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*1989
Session
Summary
with
Special Session

Minnesota
House
of
Representatives*

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1989
*16th Session
October 1989*



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1989
Session
Summary
with
Special Session

Minnesota
House
of
Representatives

76th Session
October 1989

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1989

Regular &

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The *Session Summary* reports on all bills and resolutions that both the House of Representatives and Senate passed in the 1989 Regular Session and the 1989 Special Session.

In the Regular Session, the House introduced 1,801 bills; the Senate introduced 1,665. Of these, 353 bills became law. The governor vetoed three entire bills and portions of a fourth (line item vetoes).

In the Special Session, the House introduced 25 bills; the Senate introduced six. Of these, two bills became law.

Each entry in the *Session Summary* includes a subject title, House and Senate File numbers with authors, a Chapter number as the new chapter appears in *Laws of Minnesota 1989*, a brief general summary of the bill, an enactment date, and in most cases, an effective date. Bill summaries are cross-referenced to other topics when appropriate. The phrase "former law" in the summaries refers to statutes prior to each chapter's effective date.

The **Summary** section lists all bills in alphabetical order by subject title under the alphabetical listing of major topic categories such as Agriculture, Banking, Commerce & Consumer Affairs, and others (see Contents). Summaries of Appropriations bills are at the end of the alphabetical listing.

Summaries of spending bills are **general overviews**; they don't include all details. Dollar figures above one million are rounded off to the nearest one hundred thousandth; those below one million are exact figures. A small "m" means **million**; a small "b" means **billion**. Where two dollar figures appear one after the other, the first is for the fiscal year ending June 30, 1990 (FY'90); the second is for the fiscal year ending June 30, 1991 (FY'91). "FY" means **fiscal year**.

The **Index** section lists bills the governor signed by title, Chapter, House File, and Senate File.

The **Appendix** section lists definitions of terms that are noted(†) in the bill summaries.

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

Key

*—Bill the House and Senate passed

†—See “Terms & Definitions”

CH—Chapter in *Laws of Minnesota 1989*

effective—each act takes effect at 12:01 a.m. on the day it becomes effective, unless the act specifies a different time. Examples:

—**Aug. 1, 1989**

Each act the governor signs into law, except those that make appropriations, takes effect on Aug. 1 following its final enactment, unless the act specifies a different date. (See *Minnesota Statutes* 645.02)

—**upon local approval**

A special law requiring approval from the local government unit it affects becomes effective the day after the local government unit’s governing body files a certificate of approval with the secretary of state, unless the act specifies a later date. (See *Minnesota Statutes* 645.021)

—**July 1, 1989**

An appropriation act, or an act having appropriation items, takes effect at the beginning of the first day of July following its final enactment, unless the act specifies a different date. (See *Minnesota Statutes* 645.02)

—**various dates**

Different parts of the bill have different effective dates (usually noted within the bill summary)

—**with exceptions**

Includes other effective dates.

—**with qualifications**

Adds conditions to the effective date.

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

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

HF—House File

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

R—Resolution

S—Special Session

SF—Senate File

V—vetoed

veto—the governor didn’t approve the bill

How long does the governor have to sign or veto a bill?

—Three days after the House and the Senate pass the bill (excluding Sundays) while the Legislature is in session. If the governor doesn’t sign or veto the bill within three days, it automatically becomes law.

—Fourteen days (including Sundays) after the Legislature has adjourned “sine die” to sign any bill the Legislature passed during the last three days of session. If the governor doesn’t sign or veto a bill within 14 days, it doesn’t become law (also known as a “pocket veto”).

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Itasca County—unorganized territory	295	1454*	1331	95
Martin County—county duties	121	1504	1258*	95
Olmsted County—conveyances	274	1482	1394*	95
Olmsted County—funding authorization	103	1131*	0941	95
Olmsted County—morgue requirement exemption	057	0553*	0500	95
Roseau County—hospital districts' bonds	238	1469	1239*	95
St. Louis County—budget regulations	240	1222	1101*	95
St. Louis County—tax-forfeited lands	135	0043*	0088	95
State lands—sales authorization	150	1668	1417*	95
Todd County—restaurant liquor license	265	1435*	1398	96
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Blaine—on-sale liquor license	105	1352*	1333	96
Dakota County—procedural changes	143	1115*	0998	96
Dakota, Washington counties—bonds	079	1351*	1138	96
Edina—transit system establishment	241	0007	0054*	97
Golden Valley, Plymouth—storm sewers	207	1540*	1396	97
Hennepin County—HRA board members	078	0819*	0714	97
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Minneapolis—government personnel appointments	054	0664*	0591	98
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Ramsey County—property for public library	145	0832*	0711	98
Regional Transit Board—bonding authority	283	1137*	1253	99
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St. Louis Park—HRA name change	080	1517*	1373	99
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Trunk Highway 249 turnback	169	0966*	0878	112

★ VETERANS & MILITARY

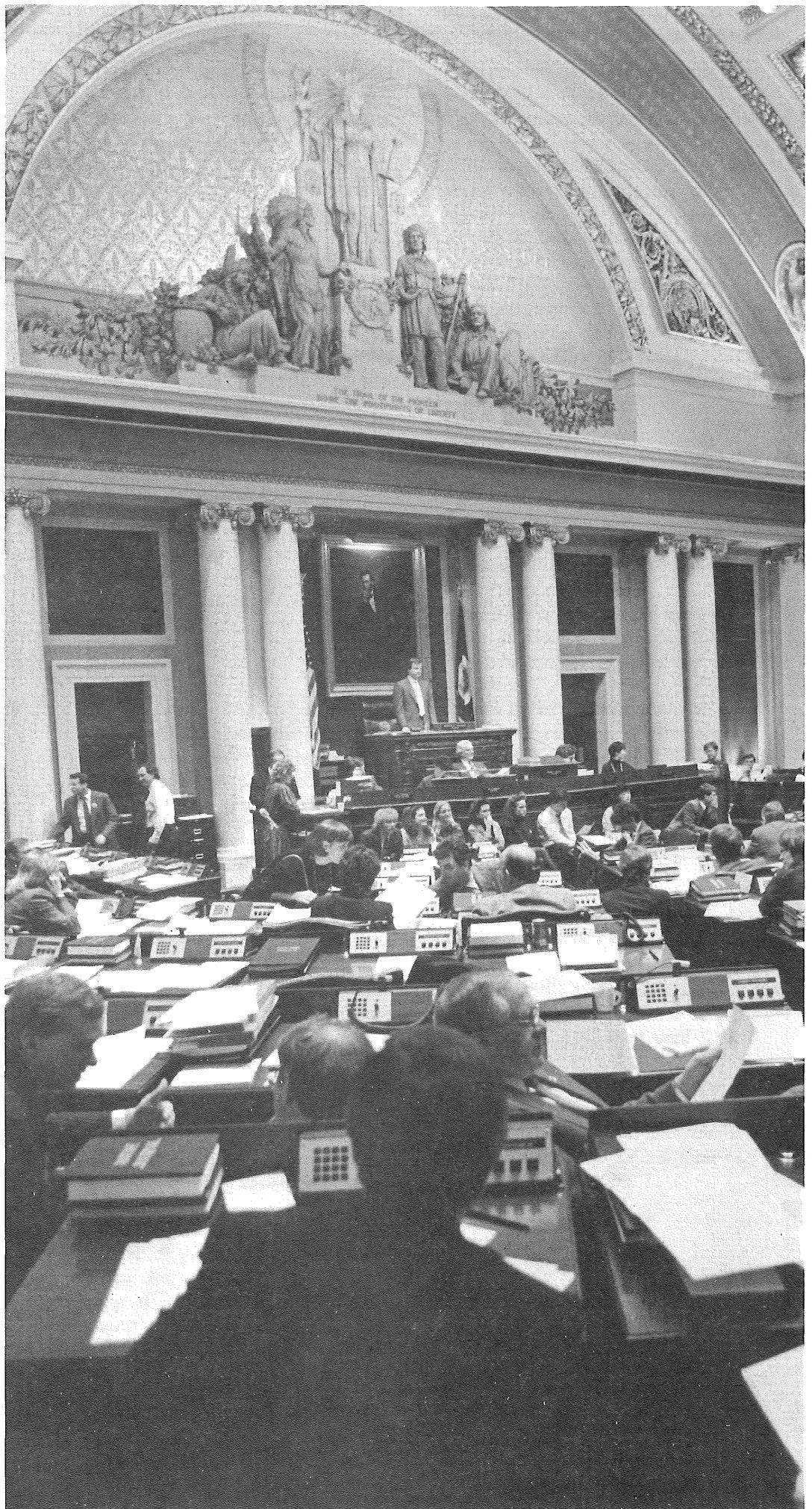
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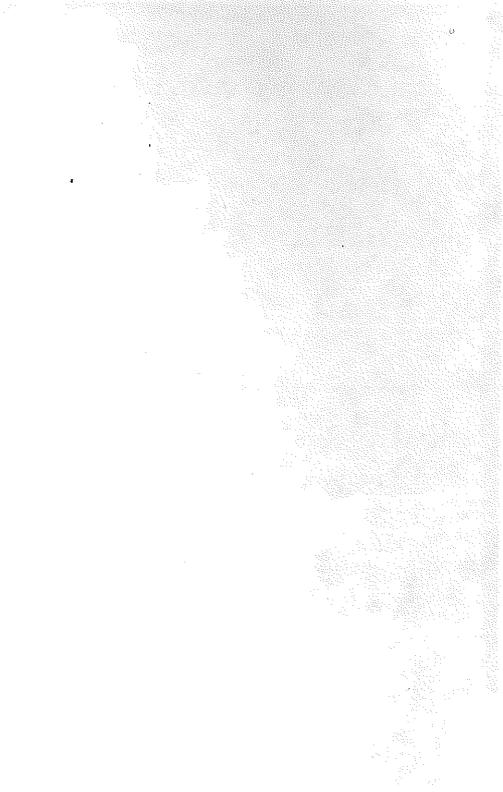
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1989 Laws

Members of the Minnesota House of Representatives met in the House Chamber from Jan. 3 to May 22 for the 1989 Regular Session.







AGRICULTURE

Agriculture, Transportation & Semi-State—omnibus bill

- See Appropriations

Agricultural land preservation law—changes

HF1023—Winter, Cooper, Frederick, Dauner, Steensma

SF0542*—Davis, Langseth, Morse, Adkins, D.R. Frederickson

Chapter 313: changes the agricultural land preservation law.

Provisions:

- change the amount of time the commissioner of agriculture and regional development commissions (RDCs) have to review and approve proposed county agricultural land preservation plans and implementation procedures:

—reduce from 90 days to 60 days the time allowed for the commissioner and the local RDC to review and submit written comments on a proposed plan;

—increase from 60 days to 90 days the time allowed for the county to implement the plan after it's approved;

—increase from 90 days to 120 days the time allowed for the county to implement any changes to the plan which the commissioner requires;

- require a local soil and water conservation district to send a copy of an application to create an agricultural preserve (formerly an application to create an exclusive agricultural use zone) and a legal description of the

property to the commissioner;

- require the commissioner to maintain agricultural preserve maps illustrating land designated as agricultural preserves;
- require local governments to maintain land within an agricultural preserve for agricultural production;
- allow for continuation of agricultural property tax law treatment;
- change the annual filing date from June 30 to Jan. 2 for owners who qualify for a property tax credit for land in an agricultural preserve;
- designate as an agricultural preserve certain contiguous† long-term agricultural land.

Enactment: June 1, 1989

Effective: Aug. 1, 1989

Agricultural societies—board members, officers

HF1339*—Simoneau, Jacobs, Frederick

SF1235—Dahl

Chapter 164: clarifies that county agricultural society board members and officers are not public officials, and that elected officials may serve on the board or as officers.

Enactment: May 19, 1989

Effective: Aug. 1, 1989

Agriculture—omnibus bill

HF0878*—Wenzel, Bauerly, C. Nelson, McDonald, Winter

SF1000—Davis, Samuelson, D.J. Frederickson, Vickerman, Morse

Chapter 350: provides for certain federal crop insurance payments, a community needs assessment model, certain task forces, agricultural promotion, checkoff rates, land transfers, certain boards, reforestation, preservation policy, grasshopper control, federal uniformity, soy-based ink, food coupons, weed control, certain studies, mediation and first refusal, motor fuel labeling, and wild rice labeling.

Article 1—Federal Crop Insurance

Provisions:

- include as crops eligible for partial payment of federal crop insurance: barley, corn, flax, oats, soybeans, sugar

beets, canning crops grown under contract, and wheat;

- outline conditions farmers must meet to receive a federal crop insurance reimbursement; set Sept. 1, 1989, as the deadline for farmers to apply for reimbursement;
- direct the commissioner of agriculture to make reimbursement payments by Dec. 1, 1989; provide that the reimbursement equals 20 percent of the total premium cost up to \$300;
- appropriate \$700,000 to the commissioner for premium reimbursements;
- effective July 1, 1989.

Article 2—Community Needs Assessment

Provisions:

- instruct the Rural Development Board (RDB) to choose an organization to develop and test a model for assessing rural communities' needs;
- direct the organization to test the model in a total of 15 communities, including one having fewer than 1,000 residents;
- direct the RDB to report on the model's development and implementation to the Legislature on Jan. 1, 1990 and Jan. 1, 1991;
- appropriate \$150,000 to the commissioner of trade and economic development for model development;
- effective July 1, 1989.

Article 3—Agricultural Data Collection Task Force

Provisions:

- reactivate the Agricultural Data Collection Task Force, which the 1985 Legislature created, until April 15, 1991;
- instruct the task force to report to the Legislature at the end of 1989 and 1990;
- appropriate \$30,000 to the commissioner of agriculture for task force use;
- effective July 1, 1989.

Article 4—Aquiculture

Provisions:

- increase the commissioner of agriculture's responsibilities to promote aquiculture;
- define "aquiculture" as cultivating plants and animals in water for harvest, including hydroponics and raising fish in fish farms;
- appropriate \$150,000 to the commissioner for aquiculture research,

demonstration, and promotion; add one staff position to the Department of Agriculture;

- effective July 1, 1989.

Article 5—Dairy Industry Checkoff Rate

Provisions:

- allow the maximum legal fraction of dairy promotion money collected from the Minnesota dairy producers to remain in Minnesota for local promotion;
- extend the reporting date of the Dairy Task Force to Feb. 1, 1990;
- transfer \$30,000 from the Unfair Trade Practices Account to the commissioner of agriculture for the task force;
- effective July 1, 1989.

Article 6—Land Transfers from Federal Agencies

Provisions:

- allow the Board of Water and Soil Resources to review any parcel of land which the federal government transfers to the state to determine if the land should be classified as “tillable” or “marginal”;
- effective July 1, 1989.

Article 7—Agricultural Utilization and Research Institute

Provisions:

- establish the Agricultural Utilization and Research Institute as a nonprofit corporation with a board of directors representing broad interests;
- direct the board of directors to set agricultural utilization research priorities and award grants;
- effective day after enactment.

Article 8—Community and Urban Reforestation

Provisions:

- authorize the Shade Tree Advisory Committee to report findings on the problems facing urban forests to the Legislature in January 1990;
- appropriate \$20,000 to the commissioner of agriculture for the study;
- effective day after enactment.

Article 9—Agricultural Interpretive Center

Provisions:

- endorse the concept of an interpretive center for agriculture;
- effective July 1, 1989.

Article 10—Grasshopper Control Program

Provisions:

- allow local governments to increase taxes to pay for emergency grasshopper control;
- authorize the commissioner of agriculture to implement both conventional and experimental programs for grasshopper control;
- appropriate \$75,000 to the commissioner for grasshopper control programs;
- effective day after enactment.

Article 11—Federal Uniformity

Provisions:

- update cross references in Minnesota laws to federal rules on concerns such as food additives, colors, and packaging;
- allow the commissioner of agriculture to review food handler building construction or remodeling plans and charge a fee for the review;
- effective day after enactment.

Article 12—Soy-Based Ink

Provisions:

- define “soy-based ink” as printing ink made from soy oil;
- require the state printer to use soy-based ink whenever economically possible;
- direct state agencies when contracting for printing jobs to specify soy-based ink when practical and economically feasible;
- effective July 1, 1989.

Article 13—Minnesota-Grown WIC Coupons

Provisions:

- instruct the commissioners of agriculture and health to select sites for distributing Minnesota-Grown coupons (redeemable for food identified with a Minnesota-Grown logo or labeling statement) to participants in the federal supplemental food program for women, infants, and children (WIC);
- appropriate \$125,000 to the commissioner of agriculture for the coupons;
- effective July 1, 1989.

Article 14—Noxious Weed Control

Provisions:

- allow town boards to suspend their noxious weed control programs during periods of drought if they harvest the

vegetation as hay;

- effective July 1, 1989.

Article 15—Cheese Marketing Study

Provisions:

- direct the commissioner of agriculture to:
 - conduct an investigation and economic analysis of the benefits of cheese marketing institutions and practices;
 - report to the Legislature by March 1, 1990;
- effective July 1, 1989.

Article 16—Mediation and First Refusal

Provisions:

- extend the effective date of farmer-lender mediation from July 1, 1989 to July 1, 1990;
- remove the escalator clause in the dollar value of farm machinery and implements that debtors can shelter from action in bankruptcy; set the limits at the current level of \$13 per debtor;
- effective July 1, 1989.

Article 17—Advisory Task Force on Farm Safety

Provisions:

- establish an 11-member task force to examine ways to minimize farm accidents and injuries;
- direct the task force to report to the Legislature by March 1, 1990;
- appropriate \$5,000 to the commissioner of agriculture for task force expenses;
- effective July 1, 1989.

Article 18—Motor Fuel Labeling

Provisions:

- remove an existing law requiring a “contains ethanol” label on pumps dispensing gasoline-alcohol blends;
- provide instead that new federal regulations on labeling of such blends apply in Minnesota;
- effective July 1, 1989.

Article 19—Wild Rice Labeling

Provisions:

- expand labeling and reporting standards for Minnesota wild rice producers, handlers, and dealers;
- repeal a portion of law on wild rice harvesting and processing;
- effective various dates.

Article 20—Other Appropriations

Total: \$2,847,000

State Board of Vocational Technical Education

Total: \$700,000

Includes:

- Vocational Technical Education Programs: \$700,000

Department of Agriculture

Total: \$1.0m

Includes:

- Seaway Port Authority of Duluth Bagged Grain Inspection Costs: \$70,000
- Improve Market Opportunities for Minnesota Products, add three staff positions: \$150,000
- Industry By-Product Soil Buffering Demonstration and Study: \$100,000
- Agriculture Land Preserve Program Administration, add one position: \$100,000
- Agricultural Contract Task Force: \$50,000
- Organic Certification Standards Program Grant: \$100,000
- University of Minnesota (U of M) Chemical Applicator Health Study: \$150,000
- Agricultural Information Centers (matching funds): \$200,000
- County and District Agriculture Societies: \$112,000

Department of Trade and Economic Development

Total: \$205,000

Includes:

- Feasibility Study of an Aerospace Exploratorium at Sherburn, Minnesota: \$10,000
- Barley Research and Promotion: \$20,000
- Ethanol Usage Promotion: \$75,000
- Farm Advocates Program: \$100,000

U of M

Total: \$385,000

Includes:

- Computerized Fertilizer Application Project: \$75,000
- Extension Service Research and Teaching Position on Small Ruminant (cud-chewing) Animals (matching funds): \$40,000
- Pseudorabies Research: \$175,000
- Bluegrass Seed Production Research, Seed and Turf Evaluation: \$45,000
- U of M-Crookston Campus Turf Seed Specialist: \$50,000

Board of Water and Soil Resources

Total: \$50,000

Includes:

- Kanaranzi-Little Rock Watershed District Implementation Grant: \$50,000

Board of Animal Health

Total: \$475,000

Includes:

- Pseudorabies Control Program

Continuation and Expansion:

\$175,000

- Minnesota Extension Service for Farmer-Lender Mediation Costs: \$300,000

- article effective July 1, 1989.

Enactment: June 2, 1989

Effective: various dates

Cooperative associations—voting rights

HF0774*—E. Olson, Uphus, Sparby, Steensma, Winter

SF0676—DeCramer,

D.J. Frederickson, D.R. Frederickson

Chapter 133: allows equity-based voting rights in certain cooperative associations.

Enactment: May 15, 1989

Effective: Aug. 1, 1989



Jacelyn Hoffarth, Minneapolis, a member of Minnesota Citizens Acting Together (COACT), lost the front half of the cow (Pete Ranum, Manhattan Beach Point) as it moved to center stage at the Capitol last April. The pair supported a bill that would prohibit farmers from using bGH, a genetically-engineered hormone, to increase dairy cows' milk production.

**Cultured dairy food—
manufacturing regulation**

HF1175—Bauerly, Wenzel, Bertram,
Sparby, Dille
SF0583*—Bertram

Chapter 123: regulates the manufac-
ture of cultured dairy food and requires
pasteurization for certain dairy
products.

Provisions:

- define “cultured dairy food” as a dairy product other than a grade A cultured dairy product;
- prohibit Minnesota farmstead cheese manufacturers from using milk that is more than 48 hours old;
- require all facilities making Minnesota farmstead cheese and those making up to 70,000 pounds of cultured dairy food per year to pasteurize.

Enactment: May 15, 1989

Effective: Aug. 1, 1989 with
qualifications

**Dept. of Finance—
changes, clarifications**

- See Governmental Operations

**Ethyl alcohol—
producer payments**

HF0415*—Sviggum, Wenzel
SF0328—Mehrkens, Morse,
D.J. Frederickson, Bernhagen

Chapter 257: clarifies eligibility
requirements that producers of agricul-
turally derived ethyl alcohol must meet
to receive state payments; and allows
the commissioner of finance to pay the
original producer or the secondary
processor, but not both, for only ethanol
or wet alcohol fermented in Minnesota.

Enactment: May 26, 1989

Effective: July 1, 1989

**Farm implements—
repurchase payment**

- See Commerce & Consumer Affairs

Grain—multiple load averaging

HF1108*—Dille, Wenzel, Steensma,
Cooper, Uphus
SF1160—Davis

Chapter 310: allows grain purchasers
and sellers to mutually agree to average
the measurements from multiple loads
of acceptable quality grain when
determining their price.

Enactment: June 2, 1989

Effective: Aug. 1, 1989

**Olmsted County—
funding authorization**

- See Local Bills—Counties

**Rural Finance Authority—
loan program**

HF0583—Winter, Steensma, Wenzel,
Dauner, K. Olson
SF0104*—Beckman, Davis, Morse

Chapter 273: changes the Rural
Finance Authority loan program.

Provisions:

- transfer the requirement that a real estate mortgage secure (guarantee) the loan from the definition of “seller-sponsored loan” to a separate section on loan requirements;
- require prospective borrowers for a beginning farm loan to agree to:
 - participate in a farm management program the commissioner of agriculture approves under certain conditions; and
 - file an approved soil and water conservation plan with their county soil conservation service office;
- require the authority to:
 - establish, develop criteria for, and implement a seller-sponsored loan participation program to assist people entering or re-entering farming within 120 days after the effective date of this act;
 - conduct a study on the feasibility

of implementing a program to assist
people entering or re-entering
farming through seller-participation
contracts for deed; and
—secure seller-sponsored loans in
which it holds an interest;

- prohibit the authority from participat-
ing in certain seller-sponsored loans or
loans between people who are related in
certain ways;
- allow the authority to participate in
new seller-sponsored loans up to 35
percent of the loan’s principal amount
or \$50,000, whichever is less;
- repeal laws that direct borrowers to:
 - agree to implement approved soil
and water conservation plans;
 - participate in a farm management
program; and
 - place certain marginal land in
certain permanent conservation
easements.

Enactment: May 26, 1989

Effective: Aug. 1, 1989

**Seed, dairy inspection laws—
changes**

HF1445*—C. Nelson, Bertram,
Dauner, Waltman, Sparby
SF0744—Morse, Stumpf,
D.J. Frederickson

Chapter 312: makes technical changes
in seed and dairy inspection laws.

Provisions:

- require only initial labelers of agricul-
tural, vegetable, or flower seeds sold for
use in Minnesota to obtain a permit
from the commissioner of agriculture,
with certain exceptions;
- provide a misdemeanor† penalty for
anyone who physically threatens a dairy
inspector.

Enactment: June 1, 1989

Effective: Aug. 1, 1989

**Solid waste—
disposal management**

HF1040—E. Olson, Tunheim, Uphus, Winter, Ostrom
SF0281*—Berg, Vickerman, Renneke, Stumpf, Davis

Chapter 131: allows solid waste disposal on certain farm land; regulates local governments' solid waste management plans; and requires notice and public hearings on proposed rules affecting farming operations.

Provisions:

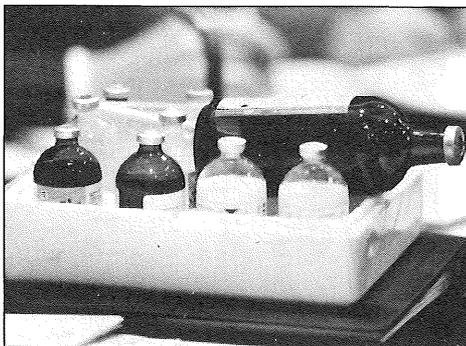
- allow farm land owners and operators, without a permit, to bury, or burn and bury, solid waste which their households or farming operations generate if they bury the waste in a nuisance-free, pollution-free, and aesthetic manner on their land; require them to have a permit if regularly scheduled solid waste pickup is reasonably available;
- require local governments' solid waste management plans to describe methods to identify portions of the waste stream such as leaves, grass, clippings, tree and plant residue, and paper that farm land operators could apply and mix into the soil and use in agricultural practices; direct the Waste Management Board to provide technical assistance and advice to local governments on separating such portions of the waste stream;
- require the Pollution Control Agency to notify the commissioner of agriculture and hold public hearings on proposed rules that would affect farming operations.

Enactment: May 15, 1989

Effective: day after enactment

**Trucks—rear-end protection
exemption**

- See Transportation



Chapter 314 regulates possession and use of certain prescription veterinary drugs.

Veterinary drugs—regulation

HF1037—Dille, Wenzel, D. Carlson, Kahn, Girard
SF1378*—Berg, D.J. Frederickson, D.R. Frederickson

Chapter 314: regulates use of certain prescription veterinary drugs; changes certain procedures for licensing veterinarians; and establishes an animal population control study commission.

Provisions:

- require people who apply for a license to practice veterinary medicine in Minnesota to file their application with the secretary of the State Board of Veterinary Medicine at least 45 days (formerly 30 days) prior to the examination;
- define "extra-label use" as the actual or intended use of a human or veterinary drug in an animal other than according to the label's instructions;
- define "veterinary prescription drug" as a drug that is not safe for animal use except under a veterinarian's supervision, and that federal law requires to bear a warning statement;
- prohibit anyone from possessing veterinary prescription drugs unless they are:
 - licensed veterinarians or pharmacists;
 - clients holding a veterinary prescription drug by or on a veterinarian's order;
 - veterinary drug manufacturers or wholesalers;
 - animal health researchers; or
 - people performing official state or federal regulatory duties;

- prohibit anyone from:
 - dispensing a veterinary prescription drug to a client without a prescription or veterinary authorization; or
 - making extra-label use of a veterinary drug without a prescription from a veterinarian;
- require veterinarians to:
 - include certain information on the labels of veterinary drugs they dispense; and
 - maintain complete records of receipt and distribution of each prescription veterinary drug for at least two years after dispensing it;
- prohibit anyone, other than a veterinarian or those working under a veterinarian's supervision, from making extra-label use of a veterinary drug in or on a food-producing animal, unless a veterinarian's prescription permits such use; authorize veterinarians to prescribe the extra-label use of veterinary drugs in certain circumstances;
- give board-authorized representatives certain privileges to investigate alleged violations;
- establish an animal population control study commission to study the feasibility of a pilot program in the seven-county metropolitan area to reduce the population of unwanted and stray dogs and cats.

Enactment: June 1, 1989

Effective: Aug. 1, 1989



\$ BANKING

Banking regulations—changes

HF0955*—Rodosovich, Otis, Boo, Sparby, Osthoff

SF0863—Spear, D.C. Peterson, Cohen, McQuaid, Adkins

Chapter 129: changes banking regulations.

Provisions:

- allow financial intermediaries† to determine transaction account† service charges;
- permit a state bank or trust company to organize, acquire, or invest in a Minnesota subsidiary for specific banking services;
- allow a bank to perform clerical services for itself at an off-premises data processing and storage center in Minnesota.

Enactment: May 15, 1989

Effective: Aug. 1, 1989

Credit unions—reserve funds

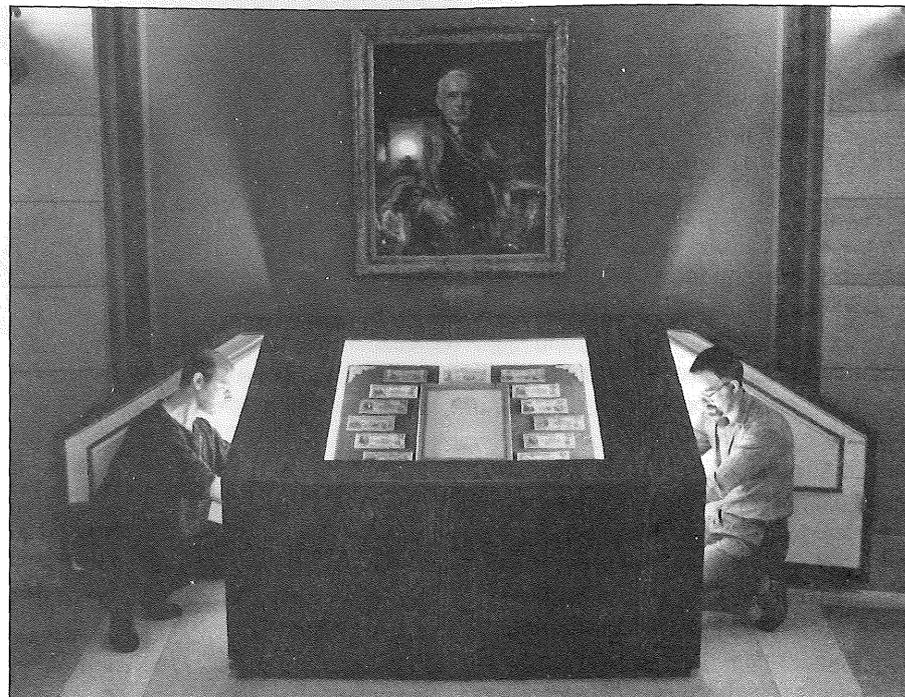
HF0635*—Simoneau, Bertram, Dorn, Boo, Otis

SF0632—Samuelson, Belanger, Cohen, Solon

Chapter 127: requires credit unions to notify members in writing of proposed bylaw amendments; clarifies reserve fund requirements for credit unions; and allows credit unions to privately insure member share and deposit accounts.

Enactment: May 15, 1989

Effective: Aug. 1, 1989



In March, Earl Gutnik, *left*, and Rick Polenek, *right*, both of the Minnesota Historical Society's Exhibits Division, installed an exhibit on Minnesota currency in one of the cases in the Capitol Rotunda. See "Banking" for new laws governing financial institutions.

Financial institutions—loan charges, fees

HF1548*—Scheid, Bertram, Peterson, Boo

SF1355—R.W. Peterson, McQuaid, Anderson, Metzen

Chapter 217: regulates financial institutions' loan charges and fees and credit extensions; changes internal references; and clarifies definitions.

Provisions:

- define "conditional sale contract" and "credit sale contract" as contracts indicating sales on credit;
- permit borrowers to prepay in full a credit sale contract's unpaid balance at any time without penalty;
- specify that credit insurance laws apply to credit sales;
- permit corporate licensees to receive certain amounts of interest on loans of less than \$35,000 or 15 percent (formerly 10 percent) of capital.

Enactment: May 22, 1989

Effective: Aug. 1, 1989

Industrial loans, thrifts—capital stock regulation

HF1323*—L. Carlson, Sparby, Morrison, Rodosovich, S. Olsen

SF1133—Solon, Metzen, Benson, McQuaid, Luther

Chapter 166: regulates capital stock and surplus requirements of industrial loan and thrifts.

Provisions:

- amend public notice requirements to create a uniform procedure for acceptance applications involving financial services and relocations for banks, trust companies, and deposit-taking industrial loan and thrift companies;
- add the term "merger" to laws governing bank consolidation; change the industrial loan and thrift terminology "paid-in capital" and "contributed capital" to bank terminology "surplus" and "capital stock," respectively;
- provide that a merger does not become binding upon a corporation until a specified majority of stockholders approve it;
- define "surplus" as the total of all funds a corporation receives as consideration in excess of the par value of preferred or common stock, which the board of directors transfers from

undivided profits as dedicated funds;
• define "capital stock" as the par value of preferred or common stock multiplied by the respective number of shares of each type of stock;

• prohibit industrial loan and thrift companies from:

—accumulating at any one time outstanding certificates of indebtedness, savings accounts, and savings deposits 30 times (formerly 15 times) the sum of the company's capital stock and surplus; or

—lending money that amounts to more than 20 percent (formerly 15 percent) of the total of its capital stock and surplus at all its authorized locations to a person primarily liable;

• require that at least three-fourths of the directors of certain industrial loan and thrift companies be Minnesota residents;

• require industrial loan and thrifts to comply with certain conditions when having outstanding time certificates of indebtedness, savings accounts, or savings deposits.

Enactment: May 17, 1989

Effective: Aug. 1, 1989

St. Augusta— bank detached facilities

• See Local Bills—Cities & Towns

State-chartered banks—resolution

• See Resolutions

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COMMERCE & CONSUMER AFFAIRS

Agriculture, Transportation & Semi-State—omnibus bill

• See Appropriations

Auto dealerships—warranty work compensation

HF0323*—Scheid, O'Connor,

R. Anderson, Milbert, Pelowski

HF0495—Freeman, Metzen, Belanger,
Solon

Chapter 25: permits auto dealers to obtain reasonable compensation for warranty service, and stipulates that the manufacturer's reimbursement for parts that the dealer purchased for warranty service shall not be less than the rate the dealer charged for nonwarranty customers or nonwarranty service.

Enactment: April 7, 1989

Effective: Aug. 1, 1989

Barber schools— teaching requirements

• See Education

Business combination laws— changes

HF1574*—Simoneau, Heap

SF0190—Luther

Chapter 172: applies control share acquisition and business combination (corporate takeover) laws to certain corporations unless the corporations elect not to be covered.

Provisions:

• define "interested shareholder" as an affiliate or associate of the issuing public corporation and that, at any time within a four-year period (formerly five-year period) immediately before the date in question, was the beneficial owner of at least 10 percent of the voting power;

• allow a corporation's board of directors to establish a special litigation committee of independent directors or other independent people to consider the corporation's legal rights or remedies and whether to pursue them;

• provide that corporations need not send meeting notices to shareholders under certain circumstances when the post office returns their mail as undeliverable;

• reduce from five years to four years the time during which public corporations may not engage in any business combinations;

• repeal a law establishing a committee of disinterested people (formerly a body that decided whether a corporation ought to pursue a certain legal right or remedy); effective day after enactment.

Enactment: May 19, 1989

Effective: Aug. 1, 1989 with exceptions

Business relationships—regulation

HF1530*—Lieder, Frederick,

G. Anderson, Bennett, Sparby

SF1441—Schmitz, Olson, Taylor,
Adkins

Chapter 267: regulates business relations between heavy and utility equipment manufacturers and independent dealers of those products.

Provisions:

• prohibit equipment manufacturers from terminating, canceling, failing to renew, or substantially changing the

competitive circumstances of dealership agreements without good cause;

- define "good cause" as a dealer's failure to substantially comply with the dealership agreement's essential and reasonable requirements;
- list circumstances when good cause exists;
- require manufacturers to provide dealers with at least 90 days' written notice of contract termination, cancellation, or nonrenewal;
- outline violations for equipment manufacturers and legal remedies for dealers.

