 27, 1991. OGREN, LUTHER.

### Affirmative action requirement changes

**Chap. 19-H.F. 82** Modifies the criteria for businesses and firms required to file affirmative action plans with the commissioner of human rights for state department, Metropolitan Council or agency contract or agreement purposes. Effective date: August 1, 1991. WELLE, FREDERICKSON, D.J.

### Salary recommendation deadline extension

**Chap. 22-S.F. 468** Extends the biennial deadline, until May 1, for

Compensation Council submission of salary recommendations for constitutional officers, legislators, justices of the Supreme Court and judges of the Court of Appeals and District, County and Municipal Courts to the Legislature. Effective date: April 9, 1991. LUTHER, SIMONEAU.

### Canadian salt

**Chap. 23-H.F. 646** Expands the preference for state department and agency purchase of American made materials to include salt mined in Canada. Effective date: April 12, 1991. JAROS, SOLON.

### Eveleth police and firefighters

**Chap. 27-S.F. 5** Retroactively increases retirement benefits payable to retired police officers, firefighters and their surviving spouses by the Eveleth police and fire trust fund. Effective date: Local approval. JOHNSON, D.J., BEGICH.

### Nashwauk police surviving spouses

**Chap. 28-S.F. 162** Increases the benefits payable to surviving spouses of deceased members of the Nashwauk Police Relief Association. Effective date: Local approval. LESSARD, SOLBERG.

### Appointed officers prior service credit

**Chap. 29-S.F. 567** Authorizes public officers appointed before May 9, 1990, and participating in the public employees defined contribution plan to purchase service credit from the Public Employees Retirement Association for previous service as elected officials. Effective date: April 18, 1991. LESSARD, ANDERSON, I.

### State patrol officer survivors

**Chap. 34-S.F. 734** Provides for payment of accumulated contributions from the state patrol retirement fund to the surviving spouse, surviving children or the estate of the retired member upon death if the member did not select an optional annuity. Effective date: July 1, 1991. POGEMILLER, JEFFERSON.

### Federally insured pension investments

**Chap. 47-H.F. 614** Expands the authority of the State Board of Investment to invest state and pension assets in federally insured certificates of deposit and savings accounts to certificates or accounts insured by any federal agency. Effective date: August 1, 1991. DAWKINS, COHEN.

### Motor vehicle deputy registrars

**Chap. 56-S.F. 368** Requires county auditor appointment of and authorizes discontinuance for cause of officers of statutory or home rule charter cities as deputy registrars upon request of the governing body of the city if the city is a county seat, or is larger than the county seat or if there is no deputy registrar's office in or within 15 miles of the city. Effective date: August 1, 1991. MORSE, JOHNSON, V.

### Virginia firefighters

**Chap. 62-H.F. 41** Provides survivor benefits to surviving spouses of members of the Virginia Firefighters Relief Association after remarriage. Provides for the reversion of assets of the association to the city of Virginia upon the death of the last pension or benefit recipient. Effective date: Local approval. RUKAVINA, DICKLICH.

### St. Louis County service credit grant

**Chap. 66-H.F. 954** Requires the Public Employees Retirement Association to grant two months service credit to a member employed by St. Louis County. Effective date: May 11, 1991. JAROS, SOLON.

### St. Paul teachers retirement fund

**Chap. 67-H.F. 806** Provides a special automatic lump sum postretirement adjustment from the St. Paul teachers retirement fund for retirees receiving benefits computed under laws in effect between Jan.

1, 1970, and June 30, 1978. Specifies the amount. Provides for monthly payments instead of an annual lump sum. Requires the St. Paul Teachers Retirement Association (TRA) to report to the Legislature and the commissioner of finance by September 30, 1992, on the number of eligible recipients, the annual cost and the estimated actuarial liability. Effective date: July 1, 1991. O'CONNOR, WALDORF.

#### **New U of M bargaining unit**

**Chap. 77-H.F. 173** Creates an academic professional and administrative staff bargaining unit at the University of Minnesota for academic professional and administrative staff positions not included in an instructional, supervisory, clerical or technical unit. Effective date: August 1, 1991. RUKAVINA, POGEMILLER.

#### **White Bear Lake TRA service credit purchase**

**Chap. 89-H.F. 1054** Authorizes and provides for the purchase of prior service credit in the Teachers Retirement Association for medical leave during the 1986-87 school year by an employee of Independent School District #624, White Bear Lake. Effective date: July 1, 1991. STANIUS, KNAAK.

#### **Mpls. Police Relief Association**

**Chap. 90-H.F. 813** Modifies the membership of the board of trustees of the Minneapolis Police Relief Association. Removes the mayor, chief of police and city comptroller/treasurer as ex officio members. Requires the city council to appoint two members and specifies the terms of the those new members. Provides for the election of a surviving spouse member to the board. Defines surviving spouse and specifies the term. Provides for continued governance of the association by the board. Specifies a minimum association membership contingency. Authorizes the inclusion of periods of up to one year of disability for active members computing the total years of service for pension purposes. Authorizes use of the fund to pay salaries of elected board members. Effective date: Local approval. JEFFERSON, POGEMILLER.

#### **Richfield Police Relief Association**

**Chap. 96-H.F. 579** Increases member contributions to the Richfield Police Relief Association and subjects college incentive pay to deductions. Reduces the age requirement for service pension receipt eligibility purposes and provides for the computation of pensions received upon early retirement. Redefines unit value. Effective date: Various dates. GARCIA, RIVENESS.

#### **Edina volunteer firefighters**

**Chap. 125-H.F. 1551** Removes or modifies limits on the payment of survivor benefits by the Edina Volunteer Firefighters Relief Association. Effective date: Local approval. ERHARDT, STORM.

#### **County employee preventive health programs**

**Chap. 128-H.F. 1039** Authorizes counties to establish and operate programs of preventive health and employee recognition services for county employees. Authorizes the commissioner of employee relations to adopt rules to assure compliance with equitable compensation (pay equity) requirements by local government units. Regulates continuation of coverage eligibility under the Public Employees Insurance Plan. Maintains reemployment eligibility for former classified employees receiving disability benefits under a state retirement plan. Effective date: Various dates. WEJCMAN, MORSE.

#### **Police and firefighter affirmative action**

**Chap. 140-H.F. 1201** Permits police and firefighter civil service commissions to certify two additional candidates from protected groups to meet approved affirmative action goals. Specifies requirements and restrictions regarding the selection of those additional certified candidates. Effective date: May 24, 1991. BISHOP, MORSE.

#### **Charitable organization revenue distribution**

**Chap. 145-H.F. 1405** Modifies the income and revenue distribution requirement for registered combined charitable organizations. Effective date: August 1, 1991. JEFFERSON, SPEAR.

#### **Surviving spouse and dependent coverage**

**Chap. 172-H.F. 870** Authorizes and provides for the election of coverage by surviving spouses or the oldest dependent child under age 18 or the oldest dependent child between the ages of 18 and 23 who is enrolled in a accredited post-secondary educational institution, of members of the Public Employees Retirement Association police and fire consolidation accounts under provisions of the Public Employees Police and Fire Fund Benefit Plan or under the Relief Association Benefit Plan who are killed in the line of duty. Authorizes the payment of refunds to designated beneficiaries only if there are no survivors or if the surviving spouse and dependent children permanently waive their benefit rights in writing. Effective date: January 1, 1990. MURPHY, SOLON.

#### **MERF administrative and benefit changes**

**Chap. 206-H.F. 571** Modifies the benefits, administrative and investment practices of the Minneapolis Employees Retirement Fund (MERF). Allows only the MERF Investment Board to make specific types of real estate investments not generally allowed and subjects those investments to the same standards of fiduciary responsibility governing state investments. Prohibits MERF from making those same types of real estate investments after July 1, 1991. Authorizes MERF to sell and finance the secured sale of those types of real estate investments. Requires advance approval by the retirement board of employee positions. Removes the membership exception for persons employed under the federal Comprehensive Employment and Training Act (CETA) on or after March 30, 1978. Removes the mandatory retirement age. Reduces the vesting period to three years for election to allow member contributions to remain in the fund upon separation from service. Clarifies State Board of Investment securities investment authority. Effective date: July 1, 1991. JEFFERSON, POGEMILLER.

#### **Duluth and St. Paul teachers**

**Chap. 222-S.F. 449** Provides for a lump sum post-retirement adjustment payment to persons who have received retirement annuities, disability benefits or surviving spouse benefits or annuities from the Duluth or St. Paul Teachers Retirement Fund Associations (TRA) for at least one year. Specifies the formula for calculating the adjustment amount. Authorizes the boards of trustees discretion to modify the adjustment amount. Provides an annuitization option. Authorizes bylaws and articles of incorporation amendments to implement the post-retirement adjustment mechanism if previous amendments for similar purposes are eliminated. Specifies the obligation of the employing unit under first class city TRAs for omitted salary deductions. Authorizes the Minneapolis TRA to allow basic plan members granted medical leave of absence by Special School District #1, Minneapolis to receive up to one year of service credit for the leave. Authorizes the Minneapolis TRA to continue paying retirement annuity payments to basic plan members resuming teaching service for the school district. Requires reduction if the teaching salary is greater than allowed for that person's age. VE-TOED. SOLON, O'CONNOR.

#### **St. Paul police survivor benefits**

**Chap. 230-S.F. 811** Provides survivor benefits from the public employees police and fire fund to the spouse of a specific former St. Paul police officer. Effective date: May 29, 1991. KELLY, O'CONNOR.

#### **Unclassified positions transferred**

**Chap. 238-H.F. 1147 Article I — Transfer of unclassified positions.** Transfers the directors of the Office on Volunteer Services and the Cable Communications Board in the Dept. of Administration; the director of the Office of Health Facility Complaints in the

Dept. of Health; the director of the Agent Orange Information and Assistance section in the Dept. of Veterans Affairs; the director of Public Facilities Authority and employees of the Land Management Information Center in the State Planning Agency whose salaries come out of the center's revolving account; Amateur Sports Commission employees; Rural Development Board employees; Dept. of Natural Resources (DNR) Reinvest in Minnesota (RIM) Resources Fund employees; employees of the Dept. of Trade and Economic Development and the Dept. of Corrections from unclassified state service to the classified service. Places the deputy corrections ombudsman in the unclassified service. Authorizes the designation of additional unclassified positions by the Dept. of Gaming, the attorney general and the Higher Education Coordinating Board (HECB). Specifies a time limit for employment of student workers in the unclassified service. Requires the commissioner of employee relations, with the chancellors of the state university and community college systems, to develop criteria to determine the placement of professional and managerial positions in the classified or unclassified civil service and requires a report to the Legislative Commission on Employee Relations (LCER) by December 1, 1991. Requires the commissioner to develop an implementation plan to transfer positions not meeting specified criteria to the classified service. Specifies the plan content requirements and requires submission to the LCER by December 15, 1991. Requires the attorney general, with the commissioner, to develop criteria to determine the placement of legal assistant positions in classified or unclassified civil service and requires a report to the LCER by December 15, 1991. Provides for retention of participation in the State Unclassified Employees Retirement Program of the Minnesota State Retirement System (MSRS) by employees transferred to the classified service who elect to maintain membership in the unclassified program as long they hold the same position or a position in a higher class in the same agency.

**Article II — Interest arbitration.** Requires the Public Employment Labor Relations Board (PELRA) to adopt rules establishing standards for evaluating the performance of arbitrators and specifies the minimum categories the standards must include. Sets a deadline for board mailing of the list of arbitrators to the parties. Establishes a procedure for setting the dates for arbitration panel meetings. Extends the deadline for panel decisions following the conclusion of the proceedings, provides for extension and requires board extension criteria rules.

**Article III — Ratifications.** Ratifies the commissioner of employee relations amendments to the managerial plan, ratifies amendments to the plan for unrepresented employees, ratifies the salary of the chancellor of the state university system, ratifies the salary of the chancellor of the technical college system, ratifies amendments to the plan for unrepresented employees of the state university system, ratifies amendments to the HECB unclassified employees plan, ratifies the plan for the administrative law judges plan, and ratifies the salary plan for specific agency commissioners and directors approved by the LCER on September 12, 1990.

**Article IV — State employee pay deductions and deposits.** Modifies a provision regulating state employee payroll direct deposits and deductions by permitting payment by direct deposit to credit unions or financial institutions and by deduction to credit unions, labor organizations or health insurance companies. Effective date: August 1, 1991. REDING, WALDORF.

#### **Listening devices in hearing rooms**

**Chap. 240-H.F. 1387** Modifies the state building code to require legislative hearing rooms in the State Office Building and the Capitol and the public galleries overlooking the House and Senate Chambers in the Capitol to be fitted with assistive listening devices for the hearing impaired. Effective date: July 1, 1991. RUNBECK, BELANGER.

#### **Executive branch reorganization**

**Chap. 262-H.F. 1050** Requires proposed state agency reorganization orders of the commissioner of administration to be submitted to

the Legislature before filing with the secretary of state. Effective date: June 3, 1991. ORFIELD, MARTY.

#### **Miscellaneous retirement provisions**

##### **Chap. 269-H.F. 299 Article I — Employee interchange**

**provisions.** Creates an exception to the duration limit for the assignments of public employees under an interchange program for assignments or details made to coincide with appointments of heads of state departments or agencies. Excludes persons serving in the state unclassified service under an interchange program and remaining a contributing member of another public pension plan during the state service from coverage under the Minnesota State Retirement System (MSRS). Provides for the continuation of surviving spouse benefits payable by local police and salaried firefighters relief associations after the remarriage of the surviving spouse.

**Article II — Surviving spouse benefit modifications.** Eliminates the requirement for discontinuation of surviving spouse benefits upon remarriage of the surviving spouse under the legislators, state troopers and elective state officers retirement plans under the MSRS, the PERA and the Public Employees Police and Fire Fund, benefit plans under local police or firefighters relief associations consolidating with the Public Employees Police and Fire Fund and the Teachers Retirement Associations (TRA).

**Article III — Public pension plan actuarial reporting revisions.** Alters and clarifies public pension plan actuarial reporting requirements. Eliminates financial adequacy studies and exhibit requirements for specific retirement plans. Includes the Public Employees Local Government Correctional Service Retirement Plan under the requirements. Modifies actuarial valuation contract requirements and specifies reporting duties of the actuary retained by the Legislative Commission on Pensions and Retirement (LCPR). Modifies actuarial cost allocation and assessment provisions and specific public pension and retirement fund report requirements. Requires audits of the reports. Clarifies and modifies specified asset disclosure requirements. Modifies the definition of actuarial valuation and clarifies the definition of experience study. Eliminates the definition of expected future statutory supplemental contributions and defines pension benefit obligation. Requires quadrennial experience studies of enumerated retirement plans. Eliminates the balance sheet requirement and requires the inclusion of calculations necessary for retirement plan or employing unit preparation of the pension related portions of the annual financial report. Requires membership tabulations to be prepared by pension fund administrators. Eliminates the requirement to include a statement of the average service retirement ages in experience studies. Requires actuarial valuations or experience studies prepared by actuaries retained by retirement funds or plans to be submitted to the LCPR. Specifies actuarial requirement exceptions. **Article IV — Miscellaneous retirement provisions.** Recodifies State University and Community College Supplemental Retirement Plan provisions and requires administration by the state university and community college systems. Requires the transfer of records. Authorizes and provides for the purchase of prior service credit in PERA by a specific member formerly employed by the city of Minneapolis as a construction equipment operator. Effective date: Various dates. REDING, WALDORF.

#### **Police and firefighter contribution refunds**

**Chap. 290-H.F. 611** Provides for refund of member contributions to designated beneficiaries or estates of deceased active, deferred or retired members of local police or salaried firefighters relief associations if no survivor benefits are payable. Effective date: June 2, 1991. FARRELL, WALDORF.

#### **Government employees serving as legislators**

**Chap. 308-H.F. 202** Clarifies the entitlement of appointed officers or employees of local government units serving as legislators or elected to full time city or county office to leaves of absence from public office or employment without pay upon attending to public business. Includes specific temporary or seasonal employees in the definition of public employee under the Public Employment Labor

Relations Act. Effective date: August 1, 1991. RUKAVINA, CHMIELEWSKI.

**Unclassified employees transfers election to stay with MSRS**

**Chap. 317-S.F. 1224** Authorizes and provides for Minnesota State Retirement System (MSRS) State Unclassified Employees Retirement Plan participants moving to unclassified positions not covered by the plan to elect to participate in the plan. Specifies the obligation of the employing unit under first class city teachers retirement fund associations for omitted salary deductions. Authorizes the Minneapolis Teachers Retirement Association to allow basic plan members granted medical leave of absence by Special School District #1, Minneapolis, to receive up to one year service credit for the leave. Authorizes retired basic plan members resuming teaching service for the school district to continue to receive retirement annuity payments. Requires reduction if the person's income from teaching service is an amount greater than the maximum earnings allowable for that age for the continued receipt of full benefit amounts monthly under the federal Old Age, Survivors, and Disability Insurance Program as set under federal law. Effective date: July 1, 1991. WALDORF, REDING.

**Public official bond requirement removal**

**Chap. 326-S.F. 861** Removes the bonding requirement for public officials and others including constitutional officers, Dept. of Commerce employees, the commissioner of natural resources and directors of the department divisions, Office of Waste Management employees, the commissioner of the Pollution Control Agency, public terminal warehouse operators, chief executive officers of correctional and human services institutions, persons bringing or sending children to the state for adoption purposes, persons applying for duplicate property tax certificates, the superintendent and employees of the Bureau of Criminal Apprehension, the chief supervisor and members of the state patrol, sacramental wine licensees, county commissioners, tract indexers, attorneys and deputy coroners, park district chairpersons, Regional Transit Board employees, the state law librarian, the Supreme Court reporter, the Ramsey County Municipal Court administrator and employees, logging railroad permittees, ferry licensees, the commissioner of veterans affairs, alcoholic beverage importers and specific loggers. Requires local grain sealers to take an oath of public office and repeals the bond requirement. Effective date: August 1, 1991. LUTHER, CARRUTHERS.

**Teachers retirement provisions**

**Chap. 340-H.F. 1035** Modifies provisions governing the administration of the Teachers Retirement Association (TRA). Modifies a provision relating to the redemption of shares for totally and permanently disabled persons under the State University and Community College Personnel Supplemental Retirement Plan. Requires the deduction of total and permanent disability benefits received by public officers under the TRA from workers compensation benefits. Provides that retired former TRA members subsequently resuming teaching service are to be members of the fund only for social security coverage purposes. Clarifies the definition of allowable service. Modifies the definition of designated beneficiary and excludes payments for additional services to school principals and other administrators from the definition of salary. Includes lump sum payments for additional services in the definition of severance pay. Defines the normal work year for school principals and administrators. Defines sabbatical leave for compensation purposes. Requires member retention of the right to full reinstatement during and at the end of the leave for allowable service credit receipt purposes. Requires certification of parental or maternity leave and modifies the payments. Provides a full reinstatement right retention requirement. Requires certification of extended leaves of absence and limits the amount of allowable service credit. Provides a full reinstatement right retention requirement. Requires certification of medical leave, modifies the payment basis and provides full reinstatement rights retention requirement. Requires repayment of electronic

overpayments to joint accounts after the death of the annuity or benefit recipient if the overpayment is not repaid to the fund by the banking institution. Makes board conditions prescription requirement optional. Modifies provisions relating to changing or revoking beneficiaries and provisions relating to the computation of annuities for combinations of basic and coordinated service. Excludes members from eligibility for election to the board of trustees. Provides for the accrual of a joint and survivor annuity. Transfers the responsibility for determination of eligibility for permanent disability benefits from the board to the executive director and clarifies an excess earning deduction requirement. Modifies refund provisions and provides for the computation of interest. Increases the penalty for late itemized summary reports to the executive director. Requires annual reports on the amount of income earned during the previous calendar year by retirees for teaching service after retirement. Specifies report requirements and imposes a penalty for late reports. Eliminates the additional employer contribution to the TRA on behalf of employees participating in the Individual Retirement Account Plan. Provides for the calculation of required reserves for purchases of prior service credit in specific retirement funds. Requires health insurance plans to reimburse public pension funds for the administrative expense of withholding premium amounts and to assume liability resulting from the failure of the public pension plan to withhold the proper amounts for benefits. Authorizes and provides for specific employees of the State University Board to revoke a previous election to transfer retirement coverage from the TRA to the IRA Plan for the purpose of crediting future service to the TRA. Effective date: Various dates. JOHNSON, R., WALDORF.

**PERA provisions**

**Chap. 341-H.F. 1584** Modifies provisions relating to the Public Employees Retirement Association (PERA). Clarifies the PERA coverage exclusion for persons under the federal Old Age, Survivors, Disability and Health Insurance Program. Eliminates the option for hospital districts to elect to be excluded from the definition of governmental subdivision. Expands the exclusions of annual or sick leave payments from the definition of salary. Modifies the definition of dependent child relating to college or university enrollment. Includes paternity or adoption leave in the definition of allowable service. Removes the term "unremarried" from the definition of surviving spouse. Increases the membership of the board of trustees to include a member of the police and fire fund. Authorizes the association to provide for less frequent reporting and payments for small employers. Requires employee deductions and employer contributions to be made on the basis of gross salary of wrongful discharge settlement payments before subtracting unemployment or workers compensation or wages from other sources. Modifies provisions relating to adjustments for deductions taken in error and to omitted deductions. Provides for payment of omitted deductions by terminated employees and the employer. Requires and provides for the recovery of overpayments to members. Provides for acceptance of the notarized signature of a spouse on a retirement annuity application acknowledging the annuity selection as meeting the spouse notice requirement. Modifies the maximum monthly family benefit amount. Eliminates a survivor benefits eligibility exclusion. Modifies joint and survivor optional annuity provisions. Requires annuity reduction under dependent child benefit receipt conditions and invalidates the selection of a joint annuitant other than the spouse by disabled members under surviving spouse benefits waiver refusal conditions. Increases the interest rate on deferred annuity employee contribution refunds. Provides for the continuation of membership in the police and fire fund for specific transferred employees. Clarifies local relief association consolidation provisions and changes the benefits receipt period requirement for Minnesota postretirement investment fund adjustment eligibility purposes. Provides for coverage under more than one fund for specific local correctional employees and reduces the vesting requirement for nonduty disability benefit and joint and survivor optional annuity eligibility purposes. Provides for termination of eligibility to participate in the Public Employees Defined Contribution Plan for



elected local government officials except county sheriffs. Clarifies the time for the commencement of participation and provides for refunds of deductions or contributions taken in error. Eliminates the limit on the number of times per year for choosing investment options and minimum requirements for the transfer of shares from one account to another under the plans. Specifies investment requirements for option specifications exceeding or less than 100 percent. Prohibits the making of investment options or transfers after death or termination of the participant. Prohibits the association from accepting contributions for prior service credit from elected officials ceasing to hold elected office. Eliminates the additional employer contribution to the Teachers Retirement Association on behalf of employees participating in the Individual Retirement Account Plan. Provides for waiver of automatic postretirement adjustments. Requires the Public Employees Insurance Plan to reimburse public pension funds for the administrative expense of withholding health insurance premium amounts from annuities or benefits and to assume liability for the failure of a fund to withhold the amounts. Repeals a provision providing for the augmentation of deferred annuities for local correctional employees. Authorizes a member of the Public Employees Defined Contribution Plan employed by ISD #701, Hibbing, to revoke participation in the plan. Provides for the return of contributions. Authorizes and provides for specific employees of the State University Board to revoke a previous election to transfer retirement coverage from the Teachers Retirement Association to the IRA Plan for the purpose crediting future service to the TRA. Effective date: Various dates. LOUREY, WALDORF.

## Health and Human Services

### Alternative care for mentally retarded

**Chap. 25-S.F. 148** Authorizes the commissioner of human services to approve proposals from up to ten county agencies to provide case management under Medical Assistance (MA) to persons with mental retardation and related conditions using alternative methods. Requires advisory task force on mental retardation, related conditions or physical handicaps review and recommendations. Specifies proposal requirements and contents. Provides for rule waiver and protection of client rights. Requires a commissioner report on pilot projects and case management system change recommendations to the Legislature by February 1, 1993. Terminates commissioner's authority on June 30, 1993. Effective date: April 17, 1991. SAMS, GREENFIELD.

### Vaccination of children

**Chap. 30-S.F. 583** Clarifies and modifies school requirements for statements certifying the immunization of children against the illnesses of measles, rubella, diphtheria, tetanus, pertussis, polio, mumps, and haemophilus influenza type b. Requires immunization against haemophilus influenza type b for children under age five. Establishes separate physician or public clinic immunization statement requirements for elementary and secondary students of specific ages and grades and for children enrolled in child care facilities or secondary school students at least 20 years of age but born before 1956. Provides an exemption for children enrolling for less than five consecutive days in a child care facility in which at least 75 percent of the children in the facility participate on a one-time only or occasional basis. Exempts from the reporting requirement pre-kindergarten aged handicapped children and administrators of child care facilities in which at least 75 percent of the children in the facility participate on a one-time only or occasional basis. Specifies the continuing responsibility of the commissioner of health to assure that immunization statements are kept on file where required. Authorizes the commissioner of health to purchase and distribute antituberculosis drugs, biologics, and vaccines to treat and prevent

communicable diseases. Effective date: Various dates. FLYNN, ORENSTEIN.

### Meeker County hospital addition

**Chap. 32-H.F. 131** Authorizes and provides for the Meeker County Board to enter into a project for an addition to the county hospital without voter approval if the cost is \$435,000 or less, is provided by a depreciation fund already in existence and does not require the county to borrow funds through the issuance of bonds or other means. Requires compliance with the hospital bed moratorium. Effective date: Local approval. DILLE, BERNHAGEN.

### Hemoglobinopathy in newborns

**Chap. 36-S.F. 254** Includes hemoglobinopathy in the list of inborn metabolic disorders tested for and treated that are covered under Medical Assistance (MA). Clarifies the eligibility of pregnant women eligible for MA for the special supplemental food program for women, infants and children (WIC) by expanding the definition of low income. Requires birth or death certificate medical supplements to report prenatal exposure to controlled substances. Effective date: August 1, 1991. JOHNSON, J.B., GREENFIELD.

### Licensure of human services providers

**Chap. 38-S.F. 713** Requires additional information from juvenile courts in background studies of applicants for licensure under the Human Services Licensing Act. Prohibits the commissioner of human services from disqualifying individuals from licensing due to mental illness. Repeals rules that allow mental illness as a disqualification factor for persons subject to background studies. Requires the commissioner to amend rules so as to delete the commissioner's authority to require a mental health evaluation of operators, caregivers and household members. Effective date: April 25, 1991. TRAUB, SEGAL.

### Employee drug testing

**Chap. 60-S.F. 550** Modifies employee drug and alcohol testing requirements. Eliminates the requirements for the commissioner of health to approve and adopt rules for testing methods and procedures and to license testing laboratories. Requires employer use of laboratories accredited or certified by specific accrediting or certifying agencies. Specifies additional test report contents requirements. Establishes a chain-of-custody procedure and requires use of that procedure by accredited laboratories that are not certified by the National Institute on Drug Abuse. Requires confirmatory retests to be performed according to the requirements imposed by the appropriate licensing, accreditation or certification programs. Repeals specific administrative rules. Effective date: May 7, 1991. PAPPAS, MURPHY.

### Nursing home bed moratorium exception

**Chap. 93-S.F. 885** Creates an exception to the moratorium on nursing home beds to license boarding care beds in facilities with addenda to provider agreements effective on July 1, 1983. Requires upgrading of the boarding care beds to meet the standards for nursing home licensure. Effective date: August 1, 1991. BERGLIN, WELLE.

### Mental health and social services consolidation

**Chap. 94-S.F. 226** Consolidates and simplifies county mental health and community social services planning. Requires county boards, with local adult mental health advisory council involvement, to develop biennial adult and children's mental health components of community social services plans considering the assessment of unmet needs required to be reported by local adult or children's mental health advisory councils. Specifies content and requires the commissioner of human services review and approval. Eliminates specific local mental health proposal requirements. Requires county boards to establish a mechanism providing for interagency coordination of children's mental health services. Expands requirements of

the commissioner's biennial social services report to include identification of social services program requirements that are unnecessarily administratively burdensome, of social services programs that are not properly funded and of unmet needs. Authorizes the commissioner to review social services administrative rule requirements and adopt amendments to reduce administrative costs and complexity. Extends the time limit for commissioner approval of community social services plans. Specifies that the commissioner must consider fiscal limitations when determining fines for county noncompliance with social service administrative rules. Authorizes and provides for the commissioner to establish demonstration projects to test alternatives to existing state requirements for social services planning, services delivery to persons with developmental disabilities or with mental illness, maintenance or enhancement of services while reducing administrative burdens, eliminating unnecessary or excessive paperwork, simplifying or consolidating requirements or reducing the administrative costs and complexity of social services programs. Requires the legislative auditor to evaluate demonstration projects results. Requires coordination by county boards with local public rehabilitation and education agencies. Establishes a process for limiting social services due to county fiscal limits and requires counties to demonstrate reasonable efforts to comply with state social services requirements. Provides for amended community social services plans and requires documentation of service needs, available alternative services and actions that will be taken to prevent abuse or neglect before denial, reduction or termination of services. Limits judicial review. Requires county boards to submit proposed community social service plan proposals to the commissioner. Modifies biennial plan content and creates plan amendment certification requirements. Modifies the allocation of grants for community support services programs for persons with serious and persistent mental illness. Effective date: Various dates. SAMUELSON, WELLE.

#### **Handicap accessibility**

**Chap. 104-H.F. 671** Grants an extension to the state building code requirement to provide elevators for persons with disabilities to organizations providing child care in church buildings exempt from taxation if the organizations agree by August 1, 1996, to install an elevator within five years of initial licensure. Requires a performance bond of \$2500 with the commissioner of human services. Effective date: May 18, 1991. LYNCH, BENSON, D.D.

#### **Board of Medical Examiners geographic representation**

**Chap. 105-H.F. 90** Requires the governor to ensure that no more than one public member and at least one non-public member reside in each congressional district when making appointments to the Board of Medical Examiners. Effective date: May 18, 1991. WELLE, SAMS.

#### **Physician licensure**

**Chap. 106-H.F. 36** Modifies the requirements for reciprocal licensing of physicians from other states and foreign medical school graduates by the Medical Examiners Board. Authorizes and provides for physician cancellation of licenses in good standing and requires a new license after cancellation to resume practice in the state. Requires board cancellation of licenses for nonrenewal. Changes licensing fees. Authorizes the Board of Medical Examiners to impose requirements and adopt rules for licensure. Authorizes the delegation to another unit of state government of all or part of a study to determine the appropriate level of regulation of midwives and the content for administrative rules deemed appropriate by the board. Effective date: August 1, 1991. WELLE, FLYNN.

#### **Home care bill of rights**

**Chap. 133-H.F. 1592** Expands the home care bill of rights and requires advance notice of care or treatment and the financial obligations that accompany those services. Effective date: August 1, 1991. GREENFIELD, BERGLIN.

#### **Female offender programs**

**Chap. 135-H.F. 932** Expands programs for women offenders to include juvenile females charge with an offense that would be a crime if committed by an adult or adjudicated delinquent. Provides for commissioner of corrections grants in aid to agencies to encourage the development and implementation of female offender programs. Requires the commissioner to determine a matching requirement. Modifies commissioner monitoring duties. Requires agencies requesting funding for programs serving female offenders on probation in counties under the Community Corrections Act to obtain the endorsement of the county corrections authority before submitting grant in aid applications or proposals. Changes the name of the Advisory Task Force on the Woman Offender to the Advisory Task Force on the Woman and Juvenile Female Offender. Effective date: August 1, 1991. OLSEN, S., PIPER.

#### **Health care plan review organizations**

**Chap. 137-H.F. 1066** Clarifies the inclusion of nonprofit health service plan corporations, health maintenance organizations (HMOs) and insurance companies under health care review organization provisions. Provides for the determination of participation status. Extends protections from damages liability and discovery to governing bodies of review organizations. Effective date: August 1, 1991. GREENFIELD, BERGLIN.

#### **Drop-in child care**

**Chap. 142-H.F. 808** Authorizes the commissioner of human services to permit variances from drop-in child care staffing requirements for parent cooperative programs. Authorizes the commissioner to authorize biennial licensing reviews for family day care programs after at least one annual review. Effective date: August 1, 1991. ORESTEIN, COHEN.

#### **Child care providers training**

**Chap. 143-H.F. 654** Requires the ongoing training required for licensed child care centers and group and family child care providers to include training in the cultural dynamics of childhood development and child care as an option. Specifies training content requirements. Requires the commissioner of human services to amend current rules relating to the initial training of licensed providers to require cultural dynamics training upon determination of a sufficient curriculum statewide. Effective date: August 1, 1991. JEFFERSON, FINN.

#### **Shared nursing home administrators**

**Chap. 169-H.F. 85** Expands the authority of nursing homes under the same ownership and within 75 miles of each other to share an administrator. Requires shared administrators to post their regular on site times until relevant rules are adopted by the commissioner of health. Effective date: May 25, 1991. OLSON, E., FINN.

#### **Miscellaneous public health provisions**

**Chap. 202-S.F. 910** Modifies the definition of community water supply system for water facilities classification purposes. Requires low level radioactive waste treated, recycled, stored or disposed of to conform to applicable federal and state requirements. Restricts the use of workers and unemployment compensation data collected by the commissioner of health to epidemiologic investigations and occupational health and safety surveillance. Grants cease and desist order issuance authority to the commissioner relating to the use of x-ray equipment, accelerators and devices emitting ionizing radiation. Authorizes the imposition of administrative penalties and imposes criminal penalties for notice of noncompliance violations. Provides for injunctive relief. Modifies the hearing aid sellers contract statement requirement. Limits the liability of physician assistants. Grants the commissioner subpoena issuance authority relating to hearing instrument dispensing prohibitions. Eliminates the bond requirement and modifies fee setting requirements. Authorizes the commissioner to impose automatic civil penalties for timely permit renewal failure. Modifies anatomical gift application information

provision requirements. Requires the Dept. of Public Safety to provide donor documents to drivers license or identification card applicants indicating a desire not to make an anatomical gift decision at the time of application and eliminates the witness signature requirements. Authorizes drivers licenses or identification cards identifying persons as donors to constitute the final donor record. Requires the department to maintain a computer record of donors. Requires the commissioners of labor and industry and jobs and training to provide the commissioner of health with access to injury or illness related workers compensation and unemployment compensation data respectively for epidemiologic investigation purposes. Adopts the "Uniform Anatomical Gift Act (1987)." Specifies the right of adults or minors with written consent of a parent or legal guardian to make, limit or refuse to make anatomical gifts. Authorizes anatomical gifts to be made by will or document of gift and specifies requirements, options and effectiveness. Provides for amendment, revocation or refusal. Provides for irrevocability of anatomical gifts not revoked before death. Provides for the making, revoking and objecting to anatomical gifts by others. Specifies conditions for coroner, medical examiner or local public health official authorization of the removal of body parts. Requires and provides for hospital inquiries and requests of patients or relatives at the time of death relating to organ and tissue donation. Specifies anatomical gift document search and notice requirements. Enumerates eligible donees and purposes authorized for anatomical gifts. Provides for the delivery of documents of gift. Specifies rights and responsibilities of donees and physicians or surgeons at the time of death. Requires organ procurement organizations agreements or affiliations for coordination of procurement and use of human bodies and parts. Prohibits the sale or purchase of parts and provides penalties. Specifies exemption from liability of a hospital, physician, surgeon, coroner, medical examiner, local public health officer, enucleator, technician, donor and donors estate. Authorizes transitional provisions. Provides for uniformity of application and construction among states. Repeals the existing Uniform Anatomical Gift Act. Makes conforming amendments to specific provisions relating to automobile insurance funeral and burial benefits, drivers license donor documents and coroner removal of pituitary gland during autopsy. Repeals specific provisions relating to impure water and common drinking cups in public places. Effective date: Various dates. BERGLIN, GREENFIELD.

#### **Psychologists licensure**

**Chap. 255-S.F. 300** Regulates the independent practice of psychology. Changes the term licensed psychologist to psychological practitioner. Modifies the composition and membership qualification requirements of the Board of Psychology and specifies duties of the board. Clarifies or modifies licensing requirements for licensed psychologists and psychological practitioners. Removes references to licensed consulting psychologists. Requires skills assessments. Specifies the license validity period. Modifies educational requirements for licensed psychologists and requires a doctorate degree. Establishes educational requirements for psychological practitioners. Specifies continuing education requirements. Provides for license or examination waivers for persons previously licensed and provides for license reciprocity with other states. Specifies persons qualified to provide supervision for masters level applicants for licensure as licensed psychologists. Specifies consultation requirements. Modifies the fee splitting restriction. Requires licensing as a licensed psychologist for the independent practice of psychology. Establishes requirements for the independent practice by psychological practitioners. Requires the board to waive the supervision requirements for psychological practitioners with at least two years of supervised post-masters employment and the endorsement of their supervisor. Specifies advertising and disclosure requirements and clarifies requirements for representation to the public. Clarifies penalties and code of ethics provisions. Requires the board to publish the code of ethics in the state register. Eliminates the option to require submission of the order of a physician requesting mental or nervous disorder

treatments of a psychologist for health insurance claim payment purposes. Effective date: August 1, 1991. FLYNN, PUGH.

#### **Olmsted County pilot projects**

**Chap. 273-H.F. 543** Requires the commissioner of human services to provide grant money to Olmsted County and the local housing and redevelopment authority for enhanced community support services for persons with mental illness through the Dispersed Apartment Pilot Program. Requires the commission to provide grant money to Goodhue and Fillmore Counties to provide supportive housing services for persons with mental illness. Effective date: July 1, 1991. GUTKNECHT, BRATAAS.

#### **Miscellaneous health care provider regulations**

**Chap. 286-S.F. 774** Modifies a specific real estate investment restriction of health maintenance organizations (HMOs) relating to purchase price. Authorizes the commissioner of health to license residential programs for chemically dependent individuals that allow children to reside with a parent receiving treatment in the facility as supervised living facilities. Requires the licensees to be responsible for the health, safety and welfare of the children. Requires consideration of the children as residents for license capacity purposes. Clarifies the authority to issue correction orders to licensed hospitals. Includes smoking violations under the provisions and authorizes the issuance of correction orders to nursing homes for smoking and home care services violations. Requires the commissioner to provide contested case hearing opportunities for appeal of transfers or discharges from nursing or boarding care homes and for appeal of findings of vulnerable adult abuse, neglect or misappropriation of property by nursing assistants employed by nursing or boarding care homes until the adoption of federal regulations and procedures. Provides for protection of data. Sets a time limit for appeal of civil penalties assessed against nursing homes. Grants the director of the Office of Health Facility Complaints the authority to assess civil fines against health care facilities or home care providers for violations. Eliminates the requirement for nursing assistant training programs to use the curricula developed by the chancellor of vocational technical education. Eliminates the requirement for completion of an approved training program before competency evaluation. Authorizes organizations approved by the Dept. of Health to administer the evaluations and requires evaluation of all clinical skills of persons not completing an approved nursing assistant training program after January 1, 1992 except those currently enrolled in a nurse education program. Appropriating money to the commissioner of health to expand the nutritional program for women, infants and children (WIC) and to provide funding to the Environmental Pathology Program of the Depts. of Laboratory Medicine and Pathology and of Family Practice and Community Health of the University of Minnesota to continue the health screening and intervention program for herbicide and fumigant applicators — LINE ITEM VETOED. Effective date: Various dates. BERGLIN, GREENFIELD.

#### **Medical services for juveniles in custody provisions**

**Chap. 310-S.F. 804** Requires the county of residence to pay the costs of medical services provided to juveniles in custody. Requires county boards to pay the costs of medical services provided to prisoners. Entitles the county to reimbursement from the child, the family of the child or the prisoner to the extent of ability to pay. Requires the court to determine the ability to pay or, in the case of a child, the necessity of the medical services, in cases of disagreement. Grants the county the right of subrogation to reimbursement by existing health care plans. Authorizes action for enforcement. Requires counties, as part of the intake procedure, to inquire about health coverage. Specifies information provision requirements. Authorizes county boards to authorize the officials with custody over the child or the sheriff to fulfill the obligation to provide medical aid according to the terms of the health plan covering the child or the prisoner. Effective date: August 1, 1991. LUTHER, SKOGLUND.