Enactment: May 26, 1989

Effective: day after enactment with qualifications

Check cashing services— regulation

HF0357—Jefferson, Osthoff, Bishop, Clark, Ogren

SF0353*—Spear, Cohen, Dahl, D.C. Peterson, Marty

Chapter 247: regulates the currency exchange (check cashing) industry. Provisions:

- require the commissioner of commerce to license check cashing businesses;
- outline the application process, application information, and filing fees;
- require the commissioner to approve or deny an application within 30 days of filing; allow the applicant to request a reason for denial and a contested case hearing;
- allow the commissioner to suspend or revoke a license if the licensee:
 - fails to pay the annual license fee;
 - violates any check cashing provision the commissioner sets; or
 - violates any other law;
- require licensees to set reasonable check cashing fees; permit the commissioner to deny fee requests by considering:
 - rates that other check cashing organizations charged in the past;
 - income, cost, and experience of currency exchange operations existing before this law's enactment;
 - amount of risk for cashing a type of check;

- general cost of doing business;
- a reasonable profit; and
- other matters the commissioner considers appropriate;

- direct the commissioner to set a separate rate for government-issued checks up to \$500 that a currency exchange cashes;
- direct the currency exchange to prominently display the fee schedule;
- appropriate \$164,000 to the commissioner to license currency exchanges; effective July 1, 1989.

Enactment: May 23, 1989

Effective: Aug. 1, 1989; with exceptions and qualifications

Consumer protection— new car sales

HF0321*—Begich, Pelowski, O'Connor, Milbert, Frederick

SF0465—Dahl, Samuelson, Metzen, Anderson

Chapter 43: clarifies the New Motor Vehicle Sales Act.

Provisions:

- make an automobile dealer liable to consumers under the new car "lemon law" only for written express warranties the dealer makes apart from the manufacturer's warranties (the manufacturer remains primarily liable to the consumer);
- prohibit manufacturers from charging back or requiring reimbursement from dealers for costs the manufacturer incurs under the lemon law, unless evidence shows the dealer hasn't made repairs according to the manufacturer's published instructions.

Enactment: April 19, 1989

Effective: Aug. 1, 1989

Consumer protection—seniors, handicapped people

HF0622—Milbert, Sarna, Pugh, Bennett, Pelowski

SF0536*—Solon, Luther, R.D. Moe, Dicklich, Metzen

Chapter 294: increases civil penalties for deceptive acts targeted at seniors or handicapped people.

Provisions:

- direct the State Board on Aging to use

funds the state collects under this act to educate senior citizens, handicapped people, and the public about consumer protection laws and their rights under them;

- create an additional civil penalty up to \$10,000 per violation for those who engage in false advertising, deceptive trade practice, or consumer fraud if the:
 - violators know they are directing their conduct toward seniors or handicapped people;
 - violators' actions cause seniors or handicapped people to suffer certain losses or incur liabilities; or
 - seniors or handicapped people are more vulnerable to the violators' conduct than other members of society;
- direct the courts to give priority to restitution over imposition of civil penalties under this act;
- allow an injured person to bring a civil action against violators of this act.

Enactment: May 26, 1989

Effective: Aug. 1, 1989

Consumer protection— used car sales

HF0322*—Begich, Pelowski, O'Connor, Heap, Janezich

SF0454—Dahl, Samuelson, Metzen, Freeman, Anderson

Chapter 34: regulates sales of used motor vehicles.

Provisions:

- exclude from the definition of "used motor vehicle" a dealer's sale of a new vehicle if the:
 - dealer drove the vehicle for demonstration purposes using dealer plates; and
 - vehicle carries a manufacturer's express warranty providing certain coverage;
- exempt a dealer from providing an express warranty for a used vehicle if, at the time of sale, the vehicle:
 - is unrepaired, and has repairable damage of at least 70 percent of the vehicle's actual cash value; or
 - has more than \$5,000 in unrepaired damage.

Enactment: April 17, 1989

Effective: Aug. 1, 1989

**Cooperatives—law
recodification, clarification**

HF1411*—Krueger, E. Olson,
Sparby, Winter
SF0848—DeCramer,
D.J. Frederickson, Davis,
D.R. Frederickson

Chapter 144: recodifies and clarifies certain provisions on cooperative businesses.

Provisions:

- require all co-ops to maintain a registered office in Minnesota and designate a registered agent;
- presume co-ops are properly incorporated after the officers file the articles of incorporation with the secretary of state;
- allow co-op members to amend the articles if the required number of members vote to accept the amendment;
- authorize co-ops to:
 - start business when subscribers have paid in 10 percent of the capital stock;
 - have bylaws, if desired, which members may adopt or amend at any meeting; and
 - borrow money and hold property in trust;
- eliminate the requirement that a co-op join a district, state, or national organization before it may purchase other corporations' stock;
- outline duties, appointment and removal procedures, and composition of the board of directors;
- outline merger or consolidation, liquidation, and dissolution procedures;
- regard co-ops previously organized under the General Cooperative Law or the Agricultural Marketing Act as organized under these provisions;
- repeal current laws governing cooperative associations.

Note: Chapter 356 amends section on vote of co-op constituted of other co-ops.

Enactment: May 16, 1989

Effective: Aug. 1, 1989

**Farm implements—
repurchase payment**

HF0989*—Sparby, Tunheim, Frerichs,
Vanasek, V. Johnson
SF1071—Schmitz, Frederick, Dahl,
Purfeerst, Anderson

Chapter 76: requires manufacturers, wholesalers, or distributors who repurchase stock and inventory to pay farm equipment retailers.

Provisions:

- outline payment schedule for terminated, canceled, or discontinued contracts;
- permit retailers to give written notice to wholesalers, manufacturers, or distributors of their (the retailers') intention to return implements, machinery, attachments, or repair parts;



On a mild day, a balcony off the House Retiring Room offered a retreat for conversations between House members and staff.

- authorize wholesalers, manufacturers, or distributors to inspect merchandise and verify accuracy of retailers' lists;
- outline payment exceptions.

Enactment: May 9, 1989

Effective: day after enactment with qualifications

**Franchise agreements—
unfair practices**

HF0268*—Segal, Sarna
SF0261—Solon

Chapter 198: clarifies legislative intent regarding unfair practices under a franchise agreement.

Provisions:

- presume irreparable harm occurs to a franchisee if a seller who is legally required to register with the commissioner of commerce fails to do so (in this way, facilitates granting temporary injunctions);
- void all waivers of the Minnesota Franchise Act.

Enactment: May 19, 1989

Effective: day after enactment

**Inspections—uniform electrical
violation ticket**

HF0593*—Kinkel, Sarna,
Knickerbocker, Murphy, O'Connor
SF0521—Bertram, Metzen, Solon,
Belanger, McQuaid

Chapter 126: authorizes the Board of Electricity to issue citations for electrical violations; requires the board to make the citations uniform and update them periodically; and allows political subdivisions that inspect electrical installations to use or alter the citation the board develops.

Enactment: May 15, 1989

Effective: Aug. 1, 1989

**Landscape care companies—
regulation**

HF1090—McGuire, Hasskamp,
Trimble, Pellow, Abrams
SF0916*—Merriam, Solon, Marty,
Reichgott, McQuaid

Chapter 42: requires written contracts for certain landscape application services.

Provisions:

- require both the commercial application company and the property owner to sign a written contract;
- specify contract contents, including the total number of scheduled landscape applications, cost, and contract ending date, and require companies to provide customers a copy of the contract;
- require companies under contract for longer than one year to provide annual written notice to customers, at least 15 days before the first application of the year, that the contract is in effect and that the applications will resume according to contract terms;
- allow customers to cancel contracts if they sell the property;
- provide that companies can't enforce contracts on subsequent land owners if the property is sold while the contract is in effect;
- exclude from regulation under this law:
 - applications for agricultural commodities or any commodity for sale;
 - pest control applications; and
 - one-time applications for which there is a verbal agreement.

Enactment: April 19, 1989

Effective: Jan. 1, 1991 with qualifications

**Mechanics' liens—language
simplification**

HF1282*—Orenstein, Weaver
SF1040—Reichgott, Laidig,
R.W. Peterson, Cohen, Luther

Chapter 160: clarifies and simplifies mechanics' liens (contractors' and subcontractors' notices); provides that certain notices are valid until Aug. 1, 1990, and repeals the provision after that date.

Enactment: May 17, 1989

Effective: Aug. 1, 1989 with qualifications

**Membership camping/Subdivided
lands—changes**

HF1506*—Sparby, Sarna, McEachern,
Beard, Bennett
SF1359—Solon, Metzen, Samuelson,
Freeman, Anderson

Chapter 252: regulates membership camping practices, including application contents and payments, and subdivided lands.

Provisions:

- define "advance payment" as any money paid in advance regardless of its descriptive name, including but not limited to, a management fee, listing, security, or advance fee or payment; add this definition to laws governing membership camping practices and subdivided lands;
- prohibit anyone from accepting advance payment for an agent's services regarding resale of a membership camping contract;
- require reports from land subdividers to the commissioner of commerce to include a financial statement of the subdivider's most recent fiscal year which an accountant prepares and the subdivider signs; do not require an audited financial statement; effective retroactively to Jan. 1, 1989, and applies to any report due on or after that date.

Enactment: May 23, 1989

Effective: day after enactment with exceptions

**Metal molds, dies—
unclaimed property**
HF0424*—O'Connor
SF1297—Metzen

Chapter 56: includes metal molds and dies under laws governing ownership of unclaimed property.

Enactment: April 26, 1989

Effective: day after enactment

**Motor vehicles—
commercial leases**

HF1447*—Scheid, Sarna, Bishop,
McEachern, Heap
SF1388—Solon, Luther, Freeman,
Storm, Kroening

Chapter 174: defines the effect of certain motor vehicle leases and states that a commercial lease for a motor vehicle does not create a conditional sale or security interest simply because it permits adjustment of the rental payment amount.

Enactment: May 17, 1989

Effective: Aug. 1, 1989

**Motor vehicles—
damage disclosure**

HF1118—Sarna, McEachern, Ogren,
Beard, Schreiber
SF0834*—Lantry, Solon, Purfeerst,
McQuaid, Cohen

Chapter 188: requires motor vehicle damage disclosures and branding certificates of title.

Provisions:

- require motor vehicle certificates of title to state whether the vehicle:
 - sustained collision or other damage that exceeds 70 percent of the vehicle's actual cash value; and
 - is "flood damaged," "rebuilt," or "reconstructed";
 - direct motor vehicle dealers, before selling a new vehicle, to disclose to customers orally and in writing:
 - any damage to the vehicle which the dealer knows about; and
 - whether the dealer's repair costs exceed 4 percent of the manufacturer's suggested retail price or \$500, whichever is greater;
- effective Oct. 1, 1989;

- direct manufacturers, distributors, or importers to disclose in writing to their franchised dealers any repaired damage exceeding 4 percent of the manufacturer's suggested retail price or \$500, whichever is greater; effective Oct. 1, 1989;
 - exclude from disclosure requirements any damaged or stolen glass, tires, wheels, bumpers, radios, and in-dash audio components if replaced with identical manufacturer's original equipment; effective Oct. 1, 1989;
 - require sellers to disclose to buyers if the seller knows a vehicle sustained collision or other damage which exceeds 70 percent of its actual cash value and to disclose this information in writing on the application for title and registration or other transfer document;
 - outline the format for a disclosure statement;
 - require the registrar of motor vehicles to record (title branding) "flood damage," "rebuilt," "damaged," "salvage," "reconditioned," or other similar terms on certificates of title upon transfer and application for title of all repaired vehicles; require the registrar to record title branding in a different color from all other writing on the certificate of title;
 - permit a person applying for a Minnesota title to offer satisfactory proof to the registrar that the vehicle did not sustain the 70 percent standard; require proof to include photographs and an insurance adjuster's written report or a written estimate including parts and labor;
 - outline penalties and remedies.
- Enactment:** May 19, 1989
Effective: July 1, 1990 with exceptions and qualifications

Motor vehicles—registration information restrictions

HF1338*—Conway, O'Connor, Bennett, Sarna, Frederick
SF1563—Metzen, DeCramer, Frederick, Mehrkens, Merriam

Chapter 178: restricts access to registration information about automobile lessees, except to law enforcement personnel, and federal, state, and local governmental personnel and, at the registrar of motor vehicles' discretion, to people who use the information to notify lessees of recalls.

Enactment: May 19, 1989

Effective: Aug. 1, 1989

Nonprofit Corporation Act—recodification, revision

HF1203*—Pugh, Orenstein, Seaberg, Kelly
SF0525—Reichgott, Spear, Merriam, Knaak, Luther

Chapter 304: recodifies completely the Minnesota Nonprofit Corporation Act relating to the organization, operation, and dissolution of nonprofit corporations. (Many of the revised sections are similar to the Minnesota Business Corporation Act; the other major source is the American Bar Association Revised Model Nonprofit Corporation Act adopted in 1987.)

Provisions:

- permit nonprofit corporations incorporating between Aug. 1, 1989 and Jan. 1, 1991, to elect to come under this act; permit private, social, charitable, and religious corporations to elect to come under this act;
- permit nonprofit corporations to incorporate under this chapter for any lawful purposes, unless another law requires incorporation for a purpose under a different law; state that corporations engaging in matters another statute regulates are governed by that statute;
- state that this act does not cancel nor limit the law of unfair competition or practices with the right to acquire and protect copyrights, trade names, trademarks, service names or marks, or other rights to the exclusive use of names or symbols, nor detract from

- common law or the principles of equity;
 - outline powers of the nonprofit corporation, including the ability to enter into contracts, trade, own property, invest, and hold property as security;
 - permit nonprofit corporations to participate in ownership, including partnerships;
 - allow nonprofit corporations to issue membership certificates or preferred or common stock to entities of the federal, state, or local government;
 - require a loss of good standing and possible eventual dissolution if the corporation doesn't file report papers with the secretary of state;
 - appropriate \$93,000 in FY'90 and \$92,000 in FY'91 to the Secretary of State's Office for additional duties; add two staff positions;
 - appropriate \$83,000 for FY'90 and \$77,000 for FY'91 to the Attorney General's Office for additional duties; add two staff positions.
- Enactment:** June 1, 1989
Effective: various dates
(Note: Special Session Chapter 2 changes some effective dates.)

Professional fund raisers—regulation

HF0298—Bauerly
SF0184*—Pehler

Chapter 151: regulates professional fund raisers and charitable solicitation. Provisions:

- exempt certain religious organizations from registration and reporting requirements;
- require professional fund raisers to:
 - post a \$20,000 bond if they or their employees have access to solicitation contributions; and
 - disclose the name, city, and state of the charitable organization for which they're soliciting before making a solicitation.

Enactment: May 17, 1989

Effective: Aug. 1, 1989

Protective agents— employment restrictions

- See Employment & Labor

Public safety—smoke detectors

HF0892*—Brown, Vanasek, Kinkel, Ozment, G. Anderson

SF1548—Merriam, Lessard, McQuaid, Dahl, Decker

Chapter 322: requires owners or builders to install certain types of smoke detectors in new construction.

Provisions:

- require owners or builders to attach smoke detectors in new dwellings to a centralized power source; effective Aug. 1, 1989, for construction of dwellings begun on or after that date;
- allow local governments to adopt more restrictive rules governing smoke detectors;
- create the position of Minnesota public fire safety educator in the Department of Public Safety (DPS); repeal this position June 30, 1991;
- appropriate \$60,000 in FY'90 and \$54,000 in FY'91 to the commissioner of public safety to enforce laws governing smoke detector use; add one staff position to the DPS.

Enactment: May 26, 1989

Effective: July 1, 1989 with exceptions

Real estate appraisers—licenses

HF0624*—Morrison, Sarna, Battaglia, Frerichs, Osthoff

SF1076—Freeman, Metzen, Samuelson, Purfeerst, Taylor

Chapter 341: regulates real estate appraisers; sets licensure and education requirements; creates the real estate appraiser advisory board; authorizes state banks to make certain investments; and regulates lending practices of industrial loan and thrifts.

Article 1

Provisions:

- exempt a real estate salesperson's or broker's market analysis from the definition of "appraisal";
- bar a person from acting as a real estate appraiser in Minnesota unless the

commissioner of commerce licenses the person, with the following exceptions:

- an officer or employee of a business entity may act as an appraiser if the business entity has an interest in the real estate subject to the appraisal;
- the exempt person is subject to the guidelines for real estate appraisal policies and review procedures of the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, the Federal Reserve Board, the Farm Credit Administration, or the comptroller of the currency; or
- the person requesting the appraisal receives written notice that a licensed appraiser did not perform the appraisal and the report clearly states an interested party, rather than a licensed appraiser, conducted the appraisal;
- exempt people performing market analyses from licensure requirements if they don't use or represent the analysis as an appraisal;
- exempt assessors for political subdivision from licensing requirements;
- make real estate appraisers responsible for people acting on their behalf;
- create a 15-member real estate appraiser advisory board to govern real estate appraisers' licensure and education; outline board membership, duties, and powers;
- direct the commissioner to, among other things, receive all license applications, establish application processing procedures, and issue, deny, revoke, or suspend licenses;
- outline license application information and establish a fee schedule including an initial \$50 licensing fee and a \$25 annual renewal fee;
- establish two classes of licenses:
 - Level I for appraisal of residential property or agricultural acreage meeting certain conditions; and
 - Level II for appraisal of all types of real estate;
- outline prerequisites for the license classes, including written examination and continuing education course content;
- prohibit certain conduct and set penalties including license denial, revocation, or suspension, or disciplinary action;
- authorize transitional licenses until

Sept. 1, 1991, for currently unlicensed real estate appraisers; repeal this provision Sept. 1, 1991;

- appropriate \$121,000 for FY'90 and \$92,000 for FY'91 to the commissioner of commerce, and add two staff positions;
- effective July 1, 1989.

Article 2

Provisions:

- authorize state banks or trust companies to invest in certain securities;
- regulate lending practices of industrial loan and thrifts;
- prescribe qualifications of the directors of certain companies;
- regulate delinquency and collection charges or retail installment contracts;
- effective day after enactment.

Enactment: May 26, 1989

Effective: various dates

Real estate closing agents— regulation

HF1290—Scheid, Sarna, Bennett, O'Connor, Peterson

SF1227*—Metzen, Solon, Frederick, Taylor, Freeman

Chapter 347: regulates real estate closing agents.

Provisions:

- require real estate closing agents, before providing services, to obtain a license from the commissioner of commerce and renew it annually;
- prohibit closing agents from charging a closing services fee to a borrower if the agent didn't disclose the fee in writing at least one business day before settlement;
- outline license application procedures;
- exempt from licensure requirements:
 - title company employees or agents performing closing services when the company assumes responsibility for their actions;
 - licensed attorneys or their agents;
 - licensed real estate brokers or salespersons or direct employees of licensed brokers if the broker maintains closing service funds in the broker's trust account; and
 - any bank, trust company, savings and loan association, industrial loan and thrift company, public utility, or

land mortgage or farm loan association when engaged in business transactions within their scope of power;

- set an initial \$25 license fee, and a \$10 renewal fee;
- require license applicants to successfully complete an eight-hour course the commissioner approves before receiving a real estate closing agent's license;
- outline penalties;
- repeal laws governing the liability of the recovery portion of the Real Estate Education, Research, and Recovery Fund.

Enactment: May 26, 1989

Effective: Aug. 1, 1989 with qualifications

Secretary of State—changes

- See Governmental Operations

Secretary of State—corporate name registration contests

HF0513—Hugoson, Kalis, Henry, Macklin, Tjornhom

SF0180*—Beckman

Chapter 292: regulates the use of names for certain business entities. Provisions:

- permit a person doing business in Minnesota to file a notice with the secretary of state contesting subsequent registration of a name; require the person to include a \$100 deposit with the notice, which the secretary of state will award to the prevailing party in the contest;
- establish a procedure for settling a contested registration;
- permit the secretary of state to change the contested name in the secretary's records if using the names will confuse or deceive the public;
- authorize parties to appeal the secretary of state's judgment to the district court;
- provide that the secretary of state is not liable for damages resulting from the registration of a name that's the same or deceptively similar to another registered name;
- extend the law to financial corporations, for-profit or not-for-profit

corporations, cooperatives, and limited partnerships.

Enactment: May 26, 1989

Effective: various dates

Securities— registration requirements

HF1581*—Scheid

SF1376—Cohen

Chapter 173: exempts certain over-the-counter securities that the National Association of Securities Dealers Automated Quotations (NASDAQ) designates from registration requirements.

Enactment: May 17, 1989

Effective: Aug. 1, 1989

Securities— regulation exemptions

HF1287*—Scheid, Sarna, Bennett, O'Connor, Peterson

SF1226—Metzen, Solon, Frederick, Taylor, Freeman

Chapter 206: exempts from regulation any nonissuer† sales of securities (formerly only industrial revenue bonds) which the state, its subdivisions, or instrumentalities issue.

Enactment: May 19, 1989

Effective: day after enactment

Service signs—changes

HF0278*—Battaglia, Lieder, Cooper, K. Olson, V. Johnson

SF0629—Stumpf, Pehler, D.J. Johnson, D.R. Frederickson

Chapter 181: expands the definition of roadside service signs to include tourist-oriented businesses; and defines "tourist-oriented business" as a business, service, or activity that receives the major portion of its income or visitors during the normal business season from motorists not living in the immediate area of the business or activity.

Enactment: May 17, 1989

Effective: day after enactment

Uniform Commercial Code— exclusions

HF0853—Sviggum, Kalis, Brown, Macklin

SF0391*—Mehrkens, Beckman, Berg, Langseth, D.E. Johnson

Chapter 187: exempts grain bins from the limitation period that the Uniform Commercial Code provides for lawsuits involving failure of a contract for sale.

Enactment: May 19, 1989

Effective: day after enactment with qualifications

Uniform Commercial Code— leases

HF0579*—Scheid, Bishop, Janezich, Milbert

SF0132—Luther, Knaak, Freeman, Reichgott, Cohen

Chapter 232: creates a new section of the Uniform Commercial Code governing leases, and establishes, among other things, standards for lease contract formation, default, modification, cancellation, and risk of loss.

Note: Chapter 356 repeals the section that amends security interests laws concerning leases that are not sales or security interests.

Enactment: May 22, 1989

Effective: Jan. 1, 1990 with qualifications

Uniform Commercial Code— notice change

HF0937*—O'Connor, Heap, Janezich

SF1066—Solon, McQuaid, Luther

Chapter 31: changes the notice period from 10 days to 20 days for certain fixture filings† under the Uniform Commercial Code.

Enactment: April 14, 1989

Effective: Aug. 1, 1989





CRIME & CORRECTIONS

Agriculture, Transportation & Semi-State—omnibus bill

- See Appropriations

Animals—dangerous dogs

HF0543—Scheid, Bennett, V. Johnson
SF0382*—Berg, Lantry,
D.R. Frederickson, McQuaid, Davis

Chapter 37: clarifies regulations governing dangerous dogs.

Provisions:

- define “animal control officer” as an officer whom state or local governments employ for animal control operations;
- specify the powers of an animal control officer;
- exempt from the definition of “proper enclosure” certain structures that would allow dogs to exit on their own;
- define “animal control authority” as a state or local agency responsible for animal control operations;
- prohibit animal control authorities from declaring a dog dangerous if the animal threatened, injured, or damaged someone who provoked, tormented, abused, or assaulted it currently or in the past;
- require people who own registered dangerous dogs to attach identifying tags to the animals’ collars;
- prohibit cities or counties from adopting ordinances regulating dangerous or potentially dangerous dogs based solely on breed; void ordinances inconsistent with this provision;
- require an animal control authority to

seize any dangerous dog if the animal’s owner hasn’t registered it or secured required liability insurance within 14 days after the authority notifies him/her that the dog is dangerous;

- allow a court to order confiscation and humane destruction of a dangerous dog, and require the owner to pay the costs, if the court convicts the owner of a crime for which the animal control authority originally seized the animal;
- allow the owner to reclaim a dangerous dog after paying impounding and boarding fees, and presenting proof to the appropriate animal control authority that he/she meets applicable requirements;

- allow the animal control authority to destroy a dog whose owner doesn’t claim it within seven days and make the owner liable to the animal control authority for costs;

- require animal control authorities to seize a dog if a court convicted its owner of a misdemeanor† for violating dangerous dog regulations and charges the owner with a subsequent violation relating to the same dog; require the court and owner to follow the provisions listed above;

- increase the penalty from petty misdemeanor† to misdemeanor for a person who causes great or substantial bodily harm to another by failing to keep a dog confined; effective Aug. 1, 1989, and applies to crimes committed on or after that date.

Enactment: April 17, 1989

Effective: day after enactment with exceptions

Auto insurance I.D. card— requirements

- See Insurance

Bodily harm— definition expansion

HF0027*—Vellenga, Williams,
Pugh, Bertram

SF0405—D.C. Peterson, Lantry,
Spears, Pogemiller, Merriam

Chapter 20: defines “substantial bodily harm” under laws governing second-degree assault crimes to include the

birth of an unborn child prior to 37 weeks gestation if the child weighs 2,500 grams or less at birth, but excludes inducement of the birth for bona fide medical purposes.

Enactment: April 4, 1989

Effective: Aug. 1, 1989 with qualifications

CHIPS—definition expansion

- See Families & Juveniles

Computer crime— unauthorized access

HF0022*—Kelly, Pappas, Greenfield,
Orenstein

SF0213—Reichgott, Luther,
D.C. Peterson, Knaak, Merriam

Chapter 95: provides that anyone who intentionally and without authority attempts to or does penetrate a computer security system is guilty of unauthorized computer access and imposes penalties.

Enactment: May 9, 1989

Effective: Aug. 1, 1989 with qualifications

Computer virus—crimes

HF0647*—Kahn, Kelly, Vellenga,
Seaberg, Conway

SF0155—Dahl, Pogemiller, Belanger

Chapter 159: prohibits the intentional distribution of destructive computer programs and imposes penalties.

Enactment: May 17, 1989

Effective: Aug. 1, 1989 with qualifications

Consumer protection—seniors, handicapped people

- See Commerce & Consumer Affairs

Corrections— juvenile photographs

- See Families & Juveniles

**Court appearances—
failure to appear**

HF0702*—Wagenius, Carruthers,
Kelly, Vellenga, Swenson
SF0675—Pogemiller, Spear,
D.C. Peterson, McGowan, Marty

Chapter 333: outlines penalties for
offenders who fail to appear in court.
Provisions:

- require notices to petty misdemeanor†
offenders to appear in court to state that
the court will consider the offender's
failure to appear as a guilty plea and a
waiver of the right to trial;
- require that the uniform traffic
violation ticket state that the court will
consider the offender's failure to appear
as a guilty plea and a waiver of the right
to trial unless the failure to appear is
due to circumstances beyond the
person's control;
- eliminate the "grace period" which
formerly gave felony offenders three
days to surrender after failing to appear
at a scheduled court appearance;
effective Aug. 1, 1989;
- set misdemeanor† penalties for
offenders who fail to appear in court for
misdemeanor or gross misdemeanor†
offenses;
- accept as a defense that circumstances
beyond a person's control prevented
his/her appearance in court;
- direct the court to consider petty
misdemeanor offenders' failure to
appear in court as a guilty plea and a
waiver of the right to trial unless the
offenders appear in court within 10 days
and show that circumstances beyond
their control prevented their appearance.
Enactment: June 1, 1989
Effective: Jan. 1, 1990 with exceptions
and qualifications

**Crime Victim Reparations Act—
revisions**

HF0095*—Bishop, Kelly, Seaberg,
Vellenga, Hasskamp
SF0408—D.C. Peterson, Solon,
Pogemiller

Chapter 264: changes the Crime
Victim Reparations Act.

Provisions:

- amend the abandoned property law to
require the commissioner of commerce

to deposit unclaimed and abandoned
restitution payments into the crime
victim and witness account in the state
treasury instead of the state general
fund;

- clarify provisions governing fines
dedicated to crime victim assistance
programs and the state victim account;
- remove the requirement that the
Department of Corrections approve
victim assistance programs before the
programs become eligible to receive
fine proceeds;
- permit the Crime Victims Reparations
Board to pay reasonable funeral, burial,
or cremation expenses that a crime
victim or the victim's family incurs;
permit the board to determine the
amount on the first day of each fiscal
year (former law set a \$2,250 maximum
amount);
- expand eligibility under the repara-
tions act to include Minnesota residents
injured in a crime that occurs outside
the state if the area in which the crime
occurs doesn't have a crime victim
reparation law covering injury or death.
Enactment: May 25, 1989
Effective: Aug. 1, 1989

**Crime victims—limitations,
notification**

HF0461*—Kelly, Vellenga, Orenstein,
Miller, Wagenius
SF0315—D.C. Peterson, Pogemiller,
Merriam, Morse, Solon

Chapter 190: amends laws governing
crime victims.

Provisions:

- modify the statutes of limitations†
governing damage actions which sexual
assault victims bring;
- require prosecuting attorneys to
inform victims of crimes against the
person about:
 - the contents of a plea agreement,
including the length of a defendant's
sentence; and
 - the conditions governing the con-
victed offender's release from con-
finement and the identity of the
corrections agent supervising the
offender; effective Aug. 1, 1989;
- require certain agencies to notify
sexual assault victims when they release
an alleged offender from pretrial
detention; effective Aug. 1, 1989;

- provide that sexual assault victims
may pursue until Aug. 1, 1990, certain
damage claims which the statute of
limitations formerly barred.
Enactment: May 19, 1989
Effective: day after enactment with
exceptions and qualifications

Crime—omnibus bill

HF0059*—Kelly, Marsh, Clark,
Jefferson, Otis
SF0003—Spear, Luther, R.D. Moe,
Solon, Berglin

Chapter 290: increases sentences for a
variety of crimes; revises criminal laws
governing the unlawful sale, manufac-
ture, distribution, or possession of
controlled substances; creates and
revises laws relating to sex offenders,
criminal forfeiture, sentencing guide-
lines, and community crime and drug
abuse reduction and prevention pro-
grams; and appropriates money.
*Note: Chapter 356 makes eight correc-
tions in this bill.*

Article I—Appropriations

Provisions:

- appropriate \$10.8m to the Department
of Administration to convert portions of
the Faribault Regional Treatment
Center for use as a medium security
correctional facility for adult males;
- authorize the commissioner of finance
to issue bonds worth \$10.8m.

Further appropriations:

\$31,265,000 FY'90
\$28,499,000 FY'91

Total: \$59,764,000

Commissioner of Corrections

Total: \$22.6m; \$26.3m

Includes:

- Correctional Institutions:
\$14.5m; \$16.5m

Includes:

—Faribault Correctional Facility
Operating Costs
\$5.7m; \$9.3m
—Faribault Correctional Facility
Startup Costs
\$2.0m
—Prison Sex Offender Treatment
Programs Establishment and
Operation
\$63,000; \$332,000

• Community Services:
\$7.7m; \$9.0m

Includes:

- West Central Juvenile Center
\$40,000; \$40,000
- Central Juvenile Center
\$50,000; \$100,000
- Leech Lake Youth Center
\$5,000; \$5,000
- St. Louis County Task Force on
Children and Youth
\$75,000; \$0
- Residential and Outpatient Sex
Offender Treatment and Aftercare
\$150,000; \$150,000
- Juvenile and Adult Sex Offender
Treatment Pilot Programs
\$0; \$1.0m

• Management Services:
\$443,000; \$712,000

Sentencing Guidelines Commission

Total: \$20,000; \$38,000

Includes:

- Mandatory Minimum Sentencing
Law Study
\$0; \$38,000
- Local Correctional Resource Data
Collection Study
\$20,000; \$0

Commissioner of State Planning

Total: \$7.1m; \$0

—for the Community Resources
Program

Commissioner of Public Safety

Total: \$1.2m; \$1.6m

Includes:

- Bureau of Criminal Apprehension
(BCA) DNA Analysis Laboratory and
Collection and Maintenance System
\$419,000; \$860,000
- Community Crime Reduction Pilot
Project Grants
\$100,000; \$100,000
- Community Drug Prevention and
Education Grants
\$125,000; \$125,000
- Multidisciplinary Chemical Abuse
Prevention Teams
\$25,000; \$25,000
- BCA Drug Abuse Resistance
Education Training Program
\$175,000; \$175,000
- Office of Drug Policy/Drug Abuse
Prevention Resource Council
\$175,000; \$175,000
- Soft Body Armor Reimbursement
Program
\$150,000; \$150,000

Commissioner of Human Services

Total: \$300,000; \$600,000

—for grants to agencies providing
chemical dependency treatment to
pregnant women and mothers

Article 2—Sentencing Provisions

Provisions:

- require probation officers to notify
local law enforcement agencies of the
addresses of certain sex offenders
whom they supervise; require agencies
to destroy data relating to such notifica-
tion when they discharge the offenders
from probation or supervised release;
- prohibit inmates for whom work
assignments are available from earning
“good time” for any day on which they
don’t perform the work assignment
unless the commissioner of corrections
excuses them;
- require the Sentencing Guidelines
Commission (SGC) to give public
safety primary consideration when
formulating sentencing guidelines;
- permit sentencing courts to impose
prison sentences up to the statutory
maximum on certain dangerous or
career criminals; effective Aug. 1, 1990;
- provide a penalty of life imprisonment
without the possibility of release for
people convicted of first-degree murder
within 15 years of discharge from a
previous sentence for murder or forcible
first- or second-degree criminal sexual
conduct; require courts to impose the
statutory maximum sentences on people
convicted of second- or third-degree
murder within the same time frame and
circumstances;
- increase the parole eligibility date for
other first-degree murderers from 17 to
30 years;
- expand the crime of first-degree
murder to include intentional deaths
which offenders cause in the course of
felony-level drug sale transactions (the
crime of second-degree murder for-
merly included these deaths);
- require the courts to impose a sentence
of 37 years (approximately 25 years
imprisonment if an inmate earns a
maximum amount of good time) on
people convicted of first- or second-
degree criminal sexual conduct who
have a record of two previous convic-
tions for first-, second-, or third-degree
criminal sexual conduct;
- clarify that a crime victim who has the



A Judiciary Committee member examined a TEC 9 semi-automatic rifle during a hearing in April when the committee considered a bill that would ban the sale of semi-automatic rifles.

right to make a statement to the court at the time of sentencing regarding the impact of the crime may elect to make the statement orally or in writing;

- direct the SGC to:
 - increase the presumptive sentence† for intentional second-degree murderers having no criminal history score from 216 months to 304 months; and
 - adjust presumptive sentences for unintentional second-degree murder and third-degree murder proportionally;
- effective Aug. 1, 1989 with exceptions and qualifications.

Article 3—Controlled Substance Crimes

Provisions:

- revise and, in many cases, increase penalties for committing controlled substance offenses;
- create five degrees of controlled substance crime and increase penalties for people who sell or possess certain drugs, especially large quantities of cocaine and heroin;
- provide that the mandatory minimum sentences this act creates may not be stayed or reduced;
- describe nonfelony controlled substance crimes (these crimes are the same as those covered in former law)
- permit the factfinder in a criminal prosecution, under certain circumstances, to infer that:
 - everyone in a room is knowingly in possession of any controlled substances in that room; and
 - the driver of a passenger automobile is knowingly in possession of any controlled substances in the automobile;
- permit courts to place offenders convicted of certain controlled substance crimes on probation only if a treatment program accepts them or they will spend some time in a jail or workhouse;
- increase from five years to 10 years the maximum penalty for bringing weapons or controlled substances into a state correctional facility or state hospital;
- require the SGC to amend the sentencing guidelines to provide a new aggravating factor covering the sale or possession of certain drugs in or near schools or public parks;

- authorize reference to adult court for juveniles who are age 16 or older, have a prior record of felony-level delinquency, and who sell or possess certain drugs in or near schools or public parks;
- require the attorney general to:
 - develop a plain language version of governing laws and penalties for drug crimes committed near schools or public parks; and
 - publicize and widely disseminate the information, including to school boards and local governments;
- amend the mandatory minimum sentencing law that applies to people convicted of committing a violent crime with a gun or a dangerous weapon by:
 - requiring prosecutors and courts to place and consider on the court record all evidence tending to show that the offender(s) used a gun or dangerous weapon to commit the crime;
 - adding felony drug violations to the list of felonies covered under the law; and
 - directing the SGC to study sentencing practices under this law and report findings and recommendations to the Legislature by Feb. 1, 1991;
- permit suburban Hennepin County regional park district park rangers to file forfeiture actions;
- amend forfeiture laws to:
 - cover all violations of the prostitution promotion crime;
 - lower the minimum forfeiture value for real property† and conveyance devices (i.e., a car) associated with controlled substances; and
 - require the court to order forfeiture and proper disposal of certain property if it finds the property is subject to forfeiture;
- increase the penalty for selling tobacco to a minor from a misdemeanor† to a gross misdemeanor†; effective July 1, 1989;
- direct the SGC, with help from various state agencies, to research and report to the Legislature on routine data collection concerning local sentencing practices, use of local correctional institutions, and local alternatives to prison for convicted felons;
- require the commissioner of corrections to report to the SGC on the department's nonimprisonment guidelines pilot project;

- repeal inconsistent controlled substance laws;
- effective Aug. 1, 1989 with exceptions.