### **Emergency mental health services provisions**

**Chap. 312-S.F. 1231** Authorizes the commissioner of human services to waive the requirement for evening, weekend and holiday emergency mental health services for adults and children under the Comprehensive Adult and Children's Mental Health Acts to be provided by other than providers of fire and public safety emergency services if specific conditions are met. Expands the mental health professional availability requirement for emergency service during nonbusiness hours to on call availability for emergency assessments and crisis intervention services. Effective date: August 1, 1991. SAMS, NELSON, S.

### **Advisory Council for ICF/MR**

**Chap. 318-S.F. 1127** Requires the commissioner of human services to convene an advisory council by June 15, 1991, to examine rules governing facilities certified as intermediate care facilities for persons with mental retardation or related conditions (ICF/MR). Requires the commissioner to submit a plan for simplification of rules and regulations governing services to persons with developmental disabilities and related conditions to the Legislature. Requires interim reports. Effective date: June 4, 1991. VICKERMAN, COOPER.

### **Adjustment to blindness services requirement**

**Chap. 328-S.F. 782** Requires the commissioner of jobs and training to contract to provide comprehensive adjustment to blindness training services to blind and visually handicapped persons. Specifies services to be included and specifies contracting requirements. Effective date: August 1, 1991. VICKERMAN, GREENFIELD.

### **Health care access**

**Chap. 335-H.F. 2 Article I — Bureau of Health Care Access.** Establishes the Bureau of Health Care Access in the Dept. of Health under the supervision of a deputy commissioner to be appointed by the commissioner of health to design and implement the Minnesotans Health Care Plan. Specifies bureau and commissioner of health powers and duties. Specifies commissioner's rulemaking authority. Requires the commissioner to convene a technology and benefits advisory committee. Specifies membership and duties. Requires a study of issues relating to the rising cost of medical technology and requires an report to the commissioner. Creates a health care expenditures advisory committee. Specifies membership and duties. Requires and provides for the commissioner to plan and develop the Minnesotans Health Care Plan. Requires the commissioners of human services, commerce, employee relations, corrections and labor and industry to provide the commissioner of health with requested information on methods and procedures used to provide and manage health care through the consolidated chemical dependency fund, Medical Assistance (MA), the Minnesota Comprehensive Health Association (MCHA), motor vehicle and motorcycle coverage, state and local government employee health benefits and workers compensation programs respectively for review and approval purposes. Requires the merger of the Children's Health Plan and General Assistance Medical Care (GAMC) with the Minnesotans Health Care Plan. Requires the commissioner of health to review the methods and procedures used to provide and manage health care through the services for children with handicaps and the maternal and child health programs for change implementation purposes. Requires the commissioner, with assistance from the commissioner of commerce, to make recommendations to the Legislature on the continuation of MCHA. Requires the commissioner, in cooperation with the commissioner of human services, to identify changes in federal health care programs allowing merger with health care programs administered by the Dept. of Commerce. Provides for the preparation of necessary legislation. Requires planning, development and implementation assistance of the commissioners of commerce, state planning, human services, employee relations, labor and industry, corrections and finance upon request. Requires the commissioner of health to study and make recommendations relating to further reforms to the health care delivery system. Requires a

report to the Legislature. Requires the commissioners of health and commerce to develop a plan for the functional division of regulatory authority over health plans for presentation to the Legislature. Specifies plan requirements. Requires the commissioner of health to recommend to the Legislature standard claim forms for ambulatory care and standards for utilization review procedures. Requires the commissioner of commerce to adopt rules prescribing uniform policy forms for health insurance policies and contracts for purchaser cost comparison purposes. Sets forth an exception. Prescribes rulemaking authority of the commissioners of commerce and health relating to group qualification.

**Article II — Minnesotans Health Care Plan.** Creates the Minnesotans Health Care Plan to provide health coverage to individuals, families and employees without access to affordable health coverage. Requires all state residents to obtain health coverage equal to minimum benefit levels. Sets forth a funding contingency. Specifies eligibility requirements to obtain health coverage under the state plan. Prohibits duplicate coverage. Requires state residency. Prohibits displacement of federally subsidized health coverage. Requires the commissioner of health to establish a sliding scale to determine the amount of premium to be paid by individuals or families under the state plan. Specifies scale requirements. Specifies an income limit for subsidized premium eligibility. Requires adjustments to the income limit and sliding scale. Specifies that eligibility is to be dependent upon lack of access to employer subsidized coverage. Prohibits the use of state funds for abortions. Specifies exceptions. Requires individuals eligible for Medicare benefits to pay the total cost of obtaining Medicare supplement coverage through the state plan. Requires the commissioner to study asset limits and transfer prohibitions to be applied in determining subsidy eligibility. Specifies subsidized coverage requirements. Provides for the eligibility of employers for group coverage. Requires the commissioner to establish conditions, procedures and a special accounting mechanism to allow employers to defray the cost of coverage for part time or seasonal employees. Provides for administration of the program in areas with and without managed care health plans. Specifies health plan requirements. Requires the commissioner to encourage expansion or development of health plans including providers serving low income persons. Requires the commissioner to establish health plan payment arrangements to create financial incentives to improve the effectiveness and efficiency of health care delivery. Requires a reserve fund for unexpected costs. Sets premium rates. Requires outreach activities to inform state residents and employers of public and private sources of health care coverage. Requires the commissioner to provide enrollment education and assistance to state residents. Prescribes application forms and procedures. Requires applicants to submit evidence of eligibility. Provides for the effective date of coverage. Requires the commissioner to establish an annual open enrollment period and an automatic premium payment system. Provides for employer enrollment of employees and collection of premiums. Specifies commissioner enforcement procedures.

**Article III — Covered services.** Specifies covered services under the intermediate benefit set. Includes preventive and primary care, prescription drugs, injections, supplies, additional outpatient services, mental health and alcohol or drug dependency care, maternity and emergency care, hospital inpatient and home health care and children's dental care. Specifies excluded services. Requires the commissioner of health to determine the content of the universal basic benefit set. Specifies content requirements. Restricts the availability of the intermediate benefit set. Provides for the minimum insurance and supplemental benefit sets.

**Article IV - Rural Health Initiatives.** Makes permanent the Rural Hospital Transition and Planning Grant Program and modifies financial condition eligibility requirements. Requires the commissioner of health to establish the Rural Health Advisory Committee. Specifies membership and duties. Requires the commissioner to establish an Office of Rural Health within the department and specifies duties. Requires the commissioner, through the office, to develop a rural health care services coordination plan. Requires the



commissioner to administer technical and financial assistance programs and to develop recommendations relating to health education and training programs in rural areas. Requires the commissioner to develop a coordinated recruitment strategy for health care personnel. Specifies consultation requirements. Requires the commissioner to award financial assistance grants to rural hospitals and to report to the Legislature on eligibility criteria. Requires the commissioner to develop and maintain a data base on health services personnel to assist state and local government units in developing health personnel recruitment and retention plans. Modifies a hospital and outpatient surgical center financial information reporting requirement. Requires the Dept. of Pediatrics in the University of Minnesota School of Medicine to administer a pediatric access and training program. Requires additional commissioner investigations and reports relating to rural health care.

**Article V — Hospitals; emergency medical services.** Modifies the procedure for Dept. of Human Services notice to vendors of invoice errors. Excludes doctors of osteopathy employed by local government units from a salary limit. Requires the commissioner of employee relations to provide flexibility in interpreting policies and procedures for implementing and administering the Minnesotans Health Care Plan to ensure adequate access throughout the state. Modifies powers of nonprofit hospital corporations relating to recruitment and retention of physicians. Authorizes and provides for the formation and operation of group workers compensation self insured pools among hospitals and nursing homes. Authorizes the use of the emergency medical services fund to provide discretionary grants for emergency medical service projects with potential regionwide significance and modifies the distribution of the fund. Provides workers compensation coverage for voluntary uncompensated members of rescue squads organized under the authority of local government units. Modifies the MA adjustment for hospitals with small volumes. Reduces the city or town participation requirement for hospital district establishment. Requires the commissioner of human services, in consultation with the commissioner of health, to study the mechanisms of reimbursement for advanced and basic life support ambulance and special transportation service calls under MA and GAMC. Specifies study requirements and requires a report to the Legislature on means of maximizing potential reimbursement levels. Requires the commissioners of commerce and health to study prepaid ambulance service plans. Sets forth study requirements. Requires a report to the Legislature.

**Article VI — Data collection and research initiatives.** Requires the commissioner of health to establish a Health Care Analysis Unit to conduct data and research initiatives to improve the efficiency and effectiveness of health care. Specifies the commissioner's duties. Specifies criteria for unit data and research initiatives and for initiatives relating to public sector health care programs. Specifies data collection procedures and classifies the collected data. Requires the commissioner to formulate rules for access to the data and to formulate rules for use criteria and procedures. Requires the commissioner to convene a data collection advisory committee and sets forth membership requirements. Requires the Health Care Analysis Unit to establish a large scale data base for a limited number of health conditions and specifies requirements. Requires the unit to analyze the data and to provide medical practitioners with information on medical practice parameters. Authorizes the unit to require peer reviews of medical practice for specific medical conditions deviating from practice parameters. Requires the commissioner to establish a peer review advisory committee. Requires the unit to conduct periodic surveys to accomplish data and research goals and to provide technical assistance to health plan and health care purchasers. Sets forth information collection requirements. Authorizes the unit to develop outcome based practice standards and specifies requirements. Modifies health care review organization data confidentiality requirements. Requires the unit to study administrative costs and requirements incurred by health plan companies and health care providers relating to the collection and submission of information to the state and federal government, insurers and other third parties. Requires recommendations to the commissioner.

**Article VII — Health insurance reform.** Establishes minimum loss ratios for noncomprehensive health insurance policies. Restricts health plan company denial, cancellation or nonrenewal of applications for health coverage. Restricts limits based on preexisting conditions. Requires the payment of level commissions to agents or brokers selling health coverage. Requires community rating of premiums. Specifies limits and filing requirements and prescribes a phase in period. Requires a separate community rating for Medicare supplemental coverage. Provides for compensation to agents. Requires health plan companies participating in the individual or small group market to participate in the biased selection adjustment mechanism. Specifies minimum loss ratios. Establishes a reinsurance pool for individuals, small groups and enrollees in the health plan. Prescribes enforcement authority of the commissioners of commerce and health. Requires the Dept. of Commerce to review the adequacy of reserves of companies selling noncomprehensive policies and to study the effects of the community rating on Medicare supplemental coverage enrollees. Requires reports to the Legislature.

**Article VIII — Small Employer Health Benefit Act of 1991.** Promotes and regulates the availability of health insurance to small employers. Imposes restrictions on the underwriting and rating of small employer groups. Improves access to health care services for employees of small employers. Defines terms. Requires health insurance carriers wishing to participate in the small employer market to make available a health benefit plan to small employers. Specifies an exception. Provides for employer participation. Authorizes underwriting restrictions. Restricts plan denial, cancellation or nonrenewal. Requires health carriers to offer coverage to MCHA enrollees. Specifies a minimum anticipated loss ratio. Requires a commissioner of commerce report to the Legislature on appropriateness. Provides for the applicability of requirements during and after a transition period. Specifies small employer plan minimum benefits. Authorizes additional benefits and exclusions. Applies dependent coverage requirements to the plans and provides for medical expense reimbursement. Provides for plan design. Requires and provides for health carriers disclosure of underwriting rating practices. Requires small employers eligibility verification. Requires documentation of coverage waivers. Specifies premium rate restrictions. Requires a joint report to the Legislature by the commissioners of health and commerce on the effect of the restrictions. Requires health carriers ceasing to participate in the small employer market to give advance notice to the commissioner of commerce and to covered employers. Prohibits reentry into the market for a period of time from the date of notice to the commissioner. Establishes the Small Employer Reinsurance Association as a nonprofit corporation to provide for the fair and equitable transfer of risk associated with participation by health carriers in the small employer market to a private reinsurance pool created and maintained by the association. Specifies that health carrier participation is voluntary. Requires the commissioner of commerce to establish a task force to develop rules of participation in and operating guidelines for the reinsurance pool. Specifies representation requirements. Requires a task force report to the Legislature. Specifies report content requirements. Specifies commissioner supervision responsibilities. Authorizes the commissioner to suspend or revoke licenses or certificates of authority or to impose civil penalties for violations. Specifies a penalty limit. Prohibits the issuance of individual policies by participating health carriers. Sets forth exceptions. Prohibits health benefit plan conditioning on the purchase by small employers of other insurance products offered by the health carrier. Specifies an exception. Requires the commissioner of commerce to study the effects of the program and report to the Legislature.

**Article IX — Health professional education.** Expands eligibility for the rural physicians loan forgiveness program administered by the Higher Education Coordinating Board (HECB). Creates a midlevel practitioner education account for use by the HECB to establish a loan forgiveness program for nurse practitioners, nurse midwives, nurse anesthetists, advanced clinical nurse specialists or physician assistants agreeing to practice in designated rural areas. Specifies eligibility requirements and loan forgiveness conditions. Prescribes a

penalty for nonfulfillment of the minimum commitment of service requirement. Creates an education account for a loan forgiveness program for nurses agreeing to practice in nursing homes or intermediate care facilities for persons with mental retardation. Specifies eligibility requirements and loan forgiveness conditions. Sets a penalty for nonfulfillment. Requires the commissioner of health to implement rules. Requires the commissioner to study access to obstetrical services and report to the Legislature. Authorizes the HECB to award grants to schools or colleges to establish and administer midlevel practitioner training programs in rural Minnesota and to establish a competitive grant program for nursing schools to develop continuing education programs for nurses working in rural areas.

**Article X — Cigarette tax.** Increases the tax on cigarettes by seven cents per pack and decreases the discount rate for stamps sold to distributors.

**Article XI — Appropriations.** Appropriates money to the commissioners of commerce, health, human services and the HECB. Authorizes the commissioner of health to transfer appropriations. VETOED. OGREN, BERGLIN.

## Judiciary

### Corporate mortgagee name change provision

**Chap. 4-S.F. 106** Allows name or identity changes of corporate mortgagees or mortgagee assignees due to merger, consolidation, charter or article amendment or conversion to be recorded in mortgage satisfaction or release without further evidence of name or identity change. Clarifies the application of statutory language regulating distributions to testamentary trustees under the Uniform Probate Code. Effective date: March 7, 1992. FINN, ORFIELD.

### Bullet proof vest clarification

**Chap. 8-H.F. 55** Clarifies the soft body armor reimbursement program. Prohibits local government units from deducting or paying the cost from clothing, maintenance or similar allowances provided to peace officers by law enforcement agencies. Effective date: August 1, 1991. ORENSTEIN, KELLY.

### Estate amount subject to collection by affidavit provision

**Chap. 11-S.F. 246** Increases the limit on estates subject to collection of personal property by affidavit to \$10,000. Provides for disbursement of proceeds collected to the surviving spouse. Effective date: August 1, 1991. HOTTINGER, DAWKINS.

### Alcohol on schools grounds prohibition clarification

**Chap. 14-S.F. 7** Clarifies the prohibition on the possession of alcoholic beverages on public school grounds or in public school buildings. Expands the exception for temporary licensees to intoxicating liquor and removes the exception for alcohol use awareness programs held at post-secondary schools. Effective date: March 28, 1991. WALDORF, PUGH.

### Writs of certiorari surety repeal

**Chap. 17-S.F. 443** Repeals the provision requiring surety for costs of writs of certiorari in civil cases. Effective date: August 1, 1991. MONDALE, FARRELL.

### Corporate law modifications

**Chap. 49-H.F. 526** Clarifies or modifies provisions governing divisions and combinations of corporate shares and rights of shareholders. Changes the term "splits" to "divisions" or "combinations." Authorizes and provides for boards of directors to effect share dividends, divisions and combinations without shareholder approval under specific circumstances. Provides for the fixing of the rights and preferences of a class or series of shares. Authorizes boards or articles

to determine specific terms relating to share redemption price, distribution amounts and conversions. Clarifies shareholder preemptive rights of purchase. Clarifies meeting notice requirements. Authorizes and provides for electronic communications (conferences) by shareholders of closely held corporations. Specifies notice requirements. Clarifies the majority required for voting purposes. Authorizes proxy designation by electronic transmission. Provides for voting by proxies with limited authority. Requires corporations to keep copies of agreements, contracts or other arrangements incorporated by reference into the procedure for fixing terms of authorized shares. Restricts access to corporate records. Clarifies the right of the court to grant protective orders or to impose access restrictions. Clarifies the rights of dissenting shareholders relating to limited voting rights. Clarifies distribution restrictions. Restricts voting by a class or series of shares on plans of merger or exchange. Modifies provisions regulating mergers of subsidiaries. Provides for constituent and surviving corporations. Specifies rights of dissenting shareholders. Sets forth a nonexclusivity provision. Clarifies provisions regulating mergers or exchanges with foreign corporations. Modifies dissolution procedures. Effective date: August 1, 1991. PUGH, REICHGOTT.

### Consideration of insurance company takeover deletion

**Chap. 58-H.F. 739** Removes consideration of the effect of insurance company takeovers on shareholders and creditors. Limits the application of fair price provisions to domestic corporations. Deletes nexus requirements for control share acquisition and business combination statutes application. Defines offeror and takeover offer. Exempts employee stock ownership plans from takeover statutes. Exempts specific transactions from control share acquisition regulations. Modifies the limits on corporate share purchases above market value. Effective date: Various dates. SIMONEAU, REICHGOTT.

### Emergency hold provisions

**Chap. 64-H.F. 98** Establishing requirements for judicial release orders during the emergency hold period. Specifies that if imminent danger to specific individuals is a basis for the emergency hold, the statement requesting the hold must include identifying information on those individuals, to the extent practicable. Specifies that during the 72-hour hold period, a court may not release a person held under emergency hold unless the court has received a written petition for release and held a summary hearing regarding the release. Specifies petition contents. Specifies that if the court decides to release the person, the court must issue written findings supporting the decision, but may not delay the release. Requires the court to make every reasonable effort to provide notice to specific individuals identified as in imminent danger and to the examiner, peace officer or health officer whose written statement was a basis for the hold. Effective date: August 1, 1991. SEABERG, MARTY.

### Canadian ID card as proof of age

**Chap. 68-H.F. 246** Allows proof of age by means of a Canadian identification card. Effective date: August 1, 1991. TUNHEIM, STUMPF.

### Marriage solemnization provision

**Chap. 85-H.F. 375** Authorizes the solemnization of marriages by former court commissioners acting under an order of the chief judge of the judicial district. Effective date: August 1, 1991. OGREN, CHMIELEWSKI.

### Public employee assault penalties

**Chap. 91-H.F. 1310** Creates the crime of assaulting public employees engaged in mandated duties. Prescribes gross misdemeanor penalties VETOED. NELSON, K., RANUM.

### Disarming a peace officer penalty clarification

**Chap. 103-H.F. 239** Clarifies the application of felony penalties to the crime of intentionally disarming a peace officer by specifying that the act involved taking or attempting to take the officer's firearm

from the officer's possession without the officer's consent. Effective date: August 1, 1991. CARRUTHERS, KELLY.

#### **Adoption consent requirement clarification**

**Chap. 107-H.F. 456** Clarifies adoption consent requirements by specifying that all consents to an adoption must be in writing, executed before two competent witnesses, and acknowledged by the consenting party. Specifies that all consents by a parent must contain notice to the parent providing for the right to withdraw consent. Specifies contents of written notice. Effective date: August 1, 1991. ANDERSON, R., LARSON.

#### **Transaction set aside authorization**

**Chap. 118-S.F. 691** Specifies that a guardian or conservator may petition for court review of a transaction, gift or contract if the ward or conservatee made the financial transaction or gift or entered into the contract during the two-year period before establishment of the guardianship or conservatorship. Authorizes the court to declare the transaction, gift, or contract void except as against a bona fide transferee for value and to order reimbursement or other relief if the court finds that the ward or conservatee was incompetent or subject to duress, coercion, or undue influence when the transaction, gift or contract was made. Effective date: August 1, 1991. LUTHER, PUGH.

#### **County law library fee provision**

**Chap. 119-S.F. 953** Authorizes the Hennepin and Ramsey County District Court administrators to include a county law library fee in the costs or disbursements assessed against defendants convicted of statutory or municipal ordinance violations. Effective date: May 20, 1991. RANUM, KNICKERBOCKER.

#### **Correctional officer assault penalty increase**

**Chap. 121-S.F. 1032** Increases the penalties for assaulting employees of correctional facilities to a felony. Effective date: August 1, 1991. PRICE, BERTRAM.

#### **Implied consent advisory modification**

**Chap. 136-H.F. 825** Modifies the implied consent law advisory relating to driving while under the influence of alcohol or controlled substance. Modifies the required subsection to criminal prosecution. Requires revocation of driving privileges for a blood alcohol concentration of .10 or more. Makes the offering into evidence of test refusals optional. Eliminates the requirement for petitions for judicial review under the implied consent law to state the facts underlying asserted claims. Effective date: May 22, 1991. CARRUTHERS, MARTY.

#### **Littering penalty increase**

**Chap. 138-H.F. 882** Increases the criminal and civil penalties for littering. Specifies that a second or subsequent offense requires a fine of \$400. Effective date: August 1, 1991. BLATZ, BELANGER.

#### **Deadly force policy requirement**

**Chap. 141-H.F. 414** Requires state and local law enforcement agencies to establish and enforce written policies on the use of force, including deadly force, by peace officers. Specifies January 1, 1992, as the date by which policies must be established. Requires policies to be consistent. Requires the agencies to provide instruction on the use of force, deadly force and the use of firearms to newly appointed peace officers before issuance of firearms. Requires annual instruction to currently employed peace officers. Specifies instruction requirements. Requires records of agency compliance. Authorizes the Board of Peace Officer Standards and Training (POST) to impose licensing sanctions and to seek injunctive relief for failure to comply. Requires the commissioner of public safety to forward copies of reports on the discharge of firearms by peace officers in the course of duty to the POST Board. Effective date: August 1, 1991. BISHOP, KELLY.

#### **Interests in real property cause of action limitation**

**Chap. 144-H.F. 726** Provides for a statute of limitations for causes of action on interests in real property of married persons for property conveyed by the spouse. Repeals the abolishment of inchoate estates or statutory interests in lieu of dower and curtesy. Clarifies provisions for recording the satisfaction or release of mortgages. Effective date: May 23, 1991. SWENSON, LAIDIG.

#### **Court consideration of adequate access**

**Chap. 146-H.F. 200** Recognizing adequate access to the courts as a factor in determining whether a judicial position should remain, be abolished or be transferred. Requires the Supreme Court to consider adequate access to the District Courts in determining the continuation, abolishment or transfer of judicial positions. Effective date: August 1, 1991. PETERSON, FINN.

#### **Advance mental health declarations**

**Chap. 148-S.F. 187** Changes the title of the "Adult Health Care Decisions Act" to the "Minnesota Living Will Act." Requires written informed consent of competent persons admitted or committed to treatment facilities before subsection to intrusive treatment for mental illness. Defines intrusive mental health treatment. Provides for the treatment of incompetent persons with prepared directives. Provides for declarations of preferences or instructions by competent adults relating to intrusive mental health treatment. Authorizes proxy designation. Specifies effectiveness and requires physician or provider compliance. Prohibits providers from requiring a declaration as a condition of receiving services. Requires the declaration to be made a part of the medical record of the declarant. Requires physicians or providers to notify the declarant of unwillingness to comply. Requires a court order or commitment for intrusive treatment contrary to expressed wishes of the declarant. Provides for revocation of declarations. Sets forth a provider liability immunity provision. Authorizes competent adults to delegate parental powers or to nominate guardians or conservators. Requires notice to designated agencies of status determinations for persons committed as mentally ill and dangerous. Effective date: August 1, 1991. SPEAR, GREENFIELD.

#### **In forma pauperis payment provision**

**Chap. 151-H.F. 365** Provides that the sheriff shall not charge for service of process in in forma pauperis proceedings. Specifies that the court shall direct payment of the reasonable expense of service of process in in forma pauperis proceedings if served by a private process server, if the sheriff is unavailable, or by publication. Effective date: August 1, 1991. WELKER, FREDERICKSON, D.J.

#### **Uniform Foreign-Money Claims Act**

**Chap. 156-H.F. 594** Enacts the Uniform Foreign-Money Claims Act. Provides for foreign money claims in actions or distribution proceedings. Authorizes variation by agreement of the parties before or after commencement of actions or proceedings or the entry of judgment. Provides for the determination of money of claims and of money of contract claims. Provides for the assertion and defense of foreign money claims and for judgments and awards. Specifies the rate of exchange for conversions of foreign money in distribution proceedings. Provides for prejudgment and judgment interest. Provides for enforcement of foreign judgments and for the determination of the dollar value of foreign money claims for limited purposes, including amounts involved for surety bonds or other court required undertakings. Provides for the effect of changed currencies on expressed obligations or incurred losses. Requires the court or arbitrator to amend the judgments or awards by conversion. Provides for supplementary general principles of law. Makes clarifying and technical modifications to garnishment and execution provisions relating to child support judgments. Effective date: Various dates. ORFIELD, FINN.

#### **Divorce petition information requirement**

**Chap. 161-H.F. 71** Requires petitions for marriage dissolution or

legal separation to state name variants and aliases of petitioners and of respondents known to the petitioners. Authorizes attorneys to prepare and submit to the court a separate certificate of dissolution to be attached to the judgment and decree. Requires the court administrator to provide certified copies to the parties upon request. Specifies certificate content requirements. Requires court acceptance of the prepared certificates of dissolution as conclusive evidence of the facts recited in the certificate. Effective date: August 1, 1991. MORRISON, PARISEAU.

#### **Municipal beach or pool equipment liability provisions**

**Chap. 162-H.F. 74** Specifies tort liability of local government units for injuries caused by equipment at beaches or swimming pools owned, leased or operated by the unit. Provides a school district exception. Imposes a duty on local government units to warn trespassers of dangers or risks involved with the use of the equipment. Provides an exception if a trespasser knows or has reason to know of the condition of the equipment and the risk involved in its use. Effective date: August 1, 1991. WELLE, JOHNSON, D.E.

#### **Crime victims provisions**

**Chap. 170-H.F. 716** Requires the court to advise petitioners for restraining orders against harassment of the right to use in forma pauperis proceedings. Extends the time period for the hearing on issuance of temporary restraining orders. Requires prosecutors to notify crime victims of the final disposition of a criminal case. Specifies an exception if a prosecutor contacts an identifiable crime victim in advance of the final case disposition and notifies the victim of the victim's right to request information of the final disposition, the prosecutor must only notify those victims who have indicated in advance of their desire to be notified. Requires the crime victims rights notice distributed by peace officers to inform the victim of the right to be notified. Expands notice of release requirements to transfers from one correctional facility to another under less secure conditions. Specifies good faith effort to notify victim requirements. Requires notice to victims requesting notice of offender escape within 6 hours of the escape and within 24 hours of apprehension. Modifies the procedure for appointment of legislative members to the Crime Victim and Witness Advisory Council. Effective date: August 1, 1991. SEABERG, KELLY.

#### **UCC conforming amendments**

**Chap. 171-H.F. 154** Enacts conforming amendments to the Uniform Commercial Code (UCC) proposed by the Uniform Laws Conference.

##### **Article I — Amendments to the Uniform Commercial Code**

**Article 2A (Leases).** Modifies provisions relating to leases. Clarifies the definition of consumer lease. Modifies provisions relating to modification or rescission of supply contracts under a finance lease. Modifies provisions relating to the transfer of rights of interest or to damages for default under leases contracts. Modifies provisions prohibiting creditors holding a security interest in goods from taking subject to the lease contract. Includes residual interest in the interest of a lessor of fixtures. Provides for subordination by agreement by persons entitled to priority. Clarifies the effect of irrevocable promises. Clarifies default provisions and the time basis for determination of damages based on market rent. Expands the right of lessees to revoke acceptance of goods. Modifies lessor remedies. Requires lessors to provide credit against judgments for damages exceeding recoveries available under specific conditions. Authorizes lessors to recover amounts from lessees to fully compensate for loss or damage caused by default.

##### **Article II — Uniform Commercial Code Article 6 (Bulk Sales).**

Repeals provisions in the Uniform Commercial Code relating to bulk transfers. Specifies the validity and enforcement of rights and obligations arising before the repeal. Effective date: August 1, 1991. SCHEID, FINN.

#### **Intentional damage to timber penalties**

**Chap. 180-S.F. 588** Provides penalties for intentional damage to

timber or wood processing, manufacturing or transportation equipment. Authorizes court ordered restitution. Prescribes penalties for possession of devices to damage timber or wood processing, manufacturing or transportation equipment. Authorizes the commissioner of natural resources, with the consent of the permittee, to cancel or modify timber permits, including timber eligible for old growth status and to substitute an equivalent volume of other non-old growth timber at appraised value from areas not designated for cutting on the original timber appraisal report or from other state lands. Requires the commissioner to adjust the amount of the advance payment and bond on a pro rata basis. Effective date: May 25, 1991. FINN, SOLBERG.

#### **Retaliation for abuse reporting penalty increase.**

**Chap. 181-S.F. 1034** Increases the penalties, to \$10,000, for retaliation by employers against persons required to report under the Child and Vulnerable Adult Abuse Reporting Acts. Effective date: August 1, 1991. SPEAR, SEGAL.

#### **Indian law enforcement powers authorization**

**Chap. 189-H.F. 1125** Authorizes the Mille Lacs band of Chippewa Indians to exercise law enforcement powers within the Mille Lacs Reservation and on trust land if the band agrees to be subject to liability for its torts; if the band files with the Board of Peace Officer Standards and Training a bond or certificate of insurance for liability coverage; if the band files with the board a certificate of insurance for liability of its law enforcement officers, employees and agents; and if the band agrees to be subject to laws of the state relating to data practices of law enforcement agencies. Requires the band to enter into mutual aid-cooperative agreements with the Mille Lacs county sheriff to define and regulate the provision of law enforcement services. Grants the band concurrent jurisdictional authority with the county sheriffs department. Authorizes the appointment of peace officers. Requires the sheriff and the county attorney to be responsible for persons arrested by the appointed peace officers. Effective date: May 28, 1991. KOPPENDRAYER, DAVIS.

#### **"Crack house" provisions**

**Chap. 193-S.F. 950** Requires tenants to covenant not to unlawfully allow controlled substances on rental property. Exempts tenants from liability for possession by others if the tenants did not know or did not have reason to know of the activity. Exempts some rental property controlled substance seizure actions from court writ of restitution stay requirements. Authorizes stay only upon written findings specifying extraordinary and exigent circumstances warranting the stay. Authorizes unlawful detainer actions against lessees violating the no drugs covenant during pretrial release of the owner charged with owning or leasing a disorderly house. Reduces the threshold amount of seized controlled substances necessary to warrant unlawful detainer actions. Specifies conditions for subjection of real property to forfeiture. Provides for firearms offenses and controlled substance seizures and arrests as basis for nuisance actions. Effective date: August 1, 1991. BERGLIN, WEJCMAN.

#### **Revisor's bill**

**Chap. 199-S.F. 1053** Corrects erroneous, ambiguous and omitted text and obsolete references. Eliminates redundant, conflicting and superseded provisions. Makes miscellaneous technical corrections to statutes, other laws and rules. Requires the revisor of statutes to report statutory opinions of the Court of Appeals to the Legislature. Grants the revisor the authority to replace gender specific language with gender neutral language in rules. Effective date: August 1, 1991. FINN, MILBERT.

#### **Birth registration form data classification**

**Chap. 203-S.F. 762** Classifies data relating to the birth of children to unmarried women as confidential data. Specifies that the data may be disclosed to a parent or guardian of the child, to the child when the child is 18, pursuant to a court order or after 100 years have elapsed. Authorizes the mother to designate on the birth registration



form whether data pertaining to the birth will be public. Provides for application of the provisions to existing data. Effective date: August 1, 1991. PAPPAS, DAWKINS.

#### **Secretary of state document provisions**

**Chap. 205-H.F. 1286** Eliminates the requirement for government survey document copies to be maintained on microfilm. Increases the fee for filing articles of correction. Authorizes and provides for the secretary of state to remove documents from the public record or to terminate direct computer access for nonpayment of fees due to dishonored checks. Authorizes and requires the collection of costs. Provides for restoration upon payment. Authorizes supplemental filing and information services. Clarifies provisions relating to corporate failure to file registrations. Extends the deadline for foreign corporations to pay the annual license fee. Modifies certificate of authority and filing requirements. Specifies additional content requirements for articles of incorporation of cooperatives and increases the fee for filing articles of merger or consolidation. Clarifies nonprofit corporation registration requirements. Extends the time period for qualified newspapers to file a statement of ownership and circulation. Requires the secretary of state to make the list of qualified newspapers available for public inspection. Effective date: Various dates. FARRELL, FINN.

#### **Criminal offender financial disclosure requirement**

**Chap. 211-S.F. 858** Requires criminal offenders ordered by the court to pay restitution over \$500 to file affidavits of financial disclosure with the correctional agency responsible for financial resources investigation upon request of the agency. Requires the commissioner of corrections to prescribe affidavit content requirements. Effective date: August 1, 1991. MCGOWAN, LIMMER.

#### **Human Rights Act statute of limitations**

**Chap. 218-S.F. 268** Extends the statute of limitations for Human Rights Act violations from one to two years. VETOED. MARTY, HAUSMAN.

#### **Environmental testing authorization**

**Chap. 224-H.F. 236** Authorizes state agencies or local government units to enter property proposed to be acquired by eminent domain to investigate, monitor, test, survey or bore to identify the existence and extent of releases or threatened releases of hazardous substances, pollutants or contaminants if the agency has reason to believe that a hazardous substance, pollutant or contaminant is present on the property or the release is likely to occur and entry on the property for testing is rationally related to health, safety, or welfare concerns of the agency in connection with possible eminent domain proceedings. Specifies notice requirements. Requires a court order upon property owner refusal to consent. Prohibits damage to the property upon entry. Requires restoration. Requires samples and information to be given to property owners. Requires permission for property owners to perform independent testing on samples or portions taken. Requires test results to be included in required environmental assessment worksheets or environmental impact statements. Requires commissioners appointed under eminent domain proceedings to make express findings upon request of the estimated cost of removal and remedial actions necessary on the taken property due to existing environmental contamination. Effective date: August 1, 1991. SOLBERG, KELLY.

#### **Statute of limitations extension**

**Chap. 232-H.F. 345** Extends the statute of limitations in intentional tort actions for damages based on personal injury caused by sexual abuse of a minor. Extends DNA analysis requirements to persons sentenced as patterned sex offenders. Extends the statute of limitations in criminal sexual conduct cases involving minors and in some cases involving adults. Eliminates an age limit. Sets forth an applicability clause. Effective date: Various dates. VELLENGA, REICHGOTT.

#### **Hunting accident aid requirement**

**Chap. 243-H.F. 922** Requires persons discharging firearms causing bodily injury to another person or persons witnessing shooting accidents to immediately investigate the extent of the injuries and render immediate reasonable assistance. Defines reasonable assistance. Sets criminal penalties for violation. Provides for an affirmative defense. Provides immunity from civil liability for witnesses rendering assistance. Requires the commissioner of natural resources to include a summary of the requirement and state the penalties for failure to render aid in the summary of fish and game laws. Effective date: August 1, 1991. OSTROM, FREDERICKSON, D.R.

#### **Ammunition display restriction**

**Chap. 251-H.F. 540** Regulates the display of handgun ammunition for sale to the public. Restricts accessibility to minors. Sets a penalty. Effective date: August 1, 1991. JEFFERSON, KROENING.

#### **Intensive community supervision modifications**

**Chap. 258-S.F. 526** Modifies and clarifies provisions relating to the intensive community supervision program. Authorizes the commissioner of corrections to order inmate placement on intensive supervised release for the inmate's supervised release term or parole term to further the goals of the intensive community supervision program. Authorizes the commissioner to impose appropriate conditions of release on inmates. Removes a program eligibility provision. Specifies priorities for the awarding of contracts for intensive supervisions programs in Community Corrections Act counties. Specifies conditions for awarding contracts to other providers. Extends training program and evaluation requirements of the commissioner to the intensive supervised release program. Changes the term "probation officer" to "intensive supervision agent" and specifies qualification requirements for the agents. Defines intensive supervision agent. Modifies the definition of original term of imprisonment to include jail credit and duration requirements under the intensive community supervision program. Clarifies the process for appointing the county attorney member to the Sentencing Guidelines Commission. Effective date: June 1, 1991. SPEAR, MCGUIRE.

#### **Child custody and support modifications**

**Chap. 266-H.F. 317** Clarifies the procedure for motions for modification of joint legal or physical child custody. Authorizes the court to order child support payments based on obligor compensation in addition to or in lieu of specific dollar amounts. Provides an alternative form of satisfaction of child support obligations if the court finds that the child was integrated into the family of the obligor with the consent of the obligee and child support payments were not assigned to a public agency. Imposes a fiduciary duty on both parties during marriage dissolution, separation or annulment proceedings relating to the transfer, encumbrance, concealment or disposal of marital assets. Provides for compensation in cases of breach of fiduciary duty. Clarifies mediation investigation or evaluation procedures. Clarifies provisions relating to motions for modification of maintenance. Exempts the court from the requirement to hold evidentiary hearings on motions for modification of maintenance or support. Provides for the awarding of attorney fees. Modifies maintenance or child support cost of living adjustment provisions. Eliminates the authority of the court to exclude the housing component. Modifies adjustment application restrictions. Removes the restriction of the awarding of interest on judgments, decrees or orders in dissolution, annulment or legal separation actions. Effective date: August 1, 1991. WAGENIUS, REICHGOTT.

#### **UCC filing system access provision**

**Chap. 267-S.F. 780** Provides visual access without charge to the Uniform Commercial Code computerized filing system relating to secured transaction at electronic display terminals in the office of the secretary of state. Effective date: August 1, 1991. FREDERICKSON, D.R., PUGH.

### **Repeat DWI surcharge**

**Chap. 270-H.F. 551** Increases the chemical dependency assessment charge and imposes an additional surcharge on repeat DWI offenders. Extends the waiting period for issuance of limited drivers licenses to persons convicted of manslaughter resulting from the operation of a motor vehicle or criminal vehicular homicide or injury. Imposes a penalty for failure to possess a limited license while operating a motor vehicle. Prohibits motor vehicle operation for the remainder of the period of drivers license suspension or revocation for limited license conditions or limits violation. Requires the commissioner of public safety to establish a statewide pilot program requiring the use of motor vehicle ignition interlock devices by persons with cancelled or denied drivers licenses or cancelled driving privileges due to driving while under the influence of alcohol or controlled substances. Specifies program duration and device certification and monitoring requirements. Provides for limited drivers license issuance if at least one-half of the person's required abstinence period has expired; the person has completed all rehabilitation requirements; and the person agrees to drive only a motor vehicle equipped with a functioning and certified ignition interlock device. Imposes penalties for violations of the ignition interlock program provisions. Requires commissioner evaluation and recommendations to the Legislature. Provides immunity from liability for liquor licensees administering or making available breath alcohol testing devices in licensed premises and to designers, manufacturers, distributors or sellers of the devices if a conspicuous notice is posted informing patrons of the immunity provisions, notifying them that the test is made available solely for their own informal use and information and informing patrons of alcohol-related driving penalties; if the type of breath alcohol testing device is certified by the commissioner; and if the test results are indicated as prescribed in the law. Prohibits the use of test results as evidence in civil or criminal proceedings. Provides for nonapplicability to dramshop provisions. Requires commissioner rules and device certification. Requires the commissioner to administer a program to provide grants to counties to establish intensive probation programs for repeat DWI violators to protect public safety and to provide an appropriate sentencing alternative. Specifies required program elements. Requires counties participating in the program to provide training to affected officials. Appropriating money to provide grants to counties — LINE ITEM VETOED. Appropriating money to the University of Minnesota Law School to fund an interdisciplinary criminal justice system DWI task force to evaluate DWI laws, enforcement procedures and court practices — LINE ITEM VETOED. Effective date: Various dates. HANSON, FINN.