Article 4—Sex Offenders

Provisions:

- establish a sex offender treatment system for adults and juveniles under the administration of the commissioner of corrections;
- require the commissioner to:
 - develop standards for sex offender treatment programs in state and local correctional facilities;
 - provide a range of programs for adult and juvenile offenders committed to the commissioner's custody;
 - designate three or more pilot programs to increase treatment options for offenders who are serving their sentences in community-based facilities;
 - develop specialized training for corrections and probation agents assigned to supervise sex offenders; and
 - establish a range of sex offender treatment programs for juvenile sex offenders committed to the commissioner's custody;
- list a range of dispositional alternatives for treating and rehabilitating juvenile sex offenders;
- require the juvenile court to order an independent professional assessment of a juvenile sex offender's need for sex offender treatment, and to order treatment if assessments indicate the need;
- require the Bureau of Criminal Apprehension (BCA) to:
 - develop uniform procedures and protocols for collecting evidence in sexual assault cases, including collecting biological specimens for DNA analysis; require law enforcement agencies and medical personnel who conduct evidentiary exams to use these uniform procedures and protocols when investigating sexual assault cases;
 - adopt uniform procedures and protocols to maintain, preserve, and analyze biological specimens for DNA analysis and establish a

centralized system for cross-referencing data obtained from such analysis; and

—perform DNA analysis and make the data available to investigating law enforcement agencies, prosecutors, and the individual subject of the data in any subsequent criminal prosecution of the individual;

- require the courts to order convicted sex offenders to provide a biological specimen for the purpose of DNA analysis; require the BCA to maintain the results of the analysis in its centralized recording system;
- provide criteria for the use of DNA analysis as evidence in court;
- amend the “psychopathic personality” commitment law to allow the state to transfer a person from the St. Peter Security Hospital to a correctional institution under certain circumstances;
- specify court procedures for sentencing sex offenders having psychopathic personalities;
- provide the sentencing court with a new sentencing option in sexual assault felony cases; allow the court to increase sentences for certain offenders and grant a conditional release for certain offenders;
- add five years to the statutory maximum sentences for criminal sexual conduct in the first-, second-, third-, and fourth-degrees;
- extend the statute of limitations for certain criminal sexual conduct prosecutions;
- create a 10-member legislative study commission to study the child protection system in Minnesota, the operation of the child abuse reporting law, and ways in which the system can provide more effective intervention and prevention services for sexually aggressive and sexually abused children; require the commission to report to the Legislature by Feb. 15, 1990;
- require the commissioners of corrections and human services to:
 - evaluate funding mechanisms for existing sex offender treatment programs;
 - make findings concerning statewide use of the programs and the funding mechanisms’ effectiveness and adequacy;
 - evaluate sex offender treatment

programs created under new law; and —report to the Legislature by Jan. 1, 1990;

• effective Aug. 1, 1989 with exceptions and qualifications.

Article 5—Prenatal Exposure to Certain Controlled Substances

Provisions:

- direct the commissioners of education and health to assist school districts to develop and implement programs to reduce the incidence of pregnant women using controlled substance and alcohol;
- amend the definition of a “chemically dependent person” in the Minnesota Civil Commitment Act to include pregnant women who habitually or excessively use certain drugs for a nonmedical purpose;
- amend the Child Abuse Reporting Act definition of “neglect” to include prenatal exposure to a controlled substance which the mother used for nonmedical purposes;
- require people who are mandated reporters† under the Child Abuse Reporting Act to report to a local welfare agency if they know or have reason to believe that a woman is pregnant and has used certain drugs for nonmedical purposes during the pregnancy;
- require the agency to:
 - perform an assessment and offer appropriate services to the pregnant woman, including a referral for prenatal care; and
 - seek an emergency admission under the Civil Commitment Act if the pregnant woman refuses recommended voluntary services or fails recommended treatment;
- require physicians to:
 - give a controlled substance toxicology test to a pregnant woman if she has obstetrical complications that indicate possible drug abuse, and any newborn if the physician has reason to believe the mother used a controlled substance for a nonmedical purpose prior to birth; and
 - report positive test results to local welfare agencies;
- provide immunity from civil or criminal liability under certain circumstances for physicians and other personnel giving such tests;

- require a licensed drug testing laboratory to verify positive test results;
- effective July 1, 1989.

Article 6—Penalty Increases

Provisions:

- increase the statutory maximum penalties for a variety of crimes to permit courts to impose presumptive sentences provided in the sentencing guidelines grid for people who commit certain crimes;
- increase the maximum penalties for criminal vehicular operation from:
 - three years to five years in cases involving injury; and
 - five years to 10 years in cases involving death;
- effective Aug. 1, 1989 with qualifications.

Article 7—Miscellaneous Criminal Provisions

Provisions:

- set a five-year felony for people, other than licensed retailers of alcoholic beverages, who sell alcoholic beverages to an underage person if the underage recipient becomes intoxicated and suffers or causes death or great bodily harm as a result of the intoxication;
- permit people to bring alcoholic beverages onto college campuses to use in a school-sponsored alcohol awareness program;
- broaden the scope of the parental kidnapping crime to include people who keep a child in Minnesota while knowing that someone took the child from another state under circumstances the law prohibits;
- increase the penalty for parental kidnapping violations committed under certain aggravated circumstances;
- repeal the crime of unauthorized use of a motor vehicle and incorporate its elements into the general theft statute;
- set penalties for receiving stolen property as the same as those for theft; repeal “receiving” crime provisions that deal only with precious metal dealers and restate them as a separate crime;
- clarify that the crime of check forgery includes forged endorsements;
- effective Aug. 1, 1989 with qualifications.

Article 8—Fire Department Access to Criminal History Data

Provisions:

- require the BCA to develop and implement a plan for fire departments to have access to criminal history data;
- exempt fire protection agencies from the requirements of the criminal offender employment rehabilitation program;
- change the procedures which health professionals follow when reporting burn injuries;
- effective July 1, 1989.

Article 9—Drug Policy Programs

Provisions:

- create an office of drug policy in the Department of Public Safety;
- direct the commissioner of public safety to appoint an assistant commissioner to head the office; specify the assistant commissioner's duties;
- create an 18-member drug abuse prevention resource council to assist the assistant commissioner in fostering the coordination and development of a statewide drug abuse prevention policy and in other drug abuse prevention efforts;
- authorize the commissioner to administer a drug abuse resistance education (DARE) program to:
 - train peace officers to teach drug abuse resistance in schools; and
 - provide training grants for interested law enforcement agencies and school districts;
- authorize the commissioner to:
 - develop grant programs for certain law enforcement costs and community crime prevention efforts; and
 - reimburse peace officers who purchase bullet-proof vests;
- require the assistant commissioner, with assistance from the council, to report to the Legislature by Jan. 1, 1990, on a statewide drug abuse prevention policy that emphasizes local efforts and a coordinated approach;
- transfer responsibility for administering the federal Anti-Drug Abuse Act from the State Planning Agency to the commissioner of public safety; effective Oct. 1, 1989;
- effective day after enactment with exceptions.

Article 10—Driving-While-Intoxicated Provisions

Provisions:

- set gross misdemeanor penalties for certain repeat driving-while-intoxicated (DWI) violators who refuse to submit to an alcohol concentration test under the implied consent law;
- increase penalties for repeat DWI offenders;
- provide chemical use assessors with access to any police reports, laboratory tests results, and other law enforcement data relating to the current DWI offense that they need to complete the chemical use evaluation;
- effective Aug. 1, 1989 with qualifications.

Article 11—Community Resource Program

Provisions:

- require cities of the first class to develop a comprehensive community resource program to:
 - increase community safety and reduce crime;
 - provide opportunities for residents to become self supportive; and
 - build the capacity of neighborhood-based organizations to create cohesiveness and stability in their neighborhoods;
- require the cities to direct the community resource program at targeted neighborhoods, i.e., areas of unemployment, low household income, or areas containing housing needing substantial rehabilitation or subsidy;
- require programs to involve significant resident and community-based group participation;
- establish a process for adopting, approving, and funding community resource programs;
- require each city to report annually on its program's implementation status and whether the program is achieving its intended objectives;
- effective July 1, 1989.

Article 12—Multidisciplinary Chemical Abuse Prevention Teams

Provisions:

- permit counties, groups of counties, and certain cities to establish multidisciplinary chemical abuse prevention teams to:
 - coordinate treatment and prevention services;

- disseminate information on these services;
 - develop prevention education services; and
 - conduct other activities related to chemical abuse;
- establish grant programs through the office of drug policy for these teams;
 - require the assistant commissioner of public safety to monitor team activities and report to the Legislature by Jan. 1, 1991;
 - effective July 1, 1989.
- Enactment:** June 1, 1989
Effective: various dates

Data Practices Act—child abuse data

- See Legal & Judiciary

Disorderly houses—controlled substances

HF0483*—Wagenius, Carruthers, Kelly, Greenfield, Dempsey
SF0682—Berglin, Pogemiller

Chapter 77: includes unlawful possession or sale of controlled substances as evidence that a disorderly house† exists.

Enactment: May 8, 1989

Effective: Aug. 1, 1989 with qualifications

Driver licenses—'under 21' changes, POW plates

- See Transportation

DWI—multiple convictions

HF0949*—Frederick, Kelly, Rest, Carruthers, Macklin
SF0735—Taylor, Decker

Chapter 216: provides gross misdemeanor† penalties for people whom the courts convict of driving-while-intoxicated (DWI) within a certain time period of a prior impaired driving conviction; and defines “impaired driving conviction” to include prior convictions for: DWI, driving an all terrain vehicle (ATV) or snowmobile while drunk, and criminal vehicular operation where the injury or death resulted from the negligent operation of a motor vehicle while drunk.

Enactment: May 19, 1989

Effective: Aug. 1, 1989 with qualifications

Hate crimes—penalties

HF0700*—Greenfield, Jefferson, Clark, Forsythe, Kelly
SF0412—Berglin, Spear, Marty, Luther, Solon

Chapter 261: increases penalties for certain bias-motivated crimes (when one person assaults another because of the victim’s or another’s actual or perceived race, color, religion, sex, sexual orientation, disability, age, or national origin); increases penalties for using the U.S. mail or making telephone calls and falsely impersonating another to harass, abuse, or threaten another person; and authorizes the commissioner of public safety to report bias-motivated criminal activity which the bias crime reporting law doesn’t cover.

Enactment: May 25, 1989

Effective: Aug. 1, 1989 with qualifications

Juvenile alcohol offenders—probation, driving privileges

• See Families & Juveniles

Juveniles—jail detention limitation

• See Families & Juveniles

Nuisance law—expansion

• See Drugs & Alcohol

Presentence investigations—prosecution request

• See Legal & Judiciary

Racketeering, criminal proceeds concealment—penalties

HF0837*—Carruthers, Orenstein, Hasskamp, Kelly, Blatz
SF0483—Freeman, Morse, D.J. Frederickson, Piper, Belanger

Chapter 286: creates new crimes of racketeering and concealing criminal proceeds and provides criminal and civil penalties for violators.

Provisions:

- provide civil and criminal penalties for people who engage in narcotics and violent offenses as part of an enterprise;
- authorize the courts to:
 - dissolve a corporate charter, revoke a license, and order injunctive relief to prevent an enterprise from engaging in criminal activity; and
 - impose fines of three times the profit gained through racketeering;
- provide for criminal forfeiture of real and personal property related to racketeering activity after conviction.

Enactment: June 1, 1989

Effective: Aug. 1, 1989 with qualifications

Real estate—crime, seizure

HF0159*—Dawkins, Clark, Krueger, Marsh, Kelly
SF0330—D.M. Moe, Spear, McGowan

Chapter 305: requires county attorneys to notify residential landlords whenever law enforcement officials seize contraband or illegal controlled substances having a retail value greater than \$5,000 on the landlord’s rental property in connection with a lawful search or arrest; requires landlords, or the county attorney at the landlords’ request, to begin eviction actions against such tenants within 15 days of receiving notification; and provides penalties and defenses for failure to do so.

Enactment: June 1, 1989

Effective: Oct. 1, 1989 with exceptions and qualifications

Research animals—unauthorized release

HF0132—Bertram, K. Olson, Krueger, Wenzel, Uphus
SF0294*—Stumpf, Morse, Berg, Piper, Anderson

Chapter 55: provides misdemeanor† penalties for anyone who intentionally and without permission releases a research animal; provides gross misdemeanor† penalties for second and subsequent offenses; makes the offender liable for the cost of restoring the animal to its health condition prior to release, and for damage to personal and real property the released animal causes; and repeals a portion of law concerning penalties for unauthorized release of such animals.

Enactment: April 26, 1989

Effective: Aug. 1, 1989 with qualifications

Seat belt fines—emergency medical services relief

HF1146*—Steensma, Macklin, Kalis, Lynch, Conway
SF1018—Frank, Mehrkens, Lantry, Beckman

Chapter 288: removes the \$750,000 annual cap on the amount of seat belt violation fines that the state deposits in the emergency medical services relief account.

Enactment: May 26, 1989

Effective: July 1, 1989

**Sentencing—
imposition of sentence**

HF0193*—Carruthers, Kelly, Swenson
SF0404—D.C. Peterson, Spear, Berglin

Chapter 253: prohibits offenders from demanding that a court execute (carry out) their sentence rather than suspend it if the offenders will serve less than nine months at the state institution (doesn't apply to offenders who will serve sentences consecutively or concurrently with a previously imposed executed felony sentence); and directs the Board of Pardons to meet at least twice a year.

Enactment: May 25, 1989

Effective: Aug. 1, 1989

**Traffic regulations—
court appearance**

HF0531—Pugh, Carruthers, Conway, V. Johnson, Macklin
SF0126*—Diessner, Bertram, Piper, Cohen, Ramstad

Chapter 228: allows the commissioner of public safety, after receiving notification that an individual failed to appear in court, to suspend the individual's driver's license; waives the suspension if the individual pleads guilty to a petty misdemeanor† and pays the court-imposed fine within 30 days, effective Jan. 1, 1990; and requires a \$20 fee to redeem a suspended chauffeur's license, effective day after enactment.

Enactment: May 22, 1989

Effective: day after enactment with exceptions

Veterans—post-traumatic stress disorder

• See Veterans & Military

Victims' rights—restitution

• See Legal & Judiciary



DRUGS & ALCOHOL

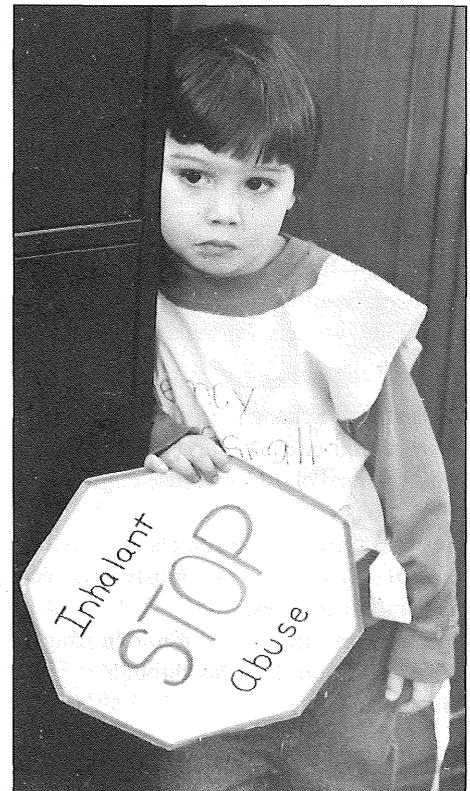
**Anabolic steroids—
controlled substance**

HF0337—Limmer, Conway, Sviggum, Vellenga, Jefferson
SF0339*—Solon, Ramstad, Pogemiller, Reichgott, Piper

Chapter 230: includes anabolic steroids under laws governing controlled substances.

Enactment: May 22, 1989

Effective: Aug. 1, 1989



Five-year-old Mike Chosa, Minneapolis, rests at the Capitol with message in hand. In March, the Minneapolis Inhalant Abuse Task Force urged legislators to support a bill that would establish an inhalant abuse demonstration project. Chapter 282 directs the commissioner of human services to create a project that provides intervention and coordinates community services for inhalant abusers aged 7 to 14.

Blaine—on-sale liquor license

- See Local Bills—Metro

**Cook County—
off-sale liquor license**

- See Local Bills—Counties

DWI—multiple convictions

- See Crime & Corrections

Hibbing—on-sale liquor licenses

- See Local Bills—Cities & Towns

**Liquor licenses—
fee increase notices**

- HF1405***—O'Connor
- SF1407**—Solon

Chapter 104: requires towns, cities, or counties to hold hearings on proposed liquor license fee increases and to mail notices of proposed increases to all affected licensees at least 30 days before the hearing.

Enactment: May 9, 1989

Effective: June 30, 1989 with qualifications

Liquor licensing

- HF0528**—Jacobs, O'Connor, Dawkins, Solberg, Stanius
- SF0358***—Solon, Purfeerst, Spear, Metzen

Chapter 49: changes the time retailers may sell intoxicating liquor on certain holidays and clarifies license eligibility. Provisions:

- permit a city of the first class† to issue off-sale† licenses to previously licensed general food stores;
- extend on-sale† hours of intoxicating liquor to 1 a.m. Monday through Sunday;



In February, Washington Junior High School students told the Judiciary Committee's Criminal Justice Division about experiences with drug dealers they encounter in and around their school. Chapter 290 creates a 300-foot "drug free zone" around schools and public parks, and increases penalties for those convicted of selling or possessing drugs in these areas.

- allow sales of off-sale liquor on Jan. 1 (New Years Day) and July 4 (Independence Day); effective day after enactment;
 - permit Canosia Township in St. Louis County to issue an off-sale intoxicating liquor license to an exclusive liquor store with approval from the commissioner of public safety; effective upon local approval;
 - repeal a provision prohibiting a local government unit from granting a retail license to sell intoxicating liquor until the applicant files a security bond.
- Enactment:** April 24, 1989
Effective: Aug. 1, 1989 with exceptions

Nuisance law—expansion

- HF0302**—Clark, Dawkins, Wagenius, Kelly, Pappas
- SF0321***—Berglin, Pogemiller

Chapter 112: expands the nuisance† law to include prior convictions for certain drug and liquor offenses.

Enactment: May 10, 1989

Effective: Aug. 1, 1989

Real estate—crime, seizure

- See Crime & Corrections



Liquor tax—refund claims

- See Taxes

**Minneapolis—
on-sale liquor licenses**

- See Local Bills—Metro

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ECONOMIC DEVELOPMENT & TRADE

**Local governments—
general revenue funds**

- See Local Bills—Cities & Towns

Municipalities—secondary sales

- HF0065*—Otis
- SF0065—Dahl

Chapter 317: authorizes local jurisdictions involved in economic development to participate in secondary markets.

Provisions:

- allow municipalities to sell any

instrument (note, mortgage, lease, sublease, or lease purchase) or other obligation that guarantees an economic development loan to businesses, for-profit or nonprofit organizations, or individuals;

- regulate such sales;
- require the commissioner of commerce to review proposed sales and supervise procedures.

Enactment: June 1, 1989

Effective: day after enactment

**Working capital fund—
investment**

- HF0042*—McLaughlin, Simoneau, Jefferson, S. Olsen
- SF0548—Marty, Freeman, D.R. Frederickson, Pogemiller

Chapter 320: permits the commissioner of transportation and certain metropolitan agencies to grant certain money to a working capital fund that a nonprofit organization administers to make or guarantee working capital loans to businesses that socially or economically disadvantaged people own or operate.

Enactment: June 1, 1989

Effective: day after enactment



A Commerce Committee member looked over "Minnesota Explorer," an Office of Tourism publication, during a presentation in January from Tourism Director Hank Todd. Chapter 181 allows roadside service signs along Minnesota highways to include advertising for tourist-oriented businesses.



EDUCATION

**Askov School Board—
membership**

See Local Bills—Cities & Towns

**Barber schools—
teaching requirements**

- HF1378—Price, Trimble, Dorn, Quinn, Kalis
- SF1241*—Pogemiller

Chapter 62: reduces from five years to three years the experience a licensed barber needs to teach in a barber college.

Enactment: May 1, 1989

Effective: Aug. 1, 1989

Board of Teaching—changes

- HF0412*—McEachern, K. Nelson, Simoneau, Ozment, Kelso
- SF0471—Pehler, D.C. Peterson, Ramstad, D.J. Frederickson, Pogemiller

Chapter 251: changes laws governing teachers and teacher licensure.

Provisions:

- amend the definition of "teachers" under laws governing licensure to include certain support staff;
- define "supervisory personnel" to include athletic coaches and remove certain other personnel;
- remove support personnel licensure authority from the State Board of Teaching; authorize the State Board of

Vocational Technical Education to license certain vocational personnel;

- prohibit the Board of Teaching, after July 1, 1989, from:

- developing additional fields of licensure;

- dividing existing fields of licensure; or

- extending any licensing requirements to any duties that could be performed on March 15, 1989, without a license;

- require the Board of Teaching to charge a processing fee for applicants for issuance, renewal, or extension of a teaching license;

- outline membership qualifications and composition for the Board of Teaching; require composition changes to occur as soon as possible after Aug. 1, 1989, as vacancies occur or members' terms expire.

Enactment: May 25, 1989

Effective: Aug. 1, 1989

Compulsory attendance—certain enrolled students

HF0996*—Skoglund, McEachern,

K. Nelson, Wagenius, Hartle

SF1321—D.C. Peterson

Chapter 296: allows school boards to require students under age 7 to attend classes.

Provisions:

- require a school board's compulsory attendance policy to include a dispute resolution process with a neutral third party facilitator to resolve disputes between parents and the district;

- require districts to provide parents or guardians with a copy of the policy when they enroll their children;

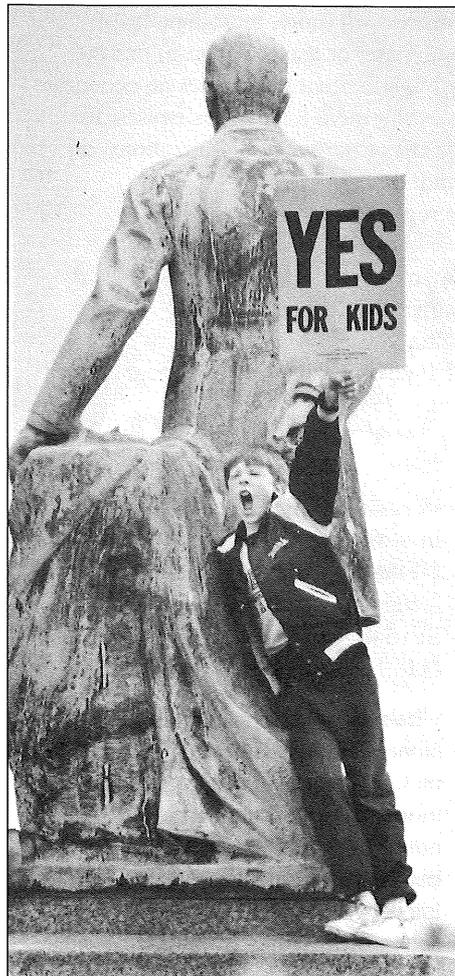
- require a school board to keep truant enforcement authorities supplied with copies of the school board's policy;

- release from compulsory attendance those students under age 7 who withdraw from public school enrollment;

- state that violation of this law is a misdemeanor† with penalties of a fine up to \$50 or up to 30 days in prison.

Enactment: May 26, 1989

Effective: Aug. 1, 1989



Mark Farrell, a sixth grader at Mahtomedi Middle School, raised a sign and voiced his approval for additional funding for educational programs from atop one of the statues in front of the State Capitol. A crowd of more than 6,000 gathered on the steps of the Capitol in April waving "Invest in Our Children" pennants, and urging increased spending for education. Chapter 329 provides education funding for grades kindergarten through 12.

Corporal punishment—schools

HF1387*—Kahn, K. Nelson,

Hasskamp, Pappas, Weaver

SF0796—Laidig, Reichgott,

D.C. Peterson, Spear, D.M. Moe

Chapter 114: prohibits public school district employees or agents from hitting, spanking, or using unreasonable physical force to reform or punish a student's unacceptable conduct.

Enactment: May 10, 1989

Effective: Aug. 1, 1989

Education Finance, K-12—omnibus bill

- See Appropriations

Education funding formulas—technical changes

HF0141*—K. Nelson, McEachern

SF0216—R.W. Peterson

Chapter 222: corrects, clarifies, changes, and updates education funding related statutes.

Note: Chapter 329 provides that certain sections of this act are not effective.

Enactment: May 22, 1989

Effective: various dates

Education laws—changes, corrections

HF0146*—Wagenius, A. Johnson,

McEachern, Swenson

SF1145—R.W. Peterson

Chapter 220: revises the text of education laws without changing the meaning.

Enactment: May 19, 1989

Effective: Aug. 1, 1989

Higher Education—omnibus appropriations bill

- See Appropriations

Immunization—postsecondary students

HF0943*—Orenstein, Ogren,

C. Nelson, Greenfield, Gruenes

SF0347—Vickerman, Piper

Chapter 215: changes immunization laws and requires postsecondary students to submit a statement of immunization.

Provisions:

- remove pertussis from a list of illnesses which require three doses of vaccine for a child age 7 or older (former law did not require children age 7 or older to be immunized against pertussis); effective July 1, 1989;
- change recording requirements for

information on various immunizations; effective July 1, 1989;

- direct school administrators to assist in transferring students' immunization files to public or private postsecondary institutions at the institutions' request; effective July 1, 1990;
- direct the parents of students who receive instruction in a home school to submit immunization statements to the school district superintendent by Oct. 1 of each school year; direct the superintendent to report these statements to the commissioner of education; effective July 1, 1989;
- prohibit students from remaining enrolled in public or private postsecondary educational institutions unless they have submitted a statement to the administrator indicating each immunization for measles, rubella, mumps, diphtheria, and tetanus; effective July 1, 1990;
- direct institutions to maintain immunization records within student files; allow the state Department of Health and the local boards of health to inspect the records; effective July 1, 1990;
- direct the institutions to require students to provide immunization statements within 45 days of beginning the academic term for which the student registered; effective July 1, 1990.

Enactment: May 19, 1989
Effective: various dates

Minneapolis School District—insurance premium subsidies
HF0157—Clark, Simoneau, Greenfield
SF0149*—Spear

Chapter 15: allows the Minneapolis School District to determine a schedule and procedures for reimbursing health insurance subsidies for certain retired teachers.

Enactment: March 29, 1989
Effective: day after enactment

Minnesota Educational Computing Corporation—changes
HF1332—L. Carlson, McEachern, Price, K. Olson, Heap
SF1020*—Pehler, R.W. Peterson, Dicklich, D.C. Peterson, Knutson

Chapter 202: authorizes the Minnesota Educational Computing Corporation (MECC) board of directors to sell all or part of the corporation.

Provisions:

- prohibit board members and management employees from participating in a sale proposal, except for a proposal from an organized group of the corporation's employees;
- direct distribution of proceeds to:
 - any liabilities and obligations;
 - reimburse all expenses incurred in connection with the offer for sale and the sale of the corporation; and
 - the Permanent School Fund;
- require a report to the Legislature by Jan. 15, 1990.

Enactment: May 19, 1989
Effective: day after enactment

Permanent School Fund—land donation
HF0498—McEachern, S. Olsen, Kelso, Scheid, Battaglia
SF0478*—Pehler, Merriam, R.W. Peterson

Chapter 51: permits certain donations to the Permanent School Fund.

Provisions:

- permit the commissioner of natural resources to accept land donations;
- permit the commissioner of education to accept donations of cash, marketable securities, or other personal property.

Enactment: April 25, 1989
Effective: Aug. 1, 1989

Pine Point Experimental School—extension
HF1502*—Poppenhagen
SF1256—Larson

Chapter 221: extends the termination date for the Pine Point Experimental School until July 1, 1991.

Provisions:

- require the state auditor to audit the school's records for FY'89 and FY'90;



Preschoolers from the Northside Child Development Center, Minneapolis, munched apples in the Capitol Rotunda after listening to the governor and legislative leaders speak last February. The "Motherhood and Apple Pie" reception gave people from around the state a chance to discuss maternal and health care concerns with legislators. Chapter 282 appropriates funds to the commissioner of health for the Maternal and Child Health Program.

• require the Department of Education to conduct a management and program evaluation of the school, make recommendations about continuing the school, and report to the Legislature by Jan. 1, 1991.

Enactment: May 22, 1989

Effective: Aug. 1, 1989

School district employment—exemptions

HF0675—Scheid, Kelly, Blatz, Osthoff, Milbert

SF0618*—Cohen, Spear, D.C. Peterson

Chapter 85: exempts school districts from certain requirements relating to employing rehabilitated criminal offenders.

Enactment: May 9, 1989

Effective: Aug. 1, 1989

School districts—bonds, calamity

HF1587—Pugh, Seaberg, Milbert, Pappas

SF1488*—Metzen, Knutson

Chapter 70: authorizes school districts to issue general obligation bonds without an election to provide immediate funding for health and safety programs when substantial damage beyond the district's control occurs to a building the district owns; requires districts to deposit all insurance, restitution, and litigation proceeds in the debt redemption fund.

Enactment: May 3, 1989

Effective: day after enactment

School districts—energy efficiency projects

• See Energy & Utilities



University of Minnesota President Nils Hasselmo testified before the Education Committee's Higher Education Division on one of several occasions when legislators discussed funding for the university. See Chapter 293 for U of M funding.

School districts—medical providers

HF1221*—K. Olson, McEachern, Pelowski, Ostrom, Ozment

SF1075—Beckman, Vickerman, R.W. Peterson, Berglin

Chapter 191: allows a school district to enroll as a provider in the medical assistance (MA) program and to receive MA payments for covered special education services the district provides to eligible people.

Enactment: May 19, 1989

Effective: July 1, 1989

School districts—religious observances

HF1074—Segal, Greenfield, Kelly, Orenstein, Abrams

SF0069*—Cohen, Spear, Piper, Freeman, Metzen

Chapter 60: requires school districts to make reasonable efforts to excuse students from school for religious observances.

Enactment: May 1, 1989

Effective: Aug. 1, 1989

Taxes—property tax changes

• See Special Session

Teacher discharges—reports

HF0643—McEachern, Scheid, Bauerly, K. Olson, Hartle

SF0695*—Pehler

Chapter 97: requires school boards to report certain teacher discharges and resignations to the appropriate licensing board.

Provisions:

• require school boards to report to the state Board of Teaching, the Board of Education, or the Board of Vocational Technical Education within 10 days after the discharge, suspension, or resignation occurs;

• designate the board that receives the report as the investigative board and require the reporting school board to cooperate;

• classify all information sent to any board under this provision as private data;

• grant immunity to the school board, its members in their official capacity, and school district employees from civil or criminal liability for reporting or cooperating if they act in good faith and with due care.

Enactment: May 9, 1989

Effective: Aug. 1, 1989

Teachers—discriminatory practices

HF1715—Jefferson, Trimble, Clark, Otis, McLaughlin

SF1374*—Pogemiller, D.C. Peterson

Chapter 152: allows a school district to discharge or demote a teacher who unfairly discriminates against a student.

Enactment: May 17, 1989

Effective: Aug. 1, 1989

**Technical institutes—
name change**

HF0740*—L. Carlson, Price, Heap,
Dorn, Jaros
SF1157—DeCramer, Stumpf, Hughes,
Bernhagen, Mehrkens

Chapter 246: changes references in
Minnesota Statutes from “technical
institutes” to “technical colleges.”

Enactment: May 25, 1989
Effective: Aug. 1, 1989

**U of M student regent—
enrollment requirement**

HF0101*—A. Johnson, Jaros, Kinkel,
McGuire, Munger
SF0027—Dahl, Pogemiller

Chapter 157: requires the student
member of the University of Minnesota
Board of Regents to be enrolled in a
degree program at the university at the
time of election.

Enactment: May 17, 1989
Effective: day after enactment

**Willmar School District—
real property purchase**

• See Local Bills—Cities & Towns



ELECTIONS

Secretary of State—elections

HF0630*—Osthoff, Scheid,
Kostohryz, Knickerbocker, Abrams
SF0553—Dicklich, Hughes

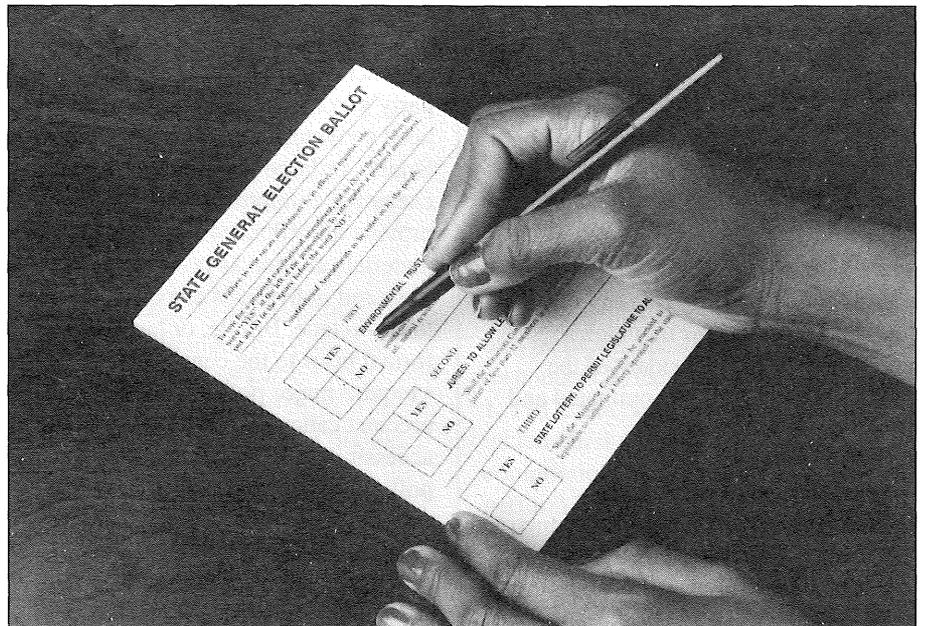
Chapter 291: changes and clarifies
laws governing absentee voting, mail
elections, election day activities,
ballots, canvassing, municipal elections,
school district elections, voting systems,
election contests, and financial
reporting.

Article 1—Election Law Provisions

Provisions:

• define “commercial purpose” under
the Ethics in Government Act to

- exclude purposes related to elections,
political activities, or law enforcement;
- allow the secretary of state to:
 - sponsor activities to promote
precinct caucus participation;
 - provide for timely reporting of
caucus results to the public;
 - sponsor nonpartisan activities to
promote voter participation in
Minnesota elections and efforts to
increase voter registration and
turnout;
 - monitor election procedures;
 - conduct recounts in precincts using
an electronic voting system; and
 - provide donated “I VOTED”
stickers to county auditors to distrib-
ute to voters;
- state that Minnesota election law
applies to absentee ballot voting unless
otherwise provided;
- set filing procedures for absent
candidates;
- permit school districts to submit
questions by mail to voters at special
elections;
- prohibit anyone, except election
officials or individuals waiting to
register or vote, from congregating or
standing within 100 feet (formerly 50
feet) of a polling place entrance;
- require county auditors to report all
election returns to a legally constituted
canvassing board;



Minnesota will have a presidential primary beginning in 1992. According to Chapter 291, the primary will take place on the fourth Tuesday in February of each year in which a president and vice president of the United States are to be nominated and elected.

- require an election candidate who requests a recount to pay certain expenses;
- set procedures for recounts on questions when the vote difference is equal to or less than the margins in the current law governing local election recounts;
- require the secretary of state to adopt rules for the state primary ballot's format and preparation;
- set procedures to allow candidates to withdraw from special primary ballots;
- require school district clerks and municipal clerks to notify county auditors at least 30 days prior to an election of the election's date, and of the offices and questions voters will decide;
- require school district canvassing boards to perform school board duties for special election recounts involving referendums or school board member elections;
- require the secretary of state, when examining lever voting machines or electronic voting systems, to examine the ballot programming, vote counting, and vote accumulation functions of each voting machine or system;
- require vendors of voting machines, electronic voting systems, or related election services to provide a performance bond to the secretary of state;
- allow election officials using optical scan voting systems to provide sample ballots prepared in the voting system format;
- set penalties for candidates or committee treasurers who fail to file required reports;
- effective day after enactment.

Article 2—Presidential Primary

Provisions:

- require the state to hold a presidential primary on the fourth Tuesday in February of each year in which a president and vice president of the United States are to be nominated and elected;
- set procedures to:
 - prepare ballots;
 - announce and conduct the primary;
 - count votes, choose national political party convention delegates; and

—instruct delegates to vote at the conventions;

- effective Aug. 1, 1989.

Enactment: May 30, 1989

Effective: various dates

Special services—political party gatherings

HF0354*—Jefferson, Trimble, Lynch

SF0556—Ramstad, R.D. Moe,

Pogemiller, Hughes, D.C. Peterson

Chapter 308: requires major political parties to make good faith efforts to provide special services for physically handicapped and hearing or visually impaired people at precinct caucuses and party conventions.

Provisions:

- require communicatively impaired delegates or alternates who need interpreter services at county, legislative district, or congressional district conventions or precinct caucuses, and communicatively impaired people who wish to attend precinct caucuses to notify the political party's executive committee in writing 30 days before the convention date; require the party, at least 14 days before the convention date, to secure an interpreter, if available, and assume responsibility for the interpreter's cost;
- permit visually impaired delegates or alternates to county, legislative district, or congressional district conventions or precinct caucuses to notify the political party's executive committee that they need convention materials in audio tape, Braille, or large print format; require the executive committee, upon request, to provide all official written convention materials as soon as possible so visually impaired individuals can convert them to audio tape, Braille, or large print format prior to the convention;
- require major political parties to hold precinct caucuses in places that meet accessibility standards for precinct polling places and provide restrooms and elevators, if necessary, that conform to the State Building Code for handicapped accessibility; allow political parties to hold precinct caucuses outside a precinct's boundaries or to alternately share a location to comply with accessibility requirements;

- exempt major political parties from providing interpreters at conventions or precinct caucuses or holding precinct caucuses in a handicapped accessible place if they're unsuccessful after making documented good faith efforts to do so;

- appropriate \$39,000 to the secretary of state to reimburse major political parties for interpreter service costs.

Enactment: June 1, 1989

Effective: July 1, 1989

Voter registration files—updates

HF0072—Tunheim, Liéder, Abrams, Tjornhom

SF0204*—Stumpf, Hughes, Luther

Chapter 7: provides for the removal of certain voter registration cards.

Provisions:

- allow county auditors, after receiving a notice of death, to remove from the files the original and duplicate registration cards of voters who died outside the county;
- require the death notice to be a printed obituary or a written statement which a registered voter of the county signs;
- direct county auditors to make appropriate changes in the central registration system data base after removing voter registration cards from the files.

Enactment: March 9, 1989

Effective: Aug. 1, 1989





EMPLOYMENT & LABOR

Blind vendors—data release

- See Legal & Judiciary

Boiler operation, inspection— regulation

HF0085*—Murphy

SF0103—Chmielewski

Chapter 71: regulates boiler operation and inspections.

Provisions:

- require boiler owners and operators to have the Department of Labor and Industry's Division of Boiler Inspection annually inspect their equipment;
- exempt certain boilers from the annual inspection requirement;
- require certain boiler owners to maintain equipment service records;
- provide for annual inspections to verify deficiency correction if an inspector finds substantial deficiencies.

Enactment: May 8, 1989

Effective: day after enactment

Elevator operation, operators— regulation

HF0376—Quinn, Begich, Beard,

A. Johnson

SF0431*—Hughes, Lantry, Langseth,
Chmielewski, Gustafson

Chapter 303: amends laws regulating elevator operation and operators.

Provisions:

- authorize the commissioner of labor and industry to administer laws governing regulation of elevators and to impose fines up to \$1,000 on violators;
- require elevator owners and operators to provide Department of Labor and Industry (DLI) inspectors with access to their elevators at a reasonable hour;
- prohibit inspectors from falsely certifying an elevator's safety or granting a license or permit opposing these provisions;
- prohibit anyone from constructing or installing an elevator after July 1, 1989, without a permit;
- permit municipalities, with DLI approval, to inspect elevator installation, repair, construction, and operation;
- permit the commissioner to adopt rules governing various fees and inspection qualifications;
- appropriate \$162,000 for FY'90 and \$162,000 for FY'91 to the commissioner to conduct elevator inspections; add four staff positions.

Enactment: June 1, 1989

Effective: July 1, 1989

Employee Right-to-Know Act— changes

HF0300*—Clark, Greenfield, Pappas,
Trimble, Limmer

SF0442—Piper, Frank, Adkins,
Beckman, Chmielewski

Chapter 249: changes the Employee Right-to-Know Act of 1983.

Provisions:

- define "technically qualified individual" to include physicians, dentists, pharmacists, or lead research individuals, other than students in one of these fields who, because of education, training or expertise, understand the health risks and necessary precautions associated with hazardous substances, harmful physical agents, infectious

agents or mixtures they handle;

- permit an administrative law judge, who finds that an employer discharged an employee for exercising rights that the Occupational Safety and Health Act (OSHA) guarantees, to order the employer to:

—pay back pay and compensatory damages;

—rehire the employee;

—reinstate the employee's former position, fringe benefits and seniority; and

—other appropriate relief;

- require employers to train certain employees to properly handle infectious agents.

Enactment: May 25, 1989

Effective: Aug. 1, 1989

Employees—lunch breaks

HF0030*—Carruthers, Trimble,
Orenstein, Begich, Bishop

SF0109—Diessner, Piper, Lantry

Chapter 167: requires employers to provide employees who work at least eight consecutive hours sufficient time to eat a meal; eliminates requiring employers to pay employees during meal breaks; and allows employers and employees to establish meal periods through collective bargaining.

Enactment: May 19, 1989

Effective: Aug. 1, 1989

Good samaritans—benefits

HF0391*—Bertram, Beard,
G. Anderson, Kahn, Sparby

SF0161—Bertram

Chapter 289: provides eligibility for death benefits for certain fire and rescue unit members and for other first responders, effective retroactive to Oct. 1, 1987; and defines "peace officer" to include first responders whom the commissioner of health certifies to perform basic emergency skills before a licensed ambulance service arrives, effective July 1, 1989.

Enactment: May 26, 1989

Effective: various dates

Injured volunteers—benefits

HF0564*—Cooper, Lasley, Peterson, Williams
SF0552—Stumpf, Langseth, Morse, Beckman, Berg

vetoed

Chapter 302 would have: provided benefits to certain volunteers injured while performing public service; changed regulations of workers' compensation system; required recommendations and a report to the Legislature; required an asbestos health screening project; created an advisory committee; set fees; and appropriated money.

Vetoed: June 1, 1989

Insurance agents— continuing education

- See Insurance

Job evaluations—unfair practices

HF0456*—Williams, Pugh, Orenstein, A. Johnson
SF0130—Reichgott, Pogemiller, Piper, Marty

Chapter 223: allows the commissioner of human rights and the state courts to use the results of any job evaluation system that a public employer uses as evidence in discrimination actions.

Enactment: May 22, 1989

Effective: Aug. 1, 1989

Nurse Practice Act

- See Health & Human Services

Personnel records—

employee access

HF0260*—Trimble, Begich, Rukavina, Hasskamp, Kelly
SF0312—Merriam, R.W. Peterson, Chmielewski, Lantry, Storm

Chapter 349: allows employees to view their personnel files, seek removal, revision, or explanation of disputed material; regulates use of omitted information; and prohibits employer retaliation.

Provisions:

- define "personnel record" to include any employment application, wage/salary history, notice of commendation, warning, discipline or termination, pay deduction/withholding authorization, fringe benefit information, leave record, and employment history with the employer;
- exclude from the definition of "personnel record":

- written references;
- certain information about criminal or civil investigations;
- employee testing results;
- written comments/data that supervisory personnel keep;
- privileged information;
- portions of co-workers' statements concerning job performance or job-related misconduct; and
- medical reports and records;

- direct employers to provide employees, upon their written request, with an opportunity to review their records at least once every six months or when leaving the company, once during the first year after separation;
- outline time, location, and conditions of review;
- allow an employer to deny the right to review records if the employee's request was not done in good faith; place the burden of proving lack of good faith on the employer;
- permit employees to remove or revise disputed material, upon agreement with the employer or, if they can't agree, permit the employee to include a written position statement up to five pages;
- prohibit employees and employers from using file information for defamation suits, with exceptions;

- prohibit employers from:
 - using information omitted from employees' personnel files in administrative, judicial, or quasi-judicial proceedings unless the omission is unintentional and the employee has a reasonable chance to review the omitted material; and
 - retaliating against employees who exercise their right to review personnel records;
- outline legal remedies and statute of limitations†.

Enactment: June 1, 1989

Effective: Aug. 1, 1989

Pipefitting, high pressure piping—safety, regulation

HF0410*—Trimble, Rukavina, A. Johnson, Dille, Kelly
SF0438—Lantry, Chmielewski

Chapter 22: includes ammonia piping in the definition of "high pressure piping."

Enactment: April 6, 1989

Effective: Aug. 1, 1989

Protective agents— employment restrictions

HF0186*—Carruthers, Rest, Kelso, Pappas, Weaver
SF0055—Reichgott, Spear, Luther, Marty

Chapter 171: prohibits employers from hiring as a security guard (protective agent) any person convicted of certain crimes.

Provisions:

- add criminal sexual conduct violations to the list of acts which disqualify an individual from licensure;
- bar a protective agent services license holder from providing armed protective personnel to labor disputes or strike locations;
- exempt people hired before the effective date of this act.

Enactment: May 19, 1989

Effective: day after enactment

Public Employee Relations

Act—changes

HF0489*—Dawkins, Simoneau

SF1260—Freeman, Pogemiller,
D.R. Frederickson

Chapter 255: regulates fair share fees, unfair labor practices, arbitration procedures, and grievance procedures. Provisions:

- require the commissioner of mediation services to establish a roster of labor dispute arbitrators;
- require an individual who brings an unfair labor practice complaint in court to provide copies of the complaint and any court orders or judgments to the commissioner within 10 days of the order or judgment;
- modify negotiation procedures for a first agreement between a public employer and the employees' representative;
- modify dispute arbitration procedures for essential and nonessential employees;
- require the commissioner to determine arbitration items in cases involving essential employees if the parties can't agree;
- clarify that any disciplinary action against nonprobationary employees is

subject to the contract grievance and arbitration procedures;

- repeal a portion of a 1984 law concerning grievance procedures for teachers.

Enactment: May 25, 1989

Effective: day after enactment

Public employees—

vacation, medical expenses

- See Governmental Operations

Railroad projects—

prevailing wage

HF0786*—Rice, Ogren, O'Connor,
Begich, Beard

SF0722—Pehler, Frank, Kroening,
Solon

Chapter 218: requires railroads that contract for portions of rehabilitation work or rail service improvements to recruit new workers from the work site area, and to pay them as much or more than the amount the railroad pays its own workers for similar work.

Enactment: May 23, 1989

Effective: Aug. 1, 1989

School district employment— exemptions

- See Education

State employees—

harassment policies

HF1311*—Jefferson, Greenfield,

Pauly, McLaughlin, Bishop

SF1414—Pogemiller, D.C. Peterson,
Kroening, Berglin, Marty

Chapter 96: provides as state policy that public employees have the right to work in an environment free from harassment based on race or disability, and subjects any public employee who harasses another public employee because of disability, race, creed, color, or national origin to disciplinary action, including discharge.

Enactment: May 9, 1989

Effective: Aug. 1, 1989

State government—

part-time employees

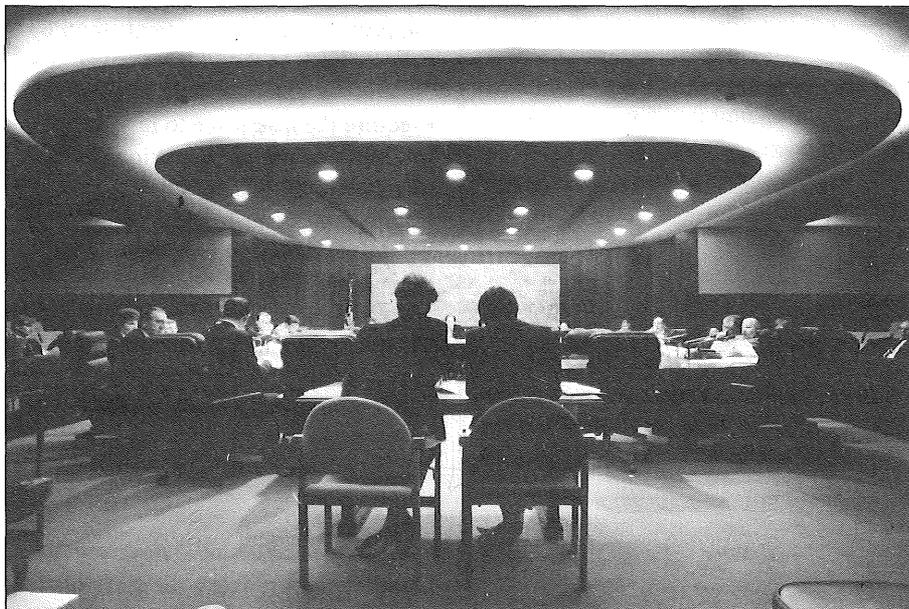
HF0100*—A. Johnson, Simoneau,

R. Johnson, Rukavina, R. Anderson

SF0240—Piper, Pogemiller, Freeman,
D.R. Frederickson

Chapter 81: regulates part-time state employees and employment policies. Provisions:

- require state agencies' summaries of employees to list employment status;
- clarify that less than full-time employees are eligible for state-paid benefits through collective bargaining agreements;
- require the commissioner of employee relations to report to the Legislative Commission on Employee Relations showing:
 - the percentage of employees in each job classification who receive the full state contribution, and the percentage of those who receive a partial contribution for life insurance, hospital, medical, and dental benefits; and
 - which job classes are male-dominated, female-dominated, and balanced;



Labor-Management Relations Committee

• repeal a law which makes certain state student workers, interns, emergency employees, temporary employees, and intermittent employees ineligible for state-paid insurance and benefits.

Enactment: May 9, 1989

Effective: Aug. 1, 1989

**Unemployment compensation—
changes**

HF1460—Beard, Omann, Begich,
Sviggum

SF1270*—Frank, Piper

Chapter 65: makes technical corrections to unemployment compensation laws.

Provisions:

- change the definition of “employment” to:
 - eliminate the exemption for a milk agent-driver or commission-driver;
 - exempt employment in licensed day training and habilitation programs;
 - eliminate the exemption for dental and medical interns working in a medical office or clinic; and
 - remove corporate officers from the exemption for commission insurance and real estate agents;
- change “wage credits” to “wages paid,” which allows employees to use certain wages they earned before the first layoff to calculate benefits for a second benefit year;
- expand the Department of Jobs and Training’s (DJT) access to certain income tax return information concerning any individual who:
 - owes or allegedly owes an obligation to the DJT; or
 - is subject to an investigation for possible criminal prosecution under these provisions;
- make technical changes, correct cross references, and clarify language.

Enactment: May 3, 1989

Effective: day after enactment

**Vocational rehabilitation—
term change**

HF1009—Dorn, Cooper, Ostrom,
Girard, Tjornhom

SF0112*—Frank, Piper

Chapter 35: changes the phrase “extended employment plan participants” to “workers” in laws governing vocational rehabilitation programs.

Enactment: April 17, 1989

Effective: day after enactment



**ENERGY &
UTILITIES**

**Electric utilities—
service boundary changes**

HF0619—Quinn, Jacobs, D. Carlson

SF0631*—Dicklich, Merriam, Novak

Chapter 309: establishes a task force to study issues relating to electric utility service area boundary changes.

Provisions:

- set guidelines for task force membership, purpose, duties, staff, and powers;
- require the Public Utilities Commission (PUC) and the Department of Public Service to cooperate with the task force;
- authorize the PUC to employ consultants to work with the task force and assess the costs, up to \$200,000 total, to appropriate and affected utilities;
- appropriate any assessments the PUC collects back to the PUC to cover task force costs; effective July 1, 1989;
- require the task force to report findings and recommendations to the Legislature by Feb. 1, 1990.

Enactment: June 1, 1989

Effective: day after enactment with exceptions

**Environmental Quality Board—
powers**

HF1041—Jennings, Munger,

R. Johnson, D. Carlson, Ozment

SF1083*—Brandl

Chapter 346: requires the Environmental Quality Board (EQB) to establish an exemption process from the power plant siting requirements for certain generating plants and establishes

a genetic engineering advisory committee.

Provisions:

- require the EQB to establish:
 - exemption eligibility, procedures, and costs for certain electric power generating plants; and
 - an advisory committee on genetically engineered organisms to advise the board on general issues and specific proposals involving genetic engineering;
- appropriate \$55,000 to the EQB to administer genetic engineering provisions.

Enactment: June 1, 1989

Effective: July 1, 1989

Low-income energy needs

HF1532*—Dawkins, Otis, Boo, R. Anderson, Ogren
SF1433—Dicklich, Marty, Piper, Decker

Chapter 338: addresses low-income energy needs and energy conservation programs and designates the Department of Public Safety (DPS) as the agency responsible for coordinating energy policy for low-income Minnesotans.

Provisions:

- require the Public Utilities Commission (PUC) to amend its rules on disconnecting service for residential customers unable to pay for utility service in cold weather to:
 - cover customers whose household income is less than 185 percent of the federal poverty level;
 - prohibit utilities from disconnecting service during the cold weather months to customers who pay at least 10 percent of their income or the full utility bill amount during the month;
 - prorate the 10 percent figure among heating energy providers;*Note: Chapter 356 deletes "heating" in this provision.*
 - clarify that energy assistance amounts are not part of household income;
 - require local energy assistance providers to verify income; and
 - require local energy assistance providers to provide customers with budget counseling and referral to

weatherization, conservation, or other programs likely to reduce the customers' energy consumption;

- authorize the DPS to:
 - establish rules requiring public utilities to make investments and expenditures in energy improvement programs (former law authorized the PUC to order utilities to do so); and
 - require utilities to undertake programs that outside sources such as a political subdivision or a nonprofit or community organization suggest;
- permit a utility, a political subdivision, the attorney general, or a nonprofit or community organization that suggests a program to petition the PUC to modify or revoke a DPS decision to require a program; permit the PUC to do so if it determines the program is ineffective, doesn't adequately address low-income customer needs, or otherwise isn't in the public interest;
- direct the PUC to allow a utility to recover expenses resulting from a conservation improvement program the DPS requires;
- direct the commissioner of public safety to collect information on conservation and other energy-related programs and make that information available to the public;
- require the Energy Conservation Information Center to use information it collects to maintain a central source of information on conservation and other energy-related programs and policies;
- direct the commissioner to:
 - require rental dwelling owners who receive weatherization grants to use the money to directly benefit the dwelling primarily for low-income families;
 - prohibit owners from increasing rents because of weatherization improvements; and
 - prohibit owners from making undue or excessive improvements to the unit's value;
- direct the DPS to study the feasibility of requiring heating fuel suppliers to undertake conservation improvement programs;
- appropriate:
 - \$22,000 from the state's general fund to the commissioner for rule-making purposes;
 - \$3.1m from money the state

received from federal lawsuits involving oil overcharges for the housing development fund for home energy loans, and one-half of the remainder to the commissioner of jobs and training for energy conservation projects that directly serve low-income Minnesotans; effective day after enactment.

Enactment: June 2, 1989

Effective: July 1, 1989 with exceptions

Minneapolis—energy, environmental services

- See Local Bills—Metro

Pipeline safety—inspection guidelines

HF0907*—Orenstein, Bishop, Jacobs, Rice, Pellow
SF0879—Novak, Dicklich, Diessner, D.E. Johnson, Merriam

Chapter 244: amends laws governing pipeline routing, construction, operation, safety, inspection, and emergency notification.

Provisions:

- set the statutory framework to authorize the state to seek federal agent certification to enforce the Federal Pipeline Inspection Program which the Hazardous Liquid Pipeline Safety Act authorizes;
- provide uniform civil penalties for violations of various provisions;
- clarify the commissioner of public safety's authority to require recordkeeping, inspect records, and set criteria for penalty imposition;
- authorize the commissioner to adopt rules establishing additional or more stringent safety standards for transportation of gas and gas pipeline facilities including requiring testing and certification for individuals who operate or maintain gas pipeline facilities;
- clarify the definition of "pipeline" to exclude a pipeline that a natural gas public utility owns or operates;

- adopt federal safety standards as minimum standards for hazardous liquid transportation;
- repeal provisions requiring pipeline operators to file information and give notice.

Enactment: May 23, 1989

Effective: Aug. 1, 1989

School districts—energy efficiency projects

HF1160*—Bauerly, K. Nelson, McEachern, Hartle, Simoneau

SF1102—D.J. Frederickson, Pehler, R.W. Peterson, Langseth, Knaak

Chapter 263: allows school districts to enter into guaranteed energy savings contracts to reduce energy and operating costs.

Provisions:

- require that contracts include a written guarantee that savings will meet or exceed the cost of the energy conservation measures; exempt contracts with this provision from competitive bidding requirements;
- allow districts to enter into such a contract if, after reviewing the provider's energy savings report, the district finds it would save more than it would spend on recommended conservation measures over the 10-year period after the installation date.

Enactment: May 25, 1989

Effective: day after enactment

Telecommunications devices—bus, airport terminals

HF1498*—Lynch, Jacobs, Jefferson, Quinn, Pellow

SF1470—Merriam, Freeman, Samuelson, Purfeerst, McQuaid

Chapter 111: requires the Metropolitan Airports Commission and certain bus stations in Minneapolis and St. Paul to provide telecommunications devices (TDDs) for communication-impaired people in public areas in the airport and bus terminals.

Enactment: May 9, 1989

Effective: Aug. 1, 1989

Tenants—lost service relief

- See Housing & Real Estate

Utilities—telephone service regulation

HF1056*—Jacobs, Quinn, Ogren, Bennett, Jennings

SF0901—Dicklich, Pehler, Novak, Olson, Frank

Chapter 74: regulates noncompetitive and competitive telephone services and corrects technical and procedural errors. Provisions:

- allow a telephone company to account for prices for emerging competitive services through incremental cost studies for each service instead of

separating all accounts for noncompetitive and competitive services; repeal this provision Aug. 1, 1994;

- change traditional and alternative telephone company regulations such as:
 - filing of rate schedules and price lists for noncompetitive and competitive services;
 - encouraging dispute settlements; and
 - altering procedures for investigating rate or service complaints;
- allow a telephone company to seek the Public Utilities Commission's (PUC) approval of an incentive plan to improve efficiency while maintaining or improving quality of service; require the company to:
 - share increased earnings from the plan with customers;
 - put the plan into effect for at least two years; and
 - periodically report to the PUC on implementation of the plan's sharing requirements;
- repeal this section Aug. 1, 1994.

Enactment: May 8, 1989

Effective: July 1, 1989



In April, House members received bumper stickers promoting ethanol when they considered a bill that would require service stations to provide customers with certain information about gasoline additives. Chapter 257 clarifies those eligible to receive state payments for producing agriculturally derived ethyl alcohol.

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ENVIRONMENT & NATURAL RESOURCES

Coal slurry pipelines— resolution

- See Resolutions

Deer—emergency feeding

HF0778—Kinkel, R. Johnson, Battaglia, D. Carlson, Janezich
SF0574*—Merriam, Lessard, Berg, Novak, D.R. Frederickson

Chapter 8: appropriates \$300,000 from the game and fish fund to the commissioner of natural resources for emergency deer feeding.

Enactment: March 9, 1989

Effective: day after enactment

Elephant Creek—dam control, structure

- See Local Bills—Counties

Environmental protection— risk retention

- See Insurance

Fish houses—time restriction change

HF1395—Omann, Stanius
SF1502*—Bertram

Chapter 199: changes the time period when fish houses may not be on the ice

after Feb. 28 from between 12 a.m. and 7 a.m. to between 12 a.m. and one hour before sunrise.

Enactment: May 19, 1989

Effective: Aug. 1, 1989

Fish, game—rights, special seasons, licenses

HF0827*—Stanisus, D. Carlson, Battaglia, Mungler, Runbeck
SF1008—Bernhagen, Lessard, Stumpf, Berg, D.E. Johnson

Chapter 287: establishes hunting, angling, and trapping rights; expands certain special seasons and license requirements; clarifies certain refund procedures; and authorizes certain people to exterminate muskrats.

Provisions:

- prohibit anyone from interfering with hunters, anglers, and trappers who legally take game or fish, including during preparation activities such as traveling or camping;
- prohibit anyone who intends to interfere or disrupt legal hunting, angling, or trapping activity from disturbing wild game;
- prohibit anyone who intends to harass hunters, anglers, and trappers from entering or remaining on public or private land without the owner's permission;
- authorize peace officers to regulate those who harass hunters, anglers, and trappers;
- expand the commissioner of natural resources' authority to open areas of the state for special seasons and require a fee for special permits; effective day after enactment;
- set a misdemeanor† penalty for people who submit misleading information on game or fish license applications;
- prohibit auditors or their agents from providing senior citizens with postage stamps or pre-addressed envelopes to obtain angling license fee refunds; require auditors and their agents to tell the seniors about how the state uses the fees and the effects of issuing refunds;
- authorize landowners and occupants' to exterminate muskrats that damage their land;

- prohibit anyone from buying and selling raw furs without a license; exempt taxidermists and fur manufacturers who buy raw furs from licensed individuals.

Enactment: May 26, 1989

Effective: Aug. 1, 1989 with exceptions

Forestry development projects— security limit

HF0392—R. Johnson, Battaglia, Rukavina, D. Carlson, C. Nelson
SF0192*—Bertram, Lessard

Chapter 50: removes \$20,000 cap for security† in lieu of bond for forestry development projects.

Enactment: April 24, 1989

Effective: day after enactment



Sacajawea, a Native American woman, is part of the five-figure statuary, "Minnesota, Spirit of Government," installed in the House of Representatives Chamber in 1938. She and her French husband, Toussaint Charbonneau, guided the Lewis and Clark expedition, mediating between wary tribes and the explorers. Italian-American sculptor Charles Brioschi included Sacajawea to honor her contributions to the settlement of Minnesota.

Game fish—open season

HF0831*—Kinkel, Stanius, R. Johnson, C. Nelson, Sarna
SF1384—Vickerman, Lessard

Chapter 242: sets the opening day for certain game fish on the Saturday two weeks prior to the Saturday of Memorial Day weekend.

Provisions:

- establish "Take a Mom Fishing Weekend" for mothers who are residents of Minnesota; allow mothers to fish by angling without a license on the Saturday and Sunday coinciding with Mother's Day;
- require the commissioner of natural resources to promote the event whenever the opening dates of the game fish season fall on Mother's Day weekend.

Enactment: May 23, 1989

Effective: Aug. 1, 1989

Groundwater—comprehensive protection

HF1230—Bauerly, Bertram, C. Nelson, Wenzel, Winter
SF0262*—Morse, R.D. Moe, Davis, Merriam, Benson

Chapter 326: governs groundwater protection, including sensitive areas; promotes and requires certain best management practices; and provides financial assistance for certain groundwater protection activities.

Article 1—Groundwater Protection

Provisions:

- provide as a goal that the state maintain groundwater in its natural condition, free from degradation whenever practicable;
- require the commissioner of natural resources to consult with the Minnesota Geological Survey, soil and water conservation districts, local water planning authorities, and other interested parties to develop specific criteria for identifying sensitive groundwater areas (those areas where, due to natural features, there's a significant risk of groundwater contamination from activities near or at the surface) and adopt the criteria by rule;



Barb Walker, public relations director for the University of Minnesota's Raptor Center, held Mariah, a four-year-old peregrine falcon at a Capitol event in April celebrating the "Reinvest in Minnesota" (RIM) program's third year. Chapter 353 amends laws governing RIM and transfers program administration from the Department of Agriculture to the Board of Water and Soil Resources.

- establish procedures for adopting rules;
- set eligibility standards for enrolling sensitive areas in the Conservation Reserve Program (RIM);
- exempt landowners from liability for degradation of sensitive groundwater under certain conditions;
- require the Pollution Control Agency (PCA) to develop and promote best management practices and demonstration projects to prevent groundwater degradation;
- authorize the commissioner of health to promulgate health risk limits, adopt them by rule, and review them every four years;
- require the commissioner of agriculture to evaluate detection of groundwater pollutants;
- require state agencies or political subdivisions to implement best management practices if groundwater pollution occurs in their jurisdiction or under their supervision;
- require the PCA and the Department of Agriculture, with help from the Board of Water and Soil Resources, to prepare a report on nitrate and related

nitrogen compounds in groundwater and submit it to the Legislative Water Commission by July 1, 1991;

- effective July 1, 1989.

Article 2—Water Research, Information, and Education

Provisions:

- create a 10-member legislative water commission to study:
 - the Environmental Quality Board's (EQB) recommendations for state water resources management and protection; and
 - the implementation and effects of sustainable agriculture in Minnesota;
- establish commission membership, subcommittees, staff, powers, duties, and goals;
- require the commissioner of agriculture to study the sustainability of agriculture in Minnesota; set study guidelines; require a report to the governor by Nov. 15, 1990;
- establish an environmental agricultural education program; set guidelines for its management and goals;
- require the EQB to evaluate water research needs and recommended priorities; set study guidelines; require a report to the Legislative Water Commission and the Minnesota Future Resources Commission by Sept. 15 of each odd-numbered year;
- establish a local water resources protection and management program to provide financial assistance to counties for local government activities that protect or manage water and related land quality; set guidelines for its management, procedures, members, powers, and goals;
- expand requirements of the Comprehensive Local Water Management Act;
- expand the EQB's planning and reporting requirements;
- effective July 1, 1989.

Article 3—Wells, Borings, and Underground Uses

Provisions:

- grant jurisdiction and enforcement powers over wells and borings to the commissioner of health;
- authorize the commissioner of health to adopt rules and fees;
- establish a 15-member advisory council on wells and borings to assist the commissioner; set membership guidelines;

- prohibit political subdivisions from regulating wells or elevator shafts unless the commissioner of health delegates the authority;
- allow local governments to retain authority over mineral exploration activities, and regulation of open wells and recharging basins;
- prohibit anyone from constructing, repairing, or sealing a well or boring except under certain conditions;
- require notification, permits, licenses, fees, and other regulations for construction, repair, or sealing a well or boring;
- require a person, firm, or corporation that provides the means to access groundwater by drilling, boring, or other means to register with the Department of Natural Resources' director of waters;
- require property owners to disclose to buyers the location and status of all known wells on the property; hold the seller liable for fees and costs to seal wells;
- allow owners to sue parties responsible for well contamination;
- order well owners to seal their wells under certain conditions;
- require the commissioner of natural resources to identify the location and status of wells on state property;
- prohibit the sale of state land without well identification;
- authorize the commissioner of health to order well owners to seal wells under certain conditions;
- require counties to issue sealed well certificates;
- establish a well sealing cost-share program through the Board of Water and Soil Resources;
- regulate elevator shaft borings and related activities, and environmental bore holes and related activities;
- establish licenses for limited well contractors, limited well sealing contractors, elevator shaft contractors, and monitoring well contractors;
- regulate the operation of drilling machines and pump hoists, and exploratory boring procedures and mining activities; require explorers to report data from exploratory boring and mining activities to the commissioner of natural resources;
- regulate:
 - groundwater thermal exchange devices, uses, construction, and other related activities;

- installation of vertical heat exchangers;
- underground space development; and
- underground storage of gas or liquid;
- prohibit abandonment of underground storage projects without written approval from the commissioners of health and natural resources;
- establish criminal penalties, liability, and defenses for violations of this chapter;
- effective July 1, 1990 with exceptions and qualifications.

Article 4—Water Conservation

Provisions:

- prioritize water allocations based on consumptive uses;
- prohibit the commissioner of natural resources from issuing water use permits for certain cooling and heating systems that use groundwater;
- establish a water use processing fee for each water use permit;
- authorize joint powers water management organizations in Hennepin and Ramsey counties to require water appropriation permits for certain nonessential uses;
- require the commissioner of natural resources to study consumptive water use and its impact on existing aquifers, and report to the Legislative Water Commission by Feb. 15, 1990;
- effective July 1, 1989.

Article 5—Pesticide Amendments

Provisions:

- require the commissioner of agriculture to:
 - develop a pesticide management plan;
 - monitor urban and rural uses of pesticides;
 - establish and operate a waste pesticide collection program; and
 - provide public educational materials and training regarding waste pesticides;
- require the state to use pesticide management techniques on public lands;
- require pesticide dealers and distributors, after June 30, 1994, to accept waste pesticides that remain in the original containers unless the county designates a place to return the unused portion;

- require the Legislative Water Commission to prepare a report and make a recommendation to the Legislature about the handling of waste pesticide containers and waste pesticides;
- increase the annual application fee for pesticide registration;
- require people intending to discontinue registration of a pesticide in Minnesota to complete a total recall of the pesticide in the state within 60 days;
- require the commissioner of agriculture, with the University of Minnesota Extension Service, to develop innovative educational and training programs that address pesticide concerns;
- require the Department of Agriculture, the commissioner of the PCA, and the Extension Service to establish a pesticide container collection and recycling pilot project and report recommendations for managing pesticide containers to the Legislature by Nov. 30, 1991;
- effective July 1, 1989 with exceptions.

Article 6—Fertilizers, Soil Amendments, and Plant Amendments

Provisions:

- require the commissioner of agriculture to administer, implement, and enforce laws governing fertilizers, soil amendments, and plant amendments;
- exempt sewage sludge and compost from most regulations;
- establish the soil testing laboratory certification program which the commissioner will administer;
- prohibit certain activities related to the storage, handling, distribution, water usage, and disposal of fertilizers, rinsates†, fertilizer containers, and fertilizer application equipment;
- regulate chemical irrigation (chemigation) processes;
- provide a formula for guaranteed analysis of plant nutrients;
- regulate the guaranteed analysis of soil and plant amendment products;
- require certain labeling contents and uniformity of fertilizer and plant food products;
- prohibit the sale and distribution of misbranded and/or adulterated fertilizer, soil, or plant products;
- require a person who stores fertilizers, soil amendment, and plant amendment products in bulk to prepare a contingency plan for storage, handling,

disposal, and incident handling practices and make the plan available for the commissioner's inspection;

- regulate fertilizer facilities; require licenses and fees;
- regulate general licensing and registration procedures for certain manufacturers or product distributors in Minnesota, including reporting and fee requirements;
- set standards to protect trade secrets;
- establish registration and licensing requirements of fertilizers, soil amendment, and plant amendment products;
- require the commissioner of agriculture to:
 - establish a soil buffering demonstration project and study and report the project's activities, findings, and recommendations to the Legislature annually on March 1;
 - develop a mandatory state crop consultant certification program; and
 - appoint a task force to study the effects and impact of nitrogen fertilizers on water resources; require the task force to report to the commissioner by May 1, 1990;
- effective July 1, 1989.

Article 7—Agricultural Chemical Liability, Incidents, and Enforcement

Provisions:

- require parties responsible for agricultural chemical releases to report such incidents to the commissioner of agriculture;
- apportion liability for incidents among responsible parties;
- authorize the commissioner to access and inspect agricultural chemical storage, manufacturing, distribution, disposal, transportation, and formulation sites;
- create enforcement powers for the commissioner for laws governing agricultural product regulation; allow the commissioner to delegate enforcement duties;
- provide recourses and defenses for people whom the commissioner wrongly penalizes;
- provide criminal penalties for agricultural product law violators;
- effective July 1, 1989.