### **Divorce proceedings streamlining**

**Chap. 271-H.F. 321** Requires summonses to include information relating to restraints of disposal of assets, harassment and insurance coverage changes during the proceedings. Specifies that the restraining provisions are to apply until modified by court order or until dismissal of the proceeding, unless more than one year has passed since the last document was filed with the court. Authorizes court approval of marriage dissolutions without a final hearing if there are no minor children and the parties have entered into a written stipulation or the respondent has not appeared and at least 20 days have elapsed; or if there are minor children, the parties have signed and acknowledged a stipulation and all parties are represented by counsel. Specifies that the court shall schedule the matter for hearing in any case where the proposed judgment and decree does not appear to be in the best interests of the minor children or is contrary to the interests of justice. Provides for the payment of child custody investigation costs. Expands the requirement for the court to use a rebuttable presumption of joint legal custody as not being in the best interest of the child in cases of domestic abuse to include joint physical custody. Establishes a summary dissolution pilot project in five counties. Specifies duties of the district and state court administrators. Requires a state court administrator evaluation of the process in cooperation with an evaluation advisory committee to be appointed by the administrator. Requires reports to the Legislature. Expands the definition of family or household member under the

Domestic Abuse Act. Removes a contingency on the effectiveness of a provision allowing retroactive modification of support or maintenance payments relating to changes in or waiver of Aid to Families with Dependent Children requirements. Appropriates money to the Supreme Court to develop a mandatory marriage dissolution orientation and education program. Effective date: Various dates. VELLENGA, SPEAR.

### **Domestic abuse provisions**

**Chap. 272-H.F. 695** Requires the commissioner of human services to adopt rules relating to General Assistance eligibility for residents of shelter facilities and to direct payments to facilities providing shelter to women and children. Waives the filing fee for issuance of protection orders under the Domestic Abuse Act, unless the court directs a respondent to pay the petitioners filing fees. Specifies statement requirements for petitions for protection orders in domestic abuse cases relating to existing orders for protection and pending lawsuits or complaints. Requires court clerk verification of terms. Prohibits delay of relief due to existence of pending actions. Restricts modifications. Requiring the court to provide copies of protection orders to the court with jurisdiction over pending marriage dissolution or separation proceedings. Increases the penalty for violation of an order for protection within two years after a conviction under the Domestic Abuse Act. Requires court findings for failure to impose a period of incarceration. Authorizes peace officer arrests without warrant for protection order violations at the place of employment of petitioner. Grants peace officers making arrests immunity from civil liability. Increases the period of probation for misdemeanor domestic assaults. Provides for new or extended protection orders based on alleged violations of prior orders if the court finds that the respondent has violated the prior order. Requires the commissioner of corrections to appoint an advisory council on sexual assault to advise the commissioner on a statewide program to aid victims of sexual assault, to serve as a liaison between the commissioner and organizations providing services to victims of sexual assault and to serve as an advocate for the rights of sexual assault victims. Specifies membership. Requires a report to the Legislature by August 1, 1992. Modifies the definition of battered women. Makes permanent and provides for grants for emergency shelter and support services to battered women. Modifies rule requirements and commissioner's duties. Provides for qualification for renewed funding of programs approved for grants in prior years. Increases the size, modifies membership criteria and expands or clarifies duties of the Battered Women's Advisory Council. Requires the commissioner to consider the recommendations of the advisory council before awarding grants or adopting policies relating to the planning, development, data collection, rulemaking, funding or evaluation of programs and services for battered women. Requires notice to the council of intended actions. Requires notice of grant award decisions in time to allow the council to request reconsideration. Requires the commissioner to appoint a battered women's program director in lieu of a project coordinator and an advisory council on general crime victims for victims of crimes other than sexual assault and domestic abuse. Specifies membership and duties. Requires a report to the Legislature by August 1, 1992. Provides for ex parte temporary protection orders. Eliminates the separate grants for the development and implementation of education programs to promote public and professional awareness of the problems of battered women. Effective date: August 1, 1991. REST, SPEAR.

### **Controlled substance crime provisions**

**Chap. 279-S.F. 525** Expands the definition of park zone and school zone. Expands controlled substance crimes in the first, second, third and fourth degrees to include public housing zones. Defines public housing zone. Increases penalties for the sale or possession of marijuana, methamphetamine or amphetamine in school, park or public housing zones. Expands the definition of child in need of protection or services under the Juvenile Court Act to include children exposed to criminal activity in the home. Provides a prima facie case for certification of juveniles to adult court for the use of

firearms during an alleged felony offense or for alleged firearms violations after previous conviction for the same violations. Expands and modifies responsibilities of the Office of Drug Policy and the Drug Abuse Prevention Resource Council. Changes the name of the council to the Chemical Abuse Prevention Resource Council. Modifies membership. Specifies duties of the assistant commissioner of public safety for the Office of Drug Policy relating to prevention and supply reduction activities. Defines prevention activity and supply reduction activity. Requires the council to review and approve state agency plans for the use of federal funds to reduce chemical abuse or the supply of controlled substances. Requires submission of the annual report of the council to the governor. Specifies a deadline for the annual report by the commissioner of public safety on the use of community crime reduction grants. Requires the commissioner to make grants to local officials from the undercover buy fund for witness protection services in cases involving criminal gang activity or domestic assault. Requires the heads of local law enforcement agencies receiving the grants to file case reports with the commissioner. Requires annual commissioner summary reports to the Legislature. Provides for the confidentiality of information in the reports relating to the identity or location of protected witnesses. Requires District Court administrators to report felony convictions to the Supreme Court within 30 days of sentencing. Provides for criminal liability for crimes committed by juveniles that would be a crime if committed by an adult. Imposes minimum fines for controlled substance offenses to fund local drug abuse prevention programs. Provides for consecutive mandatory minimum terms of imprisonment under controlled substance and criminal laws for drug related offenses. Requires chemical use assessments in presentence investigations of convicted felons if alcohol or drug use was a contributing factor to the commission of the offense. Authorizes probation extension for failure to pay restitution. Increases the penalties for assaulting school officials. Prescribes penalties for crimes committed for the benefit of a gang. Prohibits the solicitation of a minor to commit a criminal act and prescribes penalties. Increases the penalties for the theft of firearms. Provides a defense against the crime of furnishing minors with a firearm. Provides enhanced criminal penalties for firearms violations in public housing, school or park zones. Increases the penalties for furnishing persons with dangerous weapons, for unlawfully furnishing firearms to minors and for unlawful possession of pistols by minors. Expands the crime of disorderly conduct to include specific offensive, obscene or abusive conduct. Requires the Sentencing Guidelines Commission to study controlled substance violation sentencing practices and to report to the Legislature by February 15, 1992. Requires the commissioner of human services in consultation with the commissioner of corrections and the state court administrator to appoint a task force to calculate the additional cost of providing chemical use assessments of convicted felons and to report to the Legislature by January 1, 1992. Requires the commissioner of public safety to study expanding the implied consent law for driving while under the influence of alcohol or controlled substance to provide for immediate drivers license revocation for drivers testing positive for controlled substances. Appropriates money to the Drug Abuse Resistance Education Advisory Council for DARE programs. Repeals a provision providing for upward departure from the sentencing guidelines for drug offenses committed in park and school zones. Effective date: Various dates. SPEAR, VELLENGA.

**Indemnification in motor vehicle lease agreements authorization**  
**Chap. 280-S.F. 1440** Specifies that a provision in a motor vehicle lease agreement that indemnifies the lessor against any claims or liabilities arising out of the use, operation or maintenance of the vehicle by the lessee includes the right to indemnity for traffic violations, penalties and punitive damages caused by the lessee and is enforceable in accordance with its terms. Effective date: August 1, 1991. COHEN, MILBERT.

**District Court fee for names certified increase**

**Chap. 281-S.F. 109** Increases the District Court fee for names

certified and eliminates the fee for judgments certified in filing certificates of judgments docketed. Reduces the number of certified copies of marriage certificates required to be prepared. Extends the probate filing fee surcharge to informal probate matters. Effective date: August 1, 1991. CHMIELEWSKI, SOLBERG.

**Offender registration requirement**

**Chap. 285-S.F. 371** Requires persons convicted of kidnapping or sexual offenses involving a minor to register with probation officers upon release from prison. Requires the commissioner of corrections to notify persons required to register and to forward information to the Bureau of Criminal Apprehension and the assigned probation officer. Specifies registration procedures and content requirements. Prescribes a penalty for violation. Specifies registration duration. Classifies information provided and restricts use to law enforcement purposes. Requires computer programs used in the missing child program to include physical descriptions. Requires the commissioner of public safety to distribute a quarterly missing children bulletin to local law enforcement agencies, county attorneys and public and nonpublic schools. Provides for the inclusion of photographs. Authorizes state and local elected officials and agencies to enclose in mailings information relating to missing children. Classifies information used in the bulletin. Requires the commissioner to adopt standards for training appropriate personnel relating to the investigation of missing children cases. Provides for the release of medical data for law enforcement agency investigation purposes. Reduces time limit restrictions on felony charges for kidnapping a child to deprive another of custodial or parental rights. Extends DNA analysis requirements to persons sentenced as patterned sex offenders. Effective date: Various dates. BERTRAM, VELLENGA.

**Legal assistants study**

**Chap. 299-S.F. 520** Requires the Supreme Court to review the feasibility of the delivery of legal services by specialized legal assistants and report to the Legislature by December 1, 1993. Specifies report content requirements. Effective date: August 1, 1991. KELLY DAWKINS.

**Timber road tort immunity**

**Chap. 313-S.F. 899** Provides immunity against tort liability for losses or claims resulting from the use of logging roads on public land maintained exclusively to provide access to timber by harvesters. Effective date: August 1, 1991. LESSARD, SOLBERG.

**Omnibus data practices**

**Chap. 319-H.F. 693** States the scope of the Government Data Practices Act and the effect of changes in the classification of data. Classifies nongovernmental records collected, maintained, used or disseminated by historical records repositories. Expands the definition of personnel data to include data collected on applicants for advisory boards or commissions and classifies the names and addresses of the applicants. Authorizes the display of photographs of current or former public employees for investigation purposes. Classifies business awards and convention center data. Protects the identity of persons placing calls on the 911 emergency telephone system. Classifies county coroner and medical examiner data. Allows access by attending physicians. Authorizes local welfare and court services agencies to share private or confidential data on active cases involving assessment or investigation of actions relating to child sexual or physical abuse or neglect under common client conditions. Restricts use and provides for the destruction of the data. Requires patient consent to provider release of health records. Sets forth exceptions. Provides for damages for violations. Provides for media access to traffic accident reports. Clarifies access to identifying information on involved juveniles. Modifies access to peace officer records on juveniles. Provides for medical examiner and coroner access to death records and for protection of the data. Modifies a witness disclosure restriction appeal provision. Prohibits automatic stay if the court finds that the information sought has been published or broadcast unless an appeal is filed within two days after the order is

issued. Specifies that either party may request expedited consideration. Requires the Board of Pardons to hold meetings to take formal action on applications for pardons or commutations of sentences. Requires the meetings to be open to the public and requires copies of pardons to be included in court files. Grants victims and law enforcement agencies the right to submit statements at the meetings recommending application granting or denial. Requires the board to consider the statements in the decision making process. Requires applications for pardons or commutations of sentences to include an applicant statement consenting to the disclosure of private data and records relating to grounds for the pardon or commutation. Requires the clerk of the board to notify victims of the application and the time and place of the board hearing. Specifies notice requirements. Grants immunity from liability for the release of data contained in termination or personnel settlement agreements if the data were not public data at the time the agreement was executed but became public data under a law enacted after execution. Requires the commissioner of administration to study and make recommendations on treatment and classification of state licensing data. Requires the study to include examination of issues relating to the sale of lists for commercial purposes as part of mailing lists or telephone solicitations. Requires a report to the Legislature by January 15, 1992. Effective date: Various dates. CARRUTHERS, RANUM.

#### **Use of DWI tests in civil action authorization**

**Chap. 321-H.F. 1142** Increases the dollar limit on no-fault automobile insurance claims required to be submitted to binding arbitration. Provides for the awarding of punitive damages in civil actions resulting from motor vehicle accidents due to driving while under the influence of alcohol or controlled substance. Authorizes the use of results of preliminary screening tests in civil actions resulting from the operational use of a motor vehicle. Requires the Supreme Court to establish a statewide alternative dispute resolution program for the resolution of civil disputes. Requires rules governing the practice, procedure and jurisdiction for the programs. Specifies the scope of the program. Specifies requirements for community dispute resolution program guidelines adopted by the state court administrator. Includes post-dissolution property distribution and visitation matters under the program. Provides for interest on arbitration awards. Specifies labor relations exceptions. Provides for selection of neutral arbitrators. Requires disclosures. Specifies grounds for modification or correction of awards. Effective date: Various dates. CARRUTHERS, LUTHER.

#### **Criminal forfeiture provisions**

**Chap. 323-H.F. 459** Expands the definition of appropriate agency to include the Dept. of Natural Resources Enforcement Division and the University of Minnesota Police Dept. Requires the printing of notices of the procedure for obtaining judicial review of administrative forfeitures in English, Hmong and Spanish. Exempts economically disadvantaged claimants in administrative forfeiture proceedings in connection with seized property valued under \$500 filing in conciliation court from the conciliation court filing fee. Specifies notice requirements. Requires and provides for the reimbursement of paid filing fees upon court order for return of seized property. Authorizes and provides for court orders for payment of reasonable costs and expenses. Requires and provides for the appointment of interpreters in forfeiture proceedings. Effective date: August 1, 1991. GREENFIELD, MERRIAM.

#### **Peace Officer Discipline Procedures Act**

**Chap. 334-S.F. 351** Prescribes procedures for taking formal statements of licensed peace officers employed by governmental units to be used as evidence in disciplinary proceedings against the officer. Excepts investigations and proceedings of the Minneapolis Civilian Police Review Authority and investigations of criminal charges from the procedures. Specifies place and complaint requirements. Requires and provides for availability of lists of witnesses and substance of testimony upon request of the investigating agency or the officer. Specifies requirements and restrictions for the holding of

sessions for the taking of formal statements. Specifies recordkeeping requirements. Provides for the presence of an attorney or union representative. Specifies disclosure requirements and restrictions relating to admissions, financial records, photographs and disciplinary letters. Prohibits retaliatory actions for peace officer exercising of rights. Provides that rights are to be in addition to rights and privileges provided under applicable collective bargaining agreements or other law. Specifies state and local government unit liability for violations. Effective date: August 1, 1991. PO-GEMILLER, CARRUTHERS.

#### **Recovery for economic loss arising from the sales of goods**

**Chap. 352-S.F. 565** Specifies that economic loss that arises from a sale of goods that is due to damage to tangible property other than the goods sold may be recovered in tort as well as in contract, but economic loss that arises from a sale of goods between parties who are each merchants in goods of the kind is not recoverable in tort. Specifies that economic loss that arises from a sale of goods, between merchants, that is not due to damage to tangible property other than the goods sold may not be recovered in tort. Specifies that economic loss recoverable in tort does not include economic loss due to damage to the goods themselves. Effective date: August 1, 1991. STUMPF, BROWN.

#### **Child protection system data practices**

**Chap. 353-S.F. 1019** Modifies child protection system data practices study requirements. Requires the attorney general to make recommendations for training on data practices laws for child protection workers, law enforcement personnel, county attorneys, court services personnel, social workers, guardians ad litem, school personnel and persons involved in the child protection system. Changes the role of the commissioner of human services to advisory only and requires attorney general additional consultation with the commissioner of administration. Effective date: June 5, 1991. RANUM, CARRUTHERS.

## **Local Government**

#### **City of Mora contract negotiations**

**Chap. 6-S.F. 79** Extends the deadline for the city of Mora to negotiate contracts for the acquisition and betterment of the municipal wastewater treatment facility without complying with competitive bid requirements. Effective date: Local approval. DAVIS, LASLEY.

#### **County morgues**

**Chap. 31-H.F. 795** Removes restrictions on county morgues relating to construction and maintenance costs and location. Effective date: April 23, 1991. JACOBS, MERRIAM.

#### **Ramsey County civil service**

**Chap. 50-H.F. 1105** Provides for additional civil service certification of underrepresented groups in Ramsey County. Effective date: Local approval. MCGUIRE, KELLY.

#### **Ramsey county provisions**

**Chap. 51-H.F. 983** Modifies or repeals provisions relating to Ramsey County borrowing authority for public assistance purposes, highway improvements, board composition, terms and compensation, purchasing officers, tax anticipation warrants, park land disposal, and fish hatcheries for consistency with the County Home Rule Charter. Modifies or repeals provisions relating to surety bond and budget requirements for consistency with the County Home Rule Charter. Modifies or repeals provisions relating to the capital program for consistency with the County Home Rule Charter. Effective date: Local approval. MCGUIRE, KELLY.



#### **Public notices in cities of the fourth class**

**Chap. 53-H.F. 422** Authorizes fourth class cities in the metropolitan area to print notices in newsletters mailed or delivered to each household in lieu of publication in a qualified newspaper if there is no qualified nondaily newspaper of general circulation in the city. Effective date: August 1, 1991. MCGUIRE, MARTY.

#### **Local government bid process**

**Chap. 65-H.F. 894** Authorizes officers of small local government units with populations of less than 1,000 to contract for construction materials or services by sealed bid process. Authorizes public officers to rent space in public facilities. Effective date: August 1, 1991. UPHUS, JOHNSON, D.E.

#### **Storm sewer improvements**

**Chap. 76-H.F. 1282** Provides procedures for storm sewer improvements by cities or towns. Specifies publication, hearing and preliminary report requirements. Effective date: August 1, 1991. JENNINGS, JOHNSON, J.B.

#### **Joint telecommunications ventures**

**Chap. 79-H.F. 584** Authorizes municipalities owning and operating telephone exchanges to enter into joint ventures with telecommunications organizations to provide telecommunications services within the service area. Effective date: May 13, 1991. HASSKAMP, LANGSETH.

#### **Martin County provisions**

**Chap. 81-H.F. 623** Provides for the consolidation of the office of auditor and treasurer in Martin County upon adoption of a resolution by the county board. Requires a referendum. Effective date: Local approval. HUGOSON, BECKMAN.

#### **Mankato annexation**

**Chap. 82-S.F. 1074** Authorizes the city of Mankato to annex by ordinance uncontiguous property owned by the city constituting the Mankato Municipal Airport. Requires city, town and affected property owner consent to annexation of property abutting the airport. Effective date: Local approval. HOTTINGER, DORN.

#### **North Pine Area Hospital District**

**Chap. 86-H.F. 1396** Authorizes Pine County to transfer money from the county welfare fund to the county general fund to reimburse the general fund for money paid to the North Pine Area Hospital District. Includes a penalty imposition prohibition. Effective date: May 15, 1991. LOUREY, CHMIELEWSKI.

#### **Town and fire hall construction**

**Chap. 120-S.F. 636** Expands the authority of cities, counties and towns to participate in federal loan programs for town or fire hall construction, for fire equipment or for fire rescue department equipment. Increases the maximum borrowing authority. Authorizes loans from any agency of the U.S. Dept. of Agriculture. Excludes the obligation from net debt computation. Eliminates provisions relating to confinement to the remedy of recovery of the property purchased upon failure to repay amounts borrowed on mortgages. Eliminates election requirement. Effective date: May 20, 1991. BERNHAGEN, PETERSON.

#### **County broadcast facilities**

**Chap. 155-H.F. 1189** Expands the authority of county boards to fund the construction, acquisition, improvement, operation or maintenance of broadcast facilities. Authorizes the funding of translator stations or noncommercial television broadcast facilities in or outside the county to receive and transmit television signals capable of reception by county residents. Effective date: August 1, 1991. WINTER, VICKERMAN.

#### **County recorders fees**

**Chap. 226-H.F. 809** Increases the minimum fee charged by county

recorders for indexing and recording deeds or other instruments. Requires \$1 of each fee collected for calendar years 1992 and 1993 to be placed in the county recorder equipment fund for information retrieval purposes. Imposes a fee for filing condominium plats and eliminates the additional fee for certification of condominium floor plans. Increases the limits on abstract fees and increases title registration fees. Requires a portion of fees for filing registered land surveys to be credited to the general fund. Effective date: August 1, 1991. OLSON, E., HOTTINGER.

#### **Ramsey County provisions**

**Chap. 300-S.F. 1295** Establishes a Ramsey County Local Government Services Study Commission to study cooperation between local governments and the possible sharing and consolidation of services, structures and functions. Specifies membership and study requirements. Requires presentation of recommendations and responses to the Ramsey County legislative delegation and the Legislature before February 1, 1992. Requires a 60 percent affirmative vote of commission members for adoption of recommendations. Requires a staff committee for technical assistance purposes. Specifies recommendations cooperation requirements. Effective date: June 4, 1991. COHEN, ORENSTEIN.

#### **Dakota County offices merger**

**Chap. 338-H.F. 578** Authorizes and provides for Dakota County to merge the offices of county treasurer and county auditor. Authorizes the county board to provide for the appointment of the county recorder. Provides for duties, functions and responsibilities of the offices. Authorizes and provides for town boards or city councils in Dakota County to transfer assessment review duties to the County Board of Equalization. Specifies a county assessor meeting attendance requirement. Effective date: June 5, 1991. MILBERT, METZEN.

## **Metropolitan Affairs**

#### **Met Council study**

**Chap. 183-H.F. 1179** Requires and provides for the Metropolitan Council to conduct a study of the development patterns and needs in the council defined fully developed area. Specifies study contents. Requires annual progress reports and a final report to the Legislature by February 15, 1994. Requires metropolitan agencies to file biennial budgets with the Legislature for review purposes. Effective date: August 1, 1991. ORFIELD, MONDALE.

## **Redistricting**

#### **Minneapolis Reapportionment Commission membership**

**Chap. 87-H.F. 1455** Authorizes the Minneapolis Park and Recreation Board to appoint two members to the Minneapolis Reapportionment Commission to replace the members of the commission appointed by the majority and minority caucuses of the Minneapolis City Council to determine the reapportionment of Park and Recreation Districts. Prohibits the members appointed by the Minneapolis Park Board from considering the reapportionment of city council ward boundaries and prohibits the members appointed by the city council from considering the reapportionment of park district boundaries. Authorizes the Reapportionment Commission to adopt procedures to ensure full participation by Park and Recreation Board appointees in the process. Establishes standards for the reapportionment of park districts. VETOED. JEFFERSON, POGEMILLER.

#### **Legislative redistricting**

**Chap. 246-S.F. 1571** Changes the boundaries of legislative districts in accordance with population changes since the last redistricting.

Provides a narrative description of each district. Effective date: August 1, 1991. POGEMILLER, RODOSOVICH.

## Resolutions

### Persian Gulf

**Res. 1-H.F. 14** A resolution supporting military personnel stationed in the Persian Gulf region. Expresses support to the families of the military personnel. Expresses support for the president in negotiating a peaceful settlement of the conflict. Urges the minimization of civilian casualties and honors international law. Requests the governor to declare a day of prayer for peace. Deplores the burning or disrespectful use of the flag. Reaffirms support for the U.S. Constitution and the Bill of Rights. OGREN, PAPPAS.

### POW/MIA investigation

**Res. 2-H.F. 195** A resolution requesting the U.S. Congress to continue funding of the POW/MIA special investigation being conducted by the U.S. Senate Foreign Relations Committee. BEARD, BERTRAM.

### Low income home energy assistance

**Res. 3-H.F. 325** A resolution urging the president and the U.S. Congress to increase funding for the low income home energy assistance program and to maintain operation of the program in Minnesota. MURPHY, NOVAK.

### U.S. and Canadian border

**Res. 4-H.F. 661** A resolution requesting the resolution of differences and restrictions to travel and freedom of passage to remote areas of the Canadian border between the province of Ontario and the state of Minnesota imposed by policy, regulation or law to the mutual benefit and satisfaction of the citizens of both countries. ANDERSON, I., LESSARD.

### POW/MIA truth bill

**Res. 5-H.F. 196** A resolution urging the U.S. Congress to begin immediate committee hearings and request action on the POW/MIA truth bill relating to the disclosure of live sighting information on American service personnel missing in action from World War II, Korea and Vietnam. BEARD, BERTRAM.

### Baltic Republics

**Res. 6-H.F. 1209** A resolution urging the U.S. Congress to condemn the use of Soviet military force in the Baltic Republics of Latvia, Lithuania and Estonia and to support self determination in the republics. KAHN, RIVENESS.

### International Special Olympics

**Res. 7-H.F. 471** A resolution supporting the 1991 International Special Olympics Games held in the Minneapolis-St. Paul Metropolitan Area July 19-27. OGREN, LUTHER.

### Midwest dairy industry

**Res. 8-H.F. 1549** A resolution urging the president and the U.S. Congress to take action to alleviate the crisis in the Midwest dairy industry. WENZEL, SAMS.

## Taxes and Tax Laws

### Mahnomen County special levy

**Chap. 3-H.F. 152** Allows Mahnomen County and the city of Mahnomen to make special levies for the Mahnomen County and Village Hospital. Effective date: Local approval. OLSON, E., MOE, R.D.

### Deadline extension for military personnel

**Chap. 18-H.F. 13** Provides that property owned by persons in military service will be withheld from sale as tax-forfeited property. Allows an extension to file income tax returns and property tax refund claims for National Guard and reserve members who are called to active duty. Provides filing extensions for individuals who performed services in Operation Desert Shield. Provides for early payment of interest on refunds. Effective date: Various dates. REST, FREDERICKSON, D.J.

### Special Olympics sales tax exemption

**Chap. 40-S.F. 339** Qualifies the International Special Olympics organization for an exemption from the sales tax on purchases occurring after May 5, 1989, and before August 15, 1991. Effective date: May 5, 1989. LUTHER, TRIMBLE.

### First omnibus tax bill

**Chap. 127-H.F. 1086** An omnibus tax bill to provide revenue for the state. The measure was vetoed in its entirety and subsequently replaced by a second omnibus tax bill, Chap. 291. OGREN, JOHNSON, D.J.

### Omnibus tax bill

**Chap. 291-H.F. 1698 Article I — Property taxes.** Classifies lease information collected by local government units relating to the assessment of income properties and income information on individuals collected by local units and housing agencies to determine eligibility of property for classification as low income housing. Grants economic development authorities the power of eminent domain over railroad properties located within the limits of the authority under specific conditions. Requires general education levy referenda held on a day other than the first Tuesday after the first Monday in November to be held by mail. Specifies that all levy referenda are to be levied against the market value of all properties in the district. Authorizes the sales ratio study prepared by the Dept. of Revenue to separate the values of residential property into market value categories. Excludes evidence relating to income producing property that is not provided to the county assessor at least 30 days before any hearing from Tax or District Court admissibility except if necessary to prevent undue hardship or when the failure to provide it was due to the unavailability of the evidence at that time. Provides a property tax exemption for specific wastewater treatment facilities and for real and personal property of corporations partially owned by the University of Minnesota, the University of Minnesota Foundation and a nonprofit corporation used to provide large scale advanced scientific computing resources to the University Board of Regents. Excludes mine shafts, tunnels and other underground openings used to extract ores and mineral subject to mining taxes from the definition of real property. Eliminates the plat duration restriction on property valuation. Eliminates the contiguous lot reevaluation requirement. Specifies that platted property is to be valued at market value following final plat approval. Exempts real property losing qualification as open space land due to acquisition by the state or a local government unit from the additional taxes requirement. Extends the provision allowing parents to be a coowner of homestead property, when required by a financing agreement, to stepparents, grandparents, sibling, aunts and uncles by either blood or marriage. Deletes the provisions that limit application to first time purchases. Provides continued homestead treatment of property owned and formerly occupied by parents and children in joint tenancy or tenancy in common after one or more owners ceases to occupy the homestead. Restricts homestead benefits for leasehold cooperatives to cooperatives receiving public financing. Extends homestead treatment to a specific partially homesteaded property. Extends agricultural homestead treatment to land of less than ten acres if it is contiguous on two sides to agricultural land or to land owned or administered by the federal Fish and Wildlife Service and the Dept. of Natural Resources. Provides for homestead classification of principal residences owned by children of a disabled parent. Modifies the property tax classification for residential and agricultural homestead

property and for residential nonhomestead and seasonal recreation property. Expands the definition of agricultural products to include property owned and operated by nonprofit organizations and used for equestrian activities, excluding racing. Clarifies the classification of housing of disabled veterans and permanently disabled persons. Increases the commercial use duration specification for classification as temporary seasonal recreational property. Reduces the classification rates for residential rental property and for noncommercial seasonal residential recreational property. Modifies the classification of elderly or low and moderate income housing. Expands homestead treatment to occupants of single family homes or duplexes rented under the Community Lending Model Lease Purchase Mortgage Loan Program administered by the federal National Mortgage Association and to housing leased to nonprofit corporations to provide transitional housing for homeless persons. Modifies the classification of vacant land. Sets the phase-in percentages for the target class rate. Specifies requirements and restrictions for low income housing credit eligible property. Imposes the additional tax as a penalty for noncompliance. Specifies a levy referenda ballot notice requirement. Expands property tax statement content requirements. Increases the rate of interest on delinquent taxes if the owner of the property owes more than 25 percent of the prior year's school levy and reduces the period of redemption for tax-forfeited nonhomesteaded agricultural land if at the time of redemption the property is owned by a person who owes more than 25 percent of the school levy. Removes the appropriation limit for the targeted property tax refund for taxes payable in 1992. Requires the District Court to reduce pedestrian mall improvement assessments upon appeal by amounts erroneously included. Expands the definitions of annual improvements and costs relating to pedestrian malls. Modifies metropolitan revenue distribution (fiscal disparities) provisions. Requires the state auditor and the commissioner of administration to bill the commissioner of revenue for the costs of government information services and requires the commissioner of employee relations to bill the commissioner of revenue for the costs of administering the local government pay equity program. Specifies limits. Expands condominium disclosure statement requirements. Authorizes Minneapolis special service district services to include parking facilities. Requires the increased market value of assessments for manufactured home parks to be phased-in over the next two succeeding assessment years. Requires and provides for the determination of a special market value for low income housing in Hennepin, Dakota, Ramsey, St. Louis and Beltrami Counties in addition to normal market value determination. Specifies tax savings use restrictions. Restores homestead and agricultural credit aid to the Buffalo-Red River and Red Lake Watershed Districts. Authorizes Independent School Districts #325, Lakefield; #77, Mankato; and #284, Wayzata to each conduct a levy referendum by mail before November 1, 1991. Requires the commissioner of revenue to prepare an administrative directive advising assessors of proper assessment practices relating to routine repair and maintenance of property. Repeals the municipal equity account under the Fiscal Disparities Law.

**Article II — Local government trust fund.** Establishes a local government trust fund to finance nonschool property tax relief programs. Creates an Advisory Commission on Intergovernmental Relations to make recommendations to the Legislature relating to the programs. Specifies membership and duties. Specifies duties of the commissioner of finance. Authorizes and provides for counties to impose an addition half percent sales and use tax for deposit into the trust fund. Authorizes and provides for later rescission. Requires the commissioner of revenue to deposit revenues derived from imposing a 6.5 percent rate on all taxable sales into the fund. Temporarily increases the state sales tax. Repeals specific local government aid provisions. Specifies a contingency. Provides for appropriations from the trust fund for Fiscal Years 1992 and 1993. Provides for appropriations from the trust fund for Fiscal Years 1994 and 1995 — LINE ITEM VETOED.

**Article III — Property tax aids and credits.** Specifies the class rates to be used in determining homestead and agricultural credit aid (HACA) payable in 1992 and 1993. Permanently reduces the base

for calculating HACA, disparity reduction aid and the additional homestead and agricultural credit guarantee. Reduces the local government revenue base. Defines reduction percentages. Provides for the reduction of local government aid payments to counties, cities, towns and special taxing districts except hospital districts. Provides for adjustments based on local government trust fund revenues.

**Article IV — Levy limits.** Authorizes school districts to levy for the costs of teaching Drug Abuse Resistance Education curricula. Authorizes school districts to levy for the costs of peace officer and sheriff liaison services and controlled substance crimes investigation. Allows counties to increase human services special levies for unreimbursed costs for emergency assistance under the AFDC Program, emergency General Assistance (GA) and Minnesota supplemental aid (MSA) and GA negotiated rate payments. Removes special levy authority for unfunded pension liabilities and SCORE matching funds. Requires commissioner of revenue approval to use the tax increment financing revenue bond special levy. Limits the increase for regional library services special levies. Caps the cooperative soil survey special levy. Clarifies the calculation of the public assistance special levy. Authorizes county special levies for the costs of redistricting, establishing election precincts and reassigning voters in the statewide registration system. Authorizes county special levies for jury fee costs. Authorizes special levies in the third and sixth judicial districts for juvenile and misdemeanor public defender costs. Redefines levy limit base. Provides for court cost, unfunded pension liability and SCORE matching fund adjustments. Modifies the calculation for adjusted levy limit base. Requires commissioner of revenue approval of the use of additional special levies and certification of additional amounts of taxing authority in counties not enacting the local sales and use tax. Limits the county regional rail authority light rail transit (LRT) levy. Requires regional rail authorities to submit information to the Metropolitan Council relating to operating subsidies for LRT facilities before applying for federal assistance. Imposes a county aid offset for court and public defender costs assumed by the state. Extends the special levy for economic development for Itasca County. Provides a levy limit base adjustment for Becker County and delays imposition of the excess levy penalty. Authorizes a solid waste management levy in Pope County. Provides for increases in the social services special levies in Swift and Mille Lacs Counties. Exempts Goodhue County from the excess levy penalty. Authorizes the Coon Creek Watershed District to establish a water maintenance and repair fund. Authorizes an ad valorem tax levy and specifies authorized fund uses. Authorizes the Kanarazi-Little Rock Watershed District to levy an additional amount for administration of an upland conservation program. Requires the Regional Transit Board and the commissioner of transportation to prepare a joint application for federal assistance for LRT facilities in the Metro Area by July 1, 1992. Authorizes local government units within the Great River Regional Library System to increase special library levies. Authorizes Metro Area regional rail authorities to transfer money to pay for social service costs. Limits special taxing district nondebt levies payable in 1992. Authorizes and provides for the city of Crookston to establish a special service district. Provides a Meeker County social services levy increase.

**Article V — Truth in taxation.** Modifies proposed property tax notice requirements. Includes current budget review in school district notice requirements. Changes the years for school average daily membership count. Requires notice inclusion of the total proposed percentage increase or decrease in the proposed levies. Requires a separate statement of tax increment and fiscal disparities. Specifies that notice delivery failure does not constitute invalidation. Specifies additional requirements for owners of residential rental property. Provides for the use of business days in calculating notice publication time requirements. Clarifies and modifies public advertisement requirements. Authorizes small cities with a population of 1,000 or less to post, instead of publish, notices. Specifies public hearing continuation announcement requirements. Allows the certified property tax levy to exceed the proposed levy by the amount levied by taxing authorities located in counties not enacting

the local sales and use tax. Specifies a notice statement requirement.

**Article VI — Income tax and federal update.** Requires the Ethical Practices Board to provide spending limit agreement forms to political candidates upon request. Clarifies the filing deadline. Changes the political contribution income tax credit to a refund and specifies a gift of money restriction. Requires congressional candidates to submit a copy of the federal designation of a principal campaign committee with the spending limit agreement. Provides for the termination of agreements upon timely rescission. Clarifies a post-election year expenditure limit provision. Authorizes a reduction of political contributions under the Revenue Recapture Act. Requires regulated investment corporations (mutual funds) paying exempt interest dividends subject to state tax to report the amount of dividends to the taxpayer and the commissioner of revenue within 30 days of the end of the taxable year. Eliminates filing extensions for individual income tax returns and property tax refund claims. Provides for the payment of the franchise tax on LIFO recapture. Limits the additional tax or refund due upon commissioner completion of field audits and limits the expiration of the time period for tax adjustment and sales and use tax exemption. Defines field audit for time extension purposes. Adds the dependent care credit and political contribution refund to a claim for overpayment provision. Modifies the penalties for failure to file an individual income tax return or for late filing of property tax refund claims. Creates a presumption of knowledge for overstatement of rent constituting property taxes. Updates references to the Internal Revenue Code relating to itemized and handicap access expenditure deductions, the dependent care credit and the withholding of farm wages. Expands additions to federal taxable income relating to taxes paid to other states or Canadian provinces. Modifies the individual income tax rate schedules. Applies the highest rate, 8.5 percent, to all taxable income over the thresholds and adjusts the base for indexing the tax brackets. Allows a credit for taxes paid to other states for taxes imposed on S corporations. Eliminates the requirement for the commissioner to include a copy of the political contribution credit form with income tax instructions. Expands eligibility for the dependent care credit. Modifies the definition of income. Provides for a working family credit. Modifies the definitions of adjusted gross income and nontaxable retirement and disability benefits for elderly and disabled subtraction purposes. Increases the alternative minimum tax rate. Adds non-Minnesota charitable deductions to the definition of alternative minimum taxable income. Allows a medical expense deduction. Defines partners pro rata share for corporate minimum fee purposes. Modifies part year resident income allocation provisions relating to distributions from partnerships, S corporations, estates or trusts. Eliminates the tax on nonresidents with gain on stock of S corporations with operations in Minnesota. Modifies provisions relating to withholding by partnerships and S corporations. Specifies the back up withholding rate and the withholding rate on parimutuel winnings. Modifies the definition of dependent and clarifies the definition of leasehold cooperative for property tax refund purposes. Provides for the effect of changes made by the Revenue Reconciliation Act of 1990. Exempts the underpayment of estimated taxes resulting from the increase in individual income tax rates from penalties and interest.

**Article VII - Corporations.** Sets the date for filing unrelated business income tax returns of exempt organizations. Subjects specific exempt organizations to estimated tax payment requirements. Establishes the period of underpayment for purposes of determining the UBIT underpayment penalty. Provides an additional subtraction from federal taxable income for qualified research expenses. Clarifies tax jurisdiction provisions. Subjects farmers cooperatives to taxation. Authorizes acquiring corporations to carry over the credit for alternative minimum tax previously paid from a transferor or distributor corporation in a corporate acquisition. Provides for determination of the amount of the carryover. Changes the credit for research and experimental expenditures to a credit for increasing research activities. Modifies definitions. Modifies the definition of qualified alternative minimum tax for carryover credit purposes. Provides for the allocation of all farm income. Modifies the determi-

nation of the receipts factor for financial institutions. Imposes a tax on the taxable income of an S corporation in the transfer of assets from a C corporation to an S corporation. Deletes the depreciation modification in the tax on built in gains. Allows a credit carryforward. Clarifies the minimum fee for insurance companies. Repeals the expired small business investment credits.

**Article VIII - Sales and use tax.** Requires persons initially registering snowmobiles or watercraft to provide proof of sales and use tax payment or proof of exemption. Provides for the filing of use tax returns by persons exempt from holding sales tax permits. Defines the reporting period and specifies a filing date. Modifies the accelerated June sales tax liability. Imposes the sales tax on telephone paging and private communication services. Imposes the sales tax on animal kennel services. Exempts from the sales tax natural gas sold for use as a motor fuel; tree planting services performed under construction contracts; seeds, trees, fertilizers and herbicides purchased for use by farmers in the federal Conservation Reserve Program; and sacramental wine. Specifies a refund restriction. Changes the tax on admissions to massage parlors to a tax on massage services. Prohibits the deduction from the sales price of charges for services that are part of a sale. Imposes the farm machinery sales tax on aquaculture production equipment. Imposes a surtax on short term leases or rentals of passenger automobiles, vans, or pickup trucks. Clarifies and broadens the definition of a retailer with a place of business in Minnesota for use tax purposes. Modifies the determination of total cost of mobile transportation equipments and parts and accessories of interstate motor vehicle common carriers for tax payment purposes. Eliminates the exemption for isolated or occasional sales of trade or business equipment. Provides for an exception. Clarifies the sales tax exemption for previously registered aircraft. Makes permanent the additional Duluth sales tax on food and drink. Authorizes the city of Rochester to impose an additional compensating use tax on property sold outside the city. Increases the St. Paul lodging tax limit. Changes the usage of Bloomington lodging tax proceeds. Changes the effective date of the sales tax exemption for repair parts and lubricants for ships used in interstate commerce. Authorizes the city of Mankato to impose a sales tax and the city of Winona to impose a lodging tax. Repeals the distressed county sales tax exemption for capital equipment. Repeals an obsolete provision allowing individuals in Aitkin County purchasing agricultural electricity to file a refund claim with the commissioner of revenue.