Article 8—Agricultural Chemical Incident Payment and Reimbursement

Provisions:

- establish an agricultural chemical response and reimbursement account, its management, fees, and expenditure guidelines;
- require the commissioner of agriculture to reimburse eligible people for reasonable and necessary costs they incur in taking corrective action;
- establish a five-member agricultural chemical response board to review activities of the agricultural chemical response and reimbursement account;
- give the commissioner access to the Environmental Response, Compensation, and Compliance Fund (Superfund) to pay cleanup costs for certain agricultural chemical incidents;
- require the commissioner to study agricultural chemicals that pose the greatest risk of incurring corrective action in Minnesota and to submit a report to the Legislature by Jan. 15, 1990;
- effective July 1, 1989.

Article 9—Watershed Districts

Provisions:

- establish a 22-member metropolitan local water management task force with goals and reporting requirements; effective June 1, 1989;
- regulate tax levies and administrative expenses of the Coon Creek Watershed District; effective upon local approval.

Article 10—Appropriations

\$5,193,000 FY'90

\$7,807,000 FY'91

Total: \$13,000,000

Department of Health

Total: \$2.1m; \$2.6m

Includes:

- Water Pollution Limits Information: \$125,000; \$125,000
- Water Well Management Program: \$540,000; \$1.3m
- Safe Drinking Water Program: \$1.4m; \$1.2m
- add 30 staff positions in FY'90 and 20 in FY'91.

Department of Agriculture Total: \$275,000; \$275,000

Includes:

- Administration of Sustainable Agriculture Grants: \$50,000; \$50,000
- Water Quality Monitoring/Technical Support/Laboratory: \$225,000; \$225,000
- add 37 staff positions.

Board of Water and Soil Resources Total: \$950,000; \$3.3m

Includes:

- Comprehensive Local Water Management: \$50,000; \$50,000
- Local Water Resources Protection: \$610,000; \$2.6m
- Environmental Agricultural Program: \$200,000; \$200,000
- Well Sealing Cost Share Program: \$65,000; \$465,000
- Metropolitan Watershed Task Force: \$25,000; \$0
- add three staff positions.

Legislative Water Commission Total: \$83,000; \$87,000

Department of Natural Resources Total: \$1.1m; \$830,000

Includes:

- County Atlas Development: \$185,000; \$180,000
- Regional Groundwater Assessment, Gauging, and Technical Assistance: \$950,000; \$650,000
- add eight staff positions.

Pollution Control Agency Total: \$250,000; \$250,000

Includes:

- Develop and Implement Best Management Practices and Technical Assistance: \$125,000; \$125,000
- Integrated Groundwater Information System: \$125,000; \$125,000
- add five staff positions.

State Planning Agency Total: \$100,000; \$100,000

Includes:

- Groundwater Data Integration: \$100,000; \$100,000

University of Minnesota
Total: \$325,000; \$325,000

Includes:

- Integrated Pest Management: \$175,000; \$175,000
- Experiment Station Research on Agriculture Impact on Groundwater: \$150,000; \$150,000

Enactment: June 2, 1989

Effective: various dates

**Handicapped people—
state park permits**

HF1492*—Jacobs

SF1369—Metzen

Chapter 137: allows a physically handicapped person who has a permanent disability certificate and proof of ownership of a motor vehicle to purchase a special state park permit for the vehicle, and allows a physically handicapped person who has a temporary disability certificate to purchase a special two-day state park permit.

Enactment: May 15, 1989

Effective: Aug. 1, 1989

**Hazardous substances—
emergency planning system**

HF0341*—Trimble, R. Johnson,

Redalen, McGuire, Lynch

SF1099—Merriam, Stumpf, Diessner,
D.R. Frederickson, Lessard

Chapter 315: proposes the emergency planning and community right-to-know act; establishes reporting standards on hazardous substances and chemicals; creates an emergency response commission; and provides penalties.

Provisions:

- establish an office of emergency response in the Department of Public Safety (DPS) to coordinate state compliance with the federal Emergency Planning and Community Right-to-Know Act;
- establish an emergency response commission to comply with and administer the federal act;
- establish guidelines for public access to information on emergency response plans, public participation, and updates;
- set guidelines for facility owners or operators to notify the state Emergency

Response Center of releases of certain materials;

- authorize the commission to adopt rules and set fees;
- set penalties for failure to provide immediate notification of a hazardous substance release; effective Aug. 1, 1989;
- require the commission to cooperate with the Pollution Control Agency to study the need to expand toxic chemical release form requirements, and to report to the Legislature by Dec. 31, 1990, on the study and the effectiveness of the emergency planning system;
- appropriate to the commissioner of public safety:
 - \$313,000 in FY'90 and \$272,000 in FY'91 for the community right-to-know program; add three staff positions; and
 - \$645,000 for disaster relief due to flooding in the Red River Valley; effective day after enactment.

Enactment: June 1, 1989

Effective: various dates

**Hazardous waste—
small operations**

HF0245*—Jennings, Reding, Schafer,
Pauly, Bertram

SF0344—Stumpf, Morse, Laidig

Chapter 276: exempts certain generators of small amounts of hazardous waste from administrative regulation.

Enactment: May 25, 1989

Effective: Aug. 1, 1989

**Hunting parties—game,
fish limit**

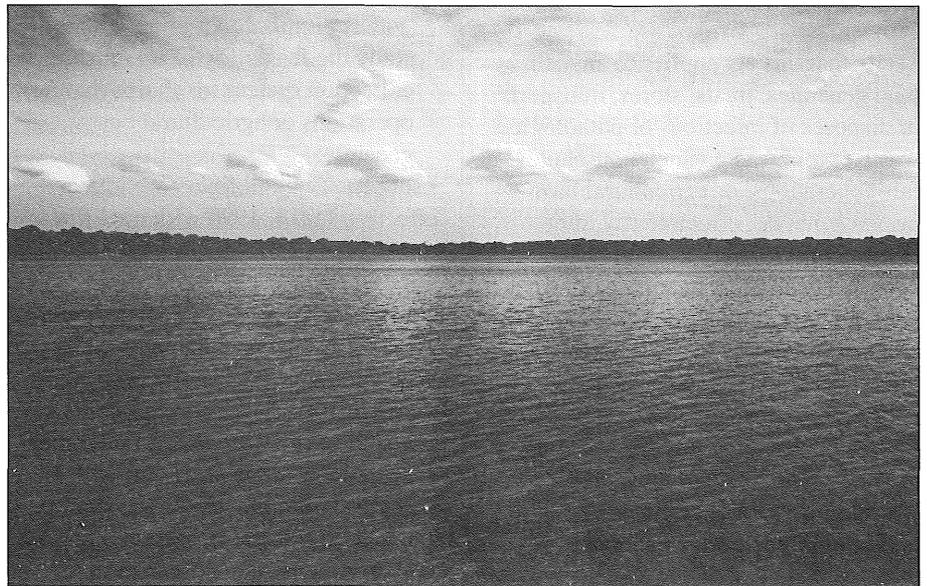
HF0351—Stanius, Neuenschwander,
Jennings, Dempsey, Weaver

SF0297*—Berg, Merriam, Benson,
Vickerman, Metzen

Chapter 153: regulates ammunition for big game hunting, small game party hunting, and party fishing.

Provisions:

- allow hunters to take big game with a 10 millimeter cartridge; effective Aug. 1, 1989;
- allow one member of a small game hunting party to carry more than one limit of game, but not more than the limit for the total number of party members who may take and possess small game;
- allow a fishing party to possess



"Minnesota" comes from two Dakota Indian words: "mini" meaning water, and "sota" meaning "varying color of a turbid, cloudy sky." Together, they mean "cloudy, churning water" or "sky-tinted waters," earmarking our state as river and lake country. Chapter 326 establishes a comprehensive groundwater protection program, and sets a goal for the state to maintain groundwater in its natural condition, free from degradation whenever practicable.

several limits of fish, but not more than the limit for the total number of party members who may take and possess fish.

Enactment: May 19, 1989

Effective: day after enactment with exceptions

Hunting—wild turkey license

HF0106*—V. Johnson, Pelowski,

Munger, Bennett, Redalen

SF0096—Benson, Morse, Merriam

Chapter 29: authorizes the commissioner of natural resources to establish a method, including a drawing, to impartially select people eligible to take wild turkey in an area and requires the commissioner to give preference to those who have previously applied in the general selection but were not selected.

Enactment: April 13, 1989

Effective: Aug. 1, 1989

Infectious Waste Control Act

HF0661*—Kahn, Greenfield, Vellenga, Ostrom, Dille

SF0237—Dahl, R.D. Moe, Merriam, Novak

Chapter 337: regulates the disposal of infectious and pathological wastes.

Provisions:

- state that this act applies to anyone who generates, treats, stores, transports, or disposes of infectious or pathological waste except waste which households, farm operations, or agricultural businesses generate; effective day after enactment;
- require generators to segregate, label, package, and store all untreated waste in a manner that prevents release of waste material; effective Jan. 1, 1990;
- regulate disposal of sharps (needles, scalpel blades, pipettes, discarded glass, or rigid plastic) except those that households, farm operations, or agricultural businesses generate; effective Jan. 1, 1990;
- prohibit compacting or mixing infectious or pathological waste with other waste prior to incineration or disposal; effective Jan. 1, 1990;

- require generating facilities, transporters, and storage facilities of infectious and pathological waste to prepare and submit management plans for handling infectious and pathological waste to certain commissioners and to pay fees; effective Jan. 1, 1990;
- require commercial transporters of infectious and pathological waste to register with the commissioner of the Pollution Control Agency (PCA), and to pay a fee; effective Jan. 1, 1990;
- authorize the PCA to adopt rules relating to transporting, decontaminating, incinerating, and disposing of infectious and pathological waste; effective day after enactment;
- authorize the commissioner of health to adopt rules relating to facilities generating infectious waste; effective day after enactment;
- prohibit counties, municipalities, and other political subdivisions from adopting a definition of infectious and pathological waste that differs from this act; effective day after enactment;
- set enforcement authorities and responsibilities; effective Jan. 1, 1990;
- allow the commissioners of health and the PCA access to information and property related to compliance with this act; effective Jan. 1, 1990;
- require the PCA to consult with:
 - the commissioner of health to study the management of sharps that households generate; and
 - the commissioner of agriculture to study the feasibility of establishing a collection system for sharps that farm operations or agricultural businesses generate;
- set penalties and fines for violators; effective Jan. 1, 1990 with qualifications;
- appropriate:
 - \$265,000 to the commissioner of the PCA to carry out duties under this act; add three staff positions;
 - \$200,000 to the commissioner of health to carry out duties under this act; add 2.5 staff positions; and
 - \$10,000 to the commissioner of health to prepare educational materials for industry and the public.

Enactment: June 1, 1989

Effective: various dates

Mineral data—collection, dissemination

- See Legal & Judiciary

Minneapolis—energy, environmental services

- See Local Bills—Metro

Municipal Planning Act—dedicated cash payments

- See Local Bills—Cities & Towns

Outdoor recreation—vehicles, trails

HF0333*—Begich, Munger, Battaglia, Reding, D. Carlson

SF0124—Vickerman, Frank

Chapter 331: regulates all-terrain vehicles (ATVs), snowmobiles, and motorized bicycles; revises the state's liability for certain damages; regulates youthful ATV operators; imposes penalties; and requires the commissioner of natural resources to evaluate family ATV use.

Provisions:

- exclude the state from liability for losses that users incur on Department of Natural Resources-administered (DNR) outdoor recreation systems, grants-in-aid trails, or water access sites, and for losses that users incur when visiting the Minnesota Zoological Gardens;
- require owners to register ATVs with the commissioner of natural resources except under certain conditions; allow owners to register ATVs for private use if the owners use the vehicles exclusively for private or agricultural purposes or exclusively on private land;
- create a new, reduced, three-year, \$6 registration fee for private-use vehicles;
- require enforcement officers who investigate accidents involving ATVs to report those having damages greater than \$300 within 10 days to the commissioner of natural resources;

- restrict ATV operators under age 12 to certain driving areas and to certain sized vehicles;
- require ATV operators under age 18 to wear helmets;
- regulate operation of agricultural-use ATVs on public roads; allow operators to make left turns in certain circumstances;
- exempt certain operators from ATV driving license requirements if they use the vehicles on DNR trails designated for all-terrain or multiple use, or on designated corridor access trails;
- place additional restrictions on the general operation of ATVs;
- authorize political subdivisions to adopt ordinances prohibiting or restricting the operation of ATVs;
- increase penalties for people who violate ATV laws from a petty misdemeanor† to a misdemeanor‡;
- provide that laws relating to accident and reckless driving regulations apply to people who drive, operate, or physically control snowmobiles on snowmobile trails within this state;
- establish equipment requirements, safety standards, and restrictions for motorized bicycle operators;
- require the commissioner of natural resources to evaluate family ATV use, solicit public comments, and make recommendations to the Legislature by Jan. 1, 1990.

Enactment: May 26, 1989
Effective: Aug. 1, 1989

Permanent School Fund—land donation

- See Education

Petroleum tank cleanup law—amendments

HF0610—Sparby, Munger, Vanasek, D. Carlson
SF0997*—Novak, Benson, Dicklich, Merriam, Beckman

Chapter 226: amends the Petroleum Tank Release Cleanup Act.

Provisions:

- authorize the Pollution Control Agency (PCA) to assist people who

review real property for petroleum tank releases and to charge a fee for such assistance;

- establish guidelines for the types of assistance, reviews, and investigations of petroleum releases the PCA may provide;
- allow the PCA to spend money from the petroleum tank release cleanup fund to cover the administrative costs of enforcing rules governing the construction, installation, operation, and closure of aboveground and underground petroleum storage tanks;
- require the Petroleum Tank Release Compensation Board to partially reimburse certain cleanup costs to eligible responsible people who take corrective action; list factors which may cause the board to reduce reimbursement; change the formula to permit reimbursement up to 90 percent of the amount spent or \$250,000, whichever is less;
- allow the board to reimburse property owners who volunteer to clean up petroleum tanks;
- allow the board to demand complete or partial return of reimbursement payments under certain conditions;
- require owners of aboveground storage tanks to notify the PCA of a tank's existence within 30 days after installation or by June 1, 1990, whichever is later, and to include specific information about the tank;
- require tank owners to notify the PCA of abandoned tanks they discover within 30 days or by June 1, 1990, whichever is later;
- requires tank sellers to provide purchasers with written information about tanks under the notification requirement of this law.

Enactment: May 22, 1989

Effective: day after enactment

Poachers—restitution for wild animals

HF0215—Rukavina, Munger, Marsh, Reding, Stanius
SF0299*—Merriam, Berg, Novak, Ramstad, Storm

Chapter 298: establishes liability, penalties, and restitution requirements for people who illegally kill, injure, or possess wild animals.

Provisions:

- require the commissioner of natural resources to use money the Department of Natural Resources (DNR) collects from restitution to replace, propagate, or protect wild animals;
- require enforcement officers who arrest game and fish law violators to report the number, species, and restitution value of wild animals on the warrant or notice to appear in court;
- direct the courts to require violators, as part of the sentences, to pay restitution to replace the wild animals;
- authorize the commissioner to prescribe the dollar value of wild animals; effective day after enactment;
- require the commissioner to annually report to the Legislature the amount of restitution the DNR collects and spends; effective day after enactment.

Enactment: May 26, 1989

Effective: Nov. 1, 1989 with qualifications and exceptions

Public works—building materials

HF0545*—Begich, Munger, Battaglia, Rukavina
SF0593—Dicklich, D.J. Johnson

Chapter 116: authorizes the commissioner of natural resources to dispose of certain low-grade, state-owned, iron-bearing materials for construction or maintenance purposes.

Enactment: May 15, 1989

Effective: day after enactment

Rainy River—walleyed pike open season

HF0373—Tunheim, Neuenschwander
SF0332*—Stumpf, Lessard

Chapter 46: changes the first day of the open season for walleyed pike in the Rainy River from the third Saturday in May to May 15.

Enactment: April 25, 1989

Effective: day after enactment

Rattlesnakes—bounty removal

HF0930*—Waltman, Pelowski, McGuire, Frerichs
SF0970—Marty, Merriam, Dahl

Chapter 101: removes laws authorizing local governments to offer bounty for the destruction of rattlesnakes.

Enactment: May 9, 1989

Effective: Aug. 1, 1989

RIM (Conservation Reserve Program)—amendments

HF0960—Munger, Winter, R. Johnson, Redalen, V. Johnson
SF0895*—Novak, Lessard, R.D.Moe, D.R. Frederickson, Merriam

Chapter 353: amends laws governing the Conservation Reserve Program (CRP), also known as the Reinvest in Minnesota Resources Act of 1986 (RIM).

Provisions:

- allow the commissioner of agriculture to authorize town boards to suspend the duty of owners and occupants of land to control noxious weeds during a drought;
- direct the Board of Water and Soil Resources, rather than the commissioner to administer the CRP;
- expand criteria making land eligible for enrollment into the CRP;
- set new limits on the amount of land an individual landowner can enroll in the CRP;
- direct the board to:
 - give high priority to certain wetlands for enrollment into the CRP; and
 - grant only permanent easements on land it acquires for windbreak purposes;

- permit livestock grazing on conservation easements if the parties entered the agreements before the effective date of this act and only with board approval;
 - require the board to pay landowners 100 percent of the total eligible cost of wetland restoration up to \$300 per acre;
 - require the board's payments for hillside pasture conservation easements to reflect the value of similar property;
 - set penalties for landowners who don't comply with the CRP terms of agreement;
 - require the board to share information and cooperate with state and federal agencies to provide technical assistance to landowners in the CRP;
 - authorize the board to cooperate with the commissioner of natural resources to reserve wildlife food plots on land with windbreaks;
 - prohibit the state from selling marginal land and wetlands unless conservation easements restrict use of the lands;
 - require the board to evaluate state land and delineate marginal lands and wetlands for conservation easements before making any sales;
 - set pricing regulations upon the sale of certain school trust land;
 - authorize the board to alter, release, or terminate conservation easements under certain conditions;
 - require the commissioner to consult with the board to determine and delineate any marginal land, tillable farmland, and farm homestead before accepting certain lands from a federal agency;
 - prohibit the state from selling certain state-owned, non-forested marginal land and wetlands;
 - permit the commissioner to use bond proceeds from the RIM fund for forest wildlife management projects;
 - set penalties and fines for people who trespass on public land for personal use or personal economic gain.
- Enactment:** June 1, 1989
Effective: July 1, 1989 with qualifications

Roads—public waters

HF0400*—Wagenius, A. Johnson, R. Johnson
SF1129—Stumpf, D.R. Frederickson, Berg, Merriam

Chapter 183: requires landowners and occupants, town road petitioners, county boards, and certain city councils to provide written notice to the commissioner of natural resources of their intent to vacate any roads, highways, streets, alleys, and similar public grounds that terminate at, or abut upon, any public water.

Enactment: May 19, 1989

Effective: Aug. 1, 1989^f

Seniors—spear fishing fee exemption

HF0169*—Battaglia, Onnen, Begich, Janezich, Kinkel
SF0673—D.J. Johnson, Dicklich

Chapter 168: authorizes Minnesota residents over age 65 to spear fish without a license if they have an angling license.

Enactment: May 17, 1989

Effective: Aug. 1, 1989

Snapping turtles—limit

HF0811*—Pugh, Waltman, Ozment, Price, McGuire
SF1085—Berg, Piper, D.R. Frederickson, Lessard

Chapter 266: changes certain provisions relating to the taking of turtles. Provisions:

- prohibit individuals from:
 - possessing turtles for sale without a license (doesn't require a license to buy turtles for certain retail sales to consumers);
 - taking turtles with turtle hooks or fish nets;
 - taking snapping turtles smaller than 10 inches wide including curvature, measured from side to side across the shell at midpoint; and
 - possessing more than three (formerly 10) snapping turtles without a license;

- allow licensed turtle sellers to take turtles under Department of Natural Resources rules;
- repeal a section allowing the commissioner of natural resources to remove turtles.

Enactment: May 25, 1989

Effective: Aug. 1, 1989

State parks—land transfers

HF0450*—McGuire, Waltman, Jennings, Winter, Neuenschwander
SF0145—Stumpf, DeCramer, Davis, Marty, D.J. Johnson

Chapter 259: authorizes the commissioner of natural resources to add and remove land from certain state parks, and establishes Grand Portage State Park.

Provisions:

- add land to:
 - Buffalo River State Park, Clay County;
 - Camden State Park, Lyon County;
 - Father Hennepin State Park, Mille Lacs County;
 - Glacial Lakes State Park, Pope County; and
 - Carlos State Park, Douglas County;
- remove land from:
 - Lake Shetek State Park, Murray County; and
 - McCarthy Beach State Park, St. Louis County;
- authorize the commissioner of natural resources to:
 - convey up to 10 acres of land in Buffalo River State Park to Moorhead State University to operate and maintain a science center;
 - acquire up to three acres of land for road purposes for Carley State Park, Wabasha County; and
 - sell certain land in Interstate Park, Chisago County;
- abolish Little Elbow Lake State Park;
- establish Grand Portage State Park, Cook County; set procedures for land acquisition, land use, and operations; require the commissioner to work cooperatively with the Grand Portage Band of Chippewa Indians on proposed park development and usage;

- appropriate to the commissioner:
 - \$350,000 to acquire lands and interests within Grand Portage State Park; and
 - \$40,000 to acquire lands within the boundaries of Sibley State Park.

Enactment: May 25, 1989

Effective: day after enactment

State parks—recycling

HF0527*—Skoglund, Munger, Winter, Pugh, D. Carlson
SF0939—Beckman, Lessard, Luther, Piper, D.J. Frederickson

Chapter 205: requires the commissioner of natural resources to provide recycling conveniences at all state parks, and all state parks managers to provide and maintain adequate receptacles to collect recyclable food containers in all state parks.

Enactment: May 19, 1989

Effective: June 1, 1989

Taxes—property tax changes

- See Special Session

Waste Management Act—amendments

HF0601—Long, Munger, Ozment, Wagenius, R. Anderson
SF0530*—Merriam, Dahl, Davis, Pehler, McQuaid

Chapter 325: amends the Waste Management Act of 1980; expands the statement of purpose of the act; defines terms; and expands and clarifies certain provisions relating to the Pollution Control Agency's (PCA) responsibilities and governmental units.

Provisions:

- expand the act's statement of purpose; list waste management practices in order of preference;
- create a market development coordinating council, to expire June 30, 1994, along with the Solid Waste Management Advisory Council and the Hazardous Waste Management Planning Council;

- require county solid waste plans to:
 - specify and quantify waste reduction, recycling, source separation of recyclables, and other resource recovery objectives; and
 - provide for implementation of the objectives, consistent with statewide objectives; effective Jan. 1, 1990;
- require recycling collection containers to be made from recycled Minnesota materials; effective Aug. 1, 1989;
- add special requirements for counties when designating landfills; clarify that any substantive change in a designation system must go through all the procedures for establishing designation originally;
- authorize the PCA to take emergency action to clean up a waste tire nuisance if a clear and immediate danger exists;
- exempt waste residue from recycling facilities from the county landfill fee;
- increase the fee that cities can charge at landfills from 35 cents to \$1 per cubic yard of waste; set a \$2 per cubic yard fee on landfills in Greater Minnesota;
- do not require nor prevent cities, towns, or counties from organizing collection of solid waste or recyclable materials;
- clarify that the organized collection law authorizes governmental units and waste collectors to engage in anticompetitive conduct to plan and implement collection systems;
- set recordkeeping and reporting requirements for solid waste disposal facility owners and operators; effective June 30, 1989;
- clarify that a county's or a city's liability for planning and cleanup costs under Superfund is a maximum of \$400,000 per site, with exceptions;
- authorize the PCA to acquire an interest (easement) in real property to ensure access to Superfund cleanup sites;
- expand purposes for which the PCA may spend Superfund money; effective day after enactment with qualifications;
- define "harmful substance" for purposes of hazardous substance injury compensation laws to include hazardous substances, petroleum, and pesticides and fertilizers;
- rename:
 - Harmful Substance Compensation Fund (formerly Hazardous Substance Injury Compensation Fund); and

—Harmful Substance Compensation Board (formerly Hazardous Substance Injury Compensation Board);

- require people to file claims for property damage with the Board within two years (formerly six years) after the full amount of eligible losses can be determined;
- prohibit the PCA from issuing permits for new or additional mixed municipal solid waste resource recovery or disposal facilities unless each affected county has an approved waste management plan; direct the PCA to include requirements for ash management and ash leachate treatment or ash utilization plans in such permits;
- allow counties to contract for recycling services to manage solid waste;
- remove the \$300,000 minimum liability limit for a Superfund action; effective day after enactment with qualifications;
- change waste planning intervals and time spans to coincide with other Metropolitan Council planning requirements;
- require the Metropolitan Council's Waste Abatement Plan to include objectives for waste reduction and measurable objectives for reduction due to resource recovery, recycling, and source separation of recyclable materials;
- require the Metropolitan Council to revise its landfill development schedule for the metro area after holding public hearings;
- authorize metropolitan counties to compensate local governments or the University of Minnesota for the risks, costs, or other effects of a waste processing facility;
- set guidelines for the Metropolitan Council to reimburse cities and towns for the costs of environmental review of sites in the cities or towns;
- require the site selection authority to prepare a record of decision that identifies how they used an environmental impact statement in making a site selection;
- change distribution and uses of:
 - metropolitan solid waste landfill fees; and
 - the local recycling development program's grant allocation procedure;

- restrict disposal of unprocessed mixed municipal solid waste after Jan. 1, 1990, in the metropolitan area;
- require the PCA to study legislation authorizing establishment of solid waste management districts to determine their effectiveness in the area of solid waste management;
- require the Metropolitan Council to amend its solid waste management policy plan to include a definition, standards, and criteria for buffer areas around landfills to ensure environmental protection of surrounding land; effective day after enactment;
- establish requirements for closing municipal landfills and related financial assurance;
- establish interim permitting and use of refuse-derived fuel;
- require the Metropolitan Waste Control Commission, the commissioner of transportation, the Hennepin County Board, and the PCA to cooperate in a demonstration project of sewage sludge ash for use in state paving projects for which the state will assume all liability, with certain provisions and guidelines;
- require the Legislative Commission on Waste Management (LCWM) to:
 - prepare a report examining compensation to solid waste collectors who are displaced when a local unit of government organizes a solid waste collection; and
 - evaluate the effectiveness of the Greater Minnesota landfill cleanup fund and make recommendations;
- appropriate \$10,000 to the LCWM for the compensation study.

Enactment: June 1, 1989
Effective: various dates

Wastewater treatment—funding regulation

HF0584—Winter, K. Olson, Uphus, Vanasek, Redalen
SF0470*—DeCramer, Vickerman, Benson, R.D. Moe, R.W. Peterson

Chapter 354: regulates municipal wastewater treatment funding.
 Provisions:

- require the Public Facilities Authority (PFA) to adopt the objective of maintaining financial assistance to certain municipalities through a combination of low interest loans under the state

revolving fund for wastewater treatment facilities, independent state grants, and other financial assistance opportunities;

- establish procedures and eligibility standards to reimburse certain municipalities' costs;
- permit the PFA to assess service fees to cover administrative costs;
- require the Pollution Control Agency commissioner to compile a list of municipalities that apply for reimbursements, and report to the Legislature by Feb. 1, 1990.

Enactment: June 1, 1989

Effective: day after enactment

Woodticks—mosquito control commission expansion

HF0942*—Skoglund, Munger, Wagenius, Battaglia, Forsythe
SF1088—Dahl

Chapter 146: extends the responsibility of the Metropolitan Mosquito Control District to include the control of disease vectoring ticks, and directs the commission to consult and cooperate with the Department of Health to develop management techniques to control the ticks; applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Enactment: May 16, 1989

Effective: Aug. 1, 1989

Youth—firearm safety

HF0092—O'Connor
SF0271*—Dahl, Lessard, Novak

Chapter 45: directs the commissioner of natural resources to expand the Firearms Safety Course for young hunters to include the identification of wild mammals and birds according to sight and other unique characteristics.

Enactment: April 25, 1989

Effective: Aug. 1, 1989




**FAMILIES &
 JUVENILES**

**Adoption information—
 disclosure**

HF1575—Vellenga, Wagenius, Pappas,
 Seaberg, Blatz

SF1106*—Piper, Reichgott, Spear

Chapter 88: permits adopted people age 19 (formerly age 21) or older to request original birth certificate information; reduces the time from 120 days to 30 days during which birth parents may object to disclosure, and authorizes the commissioner of health to disclose information only on those parents who consent to disclosure.

Enactment: May 9, 1989

Effective: Aug. 1, 1989

**Child custody, visitation laws—
 changes**

HF0729*—Pappas, Wagenius,
 Janezich, Seaberg, Macklin

SF0573—Spear, Berglin, Reichgott,
 Luther, Laidig

Chapter 248: changes child custody laws.

Provisions:

- permit an individual, other than a foster parent, to petition the court for visitation rights with a minor if that minor lived with the individual for at least two years and no longer lives there; effective day after enactment;
- outline factors the court may consider in determining a child's best interests; prohibit the court from considering one factor over all others;
- require the court to consider whether domestic abuse occurs between parents as a factor when considering joint custody;
- permit either parent to request visitation rights for the noncustodial parent;
- require the court to restrict a noncustodial parent's visitation if it's likely to injure the child;
- allow the court to restrict visitation if the noncustodial parent continually and unreasonably fails to comply with court-ordered visitation;

- allow the court, upon the agreement of all parties, to appoint a visitation expeditor to resolve visitation disputes through either agreement with the parties or the expeditor's own decision; outline appointment procedures; direct that an expeditor's decisions are nonbinding.

Enactment: May 25, 1989

Effective: Aug. 1, 1989 with exceptions

CHIPS—custody, parental rights

- See Legal & Judiciary

CHIPS—definition expansion

HF0687—Wagenius, Vellenga,
 Greenfield, Blatz, Kelso

SF0493*—Berglin, Cohen, Merriam,
 Novak

Chapter 113: changes portions of the juvenile code.

Provisions:

- expand the definition of a "child in need of protection or services" (CHIPS) to include children who lived previously with a child abuse victim and children who live or have lived with a child abuser;
- expand the "child hearsay" law to allow courts to admit certain statements from child witnesses who observe abuse or neglect of another child;
- clarify the court's authority to order the temporary removal of a child (protective custody) due to immediate endangerment.

Enactment: May 10, 1989

Effective: Aug. 1, 1989

CHIPS—prevention efforts

HF0981—Rest, Pappas, Seaberg,
 Vellenga

SF0486*—Berglin, Brataas, Reichgott,
 Spear, Piper

Chapter 235: requires the juvenile court to determine that social service agencies make reasonable efforts to prevent out-of-home placement of "children in need of protection or services" (CHIPS) and to ensure family



At a "1989 New Year's Resolution for Children" rally in the Capitol Rotunda last January, preschoolers from the South Minneapolis Head Start Program asked legislators to continue funding, and initiate new programs for Minnesota's children. Chapter 282 authorizes the Department of Jobs and Training to administer the Head Start Program and to distribute money to program grantees to expand services to low-income children.

reunification where possible and consistent with the child's safety.

Provisions:

- clarify definitions, juvenile court jurisdiction, and services for Indian children;
- require the juvenile court to consider racial and ethnic heritage when appointing special guardians for Indian or minority children;
- clarify who may release a child from detention when a peace officer took the child into custody due to dangerous conditions;
- permit the juvenile court to consider recommendations from a child's foster parent, special guardian, tribal representative, or other authorized advocate before making a final disposition in a CHIPS case or in terminating parental rights.

Enactment: May 23, 1989

Effective: Aug. 1, 1989

Corrections— juvenile photographs

HF0371*—Pappas, Wagenius, Bishop, Macklin, Hasskamp

SF0605—Marty, D.C. Peterson, Spear

Chapter 224: authorizes the commissioner of corrections to photograph certain juveniles for management and law enforcement purposes; and removes certain limitations on parental liability for minors' thefts.

Enactment: May 22, 1989

Effective: Aug. 1, 1989 with qualifications

Data Practices Act— child abuse data

- See Legal & Judiciary

Insurance—prenatal care

- See Insurance



One-year-old Natacha Rondano Gorecki played with a book as several parents and their children waited outside a hearing room in the State Office Building last April where a health and human services subcommittee discussed a bill that would govern midwifery practices.

Juvenile alcohol offenders— probation, driving privileges

HF1016*—Morrison, Kelly, Vellenga, Boo, Kalis

SF1266—Cohen

Chapter 262: authorizes the juvenile court to place juvenile alcohol or controlled substance offenders on probation; requires the commissioner of public safety to revoke driver's licenses or permits of repeat petty offenders†, or deny driving privileges if they don't have a license or permit; and clarifies parental liability for minors' theft.

Enactment: May 26, 1989

Effective: Aug. 1, 1989 with exceptions and qualifications

Juveniles—jail detention limitation

HF0076*—Vellenga, Kelly, Lasley, Greenfield

SF0326—Merriam, D.C. Peterson, Spear, Marty

Chapter 147: lists guidelines for law enforcement officials who detain juveniles in adult facilities.

Provisions:

- prohibit law enforcement officials

from detaining a delinquent juvenile in adult jails or lockups in a standard metropolitan statistical area for longer than six hours;

- require the juvenile court to hold a detention hearing for certain juveniles within 24 hours (formerly 48 hours) of the time when law enforcement officials take the juvenile into custody;
- prohibit law enforcement officials from detaining juveniles in adult jails or lockups for longer than 24 hours after Aug. 1, 1991, unless the prosecutor files a motion to refer the juvenile for adult prosecution;
- exempt Saturdays, Sundays, and holidays from jail detention limitations;
- outline timelines during which the juvenile court must conduct detention hearings.

Enactment: May 18, 1989

Effective: various dates

Law enforcement— private data access

- See Legal & Judiciary

Patients' bill of rights—amendments

- See Health & Human Services

Private medical data— family members

- See Legal & Judiciary



GAMING

Charitable gambling— allowable expense

HF1358—Jacobs, Quinn
SF1039*—Merriam, Dahl

Chapter 203: permits nonprofit organizations to use profits from lawful gambling to pay certain legal expenses. Provisions:

- include expenditures for building repair, maintenance, or erection or acquisition under certain circumstances as lawful purpose expenditures;
- include certain legal fees and damages relating to lawful gambling as allowable expenses; effective retroactively to Jan. 1, 1987, and applies to any legal expense incurred after that date.

Enactment: May 19, 1989

Effective: Aug. 1, 1989 with qualifications

Charitable gambling— video games

HF1648—Price, Kostohryz, Quinn,
Osthoff, Gutknecht
SF1269*—Diessner, Lantry, Berg

Chapter 149: regulates video games of chance.

Provisions:

- require video game operators to post in the owner's business premises a description of the legal consequences of awarding cash payments on video games of chance;
- require all employees to sign a statement indicating they understand the consequences of awarding cash instead of game credits or replays;

- provide a misdemeanor† penalty for anyone who awards or receives cash payments, subject to a fine of \$700;
- prohibit convicted violators from obtaining or holding a license to operate video games of chance;
- clarify that the state may enter into a tribal-state compact under federal laws relating to video poker or video blackjack games of chance which Indian tribes in Minnesota currently operate.

Enactment: May 16, 1989

Effective: Aug. 1, 1989 with qualifications

Horse racing— pari-mutuel betting

HF0707*—Kostohryz, Kelso, Boo,
Quinn, Sviggum
SF0588—Lantry, Schmitz

Chapter 141: allows a licensed racetrack to conduct pari-mutuel betting on televised races on days when the licensed racetrack does not conduct races.