**Article IX — Special taxes.** Clarifies the exemption from the gross premium tax of insurance premiums paid from the public employees insurance trust fund. Grants enforcement powers to the commissioner of revenue relating to unfair cigarette sales and to the payment of certain insurance taxes. Provides for the seizure and forfeiture of untaxed gasoline or special fuel. Authorizes cities to impose utility franchise fees on cooperative electric associations. Provides for the determination of the population of Indian reservations for tax refund agreements purposes. Provides for the use of a separate cigarette stamp. Prohibits retailers from possessing or selling cigarettes with Indian stamps. Eliminates the telephone gross earning tax exemption for cellular radios. Prohibits penalty for underpayment. Imposes a surtax on 900 pay per call telephone services. Expands the definition of alternative fuel permit for gas tax purposes. Extends the method of taxation used for vehicles fueled by propane or natural gas to other alternative fuel vehicles. Provides an optional method of determining permit fees for owners of vehicles fueled by both gasoline and propane or natural gas. Eliminates references to cigarette tax meter machines. Increases the cigarette tax and reduces the stamping discount. Modifies the cigarette tax offset for overages attributable to mistakes other than inventory counting errors. Prohibits retailers from purchasing cigarettes or tobacco products from unlicensed sellers. Provides for seizure for violation. Specifies a statute of limitations for cigarette and tobacco tax violations. Authorizes the commissioner to extend the filing period for the informational report required of manufacturers, wholesalers, and importers of wine and distilled spirits. Authorizes the commissioner to require brewers, manufacturers and wholesalers or retailers to furnish physical inventories of wine and distilled spirits in stock. Changes the term



“dealer” to “tax obligor” under the marijuana and controlled substance tax. Prohibits the deduction of manufacturer timely payments, discounts, or rebates in determining the cost of doing business by wholesalers under the Unfair Cigarette Sales Act.

**Article X — Tax increment financing.** Clarifies or modifies provisions relating to tax increment financing. Clarifies the definition of qualifying captured tax capacity and the calculation of education aids for aid payment reduction purposes. Specifies that the reductions are to apply only to new or expanded areas of existing districts. Provides a phase-in reduction schedule for projects in economic development districts for manufacturing and research and development projects located in a city with a population under 10,000 outside the Metro Area. Excludes equalized levies for health and safety, cooperation and combination, community education, early childhood family education and non-regular transportation. Requires Housing and Redevelopment Authorities to adjust adjusted gross income for family size under the housing interest reduction program. Clarifies the basis of the original net tax capacity of tax increment financing districts. Specifies conditions for finding parcels considered to be occupied by structurally substandard buildings for redevelopment district determination purposes. Provides for county auditor payment of delinquent property taxes upon district termination under duration limits. Requires bonds to be issued for the project of district location under the three year knock out rule. Redefines administrative expenses for activities for pooling restrictions purposes. Requires payment from the pooling share of increments. Imposes a time limit on the expenditure of bond proceeds under the five year rule. Clarifies activity costs. Allows the use of tax increment revenue to pay credit enhanced bonds. Provides for the determination of net tax capacity of a district upon change in property tax status. Specifies a formula for determining the original net tax capacity of properties with demolished substandard buildings. Modifies assessment agreement provisions. Clarifies the termination date and allows minimum market values to be fixed or to increase or decrease in later years from the initial minimum market value. Clarifies penalty provisions. Creates effective date presumptions. Modifies Minneapolis neighborhood revitalization program money expenditure restrictions. Extends the application of provisions of the Tax Increment Financing Law for the city of Moorhead. Provides for the computation of the original net tax capacity of a district in the city of Fergus Falls. Extends the exemption from pooling restrictions and the five year rule for Cook County. Extends the duration of a tax increment financing district in the city of Dawson.

**Article XI — Mining taxes. Includes mining taxes under tax administration and compliance provisions.** Defines mining company. Requires mining companies to file annual returns signed by designated persons. Changes the annual filing date. Provides for alternative minimum tax carryover and factors credits. Clarifies the definition of person for tax purposes. Modifies reporting requirements of persons subject to the tax on taconite and iron sulphides. Repeals several existing mining tax determination, payment, reporting and penalty provisions.

**Article XII - Property tax administrative and technical.** Clarifies the formula for the local pest control property tax levy. Changes the term “net tax capacity” to “market value” in a provision relating to the commissioner of revenue raising and lowering of values. Allows the Board of Equalization to issue equalization orders to ensure county consistency of local and county equalization board results with state objectives. Authorizes and provides for amendatory orders. Changes the dates for conversion of property to exempt or taxable uses. Expands exemption statement filing requirements. Clarifies a tax lien attachment provision. Specifies a deadline for certification of ordinances in cities with land divided into rural and urban service districts for tax purposes. Defines agricultural products for green acres purposes. Removes the homestead and agricultural credit from the definition of homestead benefits under a homestead determination provision and increases the penalty for falsely claiming more than one homestead. Modifies HACA and disparity reduction aid provisions. Specifies a date for the first one half payment of disparity reduction aid. Authorizes escrow agents to file to receive notice of

delinquent taxes. Clarifies the exemption of manufactured homes from a delinquent property tax provision. Provides for the determination and payment of delinquent property taxes on improvements to leaseholds. Requires a copy of petitions for determination of assessment validity to be sent to the county assessor for forwarding purposes. Modifies the calculation of discrimination relief based on sales ratio studies. Authorizes county board delegation to the county treasurer of the power to abate penalties for late payment of taxes in the current year. Requires delinquent real estate tax notices published and mailed by county auditors to be in the form prescribed by the commissioner. Clarifies a provision relating to town or city requests to withhold tax forfeited lands from public sale. Increases the fee for issuing new deeds to replace lost or destroyed unrecorded deeds conveying tax forfeited lands. Authorizes county board abatement of penalties for taxes paid within 30 days of the due date. Requires county treasurer approval of applications for reduction or abatement of penalties in lieu of the county or city assessor. Requires copies of annexation or detachment orders to be delivered by the executive director of the municipal board to the appropriate county auditors. Provides an annexation or detachment effective date for tax purposes. Changes the deadline for commissioner certification of local government aid amounts. Extends the deadline for the taxing authority to split taxes payable on condominium property. Modifies resolution adoption deadlines for the cities of Bayport, Windom, Rosemount and St. Peter and for Goodhue County for reverse referendum purposes. Clarifies the effective date of municipal aid and HACA reduction provisions.

**Article XIII — Fire aid. Modifies the apportionment of fire state aid to cities and firefighter relief associations.** Imposes a penalty for late filing of police and fire state aid certifications. Expands the definition of the base used to calculate fire aid to include extended coverage insurance. Bases the total amount for apportionment of fire state aid on the amount of premium taxes paid to the state after subtracting state auditor costs. Modifies the fire aid formula and eliminates the distribution to counties. Changes the term “net tax capacity” to “market value” for distribution calculation purposes.

**Article XIV — Local government service sharing and combination incentives.** Establishes a program, of grants to cities, counties and towns to pay start up costs of providing shared services or functions. Specifies eligibility and plan requirements. Provides for the amount and awarding of the grants. Prescribing procedures for cooperation of services and later combination of local government units. Specifies cooperation and combination plan requirements. Requires approval of the commissioner of trade and economic development. Specifies referendum and plat requirements. Provides for outstanding debt service for bonds and for aid. Appropriates money for the grants — LINE ITEM VETOED.

**Article XV — Delinquent taxes on personal property.** Provides for the collection of delinquent personal property taxes. Imposes manufactured home financing and delinquent property tax escrow requirements. Provides a two payment option for manufactured home taxes exceeding \$50. Creates a lien on real and personal property for taxes assessed and collectible on personal property or manufactured homes. Provides for filing and enforcement. Specifies exemptions. Requires and provides for notice to the county treasurer of mortgage foreclosure or termination of contract of sale after lien filing. Provides for lien search fees. Specifies and provides for the delinquent tax collection authority of county treasurers. Provides for notice and demand for payment, property seizure and the manner of execution and sale. Provides for release of seized property upon posting of a surety bond. Authorizes court injunction to prohibit levy or sale if it would irreparably injure rights in the property that are superior to the rights of the taxing districts. Specifies personal liability and imposes penalties for refusal to surrender property. Provides for equitable relief. Authorizes and provides for levy and sale by sheriffs. Provides for priority, effect and notice of levy. Provides for the adjustment of tax liability if the amount of tax determined is greater or less than the corrected tax computed by applying the proper value and levy rate. Provides for confession of judgement for and payment of delinquent personal property taxes on

manufactured homes classified and taxed as homesteads. Authorizes and provides for the county treasurer to cancel uncollectible taxes if satisfied that the tax cannot be collected or that collection costs are excessive comparison to the amount of tax. Requires the Dept. of Revenue to study the issue of taxation of manufactured homes and report recommendations to the Legislature.

**Article XVI — Collections.** Requires vendors to submit federal taxpayer identification numbers to state agencies. Authorizes the commissioner of revenue to take legal actions to enforce judgments. Authorizes the commencement of legal actions in District Court. Specifies the priority of tax lien notices over security interest under the Uniform Commercial Code. Specifies conditions. Specifies the interest rate on the redemption of real estate after sale. Authorizes the commissioner to prepare a commissioner-filed return or issue an order assessing the unreported tax when a taxpayer fails to file a return. Authorizes agreements between taxpayers and the commissioner for tax collection periods extension. Prescribes a penalty for promoting abusive tax shelters. Reinstates the jeopardy assessments provision for withholding taxes. Repeals the delinquent tax validity presumption and a penalty for intentional disregard of sales tax law or rules.

**Article XVII — Electronic funds transfers.** Requires and provides for payment of estimated hazardous waste generator or corporate franchise taxes, entertainer, out of state contractor, partnership or small business corporation withheld taxes, vendor sales taxes and gasoline, cigarette and tobacco, liquor and gambling taxes and metropolitan solid waste landfill fees by electronic funds transfer.

**Article XVIII — Uniform recording of state and federal tax liens.** Provides for the filing of unemployment compensation and other tax liens, lien renewal and lien release notices with the county recorder or secretary of state by mail, by personal delivery or by electronic transmission by the commissioner of jobs and training or the commissioner of revenue into the computerized filing system. Specifies filing officer duties. Requires tax lien notice filing and indexing in conformity with federal procedures. Provides for the payment of lien recording fees. Specifies commissioner of revenue recordkeeping requirements. Specifies a time limit on lien searches. Modifies procedures for the filing of liens under the federal Lien Registration Act. Provides for computerized filing of tax liens and notices. Provides for access to the computerized filing system of the secretary of state under the Uniform Commercial Code by the Dept. of Revenue, the Dept. of Jobs and Training and the Internal Revenue Service. Exempts tax lien notices from some information entering requirements. Exempts the secretary of state and county recorders from liability for losses or damages resulting from errors or omissions in the electronic transmission of tax lien notices. Modifies lien destruction time limits. Provides for the encumbrancing of real estate titles for state tax liens.

**Article XIX — Ambulance and emergency service personnel.** Establishes the ambulance service personnel incentive program under the Public Employees Defined Contribution Plan to be administered by the Public Employees Retirement Association (PERA). Provides for coverage of ambulance attendants, ambulance drivers and ambulance service medical directors earning less than \$3,000 per year. Creates the emergency medical services personnel account in the general fund for the program. Imposes a surtax on drivers licenses for deposit in the account. Requires PERA to provide information to ambulance attendants, drivers and medical directors relating to the program and eligibility. Requires information preparation assistance from the commissioner of health and the executive director of the State Board of Investment. Specifies program eligibility requirements and provides for the determination of allocations. Provides for election of coverage, funding of the plan, vesting and the investment of funds. Specifies ambulance services reporting requirements. Provides for a penalty for late reports. Specifies requirements for tax exempt status and requires compliance with federal Employee Retirement Income Security Act requirements for program implementation purposes. Requires PERA executive director reports to the Legislature. Requires PERA rules or policies.

**Article XX — Reverse Mortgages.** Imposes the mortgage registry

tax on reverse mortgages. Specifies that in the case of reverse mortgages made as part of the Housing and Community Development Act of 1987 and administered by the Dept. of Housing and Urban Development, mortgage registry tax must not be assessed on Federal Housing Administration mortgage insurance premiums, monthly lender service fees, or payments to be distributed to the borrower by HUD.

**Article XXI — Miscellaneous.** Exempts revenue notices and tax information bulletins from rulemaking procedures under the Administrative Procedure Act. Reduces the required balance in the budget and cash flow reserve account. Allows vertically expanded landfills to continue to qualify under financial responsibility rules for existing landfills. Specifies a duration limit. Grants state archives employees access to records classified as private or nonpublic under the tax information disclosure statutes. Requires and provides for the Economic Opportunity Office of the Dept. of Jobs and Training to distribute funds to qualifying food banks. Authorizes and provides for commissioner of revenue interpretive revenue notices. Authorizes the commissioner to issue tax information bulletins. Defines tax information bulletin. Increases the frequency of preparation of the tax expenditure budget. Authorizes the commissioner to disclose taxpayer identity information to be used within the Dept. of Finance and the University of Minnesota for vendor setoff purposes. Exempts permanent school fund land exchange deeds or conveyances from the deed tax. Extends the filing date for real estate tax petitions for members of the military. Includes tax return transmitters under disclosure restrictions. Provides for additional allocations for tax reductions to border city enterprise zones. Modifies the authorized use of taxable bonds issued under municipal housing programs. Authorizes and provides for the city of Rosemount to establish a port authority. Authorizes the cities of Minneapolis and St. Paul to issue housing bonds without voter approval. Excludes the bonds from net debt. Authorizes Pennington County and the city of Thief River Falls to construct, finance and own student housing in the county or city. Validates the sale of general obligation school bonds in ISD #625, St. Paul. Authorizes and provides for the city of Stillwater to issue general obligation promissory notes to finance the payment of delinquent ad valorem taxes, interest and penalties and to conduct a reassessment relating to special assessments, ad valorem taxes, interest and penalties on specific property. Appropriates money to the commissioner of revenue for income tax samples preparation and for the administration of programs. Appropriates money to the Dept. of Jobs and Training for the food banks program. Appropriates money to the commissioner of trade and economic development for the additional enterprise zone allocations. Effective date: Various dates. OGREN, JOHNSON, D.J.

#### **Bonding provisions**

**Chap. 342-S.F. 1179** Provides conditions and requirements for the issuance of public debt and for the financial obligations of local government units. Requires the commissioner of finance to prepare a capital projects debt capacity forecast for submission by the governor to the Legislature. Specifies forecast content requirements. Makes the capital expenditure recommendations a separate part of the budget of the governor. Specifies detailed capital budget content requirements. Requires the commissioner to prepare facilities notes on the included capital projects. Requires the commissioner of administration to review state agency requests for state buildings and assist agencies in preparing adequate plans for use in presenting capital budget requests. Requires a study and report to the Legislature on ways to increase efficiency in the management of space. Eliminates some conditions on the sale of county waste management bonds. Changes the deadline for city clerk annual certification of special assessment rolls to the county auditor. Authorizes county, city or hospital district investment or deposit of hospital financing bonds payable from rental payments under lease agreements entered into pursuant to law in any manner and upon any terms and conditions agreed to by the lessee under the lease agreement. Authorizes cities to provide housing program and development financial services for housing financed or assisted under a city housing

program. Specifies authorized services and city powers. Authorizes joint powers agreements or contracts among housing and redevelopment authorities, port authorities or joint powers boards. Authorizes and provides for the issuance of bonds. Clarifies the liability of housing and redevelopment authorities and specifies the liability of port and economic development authorities in contract or in tort. Clarifies a municipal industrial development refunding bonds interest rate provision. Authorizes counties to issue indebtedness funding or refunding bonds. Exempts obligations determined by the governing body to be sold by private negotiation from public sale requirements under specific conditions. Authorizes the investment of debt service fund balances in certificates of deposit secured by letters of credit issued by federal home loan banks and in general or revenue obligations of any agency or authority of the state except the Housing Finance Agency. Authorizes the issuance of refunding bonds before the due date for the issuance of obligations bearing a fixed interest rate in the case of obligations bearing a varying interest rate. Validates a sale of general obligation school bonds by ISD #625, St. Paul. Exempts construction loans on publicly owned low income or senior multifamily housing projects in Anoka, Washington, and Dakota Counties from the mortgage registry tax. Specifies an exception. Effective date: Various dates. POGEMILLER, REST.

## Transportation

### Intersection service signs

**Chap. 16-S.F. 262** Authorizes the use of specific service signs at intersections of trunk highways with interstate highways or controlled access roads. Eliminates the requirement for prior approval of the Federal Highway Administration for the erection of signs at the intersection of two trunk highways. Provides for additional specific service signs in rural areas when the place of business warranting the sign is an equal distance from two or more trunk highways. Effective date: August 1, 1991. REDING, VICKERMAN.

### Metro airports deadline

**Chap. 21-H.F. 68** Extends the deadline for adoption by the Metropolitan Airports Commission (MAC) of the long term comprehensive plan for the Minneapolis/St. Paul International Airport until January 1, 1992. Effective date: August 1, 1991. LANGSETH, LIEDER.

### Railroad land abutments

**Chap. 83-S.F. 593** Authorizes railroad companies to require reimbursements from abutting landowners of costs for maintenance and repair of crossings and drains initiated by the landowners and agreed to in advance by the railroad company. Requires the companies to ensure and allow access over railroad rights-of-way to adjoining properties. Effective date: May 15, 1991. OLSON, SMITH.

### Duluth Transit Authority

**Chap. 102-H.F. 192** Continuing the authority of the Duluth Transit Authority to transport secondary students to or from school under an agreement with Independent School District #709, Duluth. Effective date: May 18, 1991. JAROS, SOLON.

### Itasca County roads

**Chap. 111-H.F. 87** Authorizes and provides for the Itasca County Board or town boards within the county to locate, establish and record public roads, cartways or highways less than four rods in width. Sunsets on December 31, 1995. Effective date: August 1, 1991. SOLBERG, LESSARD.

### Tow truck definition

**Chap. 112-H.F. 466** Changes the definition of "wrecker" to "tow truck" or "towing vehicle" for traffic regulations purposes and

includes in the definition additional towing vehicles. Authorizes the use of red lights on motor vehicles of emergency medical first responders or ambulance crew members. Requires tow trucks or towing vehicles to be equipped with flashing or intermittent red and amber lights. Specifies authorized uses. Exempts tow trucks or towing vehicles from highway weight limits. Effective date: August 1, 1991. BAUERLY, DAVIS.

### Motor vehicle registration prohibition

**Chap. 124-H.F. 934** Prohibits the registration of motor vehicles with salvage certificate of title. Effective date: August 1, 1991. JOHNSON, A., NEUVILLE.

### Public transit handicapped accessibility

**Chap. 163-S.F. 132** Provides for wheelchair securement devices in large transit vehicles (buses) that allow engagement or release by the user or an assistant. Requires the commissioner of public safety to adopt rules setting standards for the operation, strength and use of the device. Requires state patrol inspection. Effective date: August 1, 1991. JOHNSON, J.B., MARIANI.

### Commercial motor vehicles

**Chap. 174-H.F. 267** Exempts motor vehicles under 26,000 pounds carrying less than 200 gallons of petroleum products or liquid fertilizers or pesticides in bulk tanks from annual inspection and hazardous materials drivers license endorsement requirements. Defines storage semitrailer for inspection purposes. Permits proof of compliance with federal motor vehicle inspection requirements for vehicles in interstate commerce in lieu of displaying the state safety inspection decal. Modifies an inspector training requirement. Reduces the minimum size of fleets of commercial vehicles permitted to conduct self inspections. Extends the certification period. Authorizes the commissioner of public safety to charge a certificate issuance and renewal fee. Specifies limit. Requires inspection standards adopted by the commissioner to comply with federal regulations. Requires the commissioner to issue separate categories of inspector certificates based on specific classifications. Increases the inspection report owner retention duration requirement. Requires and provides for the issuance of commercial vehicle inspection decals to farm trucks and storage semitrailers. Provides for commissioner issuance of certificates of compliance with federal inspection requirements. Reduces the minimum monetary damages limit in accidents involving commercial motor vehicles for postcrash inspection reporting purposes. Delays the effective date of the requirement for commercial motor vehicles to display inspection decals. Provides a further delay for farm trucks. Effective date: Various dates. KALIS, BECKMAN.

### Seat belt fines

**Chap. 204-H.F. 628** Increases the fine for seat belt use violations to \$25. Requires a percentage of money in the emergency medical services relief account to be distributed to the commissioner of public safety for the expenses of traffic safety education programs conducted by state patrol troopers. Authorizes credit card payment of speeding violation fines by out of state residents. Requires the commissioner to implement rules. Effective date: August 1, 1991. BROWN, FRANK.

### Richfield road provision

**Chap. 210-S.F. 1238** Authorizes and provides for the city of Richfield and the commissioner of transportation to enter into a contract for the advancement of money to the commissioner to expedite the construction of a specific remote frontage road in the city. Requires and provides for commissioner repayment and application of the repaid amounts. Authorizes the city to issue bonds without an election. Specifies limit. Effective date: Local approval. RIVENESS, GARCIA.

### Special highway designation

**Chap. 248-H.F. 126** Designates portions of Trunk Highway #371

and Trunk Highway #2 from Little Falls through Cass Lake to Bemidji as the Paul Bunyan Expressway. Requires the commissioner of transportation to erect the appropriate signs. Effective date: August 1, 1991. JOHNSON, R., SAMUELSON.

#### **Special designation provisions**

**Chap. 274-H.F. 99** Designates Trunk Highway #61 and the roadside rest area at Lake City as the Disabled American Veterans Highway and rest area. Requires the commissioner of transportation to erect the appropriate signs. Authorizes the issuance of special motor vehicle license plates to retired members of the Minnesota National Guard. Defines retired member. Authorizes and provides for the issuance of special motor vehicle license plates to members of the United States Armed Forces Ready Reserve and specifies a fee. Requires the commissioner of veterans affairs to design the plates subject to the approval of the motor vehicle registrar. Specifies restrictions. Requires crediting of fees collected to the highway user tax distribution fund. Authorizes registrar rules. Authorizes and provides for special motor vehicle license plates for Persian Gulf war veterans. Effective date: June 2, 1991. PELOWSKI, MORSE.

#### **School bus safety regulations**

**Chap. 277-H.F. 244** Regulates traffic safety concerning school buses and the safety of school children. Specifies school bus types for traffic regulations purposes. Recodifies and clarifies provisions relating to school bus identification, signals, safety of school children, bus driver and motor vehicle driver duties and other buses. Authorizes optional markings on school buses. Requires commissioner of education rules. Authorizes local ordinances requiring school buses to activate stop signal arms and flashing red signals at additional locations. Specifies sign requirement. Imposes a penalty for violations by school bus drivers and increases the penalties for school bus violations by other motor vehicle drivers. Provides for prosecution. Provides an evidentiary rebuttable presumption relating to operational signals. Specifies case scheduling requirements. Requires the Board of Education to ensure local authorities cooperation with law enforcement and judicial authorities in reporting and prosecuting violators. Requires board compilation of information regarding violations, prosecutions, convictions and penalties. Authorizes rules and requires an annual report to the Legislature. Requires the Board of Peace Officer Standards and Training to include instruction in the professional peace officer education program. Requires the commissioner of public safety and the State Board of Education to adopt rules requiring thorough instruction in the safety of school children and school buses for driver training and education programs purposes. Specifies instruction requirements. Authorizes the equipping of vehicles used to transport students under the Head Start Program as school buses. Requires state patrol enforcement of school bus operation rules. Requires the commissioner of public safety, in consultation with the commissioners of jobs and training and education and other affected parties, to study the application of school bus requirements to Head Start vehicles and drivers and report to the Legislature by February 1, 1992. Effective date: Various dates. MURPHY, LUTHER.

#### **Town and county allocations**

**Chap. 278-H.F. 106** Requires payment of amounts apportioned and allocated to counties from the town road account in sufficient time to allow distribution to towns by March 1, annually. Effective date: August 1, 1991. DAUNER, LANGSETH.

#### **Limousine provisions**

**Chap. 284-S.F. 1152** Authorizes the registrar of motor vehicles to prorate the original registration on groups of passenger motor vehicles of licensed motor vehicle lessors. Provides that the month of expiration is to be designated by the applicant at the time of registration. Requires application at the registrar in St. Paul or at deputy registrar offices designated by the registrar. Regulates limousine service. Redefines limousine for motor vehicle registration purposes. Requires limousine license plates to be specially marked with the letters LM. Requires insurance of not less than \$100,000 for property damage. Removes the exemption from motor vehicle carrier

regulations for persons providing limousine service. Defines limousine service for operation regulation purposes. Requires a permit and decal from the commissioner of transportation. Requires adoption of rules. Specifies commissioner enforcement and penalty assessment authority. Requires permit suspension for failure to maintain required insurance. Provides for appeal. Sets annual permit and decal fees. Requires deposit of fees in the trunk highway fund. Effective date: Various dates. KALIS, DECRAMER.

#### **Omnibus transportation provisions**

##### **Chap. 298-S.F. 598 Article I — Transportation planning.**

Establishes state transportation system goals. Requires the commissioner of transportation to periodically revise the state transportation plan to incorporate the goals and provide for corresponding objectives, policies and strategies.

**Article II — Railroad crossings.** Requires the commissioner of transportation to study railroad highway grade crossing safety and improvement. Specifies content requirements. Requires a report to the governor and Legislature by February 1, 1992. Clarifies the requirement to stop and remain stopped at railroad crossings. Authorizes peace officers to arrest persons for probable cause for safety violations at railroad crossings within four hours of the violation. Specifies penalties. Requires driver education courses approved by the commissioners of education and public safety to include instruction on railroad highway grade crossing safety. Requires the commissioners to establish minimum standards of course content. Requires the commissioner of public safety to include a section relating to safe operation of vehicles at railroad crossings in the drivers manual. Requires the commissioner of transportation to, by December 31, 1993, establish minimum safety standards at private railroad grade crossings and for visibility at public and private crossings. Requires railroad companies, road authorities or abutting property owners to control dangerous obstructions at public or private grade crossings. Specifies penalty for violation. Authorizes the commissioner to approve adequate crossing safety devices or improvements.

**Article III — Port development assistance.** Establishes the port development assistance program to be administered by the commissioner of transportation to assist in funding water transportation systems access or improvement projects. Specifies authorized projects and funding restrictions. Requires agreements between the commissioner and recipients specifying project costs. Specifies agreement liability insurance, performance and payment bond and repayment requirements. Authorizes the commissioner to adopt application rules. Establishes a port development revolving fund for deposit of receipts.

**Article IV — Local highways.** Limits permit application and field inspection fees charged to towns in connection with the construction or alteration of town roads, bridges or culverts. Prohibits changes affecting wildlife habitat or aesthetic characteristics of park roads or adjacent vegetation or terrain. Exempts road authorities from liability for injury resulting from park road design. Allows park authorities to request variances from state aid highway or street system engineering standards and allows local government units to establish speed limits on park roads. Authorizes and provides for road authorities to designate roads or highways as rustic roads. Defines rustic road. Authorizes road authorities to enter into agreements with the commissioner of transportation to make advances from available funds to the commissioner to expedite construction of trunk highways or streets. Specifies limits. Specifies commissioner repayment requirement. Requires rules establishing minimum construction standards. Specifies sign posting requirements. Specifies state and county liability exemption. Provides for designation. Requires counties proposing highway projects to notify abutting property owners. Specifies public meeting requirement. Authorizes the commissioner to adopt rules to provide a procedure to grant variances from rules governing the transportation of hazardous materials for cargo tanks with a capacity of 3,000 gallons or less that transport gasoline in intrastate commerce. Requires the commissioner to establish inspection, testing and registration requirements to ensure the safety of the cargo tanks. Requires the commissioner to

seek federal funding to establish facilities for bicycle transportation.

**Article V — Transportation funding.** Creates a transportation services fund. Specifies authorized uses. Increases advertising permit fees. Specifies the percentage of unrefunded gasoline tax revenue attributable to use on forest roads. Apportions traffic and motor vehicle law violation fines and forfeited bail money between the transportation services and trunk highway funds. Authorizes the use of local key bridge construction and reconstruction grants to pay the cost of constructing water retention structures replacing existing deficient bridges and included in county comprehensive water plans approved by the Board of Water and Soil Resources and the Dept. of Natural Resources. Appropriates money to the Dept. of Transportation for the railroad crossing protection study and inventory and to develop public education programs. Appropriates money to the Transportation Study Board — LINE ITEM VETOED.

**Article VI — Deleted.**

**Article VII — Metropolitan transportation.** Defines special transportation service for drivers license classification purposes. Provides for a special transportation service endorsement and specifies qualifications of special transportation service vehicle drivers. Requires the commissioner of public safety to adopt rules prescribing procedures for issuance of special transportation service vehicle permits and endorsements. Requires criminal records checks of applicants. Specifies disqualification for prior conviction. Modifies Regional Transit Board (RTB) membership requirements. Requires the RTB, regional rail authorities and the commissioner of transportation to jointly prepare applications for federal assistance for Light Rail Transit (LRT) facilities in the Metropolitan Area. Requires Metropolitan Council approval. Requires the formation of a Light Rail Transit Joint Powers Board to implement LRT final design and to implement construction of the corridors. Specifies membership requirements. Requires a study of the feasibility of the consolidating and coordinating Metro Mobility service trips with service department Medical Assistance service trips in the Metropolitan Area. Requires the commissioner of human services and the chair of the RTB to jointly submit a report and recommendations to the Legislature.

**Article VIII — Transportation studies.** Requires the commissioner of transportation to conduct research activities relating to transportation systems construction and improvement. Requires the commissioner to conduct research activities relating to transportation policies, education and outreach. Requires the Center for Transportation Studies of the University of Minnesota to establish a Technology Transfer and Training Center for transportation professionals. Requires the commissioner to study and report to the governor and the Legislature on the feasibility of establishing a comprehensive system of multilane divided highways connecting regional centers with the Metropolitan Area. Specifies study requirements. Extends the life of the Transportation Study Board. Specifies membership requirements and duties. Requires studies and reports to the Legislature by January 1, 1993, on the highway planning process, highway jurisdiction, LRT state aid distribution, local participation in trunk highway projects and the increased use of high occupancy vehicles. Requires the board and the Legislature to study the use and effect of methods to finance local transportation improvements. Effective date: Various dates. LANGSETH, KALIS.

#### **Handicapped parking provisions**

**Chap. 301-S.F. 765** Provides for special license plates for motorcycles of physically disabled persons. Eliminates the requirement to impound motor vehicle registration certificates when a person's driving privileges are suspended, revoked or cancelled. Clarifies provisions regulating parking privileges for physically disabled persons. Allows handicapped metered parking without time restrictions unless time restrictions are separately posted on official signs. Provides for reciprocal privileges relating to disabled parking certificates or license plates issued by foreign countries. Clarifies physically disabled parking sign requirements. Requires signs sold after August 1, 1991, to conform to design standards that incorporate the international symbol of access in white on blue and indicate that

violators are subject to a fine of up to \$200. Clarifies the applicability of signs not meeting the standards. Authorizes tinted windshields for medical needs of the driver or passenger if the driver or passenger is in possession of a prescription or a physicians statement of medical need. Makes technical corrections. Effective date: Various dates. MARTY, LYNCH.

#### **Miscellaneous motor vehicle provisions**

**Chap. 333-S.F. 208** Provides for personalized license plates for classic, pioneer, collector and street rod motor vehicles and classic motorcycles. Prohibits transfer of the plates to ineligible vehicles. Provides for seven year in transit license plates with annual tabs or stickers for motor vehicle dealers. Clarifies and modifies the definition of commercial motor vehicle and defines hazardous materials for traffic regulation and drivers license classification purposes. Changes an alcohol problem assessment requirement to a chemical use assessment requirement under a provision relating to driving while under the influence of alcohol or controlled substance. Clarifies the procedure for review of drivers license revocation or disqualification under the DWI Implied Consent Law. Specifies rear end bumper or underride guard requirements for truck tractors and semitrailer combinations. Allows coupler equipment to be excluded from computing the maximum allowable length of semitrailers or trailers used in three vehicle combinations. Provides an additional exception to the length limit on vehicle combinations. Limits or modifies the maximum weight allowed on pneumatic tired vehicles. Conforms state highway weight limits to federal requirements. Imposes a cost per mile fee in addition to the permit fee on overweight vehicles. Defines farm truck for drivers license classification purposes. Authorizes holders of limited drivers licenses to obtain or possess a Minnesota identification card. Modifies the towing restriction for holders of Class C drivers licenses. Exempts vehicles under 26,000 pound carrying less than 200 gallons of petroleum products and liquid fertilizer from the drivers license hazardous materials endorsement requirement. Restricts the exemption for drivers of motor vehicles owned by or leased to the federal government from the requirement to possess a commercial drivers license. Clarifies violations under the Implied Consent Law for commercial drivers license disqualification purposes. Prohibits the issuance of drivers licenses to persons with revoked licenses due to failure to provide proof of insurance without an examination. Provides for the issuance of limited licenses under specific conditions. Exempts the intrastate transportation of mortar mix to be used with concrete blocks or tile from motor carrier regulations. Adopts the North American Uniform Driver, Vehicle and Hazardous Materials Out of Service Criteria developed and adopted by the Federal Highway Administration and the Commercial Vehicle Safety Alliance for Motor Vehicle Carriers. Authorizes the commissioner of transportation to adopt rules to provide a procedure to grant variances from hazardous materials regulations for cargo tanks transporting gasoline in intrastate commerce. Requires the commissioner to establish inspection, testing and registration requirements to ensure the safety of the cargo tanks. Establishes the initial motor carrier contact program for initial contact for educational purposes between motor carriers and representatives of the Dept. of Transportation. Specifies program content and participation requirements. Sets a deadline for compliance. Authorizes and provides for the Transportation Regulation Board to issue temporary permits to motor carriers to operate as charter carriers. Effective date: Various dates. MEHRKENS, LASLEY.

#### **Miscellaneous Mn/DOT provisions**

**Chap. 339-H.F. 606** Increases the amount of uncollectible debts authorized to be cancelled by state departments and agencies. Authorizes uncollectible debts of a lesser amount to be cancelled by agency heads or an authorized representative without attorney general approval. Requires a certified list to the commissioner of finance for recordkeeping purposes. Extends the period of protection for Dept. of Transportation construction project estimates. Authorizes the commissioner of transportation to contract for debt collection services to collect legal indebtedness. Authorizes the commissioner to make direct expenditures from the county state aid highway



fund and the municipal state aid street fund for administrative expenses. Requires the commissioner to adopt rules governing the standards and locations for mailbox installations and supports on streets or highways. Specifies rule requirements. Declares nonconforming mailboxes a public nuisance, road hazard and danger to health and safety. Authorizes department or road authority removal or replacement at owner expense after notice. Specifies a cost limit and specifies notice requirements. Authorizes white strobe lamps on school bus and road maintenance vehicles. Specifies operation restrictions. Accelerates the date for payment of the annual permit fee for advertising devices along interstate highways without a penalty. Authorizes and provides for the commissioner to exchange state lands with the Grand Portage band of Chippewa Indians with Land Exchange Board approval. Substitutes Route #392 in the city of Fergus Falls for the existing Route #297 in the trunk highway system upon an agreement among the commissioner, the city and Otter Tail County. Adds Legislative Route #336 to the trunk highway system upon approval of a transfer of jurisdiction agreement by the commissioner and the Clay County Board. Repeals provisions relating to identification and selection of market arteries. Effective date: Various dates. JOHNSTON, BROWN.

#### **Town bridge funding**

**Chap. 351-S.F. 100** Authorizes the use of replacement funds from the county turnback account for the costs of town road culverts and roadway grading that replace deficient bridges and are included in county comprehensive water plans approved by the Board of Water and Soil Resources and the Dept. of Natural Resources. Provides for financial assistance from the town bridge account for town bridge approach construction work exceeding \$10,000. Requires county board request by resolution. Effective date: August 1, 1991. CHMIELEWSKI, STEENSMA.

## **Veterans and General Legislation**

#### **Land returned to veterans**

**Chap. 13-S.F. 393** Requires and provides for the commissioner of administration to convey legally described land to the Morrison County Disabled American Veterans. Effective date: March 28, 1991. SAMUELSON, WENZEL.

#### **Veterans Homes Board**

**Chap. 24-S.F. 611** Clarifies rulemaking authority of the Veterans Homes Board relating to administrative appeal. Requires the board to appoint an executive director and eliminates references to a deputy commissioner of veteran health care. Clarifies and modifies provisions relating to resident payment of overdue maintenance charges and requires a payment agreement. Transfers the authority to establish a veterans home in Silver Bay from the commissioner of veterans affairs to the board. Effective date: August 1, 1991. BERTRAM, FREDERICK.

#### **Military service related vacancies**

**Chap. 80-H.F. 479** Clarifies the filling of temporary vacancies in public offices due to military service by specifying that the vacancies may be filled during the period of absence or, if for a fixed term, until the expiration of the term. Effective date: August 1, 1991. KINKEL, FINN.

#### **Seized animals**

**Chap. 122-S.F. 355** Provides for the disposition of seized animals by seizing authorities. Clarifies a provision relating to court orders for veterinarians to accompany peace officers to locations of alleged violation of the prohibition on cruelty to animals. Authorizes the recovery of animal disposal costs. Extends the time limit for redemption and authorizes humane disposal after the redemption period. Authorizes persons claiming interest in seized animals to prevent disposition by posting a bond or sufficient security to provide

for the care of the animal for at least 30 days and prohibits disposal of the animal after the period of care only upon court order. Specifies seizing authority notice requirements. Effective date: May 21, 1991. POGEMILLER, SCHEID.

#### **Assistance for military families**

**Chap. 123-S.F. 460** Requires the commissioner of veterans affairs to assist dependent family members of military personnel called from reserve status to extended federal active duty during a time of war or national emergency through the state soldiers assistance fund. Changes the name of the "state soldiers welfare fund" to the "state soldiers assistance fund." Modifies county board procedures for the reappointment of county veterans service officers. Requires county veterans service officers to take and subscribe the oath required of public officials. Effective date: Various dates. BECKMAN, FREDERICK.

#### **Camp Ripley land acquisition**

**Chap. 139-H.F. 722** Clarifies a provision relating to the availability of money appropriated for land acquisition or management at Camp Ripley. Effective date: July 1, 1991. WALTMAN, JOHNSTON.

#### **Mississippi Headwaters Veterans Cemetery**

**Chap. 158-H.F. 1509** Authorizes the use of Mississippi headwaters shorelands for a veterans cemetery that meets specified conditions. Effective date: August 1, 1991. WENZEL, SAMUELSON.

#### **Rental of veterans facilities**

**Chap. 186-H.F. 609** Authorizes the veterans homes board to rent surplus facilities, staff and other resources to veterans organizations or public or private social service, educational or rehabilitation agencies or organizations and clients. Creates the veteran homes resources account in the special revenue fund for receipt of rental fees. Specifies authorized uses. Effective date: August 1, 1991. BOO, JOHNSON, J.B.

#### **Dangerous dog warning symbol**

**Chap. 195-S.F. 274** Requires counties issuing certificates of registration to owners of dangerous dogs to provide for posting on the property of the owners a copy of a warning symbol to inform children of the presence of a dangerous dog. Requires the commissioner of public safety to specify the design of the warning symbol after consultation with animal control professionals and to provide copies to counties at cost. Exempts the required rulemaking for the design specification process from the Administrative Procedure Act. Authorizes counties to charge registrants a reasonable fee to cover administrative costs and the cost of the symbol. Effective date: August 1, 1991. REICHGOTT, CARLSON.

#### **Persian Gulf War service ribbons**

**Chap. 293-H.F. 1044** Requires the adjutant general to issue state ribbons to Minnesota Army or Air National Guard members called to active duty to participate in the Persian Gulf War. Authorizes implementation rules. Provides for the issuance of certificate replicas to other reservists ordered to active duty. Authorizes and provides for the purchase of prior military service credit in the Teachers Retirement Association (TRA) by a teacher employed by Independent School District #833, South Washington County. Effective date: June 2, 1991. PRICE, BEARD.

#### **Veterans Home Board provisions**

**Chap. 324-H.F. 143** Removes limits on the use of a prior appropriation to the Veterans Home Board for specific projects. Authorizes the transfer of appropriations to cover project costs. Requires return of transferred appropriations if federal money is later received for a project to which state money was transferred in excess of the 35 percent state share. Requires the board to develop a long range plan for the veterans homes at Minneapolis and Hastings. Specifies plan requirements. Requires a report to the Legislature. Prohibits the Dept. of Health from reducing the licensed bed capacity for the Minneapolis Veterans Home until submission of the report. Requires the board to relocate residents and programs from Building 6 on the Minneapolis campus by October 1, 1991. Effective date: June 4, 1991. SAMUELSON, GREENFIELD.

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