Provisions:

- define:
 - “racing day” to include televised racing day; and
 - “televised racing day” as a day when a licensed racetrack broadcasts by television certain horse races run at racetracks outside the state and conducts pari-mutuel betting on those races;
- require class B-licensed racetracks (a racetrack which the Minnesota Racing Commission licenses to sponsor and manage horse racing on which it conducts pari-mutuel betting) to pay a \$50 per day license fee for each day they conduct televised racing;
- allow class B licensees to:
 - telecast races for wagering purposes outside the state; and
 - commingle wagering pools with wagering pools at a facility outside the state that a state racing commission regulates;
- allow class B-licensed racetracks to conduct pari-mutuel betting on horse



Video pulltabs may someday answer security problems associated with paper pulltabs. In April, members of the Gaming Division of the General Legislation, Veterans Affairs and Gaming Committee discussed a bill that would legalize and regulate use of video pulltab machines.

racetracks outside the state which the racetracks broadcast by television;

- require all televised races to comply with certain federal regulations;
- clarify that state laws governing pari-mutuel betting apply to pari-mutuel betting on televised racing days, with certain exceptions;
- allow a class B licensee in the metropolitan area to conduct betting on televised racing days only on races involving a breed which ran at that licensee's track in the preceding 12 months;
- allow the commission to assign televised racing days;
- require a commission official to preside over all races on which a racetrack conducts pari-mutuel betting;
- provide for the takeout† from betting at televised racing days and the distribution of the takeout among the licensee, state breeders fund, on-track purses, and the sending racetrack.

Enactment: May 15, 1989

Effective: day after enactment

Lottery—creation, regulation

HF0066*—Quinn, Kostohryz, Schreiber, Vanasek, Bennett
SF0150—Lessard, Lantry, Purfeerst, Pogemiller, Knaak

Chapter 334: creates a department of gaming with divisions of pari-mutuel racing, charitable gambling control, inspection and enforcement, and lottery.

Article 1—Pari-mutuel Horse Racing

Provisions:

- create a division of pari-mutuel racing in the department of gaming under the Minnesota Racing Commission's (MRC) supervision and control;
- place the MRC within the division of pari-mutuel racing;
- change MRC membership, appointment process, and duties and responsibilities;
- allow a Minnesota racetrack to:
 - transmit simulcasts of its races to a facility on Indian lands with approval from the horsepersons' organization representing the breed involved; and
 - commingle betting pools with that facility, with MRC approval;
- effective July 1, 1989.

Article 2—Lawful Gambling

Provisions:

- include as "lawful-purpose expenditures" any expenditures of or contributions to nonprofit hospitals or nursing homes and costs of annual audits;
- rename the Charitable Gambling Control Board as the Gambling Control Board (GCB) and place it within the newly created division of gambling control; change board membership and powers and duties;
- increase fees for charitable gambling licenses;
- specify additional qualifications for a gambling equipment distributor's license and increase the license fee;
- change the law governing gambling equipment registration to make specific prohibitions against buying and selling unregistered gambling equipment and require distributors' sales records to specify the names of people ordering and receiving the equipment;
- change the law governing gambling equipment manufacturers to require manufacturers to obtain licenses from the GCB and to pay a license fee;

- increase bingo hall license fees;
- require organizations to record authorization to spend gambling proceeds in their meeting minutes;
- allow gambling enforcement agents to inspect gambling premises;
- require organizations ceasing gambling to file with the GCB a termination plan governing equipment disposal and gambling proceeds disbursement;
- require each organization to have an independent annual audit of gambling funds and file a copy with the GCB;
- amend the law governing compensation to people hired to conduct lawful gambling to require organizations to maintain compensation records and to directly pay each employee by check from the organization's gambling account; set civil penalties for violators;
- allow the Department of Revenue to inspect manufacturers' books and records;
- define "contraband" to include certain pulltabs and tipboard tickets, money for certain transactions, and certain gambling equipment;
- allow the division of gambling enforcement to seize contraband;
- allow cities and counties to pass ordinances requiring licensed gambling organizations to spend a certain percentage of their net profits within the trade areas of the city or county;
- repeal laws:
 - relating to the Charitable Gambling Control Board; and
 - prohibiting certain signs on gambling premises;
- effective July 1, 1989 with qualifications.

Article 3—State Lottery

Provisions:

- create a state lottery division in the department of gaming;
- direct the governor to appoint the commissioner;
- provide for the commissioner's powers and duties and removal;
- create a state lottery board within the state lottery division and provide for membership, duties, and compensation;
- permit the director to adopt lottery game procedures and rules;
- provide for lottery ticket sales that:
 - require retailers to sell tickets only on licensed premises;
 - prohibit local governments from imposing license fees or taxes on

- lottery retailers; and
 - allow the director to cancel, suspend, or refuse to renew retail contracts;
- provide for lottery contracts that:
 - require the director to ask the division of gambling enforcement to investigate the background, finances, security, and integrity of all lottery contract bidders; and
 - prohibit the director from issuing any contract to vendors convicted of certain crimes;
- provide for prize payments; allow the director to:
 - pay prizes to prizewinners under age 18 and to pay prizes in installments; and
 - withhold amounts from prizes for delinquent state taxes or delinquent child support;
- regulate lottery advertising by:
 - requiring all promotional brochures to include a statement of odds on the game described;
 - requiring that advertising be consistent with the dignity of the state; and
 - prohibiting certain advertising;
- establish lottery funds; direct the director to pay prizes according to a specified schedule of percentages of gross receipts;
- prohibit people under age 18 from buying lottery tickets; prohibit lottery retailers from selling tickets to people under age 18; allow people under age 18 to accept lottery tickets as gifts;
- add a section on “state lottery fraud” to the criminal code; set penalties for violations;
- effective day after enactment.

Note: Chapter 356 replaces “commissioner” with “director” in the subdivision on false statements.

Article 4—Department of Gaming

Provisions:

- create a department of gaming under the commissioner of gaming’s supervision;
- specify the commissioner’s duties;
- effective July 1, 1989.

Article 5—Gambling Enforcement

Provisions:

- create the division of gambling enforcement in the Department of Public Safety;

- direct the commissioner of public safety to appoint the director of gambling enforcement; require the director to have a peace officer’s license or be eligible for one;
- establish the gambling enforcement division’s duties regarding the lottery, gambling, and pari-mutuel racing;
- establish the director’s powers and rulemaking authority;
- provide conflict of interest and gambling restrictions for the director and division employees;
- prohibit business owners convicted of violating certain laws from having lawful gambling or video games of chance on their premises;
- effective July 1, 1989.

Article 6—Miscellaneous

Provisions:

- subject the commissioner of gaming, the directors of the divisions of the gaming department, and the deputy lottery director to the state financial disclosure law;
- set the salary range for the commissioners of public safety and gaming and the lottery director; effective day after enactment;
- allow establishments licensed to sell alcoholic beverages to sell lottery tickets; exempt the lottery and lottery tickets from laws making gambling debts unrecoverable;
- impose gross misdemeanor† penalties on anyone who pays any compensation for credits won on a video game of chance;
- include agents of the division of gambling enforcement in the definition of “peace officer” and require them to obtain licenses from the Peace Officers Standards and Training Board;
- state that the provision imposing gross misdemeanor penalties (above) may not be construed to prohibit the state from allowing gambling on video games of chance on Indian lands under a tribal-state compact;
- effective July 1, 1989 with exceptions.

Article 7—Compulsive Gambling

Provisions:

- direct the commissioner of human services to establish a program to treat compulsive gamblers;
- appropriate \$300,000 in FY’90 and \$300,000 in FY’91 to the commissioner

- to implement the treatment program;
- effective July 1, 1989.

Article 8—Appropriations

Department of Gaming

Total: \$182,000; \$188,000

Provisions:

- direct the director of the state lottery to transfer \$125,000 from the lottery operations account to the general fund by June 30, 1991;
- add three staff positions.

Lottery Division

Total: \$8.5m; \$0

Provisions:

- require the director to repay the appropriation with interest by June 30, 1990;
- effective day after enactment.

Gambling Control

Provisions:

- transfer 13 positions for processing license applications from the commissioner of revenue to the division of gambling control;
- direct the Department of Finance to transfer from the Department of Revenue’s appropriation enough money to finance the division’s activities.

Pari-mutuel Racing

Provisions:

- transfer appropriations and complement from the Minnesota Racing Commission to the director of pari-mutuel racing.

Department of Public Safety

Total: \$375,000; \$375,000

Provisions:

- transfer two staff positions from the commissioner of revenue to the commissioner of public safety;
- add 10 staff positions.

Attorney General

Total: \$68,000; \$68,000

Provisions:

- provide funds for gambling-related activities;
- require the lottery director to transfer \$43,000 to the general fund by June 30, 1990;
- add 1.5 staff positions.

Commissioner of Revenue

Total: \$194,000; \$194,000

Provisions:

- provide funds for computer modifications for gambling tax administration;
- effective date for article July 1, 1989 with exceptions.

Enactment: June 2, 1989

Effective: various dates

Tribal-state gambling compact— Class III gambling

HF0079—Kostohryz, Quinn

SF0156*—Lantry, R.D. Moe

Chapter 44: authorizes the governor or the governor's representatives to negotiate a tribal-state compact according to the federal Indian Gaming Regulatory Act.

Provisions:

- designate the attorney general as the legal counsel for the governor or the governor's representatives when negotiating a compact;
- set time limits on negotiating authority:
 - if negotiations begin before the effective date of this act, authority expires 180 days after the effective date of this act; or
 - if negotiations begin after the effective date of this act, authority expires 180 days after the governor receives the request for negotiations;
- require a compact to which the state agrees, to contain provisions that:
 - recognize the right of each party to the agreement (including the Legislature through a joint resolution) to ask to renegotiate or replace the agreement with a new compact;
 - state the terms under which either party, including the Legislature, may request renegotiation or negotiation of a new compact; and
 - state that the existing compact will remain in effect until renegotiated or replaced.

Enactment: April 19, 1989

Effective: day after enactment



GOVERNMENTAL OPERATIONS

Administrative Procedure Act— exempt rules

HF0093—Rodosovich, Pappas, Blatz,
Wynia, Gruenes

SF0206*—Belanger, Waldorf,
Schmitz, Kroening, Knaak

Chapter 155: regulates exempt rules and makes technical changes.

Provisions:

- provide that rules exempt from the Administrative Procedure Act (APA) rulemaking requirements do not have the force and effect of law unless the agency making the rule publishes it in the State Register and files it with the secretary of state and the Legislative Commission to Review Administrative Rules (LCRAR);
- permit Department of Natural Resources game and fish rules to have the force and effect of law up to seven days before the agency publishes and files them if the commissioner determines that an emergency exists and publishes the rules in a legal newspaper; make such rules, with certain exceptions, effective seven days after publication in the legal newspaper;
- authorize the LCRAR to review statutory exemptions to APA rulemaking;
- repeal various laws permitting exemptions to APA rulemaking.

Enactment: May 17, 1989

Effective: day after enactment with qualifications

Administrative procedure— rule on small business

HF1303—Wagenius, A. Johnson,
Pelowski, Dorn

SF1082*—Brandl

Chapter 87: clarifies the applicability of a law that requires agencies to consider the impact of proposed rules on certain small businesses.

Enactment: May 9, 1989

Effective: Aug. 1, 1989

Children's Trust Fund Council— membership

HF0833—Williams, Milbert, Lieder,
Blatz, Seaberg

SF0827*—Cohen, Hughes, Ramstad,
McGowan, Laidig

Chapter 119: increases the membership on the Advisory Council for the Children's Trust Fund from seven members to 10 members, and repeals the council's expiration date.

Enactment: May 15, 1989

Effective: day after enactment

Dept. of Finance— changes, clarifications

HF0773—Rodosovich

SF0481*—D.M. Moe

Chapter 271: changes and clarifies Department of Finance procedures and responsibilities.

Provisions:

- direct the commissioner of finance to allow agencies to make certain advance deposits or payments;
- regulate certain administrative duties of the commissioner;
- permit certain financial arrangements;
- extend the time frame for funds the 1987 Legislature appropriated to the Rural Finance Authority for the beginning farmer program; make the appropriations available until June 30, 1989; effective day after enactment;
- change the name of the state building fund to the bond proceeds fund; clarify that a previous appropriation from the state building fund, or the state waste management fund, or of bond proceeds

from the Minnesota state water pollution control fund is an appropriation from the bond proceeds fund;

- repeal certain laws governing:
 - Voyageur National Park appropriations and bonds;
 - Minnesota Zoological Garden bonds;
 - the Minnesota state waste management fund; and
 - vocational technical building bonds.

Enactment: May 25, 1989

Effective: July 1, 1989 with exceptions

Dept. of Human Rights—changes

HF0950*—Orenstein, Kelly,

Greenfield, Vellenga, Bishop

SF0446—Reichgott, Pehler, Spear,

Marty

Chapter 280: changes and clarifies the Department of Human Rights' authority.

Provisions:

- adopt federal fair housing amendments;
- clarify the definition of familial status to include pregnant women or anyone in the process of obtaining legal custody of a minor;
- limit certain exceptions for age discrimination;
- modify requirements dealing with reasonable accommodations for physically disabled people in employment;
- require places of public accommodations to provide reasonable accommodations for physically disabled people;
- prohibit credit discrimination based on race, color, creed, religion, or national origin (former law prohibits discrimination only based on sex or marital status);
- prohibit discrimination in certain services because of social or economic conditions in an area;
- require disclosure of medical information that adversely affects an employment decision;
- limit age-related questions in employment applications;
- clarify who is an aggrieved party for certain violations;

- provide for personal service or mail service of subpoenas;
- require state contractors having more than 20 full-time employees to have an affirmative action plan to do business with the state (former law applies to employers who have 20 or more employees in Minnesota);
- clarify the time period allowed for filing a private lawsuit;
- modify notice requirements in certain human rights appeals;
- repeal definitions of "elderly person" and "cooperative apartment corporation" in human rights laws due to changes in federal law.

Enactment: May 25, 1989

Effective: Aug. 1, 1989

Legislative Advisory

Commission—recommendations

HF0390*—Kahn, G. Anderson

SF0105—Merriam, Samuelson

Chapter 139: requires the Legislative Advisory Commission to make its recommendations at a commission meeting unless all members entitled to a vote on an item sign a written recommendation and requires only a majority of members to sign certain written recommendations.

Enactment: May 16, 1989

Effective: day after enactment

Minneapolis—government personnel appointments

- See Local Bills—Metro

Minnesota Educational

Computing Corporation—changes

- See Education

Notaries public—reappointment

HF0264—S. Olsen, Macklin, Henry, Tjornhom

SF0215*—McQuaid

Chapter 6: increases the time period from 10 days to 30 days during which the governor may reappoint notaries public.

Enactment: March 8, 1989

Effective: Aug. 1, 1989

Public employees—vacation, medical expenses

HF1027*—Janezich, Sarna, Simoneau,

Kalis, Knickerbocker

SF0855—Dicklich, D.J. Johnson,

Piper

Chapter 161: allows state employees to donate vacation time they accrued in 1989 to pay certain unreimbursed medical costs of other state employees; and requires the commissioner of commerce to study the feasibility of requiring medical insurance plans to provide coverage of or reimbursement for inpatient hospital and medical expenses associated with nonexperimental transplant surgery, and to report to the Legislature by Jan. 15, 1991.

Enactment: May 19, 1989

Effective: day after enactment

Public safety—security service fees

HF0777—Cooper

SF0143*—DeCramer

Chapter 311: appropriates to the commissioner of public safety the fees that the State Patrol and Department of Public Safety's Capitol Complex Security Division charge for escort and contracted security services for administration of these services.

Enactment: May 26, 1989

Effective: July 1, 1989



Seventh and eighth graders from St. Michael's School in Morgan, Minnesota, examined the original state seal on display in the north corridor of the State Capitol during Statehood Week, May 8 - 15, 1989.

Secretary of State—changes

HF0127—Milbert

SF0232*—Reichgott, R.W. Peterson

Chapter 236: simplifies certain filing procedures in the Office of the Secretary of State.

Provisions:

- permit the secretary of state to accept a filing if the information on the filing substantially complies with applicable law, even if the information on the filing isn't identical to information on the secretary of state's records; effective day after enactment;
- allow the secretary of state to offer, and discontinue, services to the public that supplement filing and information services which the law already authorizes; make this provision effective July 1, 1989 and repeal it July 1, 1991;
- define "mailing address" to include ZIP code; clarify that the term means a registered office's or principal executive office's mailing address and the actual office location, not a post office box; effective Aug. 1, 1989.

Enactment: May 22, 1989

Effective: various dates

Small business procurements commission

HF1443*—Jefferson, Simoneau,

McLaughlin, Osthoff, Pauly

SF1383—D.M. Moe

Chapter 352: creates an 11-member small business procurements commission to propose changes to conform to recent United States Supreme Court decisions regarding programs for government purchasing from businesses that socially or economically disadvantaged (SED) people own.

Provisions:

- specify commission membership;
- require the commission to:
 - assure that minority and women's businesses and organizations know of the commission's existence and purpose;
 - determine the existence and extent of discrimination in Minnesota business, trade, and industry;
 - recommend appropriate statutory or regulatory changes;
 - recommend programs targeted to small businesses in need of assistance; and
 - issue a report to the Legislature by Jan. 31, 1990;
- suspend for one year the current program under which state and metropolitan agencies attempt to make certain purchases from SED-owned businesses;

- create a new purchasing program designed to assist economically disadvantaged small businesses;
- continue current law under which the state designates at least 25 percent of the value of anticipated procurements for award to small businesses;
- require various public agencies to award a 5 percent bid preference on all state procurements to economically disadvantaged small businesses;
- authorize the commissioner of administration to set goals requiring prime contractors who receive a state contract award greater than \$200,000 to subcontract a portion of the contract award to an economically disadvantaged small business;
- authorize Small Business Procurement Advisory Council members to receive per diem; remove the council's expiration date;
- permit small businesses which the commissioner certifies to participate without further certification in certain small business programs that other public agencies conduct;
- reduce personnel in state agencies currently involved in certifying small businesses.

Enactment: June 2, 1989

Effective: day after enactment with qualifications

State auditor—

audit guide task force

HF0114—Rukavina, Bertram, Lieder, Dille, Haukoos

SF0123*—D.J. Frederickson, Schmitz, McQuaid, Adkins, Olson

Chapter 67: requires the state auditor to establish a task force to publish an audit guide for legal compliance audits, and requires task force members to include representation from towns, cities, counties, school districts, the attorney general's office, and private sector public accountants.

Enactment: May 3, 1989

Effective: Aug. 1, 1989

**State employees—
harassment policies**
• See Employment & Labor

**State government—advisory
councils, labor agreements**
HF1308—O'Connor, Rukavina,
Knickerbocker, Runbeck, Simoneau
SF1242*—Pogemiller

Chapter 343: changes laws governing state advisory councils and members' compensation; and ratifies a labor agreement and certain salaries.

Provisions:

- increase membership on the Council on Asian-Pacific Minnesotans from 13 members to 15 members;
- increase the daily compensation from \$35 to \$48 for members of state administrative boards and agencies; effective July 1, 1989;
- reduce the maximum daily compensation from \$55 to \$48 for state advisory council members;
- extend the expiration date on certain state advisory councils from June 30, 1989 to June 30, 1993;
- remove a provision that requires the commissioner of employee relations to appoint an advisory committee on state employee assistance;
- ratify:
 - a labor agreement between the state of Minnesota and the State Residential Schools Education Association; and
 - salaries for the State University System chancellor, the Community College System chancellor, the Vocational Technical Education director, the Higher Education Coordinating Board executive director, and certain public officers and employees.

Enactment: May 26, 1989

Effective: day after enactment with exceptions

**State government—
part-time employees**
• See Employment & Labor

**Uniform State Laws
Commission—membership**
HF0709—Simoneau, Vanasek,
Dempsey, Bertram
SF0671*—Waldorf, D.M. Moe,
Mehrkens

Chapter 68: revises the composition of the Commission on Uniform State Laws to include people who served as appointed commissioners for at least 20 years.

Enactment: May 3, 1989

Effective: Aug. 1, 1989

**Veterans homes—
rulemaking authority**
• See Veterans & Military



HEALTH & HUMAN SERVICES

Ambulance services—licensure
HF1429*—Conway, Welle, Gruenes,
Gutknecht, Segal
SF1002—Vickerman, Davis, DeCramer

Chapter 134: establishes new standards for ambulance services licensure.

Provisions:

- direct the commissioner of health to promptly send notice of a completed application for the provision of ambulance service to certain organizations in the counties in which any part of the applicant's service area is located;
- remove the licensure exemption for scheduled air ambulance service by fixed wing aircraft; prohibit the commissioner from issuing such licenses unless the applicant complies with applicable federal and state statutes and rules governing aviation operations;
- authorize the commissioner to issue a six-month temporary license in situations where a primary service area would be deprived of ambulance service;
- prohibit ambulance services from operating in Minnesota unless their drivers and attendants have current emergency medical care certificates which the commissioner authorizes;
- direct the commissioner to study the roles and responsibilities of first responder units and report findings by Jan. 1, 1991;
- require ambulance services to meet the commissioner's equipment requirements and standards;
- require ambulances transporting patients to have at least a driver and an

attendant; authorize ambulance services to substitute a physician's assistant for the attendant;

- remove a provision allowing drivers to answer emergency calls without an accompanying attendant in certain situations;
- prohibit ambulance services from denying emergency ambulance service due to the patient's inability to pay or due to source of payment for services; authorize ambulance services to transport such patients to the closest appropriate emergency medical facility;
- permit the commissioner to adopt rules governing ambulance services;
- require ambulance service vehicle drivers to have a current Minnesota driver's license or equivalent and not have their driving privileges under suspension or revocation by any state;
- authorize the commissioner to issue fines for noncompliance with certain provisions;
- classify ambulance service reports as "private data on individuals" under the Data Practices Act;
- set a \$2 maximum renewal fee for emergency medical technicians who are volunteer members of the police department;
- limit volunteer ambulance attendants' stipends to \$500 within one year of the final certification examination.

Enactment: May 15, 1989

Effective: Aug. 1, 1989

Community health boards— health promotion teams

HF1110—Schafer, Onnen, Tjornhom
SF0858*—Renneke, Samuelson,
Vickerman, Piper, Benson

Chapter 120: authorizes community health boards to establish community-based health promotion teams to collect and summarize health data relating to behavioral risk factors, develop strategies to address health promotion concerns, and implement a five-year health promotion plan; and directs the commissioner of health to monitor team activities and report progress to the Legislature by Jan. 1, 1991.

Enactment: May 15, 1989

Effective: Aug. 1, 1989

Comprehensive Health Insurance Plan—changes

- See Insurance.

Dept. of Human Rights—changes

- See Governmental Operations

Employee Right-to-Know Act— changes

- See Employment & Labor

EMS safeguards—infectious diseases

HF1379—Trimble, Ogren, Ozment
SF1031*—Lantry, Merriam,
D.C. Peterson, Ramstad, D.E. Johnson

Chapter 154: establishes notice requirements for emergency medical services personnel who are first responders and provides them with safeguards against exposure to infectious diseases.

Provisions:

- define "emergency medical services personnel" (EMS) to include individuals such as police officers, firefighters, paramedics, emergency medical technicians, licensed nurses, rescue squad personnel, and certain crime lab personnel and correctional guards;
- require certain health facilities that receive patients to adopt a protocol (procedure) to notify EMS personnel who have experienced a significant exposure to patients who carry the human immunodeficiency virus (HIV) or hepatitis B virus;
- exempt a facility from civil or criminal liability for actions relating to notification of EMS personnel if the facility tried to adopt and follow a notification protocol;
- require facilities to:
 - tell patients that they may refuse testing for the HIV or hepatitis B virus; and
 - test deceased patients for hepatitis B and HIV infection, if a patient who is the subject of a reported significant exposure dies before consenting to the test;

- prohibit facilities from disclosing to EMS personnel any personally identifying information about a patient without written consent from the patient or a personal representative of the deceased; set misdemeanor† penalties for any person or agency that discloses such information.

Enactment: May 19, 1989

Effective: July 1, 1989

Guide dogs—training

HF1459*—Tjornhom, Tompkins,
Dille, Jefferson, Boo
SF1325—Solon

Chapter 108: authorizes service dog (guide dog) trainers to use public accommodations while training (former law authorized only blind, physically handicapped, and deaf people to have service dogs in public accommodations).

Enactment: May 9, 1989

Effective: Aug. 1, 1989

Health & Human Services— omnibus bill

- See Appropriations

Healthspan—health care access program

HF0150—Ogren, R. Anderson,
Greenfield, Wynia, Seaberg
SF0491*—Berglin, Knutson,
Pogemiller, Solon, Freeman

Chapter 327: creates a health care access commission, and requires an implementation plan for a health care access program.

Provisions:

- create a 15-member health care access commission, specify membership, and require members to select a director;
- direct the commission, with help from the commissioner of state planning, to develop and recommend a plan to the Legislature to provide access to health

- care for all state residents; repeal this provision July 1, 1991;
- require the commission to present:
 - a progress report to the Legislature by Feb. 15, 1990; and
 - a final report and plan by Jan. 1, 1991;
 - direct the nine-county demonstration project for the uninsured to report various data to the commission by Jan. 1, 1990;
 - appropriate:
 - \$800,000 to the health care access commission for various purposes; available until June 30, 1991;
 - \$50,000 to the commissioner of human services to provide one-time subsidies to community-based clinics,



Constituents gathered in the Capitol Rotunda last April in support of the Healthspan bill that would provide health care access for all Minnesotans. Chapter 327 creates a 15-member health care access commission to develop such a plan.

available until June 30, 1990; direct the commissioner to award subsidies to clinics with the greatest financial need based on certain factors; and —\$175,000 to the commissioner of human services for FY'90 and \$200,000 for FY'91 to provide a 20 percent increase in medical assistance and Children's Health Plan payments for covered services that public health or community health clinics provide.

Enactment: June 1, 1989

Effective: July 1, 1989

Human service programs—county reporting

HF0965—Jefferson, R. Anderson, Greenfield, Gruenes, Segal
SF0787*—Waldorf, Brandl, Benson, Knutson

Chapter 89: establishes county reporting requirements; defines the commissioner of human services' duties in supervising community social services that counties administer; and implements corrective action plans.

Enactment: May 9, 1989

Effective: Aug. 1, 1989

Immunization—postsecondary students

- See Education

Insurance—prenatal care

- See Insurance

Living will—Adult Health Care Decisions Act

- See Legal & Judiciary

Medical records—transfers

HF0745—Beard, Lasley, Ogren, Omann

SF0264*—Diessner, Ramstad

Chapter 64: directs health care providers to promptly furnish a patient's health records and reports upon written request from the patient (former law didn't emphasize promptness in providing such information).

Enactment: May 1, 1989

Effective: Aug. 1, 1989

Medicare supplement—regulation

- See Insurance

Motor vehicles—handicapped plates

- See Transportation

Nurse Practice Act

HF0728—Segal, Greenfield, Clark, Ogren, Gruenes

SF0723*—Berglin, Lantry, Piper, Knutson

Chapter 194: regulates nursing occupations and professions, and creates the Minnesota nurse practice act.

Provisions:

- change the membership composition of the Board of Nursing; allow the governor to appoint board members based upon recommendations from sources other than nursing groups;
- classify as "private data" all communications and information the board receives or discloses; require the board to close disciplinary hearings to the public; allow a party in a proceeding to inspect and copy relevant documents;
- authorize the board to appoint an executive director and employ others as necessary;
- direct the board to register public health nurses who meet educational and other requirements;
- further expand board powers;

- require individuals applying for licensure as registered nurses or as licensed practical nurses to provide written evidence verified by oath that they haven't engaged in certain conduct warranting disciplinary action;
- allow the board to issue a license with conditions and limitations;
- waive educational requirements for practical nurses from other states who pass a licensing examination and meet certain work experience criteria;
- state that an applicant's failure to supply necessary information, demonstrate qualifications, or satisfy license requirements may result in a license denial;
- authorize the board to:
 - issue temporary permits to practice nursing and specify criteria for issuing temporary permits; and
 - deny, revoke, suspend, limit, or place conditions on licenses and registrations;
- specify criteria for board approval of a nursing program;
- specify grounds for disciplinary action;
- specify forms of disciplinary action, including temporary license suspension; allow the board to reissue and reinstate licenses;
- require health care institution and organization heads to report to the board:
 - any disciplinary action taken against nurses; and
 - nurses' resignations in certain circumstances;
- direct insurers to report malpractice awards against nurses to the board four times each year;
- direct the courts to report certain findings related to nurses to the board;
- require insurers and courts to submit their reports no later than 30 days after the reportable event or transaction occurs;
- provide immunity from civil liability or criminal prosecution for:
 - people and organizations reporting possible violations; and
 - board members and people the board employs or engages to investigate or testify about violation charges;

- require nurses who are the subject of a board investigation to cooperate fully with the investigation;
 - require the reviewing court to seal the administrative record, except for the board's final decision, in cases of judicial review;
 - specify exempt practices;
 - make the following practices violations of this act, subject to gross misdemeanor† (formerly misdemeanor†) penalties:
 - practicing practical nursing without a temporary permit or license;
 - using any abbreviation or other designation that implies registration as a public health nurse unless properly registered; and
 - employing people in the practice of professional or practical nursing for whom the board has not issued a current permit, license, or registration certificate;
 - repeal certain laws governing the board and nursing practices.
- Enactment:** May 19, 1989
Effective: Aug. 1, 1989

Nursing homes—admissions

HF1423*—Ogren, Greenfield, Cooper, R. Anderson, Orenstein
SF1196—Lantry

- Chapter 285:** changes laws governing nursing home and continuing care facility admission agreements.
- Provisions:
- prohibit continuing care facilities and nursing homes from using blanket waivers of liability or blanket consents for treatment;
 - require nursing homes to:
 - make admission agreements available to the public; clarify that such agreements are consumer contracts;
 - identify their status as medical assistance providers; and
 - provide written acknowledgment that residents received a copy of the patients' bill of rights;
 - require prospective residents to sign admission contracts unless they're legally incompetent or can't understand or sign the contract due to medical conditions; require admitting physicians

- to include documentation in the resident's medical record if the resident can't sign the admission contract;
 - prohibit nursing homes from requiring third party guarantors;
 - provide penalties and fines for violations of this act;
 - provide that this act applies to new admissions on and after Oct. 1, 1989, and doesn't require facilities to execute new admission contracts for current residents; effective July 1, 1989;
 - direct the commissioner of human services to establish a facility fee payment mechanism that pays a facility fee to all enrolled outpatient hospitals for each emergency room or outpatient clinic visit provided on or after July 1, 1989;
 - provide registration requirements for dental assistants;
 - repeal a specific graduation requirement for dental assistants;
 - include emotionally abused children among "children in need of protection services."
- Enactment:** June 1, 1989
Effective: Aug. 1, 1989 with exceptions

Nursing homes—property-related payment rates

HF0764—Kahn, Sarna
SF0644*—Pogemiller, Solon

- Chapter 12:** changes the method for calculating a nursing home's property-related medical assistance payment rate upon refinancing.
- Enactment:** March 17, 1989
Effective: day after enactment

Patients' bill of rights—amendments
HF0130—Clark, Skoglund
SF0218*—Berglin, R.W. Peterson

Chapter 186: changes the bill of rights for patients and residents of health facilities to require the facilities to notify family members, or the designees of patients or residents, when the facilities admit patients or residents who are unconscious or comatose and unable to communicate, and allows the family member to participate in treatment planning.

Enactment: May 19, 1989

Effective: Aug. 1, 1989

**Public employees—
vacation, medical expenses**
• See Governmental Operations

School districts—medical providers
• See Education

**Special services—political party
gatherings**
• See Elections

Taxes—property tax changes
• See Special Session

**Telecommunications devices—
bus, airport terminals**
• See Energy & Utilities

**Veterans—medical assistance,
additional homes**
• See Veterans & Military

**Vocational rehabilitation/
Council for the Blind**
HF1048*—Dorn, Cooper, Ostrom,
Girard, Segal
SF0113—Frank, Piper

Chapter 106: changes laws governing vocational rehabilitation.

Provisions:

- require that 51 percent of the members

of the boards of directors of centers for independent living are people with disabilities;

- increase membership on the Minnesota Council for the Blind from seven members to nine members; require the commissioner of jobs and training to appoint at least five members (formerly four members) who are blind or visually handicapped.

Enactment: May 9, 1989

Effective: day after enactment



Four-year-old Jared Olney, Minneapolis, peeked out from behind a lamp post during a March rally in the Capitol Rotunda. About 200 people gathered to tell legislators of their concerns about issues that affect the deaf. Chapter 308 requires major political parties to make efforts to provide interpreter services at local political party conventions or precinct caucuses for communicatively impaired people.



HOUSING & REAL ESTATE

Affordable housing programs— establishment

HF0535—O'Connor, Dawkins, Clark,
Tjornhom, Osthoff

SF0522*—Pogemiller, R.D. Moe,
Frank, Morse, Bernhagen

Chapter 328: authorizes creation of a neighborhood preservation program that would provide rehabilitation or property improvement loans in designated neighborhoods; assists in creating a secondary market for home equity conversion loans for the elderly; authorizes creation of low income rental housing programs for families and for individuals and mentally ill people; and provides flexibility in funding programs for the homeless and temporary housing.

Article 1—Affordable Housing Programs

Provisions:

- allow the commissioner of administration to acquire surplus property from the United States government to lease to qualified nonprofit organizations that agree to develop or rehabilitate the property to provide suitable housing for veterans and their families; effective day after enactment;
- allow the commissioner of jobs and training to make accessible housing information grants to eligible organizations to develop, maintain, and publicize a list of accessible housing units within their area of operation based on recommendations of the Minnesota Council on Disability; require the

commissioner to make the list available free to people seeking accessible housing;

- define “accessible housing unit” as a unit meeting the state building code’s handicapped facility requirements;
- authorize the Minnesota Housing Finance Agency (MHFA) to:
 - make loans for designated neighborhood preservation programs;
 - engage in housing grant or loan programs for handicapped and developmentally disabled people; and
 - make or purchase home equity conversion loans for low- or moderate-income elderly homeowners (age 62 or older);
- establish the rural and urban home-steading program within the MHFA for grants to acquire, rehabilitate, and sell property to “at risk” homebuyers;
- require organizations that receive grants to establish neighborhood volunteer resident advisory boards to recommend:
 - properties that the organizations may acquire for programs in designated areas; and
 - selection of potential home buyers;
- authorize the MHFA to:
 - establish a housing preservation program for making housing preservation grants to cities;
 - establish a revolving loan fund for predevelopment costs for nonprofit organizations and local government units engaged in the construction or rehabilitation of low- and moderate-income housing;
 - make capacity building grants to nonprofit organizations, local government units, and Indian tribes and tribal organizations to expand their capacity to provide affordable housing and housing-related services;
 - establish a family rental housing assistance program to provide loans or direct rental subsidies for housing for families with incomes of up to 60 percent of area median income;
 - establish a rental housing assistance program for low income or mentally ill people to provide loans or direct rental subsidies for housing for individuals with incomes of up to 30 percent of area median income; and

—award up to two pilot project grants under the Rural and Urban Home-steading Program;

- repeal a provision regulating certain transfers from the MHFA’s entitlement allocation;
- effective Aug. 1, 1989 with exceptions.

Article 2—Landlord-Tenant Provisions

Provisions:

- extend scope of unlawful landlord actions and increase awardable damages;
- require a tenant screening service to:
 - disclose to an individual the nature, substance, and sources of all information in its files on the individual at the time of his/her request;
 - make such disclosures without charge if an owner has used a tenant report within the past 30 days to deny rental or increase the security deposit or rent of a residential housing unit to the individual; permit a reasonable charge if the request isn’t for these purposes;
 - reinvestigate and record the current status of information if the individual disputes an item of information contained in his/her file;
 - delete information from the individual’s file and tenant report if information is found to be inaccurate or unverifiable; and
 - notify anyone who has received the tenant report within the past six months of deletions, at the individual’s request;
- allow individuals to explain disputed items which a reinvestigation doesn’t resolve and have the explanation included in the tenant report; provide for including information from a court file in a tenant report;
- require property owners to inform prospective tenants of the name and address of the tenant screening service providing the tenant report if information in it was used to deny the rental or increase the security deposit or rent;
- require owners of federally subsidized rental housing to give tenants a one-year written notice regarding contract expiration or termination under certain conditions;

- provide for removal, storage, and inventory of property when a defendant is absent;
- provide penalties for unlawful entry, exclusion, or removal by landlords;
- require building administrators to contract and pay costs of making property safe and habitable before paying other expenses, including taxes and mortgage payments;
- require the court to consider certain factors regarding a building's long term economic viability when deciding whether to provide building repair funds to administrators;
- allow the MHFA to establish a revolving loan fund to pay administrative expenses of receivership administrators for properties which low and moderate income individuals and families occupy;
- permit tenants to deposit rents with the court administrator in an escrow account when their building violates housing codes; allow building owners to file certain counterclaims;
- authorize the Second and Fourth judicial districts to establish a three-year housing calendar project to evaluate the effectiveness of coordinating the adjudication† of all housing-related cases in one court; repeal this project July 1, 1992;
- effective Aug. 1, 1989.

Article 3—Miscellaneous

Provisions:

- require the commissioner of administration to establish affirmative marketing regulations for housing developers receiving more than \$50,000 in state or local funds to promote and encourage open housing policies;
- require owners of rental housing containing accessible units to give priority to disabled people or families with a disabled family member;
- provide rules for renting accessible units to nondisabled people;
- provide for notice and approval of housing projects;
- give county and multicounty housing and redevelopment authorities the power, within their areas of operation, to acquire and sell certain real property† to preserve the affordability of low- and moderate-income multifamily housing;

- provide for mortgage foreclosure;
- modify requirements for redemption of any sale of real property;
- provide for a right of entry and other actions of mortgagees or purchasers at a foreclosure sale;
- provide a five-week redemption period for certain abandoned properties;
- effective Aug. 1, 1989.

Article 4—Special Laws

Provisions:

- expand the Minneapolis and St. Paul Housing Acquisition and Rehabilitation Loan and Grant programs to include financing for single family residences if they meet specific criteria and are in neighborhoods that need stabilization;
- allow cities to use the rehabilitation loan program to make or purchase loans to acquire new single family residences in certain neighborhoods;
- allow cities to establish an Indian housing authority for housing projects for low- and moderate-income American Indians;
- repeal laws creating separate programs;
- effective day after enactment with exceptions.

Article 5—Can-Do and Way to Grow/School Readiness Programs

Provisions:

- create a community and neighborhood development organization pilot project; allow the commissioner of administration to make matching grants to organizations for community and neighborhood projects;
- direct the commissioner of the State Planning Agency to administer the Way to Grow/School Readiness Program with the commissioners of human services and education, to coordinate and improve access to community-based and neighborhood-based services that promote the intellectual, social, emotional, and physical development and school readiness of children up to age 5;
- list suggested program components, and criteria for grant applicants and awards;
- effective Aug. 1, 1989.

Article 6—Neighborhood Revitalization Program

Provisions:

- direct the commissioner of revenue to convey certain tax-forfeited land to political subdivisions to redevelop the land as productive taxable property;
- allow cities to designate targeted neighborhoods for revitalization and financing programs;
- outline:
 - eligibility requirements for targeted neighborhoods;
 - requirements for targeted neighborhood revitalization and financing programs;
 - neighborhood and community participation requirements in preparing revitalization programs; and
 - program approval for Minneapolis, St. Paul, and Duluth;
- repeal laws defining certain terms;
- effective various dates.

Article 7—Youth Employment and Housing Program

Provisions:

- change the focus from the design to the implementation stage of a program that assists targeted youth who are “at risk” to gain work skills and experience by building and rehabilitating housing for the homeless;
- remove the \$20,000 grant limit for design or planning grants;
- require the State Planning Agency to award two demonstration grants to eligible organizations that meet specific requirements or criteria; require the organizations to provide matching grants;
- effective Aug. 1, 1989.

Article 8—Housing Impact Report

Provisions:

- require governmental units to prepare annual housing impact report for each year in which the government unit displaces 10 or more units of low-income housing in a city of the first class;†
- require government units which displace 10 or more units of low-income housing in a city of the first class to provide replacement housing within 36 months after the date of the final annual housing impact report,

unless there's an adequate supply of available and unoccupied low-income housing units to meet the demand for replacement housing;

- effective Aug. 1, 1989.

Enactment: June 2, 1989

Effective: various dates

Condominium liens

HF1069*—Boo

SF0210—Reichgott

Chapter 98: provides that a purchaser's right to cancel applies to condominiums created before Aug. 1, 1980, and provides that a lien on real estate added when expanding flexible condominiums doesn't affect existing condominiums.

Enactment: May 9, 1989

Effective: Aug. 1, 1989

County-owned residences—rental

- See Local Bills—Counties

Housing Finance Agency—powers, duties

HF0399—O'Connor, Osthoff

SF0613*—Morse, Brandl, Frank, Pogemiller, Beckman

Chapter 270: regulates the powers and duties of the Minnesota Housing Finance Agency (MHFA), and clarifies laws governing the MHFA.

Provisions:

- authorize the MHFA to invest in certain eligible securities to provide money for moderate-and low-income housing loans;
- increase the maximum rehabilitation loan amount from \$7,500 to \$9,000;
- expand the current grants program to nonprofit sponsors of transitional housing to include loans; expand the type of sponsors to include for-profit and limited dividend sponsors;
- remove the requirement that property the MHFA acquires be 15 years or older to qualify for loans for "moderate rehabilitation" under the Apartment Renovation Mortgage Program;

- allow the MHFA to preserve federally subsidized low and moderate income housing and to make loans for housing projects which use the federal low income housing tax credit.

Enactment: May 25, 1989

Effective: Aug. 1, 1989

Real estate appraisers—licenses

- See Commerce & Consumer Affairs

Real estate closing agents—regulation

- See Commerce & Consumer Affairs

Real estate—crime, seizure

- See Crime & Corrections

Real property laws—changes

- See Legal & Judiciary

Relocated residences—building code exemptions

HF0595*—O'Connor, Bennett,

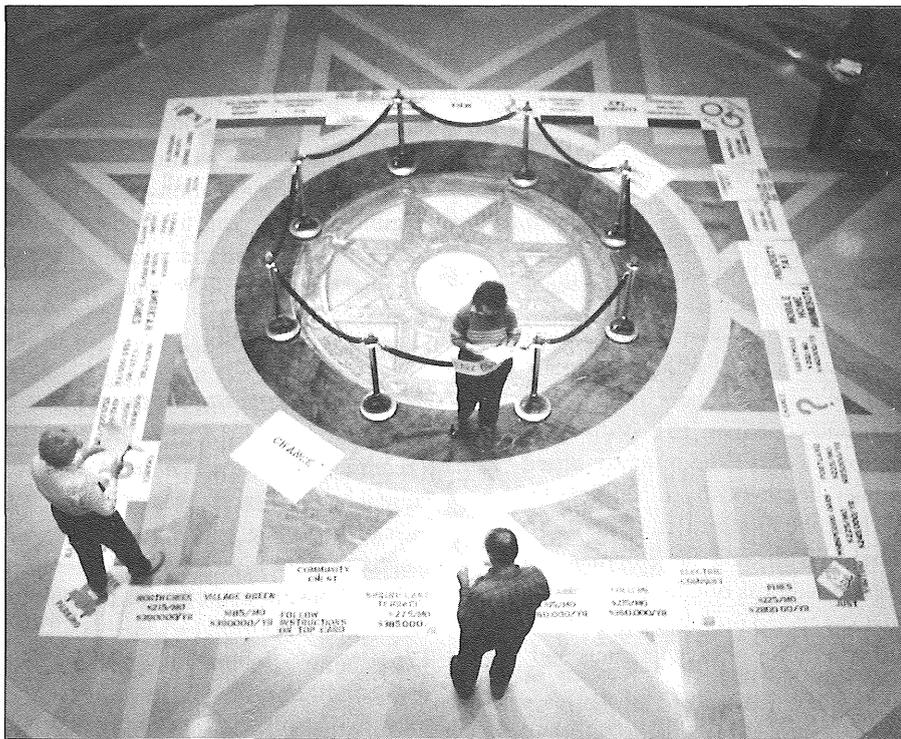
Pellow, Osthoff, Krueger

SF0587—Beckman, Dahl, Bernhagen, Frank, D.E. Johnson

Chapter 82: exempts residential buildings that are relocated within or into political subdivisions of the state from compliance with the state energy code and a ban on lead in plumbing if, where available, an energy audit is conducted on the relocated building.

Enactment: May 9, 1989

Effective: day after enactment



Mobile home residents played a giant game of Monopoly in the Capitol Rotunda to publicize a bill that would give them the first option to purchase their mobile home parks. The All Parks' Alliance for Change planned the March rally.

Tenants—lost service relief

HF1107*—Jefferson, Osthoff, Clark, S. Olsen, Williams
SF0804—Marty, Spear, Luther, Berglin

Chapter 214: allows residential tenants to petition a court for relief in emergency situations involving loss of running water, hot water, heat, electricity, sanitary facilities, or other essential services which the owner must provide; requires petitioners to attempt to notify owners of their intent to go to court at least 24 hours before doing so; and permits the court to order relief from the owner.

Enactment: May 22, 1989
Effective: Aug. 1, 1989

Transitional housing—language changes

HF0394—Dawkins, Osthoff, O'Connor
SF0681*—Beckman, Piper, Frank

Chapter 47: changes the name of the “Temporary Housing Demonstration Program” to the “Transitional Housing Program,” and extends the duration of transitional housing from six months to 24 months.

Enactment: April 24, 1989
Effective: day after enactment



INSURANCE

Auto insurance I.D. card—requirements

HF1194*—Carruthers, Kelly, Skoglund, Kalis, Uphus
SF1044—Luther, Spear

Chapter 321: requires insurance companies to issue insurance identification cards to auto insurance policyholders.

Provisions:

- require insurance companies to provide policyholders with a plain language summary of the criminal penalties for failing to provide proof of insurance, driving without insurance, or falsely claiming to have insurance;
- increase penalties for failing to provide proof of insurance, driving without insurance, falsely claiming to have insurance, or for owners who permit others to drive uninsured vehicles;
- require a driver, whether or not vehicle's the owner, to carry proof of insurance on the vehicle;
- specify procedures to show proof of insurance if proof is not given at the time a law enforcement officer requests it;
- permit the commissioner of public safety to revoke a driver's license for failure to produce an insurance identification card under certain circumstances; allow a driver or vehicle owner to ask the commissioner to review an order of revocation;
- require the commissioner to notify certain authorities of a driver's license revocation;
- require the Department of Public

Safety (DPS), with the information policy office, to study the feasibility of computer communication between insurance companies and the DPS to inform state authorities when the companies cancel a driver's insurance; require the DPS to report to the Legislature.

Enactment: May 26, 1989
Effective: Aug. 1, 1989

Auto insurance—assigned claims plan

HF0269—Carruthers, Skoglund, Poppenhagen, Hartle
SF0361*—Luther, Cohen, McQuaid

Chapter 58: clarifies eligibility for economic loss benefits under no-fault auto insurance.

Provisions:

- permit a person to bring a negligence† action for certain economic losses the assigned claims plan (risk insurance pool) will not or cannot pay due to lack of insurance coverage for the loss;
- authorize insurers† to seek reimbursement from uninsured drivers who have violated certain laws if their claims qualify for assignment under the assigned claims plan;
- disqualify from receiving benefits under the assigned claims plan, people who live and function as a family, except minor children and legally incompetent adults.

Enactment: April 26, 1989
Effective: Aug. 1, 1989

Auto insurance—underinsurance

HF0956*—Carruthers, Skoglund, Wynia, Krueger, Weaver
SF0960—D.C. Peterson, Samuelson, Marty, Purfeerst, Olson

Chapter 213: clarifies the calculation of underinsured motorist benefits.

Provisions:

- eliminate language in former law that combined uninsured and underinsured motorist coverages into a single coverage;
- change the method of calculating

underinsured benefits from the "difference of limits" to "add-on coverage" (under this law, the injured driver's underinsured motorist coverage will be added to the at-fault driver's liability insurance, e.g., if the injured driver has \$25,000 underinsured motorist coverage and the at-fault driver has liability insurance of \$30,000, total benefits of \$55,000 are available).

Enactment: May 19, 1989

Effective: Aug. 1, 1989 with qualifications

Comprehensive Health Insurance Plan—changes

HF1285*—Skoglund, Wynia,

Greenfield, G. Anderson, Hartle

SF1251—Brandl, Luther, Berglin,

Benson, Pehler

vetoed

Chapter 281: would have changed coverage and administration procedures of the Comprehensive Health Insurance Plan.

Vetoed: June 2, 1989

Environmental protection—risk retention

HF1407—Carruthers, Skoglund, Pauly

SF1191*—Luther, R.W. Peterson, Schmitz

Chapter 185: allows political subdivisions or pools to purchase environmental protection coverage from certain risk retention groups if the coverage is not otherwise available at a reasonable cost, and to purchase nonassessable stock from the group if stock ownership is required for participation.

Enactment: May 17, 1989

Effective: Aug. 1, 1989

Healthspan—health care access program

• See Health & Human Services

Insurance agents—continuing education

HF0158—Carruthers, Skoglund,

Poppenhagen, Wenzel, Onnen

SF0200*—Solon, Luther,

D.C. Peterson, Larson

Chapter 231: regulates continuing insurance education.

Provisions:

- define a "professional designation examination" as a written, proctored, and graded examination which, after passage, entitles an agent to a bona fide insurance or financial planning professional designation;
- set requirements for the Continuing Insurance Advisory Task Force;
- require the commissioner of commerce to approve or disapprove the examinations which the task force recommends;
- require agents to pass the examination before receiving full continuing education credit; prohibit agents from receiving credit for classroom instruction preparing for the examination;
- reduce the minimum yearly continuing education requirement from 20 hours to 15 hours, and reduce permissible credit hours from insurance company-sponsored courses from 10 to 7.5;
- allow the commissioner to waive certain continuing education requirements;
- repeal a rule providing continuing education exemptions for certain long-term agents; maintain exemptions for certain other long-term agents.

Enactment: May 22, 1989

Effective for the reporting year beginning June 1, 1989 with qualifications

Insurance—agent termination

HF1354*—Carruthers, Skoglund, Pugh, Weaver, Peterson

SF1169—Luther, D.C. Peterson, Solon, Freeman, Dahl

Chapter 170: regulates cancellations of insurance agency contracts.

Provisions:

- limit conditions under which insurance companies may cancel agency contracts;
- apply limitations only to agents who write 80 percent or more of their gross annual insurance business for one company or any or all of its subsidiaries;
- require insurance companies that cancel certain written agreements with insurance agents to pay the agents all commissions they earned prior to or after termination;
- prohibit insurance companies from terminating or penalizing insurance agents solely because the agents contacted a government department or agency regarding a problem that the agents or an insured† may have with an insurance company.

Enactment: May 17, 1989

Effective: day after enactment

Insurance—information disclosure

HF0162*—Skoglund, Carruthers

SF0094—Marty, Luther,

D.C. Peterson, Spear

Chapter 316: regulates insurance information collection practices; requires insurance organizations, companies, and agents to provide notice of their insurance information collection practices to individuals; gives individuals access to information that organizations, companies, and agents collect about them; creates procedures to amend incorrect information; and limits the extent to which insurance professionals may disclose personal information to others.

Enactment: June 1, 1989

Effective: Aug. 1, 1989 with exceptions and qualifications



Insurance Committee

Insurance—prenatal care

HF1286—Skoglund, Clark, Tjornhom, Wagenius

SF0701*—Freeman, D.C. Peterson, Berglin, Metzen, Anderson

Chapter 69: requires certain individual and group health insurance policies to cover child health supervision and prenatal care services; requires policies to specifically exempt reasonable and customary charges for prenatal care services, except for delivery, from a deductible, co-payment, or other co-insurance or dollar limitation; and clarifies that this requirement doesn't prohibit the use of waiting periods or pre-existing conditions limitations for these services.

Enactment: May 3, 1989

Effective for policies issued or renewed on or after Aug. 1, 1989

Insurance—subrogation

HF1678—Tjornhom

SF0829*—Freeman

Chapter 201: prohibits insurance companies from maintaining subrogation† actions against their policyholders where losses resulted from the policyholders' nonintentional acts.

Enactment: May 19, 1989

Effective: Aug. 1, 1989

Insurance—township mutuals

HF0780—Cooper, Dauner, Brown, Dille, C. Nelson

SF0886*—D.J. Frederickson, D. R. Frederickson, Beckman, Schmitz, Vickerman

Chapter 130: changes laws governing township mutual fire insurance companies.

Provisions:

- permit the directors to choose a manager who is not a member of the board or the company;
- permit the treasurer or chosen manager to accept all applications and sign and issue certain policies;
- permit township mutual fire insurance

companies to insure qualified property, secondary property, and certain real or personal property, with qualifications;

- permit the articles of incorporation to limit or eliminate a director's personal liability for certain actions; prohibit the articles from limiting or eliminating a director's liability under certain circumstances.

Enactment: May 15, 1989

Effective: Aug. 1, 1989

Life insurance—long-term care rider

HF0812*—Kelly, Pappas, Hartle, Skoglund

SF0870—Metzen, Solon, Larson, Frederick, Anderson

Chapter 125: allows certain insurance policies to contain a rider† providing for early payment of long-term care benefits to insureds† who receive medically prescribed long-term care. Provisions:

- specify limits and requirements for insurance policies that provide early payment of long-term care benefits;
- prohibit insurance companies from selling contracts or supplemental contracts that provide for the early payment of long-term care benefits to anyone over age 65.

Enactment: May 16, 1989

Effective: day after enactment

Life, health insurance—omnibus bill

HF1155*—Skoglund, Wenzel, Pappas, Kinkel, Otis

SF1171—D.C. Peterson, Luther

Chapter 330: regulates life and health insurance policy and contract provisions, coverages, certain cost-containment mechanisms, cancellations and nonrenewals, trade and marketing practices, and remedies.

Provisions:

- specify instances when the commissioner of commerce may deny, suspend, or revoke insurance licenses;
- include fraternal benefit societies in a requirement to pay interest on death benefits computed on date of death to

payment (former law omitted fraternal benefit societies); effective Aug. 1, 1989;

- limit sales of life insurance under a group plan to insure debtors in connection with real estate mortgage loans;
- remove a requirement that employers use certified mail to send former employees notice of continuation rights in a health plan (continue to require notice through first class mail);
- limit a guaranty association's scope of coverage to policies that Minnesota residents own; effective Aug. 1, 1989;
- require insurance companies that issue certificates of insurance to Minnesota residents to provide coverage for all benefits that certain group policies require; allow a limited exclusion in certain instances where Minnesota employees are a small part of a larger group;
- prohibit insurance companies from reducing or denying benefits to policyholders who fail to obtain preauthorization approval in certain emergency situations; exclude treatment of chemical dependency and mental disorders from this provision; effective Aug. 1, 1989;
- set standards for situations involving misstatement of a policyholder's age; prohibit an insurance company from canceling a policy unless the company would not have issued the policy had it known the applicant's correct age;
- specify requirements for coverage of treatment of mental and nervous disorders which a licensed psychologist performs under group insurance policies; effective for policies, plans, or contracts issued or renewed on or after Aug. 1, 1989;
- permit employees to continue health coverage up to 18 months with their former employer until the employees satisfy pre-existing coverage exclusions under their new employer's policy; effective Aug. 1, 1989;
- define "homebound" as a person who is physically unable to leave home without another person's aid because he/she has lost the capacity of independent transportation or is disoriented; remove a requirement that policyholders have prior hospitalization or be homebound or house-confined before

they can obtain long-term benefits; effective Aug. 1, 1989;

- prohibit insurance companies from denying benefit payments after treatment occurs if the insurance company gave prior approval, with exceptions; effective Aug. 1, 1989;
- specify benefit coordination if two policies offer coverage;
- prohibit creditors from requiring debtors to purchase insurance through the creditor if the debtor already has adequate coverage;
- set a 10-business-day time limit for insurance companies to respond to an authorization request for nonemergency services or benefits; effective Aug. 1, 1989;
- require insurance companies to give 30 days' notice before canceling or not renewing individual life and individual health policies or contracts; effective Aug. 1, 1989;
- require insurance companies to obtain a parent or guardian's permission before taking a minor's statement;
- require insurance companies to provide policyholders with their loss or claims experience for the current policy period and the two preceding policy periods within 30 days of a request for the information; effective Aug. 1, 1989;
- prohibit loan officers from soliciting insurance products not related to the loan while the loan is pending;
- prohibit insurance companies from selling insurance policies which only return premiums or premiums plus interest, or multiples of less than four times the premiums or premiums plus interest;
- permit policyholders to appeal denials of health benefits claims under certain circumstances when an insurance company decides the claims aren't medically necessary, experimental, investigative, or generally accepted; effective Jan. 1, 1990;
- allow funeral or burial contract buyers to exclude insurance proceeds and other funding devices from assets used to determine eligibility for public assistance through use of trusts; effective Aug. 1, 1989;
- repeal laws that:
 - require employers who withhold money from wages for employee

benefits to have a license (these requirements are generally covered under federal law); and
—prohibit insurance companies or other people from soliciting or issuing mass-marketed life or health insurance if the total charges for the insurance are unreasonable in relation to the benefits provided.

Enactment: June 1, 1989

Effective: day after enactment with exceptions

Medicare supplement—regulation

HF0611*—Skoglund, Wenzel, Winter, Limmer, Wagenius

SF1014—Diessner, Piper, Novak, Luther, Dahl

Chapter 258: regulates agent licensing and Medicare supplement plans.

Provisions:

- prohibit licensed insurance agents from applying for a new license for at least two years (formerly one year) after the effective date of their license revocation; require applicants to provide an authorized performance bond to the commissioner of commerce before the commissioner reissues the license; effective June 1, 1989;
- require agents to determine the suitability of certain insurance recommendations for their customers; effective June 1, 1989;
- require agents to offer and explain both types of Medicare supplement insurance to customers age 65 or older before issuing or selling a policy;
- change the designation of the Medicare supplement plans 1+, 1, 2, and 3 to two categories: an extended Medicare supplement plan, and a basic Medicare supplement plan; specify requirements for the two plans;
- provide felony† penalties for insurance professionals who violate laws that prohibit them from:
 - replacing a Medicare supplement plan with another plan unless there is a substantial difference in the cost favorable to the policyholder;
 - selling duplicate Medicare policies; and
 - selling or attempting to sell Medicare supplement insurance without a valid license;

- require insurance companies to pay the same commission to agents for the two types of Medicare supplement policies for each of the first four years; allow the commissioner to waive this restriction if he/she believes an insurance company's commission plan discourages deceptive practices;
- specify requirements for a "qualified" Medicare supplement plan.

Enactment: May 25, 1989

Effective: Jan. 1, 1990 with exceptions and qualifications

Minneapolis School District— insurance premium subsidies

- See Education

Political subdivisions— group insurance coverage

- See Local Bills—Cities & Towns

Property, casualty insurance— omnibus bill

HF1283*—Winter, Skoglund, Quinn, Peterson

SF1431—Luther, D.C. Peterson, Metzen

Chapter 260: regulates property and casualty insurance policy provisions, forms, nonrenewals, coverages, and trade practices.

Provisions:

- require insurance companies to continue certain policies annually on the anniversary of the policy issuance date;
- require all commercial automobile liability policies to provide certain coverage for rented vehicles; effective for policies issued or renewed on or after Aug. 1, 1989;
- prohibit insurance companies from using the costs of a legal defense to reduce the limits of liability in a liability insurance policy, with certain exceptions; effective for policies issued or renewed on or after Aug. 1, 1989;
- stagger election terms for the Joint Underwriting Association (JUA) Board of Directors so that no more than six

members are appointed or elected every two years; designate four-year terms for members;

- permit a policyholder to appeal any nonrenewal to the commissioner of commerce;
- require every insurance company to:
 - establish a plan that sets out the number and amount of claims during an experience period that may result in nonrenewal; and
 - provide a clear statement of this information when providing claim forms and instructions;
- define "homeowner's insurance" to include mobile home insurance; effective for policies issued or renewed on or after Aug. 1, 1989;
- remove farms from the list of exemptions for property or liability insurance coverage;
- prohibit automobile insurance companies from canceling or reducing the limits of liability of coverage under certain conditions;
- define "injured person" for disability and income loss benefit provisions;
- require insurance policies for certain pickup trucks and vans to apply to certain rental vehicles; effective for policies issued or renewed on or after Aug. 1, 1989;
- provide that certain auto insurance arbitration cases where the claim is \$5,000 or less are binding;
- set calculations for the return of certain insurance premiums;
- prohibit insurance companies doing business in Minnesota from engaging in arbitrary, capricious, or unfairly discriminatory selection or underwriting practices;
- prohibit insurance companies that provide benefits under the Minnesota no-fault auto insurance act from limiting the type of licensed health care provider that may provide treatment for covered conditions if the services are within the scope of the provider's insurance;
- prohibit insurance companies that offer automobile insurance policies in Minnesota from denying coverage based on the applicant's or policyholder's employment status, status as a tenant, or their failure to have an auto policy in force before the application, unless the law requires it;

- provide that an insurance company's failure to issue payment within a specified period of time for an amount agreed on in settlement is an unfair settlement practice;
- require insurance companies to disclose an insurance policy's coverage and limits within 30 days after a claimant requests the information;
- make an insurance company responsible for all costs, disbursements, and prejudgment interest included in a judgment in certain cases;
- specify procedures and limitations for agents who apply to sell assigned risk plan coverage;
- repeal laws that:
 - set administrative procedures for the JUA; and
 - regulate a group self insurer's deposit of securities or bonds prior to providing coverage to any member company.

Enactment: May 25, 1989

Effective: day after enactment with exceptions

Uninsured motorist—subrogation

HF1353*—Carruthers, Skoglund, Pugh, Weaver

SF1168—Luther, D.C. Peterson, Solon, Freeman

Chapter 193: requires insurance companies to pay the insured's† deductible first when recovering a loss directly from an uninsured third party (under a subrogation† claim).

Enactment: May 19, 1989

Effective: Aug. 1, 1989





LEGAL & JUDICIARY

Blind vendors—data release

HF1497—Dorn, Jefferson, Tompkins, McLaughlin, Orenstein
SF0134*—Frank, Bertram, Piper

Chapter 86: allows the commissioner of jobs and training to release names, business addresses, and business telephone numbers of blind vendors, and provides the State Committee of Blind Vendors, organized under federal law, with access to private data in the Department of Jobs and Training on individually licensed blind vendors.

Enactment: May 9, 1989

Effective: day after enactment

Child custody, visitation laws—changes

- See Families & Juveniles

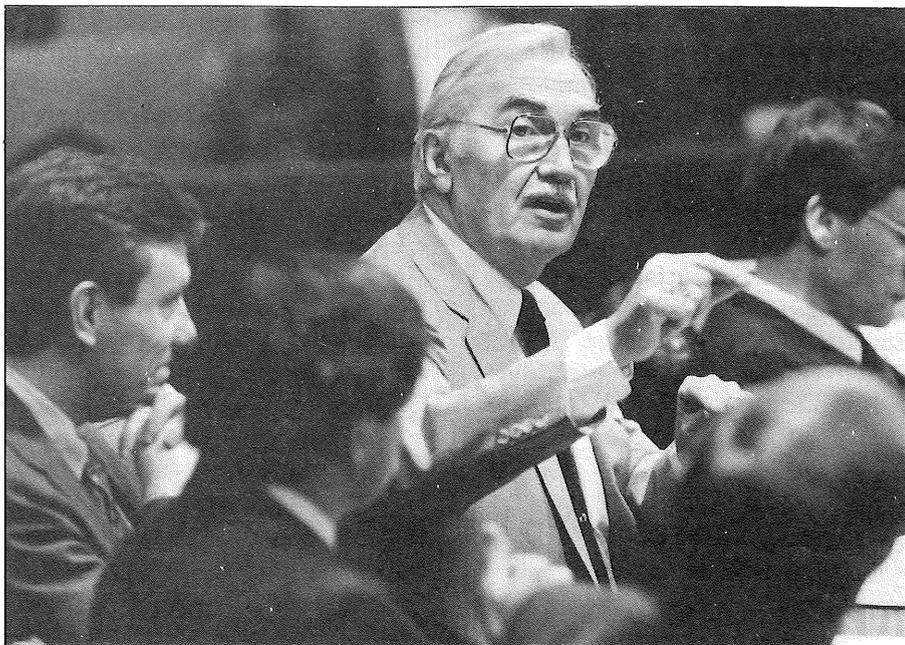
CHIPS—custody, parental rights

HF0135*—Pappas, Vellenga, Seaberg, Bishop
SF0220—Cohen

Chapter 208: limits the juvenile court's authority to transfer legal custody of a child in need of protection or services (CHIPS) to obtain special treatment or care; clarifies the grounds for terminating parental rights to a CHIPS child; and clarifies the liability of people who provide outreach services to runaways.

Enactment: May 19, 1989

Effective: Aug. 1, 1989 with exceptions



Chief Justice Peter Popovich of the Minnesota Supreme Court testified at a Judiciary Committee meeting last March in favor of a proposal that would transfer the costs of district courts and public defenders from counties to the state. Chapter 335 puts that proposal into law.

Communications—privacy, disclosures

HF1425*—Pugh, Kelly, Macklin, Dempsey, Carruthers
SF1237—R.W. Peterson, Merriam, Knaak

Chapter 336: changes wiretap laws.

Article 1

Provisions:

- permit electronic communication companies to reveal communications inadvertently obtained during the normal course of business if there's reason to believe the communication pertains to the commission of a crime;
- add electronic communications to the types of communication that courts may not admit in evidence if wiretap law violations occurred (former law applied to wire and oral communications);
- allow only investigative or law enforcement officials to intercept communications;
- outline reporting procedures to the state court administrator;
- permit use of mobile tracking devices with consent from the owner of the object to which the device will be attached;
- permit only investigative or law enforcement officers in charge of ongoing investigations to apply for an

order or extension of an order to use a pen register, trap and trace device, or mobile tracking device;

- permit individuals whom wiretap law violators harm to bring civil actions; provide defenses;
- repeal a provision concerning motions to suppress evidence;
- effective Aug. 1, 1989.

Article 2

Provisions:

- authorize the attorney general or his/her designee to subpoena certain business records when the records relate to a legitimate investigation;
- prohibit the person who receives the subpoena from disclosing its existence or that he/she produced records;
- provide penalties for offenders who warn subjects of surveillance, searches, or an investigation;
- authorize investigating officers to intercept communications if they reasonably determine that an emergency exists involving immediate danger of death or injury;
- repeal a provision that ends the wiretap law;
- effective Aug. 1, 1989 with exceptions.

Enactment: May 26, 1989

Effective: various dates

**Conciliation court—
jurisdictional limit increase**

HF0013*—Kelly, Carruthers, Bishop, Seaberg, Bennett
SF0830—Luther, R.W. Peterson, Freeman, Reichgott, Solon

Chapter 344: raises the jurisdictional limit on conciliation court claims from \$2,000 to \$3,500, except for consumer credit transaction claims (maximum \$2,000); increases further the jurisdictional limit to \$4,000 on July 1, 1990; changes standards for awarding costs for conciliation court appeals; and provides for costs and disbursements if a party removes a conciliation court action to district court.

Enactment: June 1, 1989
Effective: Aug. 1, 1989

**Crime victims—limitations,
notification**

- See Crime & Corrections

Dance halls—dance law repeal

HF0620—Kostohryz
SF0300*—Hughes

Chapter 10: repeals laws regulating dance halls.

Provisions:

- repeal sections that:
 - require dance hall proprietors to obtain and post a permit that the governing body issues;
 - prohibit immodest dances; and
 - govern admittance rules, lighting requirements, and hours of operation.

Enactment: March 14, 1989
Effective: Aug. 1, 1989

Data Practices Act—amendments

HF1150*—Pugh, Kelly, Blatz, Lynch, Macklin
SF0974—R.W. Peterson, Merriam

Chapter 351: amends the Data Practices Act regarding collection, access to, and dissemination of data, and proposes and clarifies data classifications.

Provisions:

- direct the legislative auditor to classify

as “private” certain information that individuals provide for an audit;

- clarify that “nonpublic data” is information not accessible to the public;
- direct public and private medical providers to give the legislative auditor access to information classified as “not public”; prohibit the auditor from disclosing patients’ names or other personal identifiers; effective day after enactment;

- designate the following classifications:
 - “private,” “confidential,” “nonpublic,” and “protected nonpublic” for Department of Human Rights information in open and closed files;
 - “nonpublic data” for certain business financial assistance requests to the Iron Range Resources and Rehabilitation Board; state when the information becomes public;
 - “nonpublic” for development loan data information until the Department of Trade and Economic Development approves the application;
 - “confidential” or “protected nonpublic” for notes and preliminary drafts of reports which state agencies’ internal auditing offices create, collect, and maintain;
 - “private” for information from an individual who would not have provided it without assurances of privacy; and
 - “confidential” or “protected nonpublic” for specific report data collected in Meeker County;

- permit public hospitals or other organizations to hold closed meetings to discuss specific marketing activity, and contracts that may result from the marketing activity, in cases where:
 - the hospitals or organizations compete with other health care providers offering similar goods and services; and
 - disclosure of information could hurt the hospitals’ or organizations’ competitive position;
- require a majority of the board of directors to publicly vote to close a meeting;
- outline procedures for recording and maintaining minutes of a closed meeting.

Enactment: May 26, 1989
Effective: Aug. 1, 1989 with exceptions

**Data Practices Act—
child abuse data**

HF0731*—Blatz, Vellenga, Carruthers, Runbeck, Kelly
SF0633—D.C. Peterson

Chapter 177: classifies as “private data” any investigative data relating to alleged child abuse if a law enforcement agency or an appropriate or prosecuting authority decides not to pursue a criminal case (makes the data available only to the subject of the investigation); and amends the records destruction law to remove certain law enforcement records.

Enactment: May 17, 1989
Effective: Aug. 1, 1989

**Deputy title examiners—
appointments**

HF0029*—Rest
SF0053—Reichgott

Chapter 59: removes the limit (one) on the number of attorneys a district court judge may appoint to serve as deputy title examiners, and repeals a portion of law concerning the number of deputy examiners in the Second and Fourth judicial districts.

Enactment: April 26, 1989
Effective: Aug. 1, 1989

**Eminent domain—
relocation benefits**

HF0763—Jefferson, O’Connor, Otis, Tjornhom
SF0628*—D.C. Peterson, Pogemiller, Morse

Chapter 83: amends the law requiring governmental authorities that acquire property through eminent domain† to pay relocation benefits, as federal regulations require, to people whom they displace, and references such federal regulations that become effective after July 1, 1988 (former law referenced only those regulations in effect on July 1, 1988).

Enactment: May 9, 1989
Effective: day after enactment

**Employee benefits—
reasonable exemption**
HF0761*—Simoneau, Heap
SF0694—Frank, Stumpf

Chapter 284: limits the formerly unlimited debtors' exemption from creditors' claims for retirement, disability, death, and similar benefits to certain amounts reasonably necessary to support the debtor and any dependents.
Enactment: June 1, 1989
Effective: day after enactment; applies retroactively to April 12, 1988

Forma pauperis—income standard
HF0438*—Macklin, Orenstein, Pugh, Dempsey, Weaver
SF0571—D.R. Frederickson, Luther, Ramstad, R.W. Peterson

Chapter 94: outlines requirements for people who want to file a lawsuit in forma pauperis† (allows them to pursue the suit without paying accompanying fees or costs).

Provisions:

- state that requirements include, but are not limited to, people who:
 - receive public assistance;
 - are represented by legal counsel through programs based on indigency; or
 - have annual incomes of less than 125 percent of the federal poverty line.

Enactment: May 9, 1989
Effective: Aug. 1, 1989

**Law enforcement—
private data access**
HF0826*—Weaver, Pugh, Carruthers, Kelly, Henry
SF0854—Merriam

Chapter 278: amends the Data Privacy Act to permit parole or probation authorities or correctional agencies to release certain data on juvenile delinquents for purposes of victim restitution.

Enactment: May 25, 1989
Effective: Aug. 1, 1989

Law libraries—annual fees
HF0370—Swenson, Beard, Kelly, Carruthers, Dempsey
SF0171*—Diessner, Laidig, R.W. Peterson, Knaak

Chapter 4: allows law library boards of trustees, in counties other than Hennepin and Ramsey, to set library fees each year.

Enactment: March 3, 1989
Effective: Aug. 1, 1989

**Living will—Adult Health Care
Decisions Act**
HF0028—Bishop, Brown, Orenstein, G. Anderson, Ogren
SF0028*—Reichgott, Marty, Storm, Purfeerst, R.D. Moe

Chapter 3: allows competent adults to execute a declaration regarding health care wishes if they become unable to make or communicate wishes, or to appoint a proxy to make the decisions for them in the same situation.

Provisions:

- specify scope of declarations;
- specify requirements for executing a declaration;
- provide a suggested form;
- specify when a declaration becomes operative;
- set guidelines for health care providers and proxies to comply with declarations;
- provide proxies access to certain medical information;

- permit declarants to revoke their own declaration in whole or in part at any time and in any manner without regard to their mental condition;
- provide that marriage dissolution or annulment automatically revokes designation of a spouse as a proxy unless the declaration provides otherwise;
- provide various criminal penalties for misconduct in connection with declarations;
- provide that the making or effectuation of a declaration doesn't affect the sale, procurement, issuance, or validity of a life insurance policy or annuity, nor does it affect, impair, or modify the terms of any existing life insurance policy or annuity;
- require health care providers to follow reasonable medical practices when an adult patient has executed a declaration;
- state that nothing in this law may be construed to condone, authorize, or approve mercy killing, euthanasia, suicide, or assisted suicide;
- provide for recognition of previously executed declarations and certain declarations executed in another state;
- state that this law doesn't impair or supercede any other legal right or responsibility which a person may have to initiate, continue, withhold, or withdraw health care;
- state that this act doesn't:
 - create a presumption about the intent regarding health care of someone who has revoked or never executed a declaration; nor



Judiciary Committee



Michelle Clairmont played the "pied piper" last January as members of the Human Life Alliance stood outside hearing rooms in the State Office Building protesting proposed legislation that would recognize living wills in Minnesota. The proposal, however, drew more support than opposition, and in early March, legislators and the governor enacted it as Chapter 3.

—authorize or justify withholding sustenance from anyone who doesn't have a declaration or a proxy.

Enactment: March 3, 1989
Effective: Aug. 1, 1989

Mineral data—collection, dissemination

HF0343*—Rukavina, Battaglia
SF0144—Stumpf

Chapter 182: classifies as "nonpublic data" certain mineral data the commissioner of natural resources receives and maintains, and provides a timeline after which the data becomes public.

Enactment: May 19, 1989
Effective: July 1, 1989

Minnesota Statutes—corrections, revisions

HF1197*—Bishop, Orenstein, Kelly, Dempsey
SF0991—Cohen

Chapter 209: corrects erroneous, ambiguous, and omitted text and obsolete references in *Minnesota Statutes*; eliminates certain redundant, conflicting, and superseded provisions; and makes technical corrections.

Enactment: May 23, 1989
Effective: Aug. 1, 1989

Minnesota Statutes—language changes

HF0862*—Pugh, Rest, Bishop, Swenson, Orenstein
SF0821—Cohen

Chapter 197: revises text of certain laws to remove redundant and obsolete language, simplify grammar and syntax, and improve style of language without changing the meaning.

Enactment: May 19, 1989
Effective: Aug. 1, 1989

Minnesota Statutes—reference corrections

HF0381—Sparby, Beard, Pugh, Boo, Swenson
SF0025*—Stumpf

Chapter 19: corrects and removes inaccurate and obsolete references to legislative committees in *Minnesota Statutes*.

Enactment: April 4, 1989
Effective: Aug. 1, 1989

Nonprofit Corporation Act—recodification, revision

• See Commerce & Consumer Affairs

Notaries public—bond requirement elimination

HF0716—Kelly, Orenstein, Pugh, Hasskamp
SF0331*—D.M. Moe, Spear, Knutson

Chapter 189: eliminates a provision requiring newly commissioned notaries to give the state a \$10,000 bond, and permits notaries to retain their powers uninterrupted if they move and properly file an affidavit† identifying the changes with the Office of the Secretary of State.

Enactment: May 19, 1989
Effective: Jan. 1, 1990

Personnel records—employee access

• See Employment & Labor

Presentence investigations—prosecution request

HF0097*—Hasskamp, Vellenga, Carruthers, Kelly, McGuire
SF0336—Cohen

Chapter 117: requires the court to honor a prosecutor's request for presentence investigation reports in gross misdemeanor† cases.

Enactment: May 15, 1989
Effective: Aug. 1, 1989

Private medical data—family members

HF0444*—Weaver, Brown, Carruthers, Kelly, Macklin
SF0222—Merriam

Chapter 175: allows health care providers to release certain private medical data to parents, children, and siblings of deceased patients or clients.

Enactment: May 19, 1989
Effective: Aug. 1, 1989

Probate—notice to creditors

HF1151*—Bishop, Kelly, Pugh, Dempsey, Orenstein
SF1034—Laidig, Reichgott, Berglin, Stumpf

Chapter 163: changes procedures for giving notice to certain creditors regarding matters in probate; limits presentation of claims against an estate; and sets a schedule for payment of claims.

Enactment: May 17, 1989

Effective: 30 days after enactment

**Ramsey County attorney—
prosecutorial jurisdiction**

• See Local Bills—Metro

Real property laws—changes

HF0480—Dempsey, Vellenga, Macklin
SF0535*—Luther, Bernhagen

Chapter 229: allows presiding judges, with consent of all parties, to select special magistrates to conduct alternative dispute resolutions when the disputed amount exceeds \$50,000; abolishes marital property rights in real property† that a person's former spouse owned, with exceptions; clarifies that the 40-year limit on actions affecting a real estate title applies to actions based on a repurchase option or other restrictions on a surface estate; and changes effective dates for provisions relating to validation of foreclosure sales.

Enactment: May 23, 1989

Effective: various dates

**Sentimental property—
family allowances**

HF1355*—Carruthers, Kelly, Pugh, Wagenius
SF1184—Luther

Chapter 219: modifies provisions for awarding sentimental property† and family allowances after a person's death.

Enactment: May 19, 1989

Effective: Aug. 1, 1989

**Session Laws 1989—
revisor's corrections**

• See Special Session

**Six-member juries—
nonfelony cases**

HF0001*—Kelly, Carruthers, Janezich, McGuire, Brown
SF0026—Spear

Chapter 2: re-enacts the law authorizing six-member juries in nonfelony cases. (Voters in the 1988 general election approved a constitutional amendment permitting juries of fewer than 12 people.)

Enactment: Feb. 8, 1989

Effective: day after enactment with qualifications

**Statutes 1988/Laws 1989—
technical changes**

HF1616*—Bishop, Kelly, Pugh, Rest
SF1516—Spear, R.D. Moe, Luther, Benson

Chapter 356: corrects miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors of a noncontroversial nature; amends *Minnesota Statutes 1988, Session Laws 1989, and 1989 House Files*; and states that sections which amend other 1989 enactments are effective on the same dates as those enactments, unless provided otherwise. (Notations of many of these changes appear in italics in chapters throughout the *Session Summary*.)

Enactment: June 3, 1989

Effective: various dates

**Tax court powers, procedures—
recodification**

HF0515—Bishop, Rest, Kelly, Long, Dempsey
SF0462*—Stumpf, Spear, R.W. Peterson, Pogemiller, Cohen

Chapter 324: clarifies, modifies, and recodifies tax court powers and procedures.

Provisions:

• eliminate redundant and unnecessary

language and obsolete references;

- require releases of liens issued in error to state that the lien was erroneous;
- make technical corrections;
- repeal laws that:
 - require a tax liability greater than \$6,000 assessed under the insurance laws be paid with interest and penalty pending appeal; and
 - require a tax liability greater than \$6,000 be prepaid with interest and penalty pending appeal.

Enactment: May 26, 1989

Effective: Aug. 1, 1989 with exceptions and qualifications

**Traffic regulations—
court appearance**

• See Crime & Corrections

Trespass laws—recodification

HF0482—Wagenius, Otis, Vellenga, Carruthers, Dempsey
SF0032*—Spear, Reichgott, D.C. Peterson, Cohen, Belanger

Chapter 5: amends various criminal laws.

Provisions:

- recodify trespass laws;
- set penalties for those who:
 - interfere with or disobey orders from firefighters while at a fire;
 - intentionally ride in or on a motor vehicle that someone other than the owner drives without the owner's permission;
 - smoke in the presence of explosives or inflammable materials;
 - intentionally smoke in a posted "no smoking" area;
 - take certain actions against railroad employees and property;
 - exhibit a false traffic light or signal on highways, railroad tracks, navigable waters, or in the air; or
 - intentionally expose another person or another person's property to an obnoxious or harmful gas, fluid, or substance;

• repeal certain trespass laws.

Enactment: March 9, 1989

Effective: Aug. 1, 1989 with qualifications

Trust law—changes

HF0306*—Pugh, Dempsey, Kelly, Bishop, Orenstein
SF0289—R.W. Peterson, Knaak

Chapter 340: provides for the creation, validity, administration, and supervision of trusts.

Provisions:

- change laws governing:
 - express trusts;
 - charitable trusts;
 - real property sales and leases by trust;
 - the Uniform Principal and Income Act;
 - the Trustees' Powers Act; and
 - miscellaneous aspects of trusts;
- repeal laws relating to:
 - suspension of power of alienation;
 - uses and trusts; and
 - statutory rule against perpetuities.

Enactment: June 1, 1989

Effective: various dates

Uniform Determination of Death Act

HF0182—Quinn, Orenstein, Carruthers, Dempsey, Blatz
SF0227*—Dahl, Spear

Chapter 93: enacts the Uniform Determination of Death Act.

Provisions:

- state that an individual is dead when he/she sustains irreversible suspension of:
 - circulatory and respiratory functions; or
 - all functions of the entire brain, including the brain stem;
- require medical personnel to rely on generally accepted medical standards to determine death.

Enactment: May 9, 1989

Effective: Aug. 1, 1989

Victims' rights—restitution

HF0014*—Kelly, Vellenga, Otis, Seaberg, Bishop
SF0051—Spear, D.C. Peterson, Marty, Belanger, R.W. Peterson

Chapter 21: changes laws governing the awarding and payment of restitution to crime victims.

Provisions:

- amend the juvenile code to permit the juvenile court to order restitution in cases involving personal injury;
- require the juvenile and criminal courts to include payment schedules or structures in restitution orders;
- clarify procedures for court hearings relating to a defendant's failure to pay restitution;
- permit victims to request restitution for out-of-pocket expenses for which current law authorizes compensation such as medical or therapy costs, wage and services replacement, and funeral expenses;
- permit the courts to order partial restitution under certain conditions;
- require court administrators to disburse restitution payments to victims periodically, and prohibit them from retaining restitution payments for more than 30 days;
- allow a juvenile court to order payment of restitution without appointing a special guardian for a juvenile;
- specify factors the court must consider when determining the restitution amount;
- specify procedures for developing restitution payment schedules;
- allow victims to ask the offender's probation officer to request a probation review hearing if the offender fails to pay restitution as ordered.

Enactment: April 4, 1989

Effective: Aug. 1, 1989



LOCAL BILLS— CITIES & TOWNS

Askov School Board— membership

HF0695*—D. Carlson, Kinkel, Battaglia, R. Johnson, Jennings
SF0866—Chmielewski

Chapter 63: allows the Askov School Board to reduce its membership from seven to six.

Enactment: May 1, 1989

Effective: upon local approval

Cambridge—state lands, conveyance

HF1626*—Lasley
SF1576—R.W. Peterson

Chapter 128: requires the commissioner of administration to convey† a permanent easement to the city of Cambridge for sanitary sewers.

Enactment: May 16, 1989

Effective: day after enactment

Cities, towns— medical service districts

HF1410—Battaglia, Ogren, Dorn, Onnen
SF1252*—D.J. Johnson

Chapter 211: allows the governing bodies of the towns of Crystal Bay, Beaver Bay, and Stony River, the cities of Beaver Bay and Silver Bay, and Unorganized Territory No. 1 to create a medical clinic district by resolution.

Provisions:

- allow the newly created medical clinic

district to acquire, improve, and run medical clinic facilities which the medical board deems necessary;

- outline procedures to establish the district (resolutions, medical clinic boards, board meetings, election of officers, duties, powers, and taxation);
- allow Cook County to:
 - appropriate up to \$240,000 to pay the cost of acquiring, constructing, improving, and maintaining hospitals within the county; and
 - create a hospital district by resolution.

Enactment: May 19, 1989
Effective: day after enactment

Cities, towns—planning, zoning

HF1608—Schreiber, Battaglia, Carruthers, Jennings, Runbeck
SF1498*—McGowan, Adkins, Schmitz

Chapter 200: permits local governments to grant an interim use of property.

Provisions:

- define “interim use” as a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it;
- require the governing body to hold public hearings on whether to grant interim use permits.

Enactment: May 19, 1989
Effective: Aug. 1, 1989

Cities—special service districts

HF0988—Gruenes, Peterson, Bauerly, Marsh
SF0764*—Pehler

Chapter 210: changes conditions for the establishment and operation of special service districts in St. Cloud; permits landowners, business owners, and business organizations to file objections to a proposed special service district; and makes technical changes; applies to special service districts created after May 24, 1989.

Enactment: May 23, 1989
Effective: day after enactment

Counties, cities, towns—hospital contributions

• See Local Bills—Counties

Hermantown—property tax exemption

HF1763—Murphy
SF1278*—Gustafson, Solon

Chapter 237: extends the duration of a property tax exemption for land the city of Hermantown holds for economic development.

Enactment: May 23, 1989
Effective for taxes levied in 1989, payable in 1990, and thereafter, and terminates effective for taxes levied in 1992, payable in 1993



Giving flight to the Year of the Neighborhoods, Isabel Buri, a resident of Elliot Park in Minneapolis, prepared to launch her kite on the Capitol Mall as part of an April kite fly to gain lawmakers' support and give proposed legislation a lift in the battle for funding. Chapter 335 appropriates money to the Department of Trade and Economic Development for a targeted neighborhoods revitalization and financing program.

Hibbing—on-sale liquor licenses

HF0212*—Janezich, O'Connor, Jacobs
SF0247—Dicklich

Chapter 72: authorizes the city of Hibbing to issue two on-sale† intoxicating liquor licenses.

Enactment: May 8, 1989
Effective: upon local approval

Insurance—township mutuals

• See Insurance

Kanaranzi-Little Rock—watershed levy

HF0810—Winter, Steensma
SF0564*—DeCramer, Vickerman

Chapter 275: increases the levy amount for the Kanaranzi-Little Rock Watershed District and provides a tax formula.

Enactment: May 26, 1989
Effective: Aug. 1, 1989

Leo A. Hoffman Center—land conveyance

HF1061*—Ostrom, Ogren, Greenfield
SF0846—D.R. Frederickson

Chapter 136: authorizes the state to convey† surplus land and buildings to the Leo A. Hoffman Center, Inc. in St. Peter for use as a nonprofit treatment facility.

Enactment: May 17, 1989
Effective: day after enactment

Liquor licensing

• See Drugs & Alcohol

**Local governments—
general revenue funds**

HF0719*—C. Nelson, Otis, Cooper,
R. Anderson, Battaglia
SF1041—Larson, Berg, R.D. Moe,
Langseth, Anderson

Chapter 165: allows a home rule charter† or statutory city† or town to appropriate up to \$50,000 annually out of its general fund to pay any Minnesota-incorporated development society or organization to promote, advertise, improve, or develop the economic and agricultural resources of the city or town.

Enactment: May 19, 1989
Effective: Aug. 1, 1989

**Local government—
bank letter of credit**

HF0279*—Blatz, Battaglia, Janezich,
Carruthers, Henry
SF0301—Freeman, Belanger

Chapter 132: authorizes a local governmental unit to permit contractors doing a public work project of less than \$50,000 to provide an irrevocable bank letter of credit†, instead of a performance bond†, in the same amount required for the bond and subject to the same conditions as the bond.

Enactment: May 15, 1989
Effective: Aug. 1, 1989

**Local government—
city council increase**

HF0508*—Morrison, Pauly,
Battaglia, Valento, Lieder
SF0441—Adkins, Schmitz

Chapter 30: permits statutory cities† to have seven-member councils.

Enactment: April 13, 1989
Effective: Aug. 1, 1989

**Local government—
net debt limit**

• See Taxes

Mankato—polling places

HF0426*—Dorn, Frederick, Ostrom,
Scheid, Osthoff
SF0461—Taylor

Chapter 91: authorizes the city of Mankato to locate certain polling places more than 3,000 feet outside precinct boundaries.

Enactment: May 9, 1989
Effective: upon local approval;
effective until Dec. 31, 1991

**Mora—wastewater treatment
facility acquisition**

HF0481*—Peterson, Hasskamp,
Lasley, D. Carlson
SF0546—Davis, Chmielewski

Chapter 33: permits the city of Mora to negotiate contracts to acquire and improve the municipal wastewater treatment facility.

Enactment: April 13, 1989
Effective: upon local approval

**Municipal Planning Act—
dedicated cash payments**

HF1004—Swenson, Pauly, Lieder,
Battaglia, Carruthers
SF0811*—Laidig

Chapter 196: expands the purpose for the use of certain dedicated cash payments under the municipal planning law to add wetlands to the list of public uses, and permits local governments to preserve land for conservation purposes. (Local government regulations may require a proposed subdivision to dedicate a reasonable portion to the public, or preserve it for public use such as parks, playgrounds, trails, or open space.)

Enactment: May 19, 1989
Effective: Aug. 1, 1989

**Political subdivisions—
group insurance coverage**

HF1440*—Greenfield, Battaglia,
Gruenes, Skoglund
SF1408—Berglin

Chapter 90: requires every political subdivision purchasing group insurance for its employees to publicly advertise for proposals and to contract with carriers best qualified to provide coverage, and repeals a provision concerning bidding requirements, and insurance provisions and disclosure.

Enactment: May 9, 1989
Effective: day after enactment

**Red River Valley—
emergency flood relief**

• See Appropriations

Rochester—sales tax

HF1143*—Gutknecht, Bishop,
Frerichs, Welle
SF0920—Brataas, D.J. Johnson,
R.D. Moe

Chapter 233: permits the city of Rochester to continue levying a general sales tax for flood control costs.

Enactment: May 22, 1989
Effective: upon local approval

**St. Augusta—
bank detached facilities**

HF0024—Bertram, Gruenes,
Cooper, Welle
SF0114*—Bertram, Pehler

Chapter 32: permits a bank doing business within 100 miles of the town of St. Augusta to establish and maintain a detached facility in St. Augusta.

Enactment: April 14, 1989
Effective: upon local approval

St. Cloud—state land

HF1216—Marsh
SF1080*—Pehler

Chapter 48: allows St. Cloud State University to convey the state's interest in certain land to the owner of the adjacent lot.

Enactment: April 25, 1989

Effective: day after enactment

St. Cloud—state lands exchange

HF1217—Marsh
SF0936*—Pehler

Chapter 61: authorizes the state to exchange certain property with the city of St. Cloud.

Enactment: May 1, 1989

Effective: day after enactment

St. Peter—city boards' member increase

HF0509*—Ostrom, Otis, Battaglia, Ogren
SF0414—D.R. Frederickson

Chapter 18: permits the city of St. Peter to increase hospital board membership to seven and economic development authority membership to nine.

Enactment: March 29, 1989

Effective: day after enactment

St. Peter—land conveyance

HF1077*—Ostrom
SF0921—D.R. Frederickson

Chapter 142: authorizes the state to convey† certain land to the city of St. Peter.

Enactment: May 16, 1989

Effective: day after enactment

Taxes—property tax changes

• See Special Session

Town cartways—establishment

HF0512*—Bauerly, Lieder, Dorn, Haukoos, Dempsey
SF0433—Vickerman, Adkins, Renneke, McQuaid, Bertram

Chapter 16: authorizes towns to require petitioners to post a bond or other security for total estimated damages before establishing cartways.†

Enactment: March 29, 1989

Effective: Aug. 1, 1989

Town ordinances—vegetation burning

HF0033*—Lieder, Battaglia, Tunheim, Uphus, V. Johnson
SF0078—Stumpf, Schmitz, Adkins, Renneke, Bernhagen

Chapter 180: allows a town to pass ordinances to regulate burning of vegetation on town road rights-of-way.

Enactment: May 17, 1989

Effective: Aug. 1, 1989

Town powers—attorney employment

HF0113*—Battaglia, Lieder, V. Johnson, Winter, Haukoos
SF0120—Adkins, Schmitz, Vickerman, Renneke, Pariseau

Chapter 9: clarifies town boards' power to employ an attorney for town business, including prosecuting or defending actions in which the township may be interested.

Provisions:

- allow towns of any size to establish heritage preservation commissions to preserve and promote historic resources;
- allow towns to directly negotiate rental equipment contracts if the contract value doesn't exceed \$60,000;
- repeal a provision that permits town boards to hire an attorney and pay \$15,000 in attorney's fees annually without voter approval.

Enactment: March 14, 1989

Effective: Aug. 1, 1989

Townships—optional governmental plans

HF0897*—Hasskamp, Scheid, Battaglia, V. Johnson, Tompkins
SF0790—Schmitz, Hughes, D.E. Johnson, Luther, McQuaid

Chapter 24: requires town boards to submit optional governing plans to town voters at an annual town election, rather than an annual town meeting.

Enactment: April 6, 1989

Effective: Aug. 1, 1989

Towns—unpaid service charges

HF0112—Dauner, Battaglia, Valento, Dempsey, Winter
SF0121*—Adkins, Schmitz, D.J. Johnson, Bernhagen, Pariseau

Chapter 14: authorizes town boards to levy against real estate for the collection of unpaid governmental service charges.

Enactment: March 29, 1989

Effective: Aug. 1, 1989

Veterans—medical assistance, additional homes

• See Veterans & Military

Willmar School District—real property purchase

HF0501*—Welle, Cooper
SF0425—D.E. Johnson, D.J. Frederickson

Chapter 66: permits Independent School District No. 347, Willmar, to buy the Religion in Life Center building on the Willmar Technical Institute campus for up to \$49,000.

Enactment: May 3, 1989

Effective: day after enactment





LOCAL BILLS— COUNTIES

**Aitkin County—
tax-forfeited land**
HF0843—D. Carlson
SF0661*—Chmielewski

Chapter 345: authorizes Aitkin County to sell certain tax-forfeited land that borders public water.
Enactment: May 30, 1989
Effective: day after enactment

Beltrami—state lands
HF0770*—Tunheim
SF0740—Stumpf, Lessard

Chapter 99: directs the commissioner of natural resources to convey† certain property in Beltrami County to the Fourtown Mission Society.
Enactment: May 9, 1989
Effective: Aug. 1, 1989

**Benton County—
state lands conveyance**
HF1416*—Omann, Marsh, Bauerly
SF1340—Bertram

Chapter 107: authorizes Benton County to privately convey† certain tax-forfeited land to a certain individual.
Enactment: May 9, 1989
Effective: day after enactment

Carlton County—state lands
HF1172*—Ogren
SF0064—Chmielewski

Chapter 73: authorizes Carlton County to privately sell certain tax-forfeited land.
Enactment: May 8, 1989
Effective: day after enactment

**Carver, Scott counties—
facility locations**
HF1179—McDonald, Kelso
SF1009*—Renneke, Schmitz

Chapter 348: permits the Carver and Scott county boards to provide offices for the county attorney, court administrator, and sheriff, and suitable quarters for the district court and county jail.
Enactment: June 1, 1989
Effective: upon local approval

**Chisago County—
ditch assessments**
HF0804*—Lasley
SF0754—R.W. Peterson

Chapter 138: permits the Chisago County Board to cancel ditch assessments imposed in the county before Jan. 1, 1987, and satisfy drainage liens for certain county ditches.
Enactment: May 16, 1989
Effective: upon local approval

**Cities, towns—
medical service districts**
• See Local Bills—Cities & Towns

**Cook County—
off-sale liquor license**
HF0999—Battaglia, Jacobs, Bennett
SF0699*—D.J. Johnson

Chapter 36: allows the Cook County board to issue an off-sale intoxicating liquor license to a certain Lutsen Township liquor store with approval from the commissioner of public safety.
Enactment: April 17, 1989
Effective: upon local approval

**Counties, cities, towns—
hospital contributions**
HF0529*—Battaglia, Ogren, Tunheim, Winter, R. Anderson
SF1167—D.J. Frederickson, Vickerman, Adkins, Renneke, D.E. Johnson

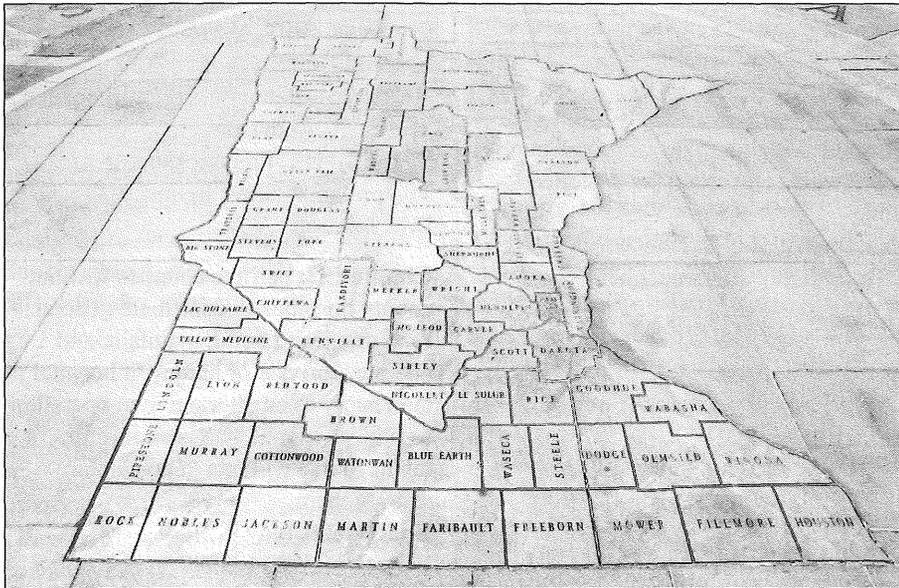
Chapter 92: permits counties without county hospitals to contribute general fund monies to build, maintain, and operate a private or nonprofit hospital in the county as an alternative to operating a county hospital, and permits cities or towns to make grants to hospitals serving them.
Enactment: May 9, 1989
Effective: Aug. 1, 1989

Counties—arts appropriations
HF0975—Steensma, Dille, Long
SF0831*—DeCramer, Bernhagen, D.C. Peterson, Renneke, Langseth

Chapter 39: permits local governments to appropriate money to support artistic organizations.
Enactment: April 17, 1989
Effective: July 1, 1989

Counties—payment procedures
HF0148*—Price, Beard, Swenson, McPherson, A. Johnson
SF0168—Diessner, Schmitz, Laidig

Chapter 13: permits Washington and Anoka counties to establish certain payment procedures for county obligations the auditor-treasurer pays without presentation to the county board.
Enactment: March 29, 1989
Effective: upon local approval



Court of Honor. On the Capitol Mall in front of the Veterans Service Building, a map of Minnesota shows all 87 counties.

**Counties—sheriff's fees;
property sales**

HF1207*—Morrison, Battaglia, Tompkins, Seaberg, Ozment
SF1195—Metzen, Schmitz, Pariseau, Purfeerst, Knutson

Chapter 176: permits county boards to set sheriff's fees for services such as a summons, warrant, writ, subpoena, or any process a court of record issues; removes fees set in law for such services; and allows counties to lease real† or personal property† belonging to the county without advertising for bids if the property's estimated value is less than \$15,000, and to exchange parcels of real property of similar or equal value without advertising for bids when acquiring real property for a county highway right-of-way.

Enactment: May 17, 1989
Effective: Aug. 1, 1989

County-owned residences—rental

HF0210*—Price, Beard, Swenson, McPherson, V. Johnson
SF0229—Diessner, Laidig

Chapter 26: permits counties to lease certain residences under conditions the county board sets rather than advertising for bids.

Enactment: April 6, 1989
Effective: Aug. 1, 1989

**Dept. of Transportation—
property conveyance**

HF0895*—Brown, C. Nelson
SF0710—Berg

Chapter 75: authorizes the commissioner of transportation to convey† certain surplus property to Stevens County for non-public purposes, and authorizes the county to publicly sell the property for non-public purposes.

Enactment: May 8, 1989
Effective: day after enactment

**Elephant Creek—dam control,
structure**

HF1560*—Battaglia, Munger, Trimble, D. Carlson
SF1289—D.J. Johnson, Dicklich

Chapter 192: authorizes the commissioner of natural resources to enter into a cooperative agreement with the United States Forest Service to construct and maintain a dam and control structure across Elephant Creek in St. Louis County to benefit wildlife, recreation, and other public purposes.

Enactment: May 19, 1989
Effective: day after enactment

**Goodhue County—
payment procedures**

HF1389*—Sviggum, Waltman
SF1341—Mehrkens

Chapter 102: permits the Goodhue County Board to set procedures to allow the county auditor to pay all or any class of county obligations without presentation to the board.

Enactment: May 9, 1989
Effective: upon local approval

**Highways—power to mow
rights-of-way**

HF0578*—Lieder, Vanasek, Battaglia, Haukoos, Dille
SF0518—Purfeerst, D.R. Frederickson, Schmitz, Adkins, Mehrkens

Chapter 179: authorizes local road authorities to adopt ordinances, rather than resolutions, to mow or till certain highway rights-of-way.

Enactment: May 17, 1989
Effective: Aug. 1, 1989

**Itasca County—
unorganized territory**

HF1454*—Neuenschwander, Solberg
SF1331—Lessard

Chapter 295: authorizes the Itasca County Board to accept a petition to annex unorganized territory to the town of Spang, and requires at least 20 residents of the unorganized territory to sign the petition.

Enactment: May 26, 1989

Effective: Jan. 1, 1990

**Local government—
bank letter of credit**

• See Local Bills—Cities & Towns

Martin County—county duties

HF1504—Hugoson, K. Olson, Kalis
SF1258*—Beckman

Chapter 121: permits the Martin County Board, with approval of the Fifth Judicial District chief judge, to assign the court administrator's duties relating to vital statistics and marriage licenses to the county recorder.

Enactment: May 15, 1989

Effective: upon local approval

Olmsted County—conveyances

HF1482—Frerichs
SF1394*—Benson

Chapter 274: authorizes the Olmsted County zoning administrator to approve certain conveyancing† documents.

Enactment: May 25, 1989

Effective: upon local approval

**Olmsted County—
funding authorization**

HF1131*—Frerichs, Bishop, Gutknecht
SF0941—Brataas, Benson

Chapter 103: authorizes the Olmsted County Board to appropriate up to \$250,000 annually from the county's general fund to promote, advertise, or develop the county's economic and agricultural resources, and allows the county to accumulate up to \$500,000 in the fund.

Enacted: May 9, 1989

Effective: upon local approval

**Olmsted County—morgue
requirement exemption**

HF0553*—Gutknecht, Bishop, Frerichs
SF0500—Brataas, Benson, Schmitz

Chapter 57: exempts Olmsted County from operating a public morgue.

Enactment: April 26, 1989

Effective: upon local approval

**Roseau County—
hospital districts' bonds**

HF1469—Tunheim
SF1239*—Stumpf

Chapter 238: authorizes Roseau County to increase its bonding authority from \$2.0m to \$5.0m for hospital districts.

Enactment: May 23, 1989

Effective: upon local approval

**St. Louis County—
budget regulations**

HF1222—Janezich, Murphy,
Rukavina, Battaglia, Jaros
SF1101*—Solon, Dicklich,
D.J. Johnson, Gustafson

Chapter 240: regulates budget procedures for St. Louis County; requires the county board to annually adopt a budget for the next fiscal year and allows it to prepare a five-year capital improvement program; permits the county to assess television relay service maintenance costs upon residents of St. Louis County townships who use the service; and

repeals provisions concerning the St. Louis County budget procedure.

Enactment: May 22, 1989

Effective: upon local approval

**St. Louis County—
tax-forfeited lands**

HF0043*—Janezich, Rukavina
SF0088—Dicklich

Chapter 135: authorizes St. Louis County to sell certain tax-forfeited lands bordering public waters; lists lands that are unneeded for state purposes; and states that public interest would be better served if the lands were publicly owned (*Note: Chapter 356 changes "publicly" to "privately"*).

Enactment: May 16, 1989

Effective: day after enactment

State lands—sales authorization

HF1668—McGuire, Hasskamp,
Battaglia, Omann, Sviggum
SF1417*—Novak

Chapter 150: authorizes the commissioner of natural resources to sell certain state lands bordering public waters.

Provisions:

- authorize the commissioner to:
 - exchange certain land in Benton County;
 - sell certain school trust fund land in Itasca, St. Louis, and Cook counties;
 - sell certain surplus land for recreational purposes to the cities of Faribault, Warroad, and Ortonville, and Anoka County;
 - sell certain land in the city of Brainerd;
 - privately sell certain land in Goodhue and Otter Tail counties; and
 - convey† interest in certain land in Goodhue County to correct a survey error;
 - authorize the commissioner of transportation to transfer certain land in Carlton County from the Department of Transportation to the Department of Natural Resources.
- Enactment:** May 17, 1989
Effective: day after enactment

Taxes—property tax changes

- See Special Session

**Todd County—
restaurant liquor license**

HF1435*—Krueger
SF1398—Anderson, Solon

Chapter 265: authorizes Todd County to issue an on-sale† intoxicating liquor license to a certain establishment in Round Prairie Township.

Enactment: May 25, 1989

Effective: upon local approval

Todd County—tax-forfeited lands

HF0324—Krueger
SF0390*—Anderson

Chapter 38: allows Todd County to sell certain tax-forfeited land bordering public water to the Department of Natural Resources or the public.

Enactment: April 17, 1989

Effective: day after enactment

**Western Lake Superior Sanitary
District—bonds**

HF0765*—Murphy, Boo, Jaros
SF0683—Solon, Chmielewski,
Gustafson

Chapter 109: authorizes the Western Lake Superior Sanitary District Board to issue general obligation bonds to refund outstanding obligations without calling† the outstanding obligations for redemption prior to maturity.

Enactment: May 9, 1989

Effective: Aug. 1, 1989

LOCAL BILLS—METRO

Airport planning

- See Transportation

**Anoka County—
officer appointments**

HF1267*—Quinn, Jacobs, Weaver,
Simoneau, Lynch
SF1144—Frank, Diessner

Chapter 243: permits the Anoka County Board of Commissioners, upon resolution, to appoint, rather than elect, a county auditor, recorder, and treasurer, and allows the board to reorganize, consolidate, reallocate, or delegate duties to promote efficiency in county government.

Enactment: May 22, 1989

Effective: upon local approval

**Anoka County—
tax-forfeited lands**

HF0655*—Lasley, Simoneau,
A. Johnson, Quinn, Lynch
SF0453—Frank

Chapter 100: authorizes Anoka County to sell certain tax-forfeited lands that border public waters in the cities of Andover, Coon Rapids, East Bethel, and St. Francis, and the towns of Burns and Oak Grove.

Enactment: May 9, 1989

Effective: day after enactment

Blaine—on-sale liquor license

HF1352*—Quinn, Jacobs, Runbeck
SF1333—Novak, Frank, Dahl

Chapter 105: authorizes the city of Blaine to issue an on-sale† intoxicating liquor license to the Dan Patch Raceway, a harness track facility.

Enactment: May 9, 1989

Effective: upon local approval

**Dakota County—
procedural changes**

HF1115*—Tompkins, Ozment,
Seaberg, Morrison, Milbert
SF0998—Pariseau, Olson, Metzen,
Adkins, Vickerman

Chapter 143: permits Dakota County to make certain procedural changes.

Provisions:

- allow an appointing authority† to temporarily employ juveniles whom the juvenile court ordered to make monetary restitution or pay a fine as a condition of probation without approval from the Department of Employee Relations;
- extend from 30 days to 60 days the amount of time the county personnel Board of Appeals has to report to the county board on a personnel appeal;
- allow the county to employ a campground operator without advertising for bids;
- permit the county to pay morgue costs.

Enactment: May 17, 1989

Effective: day after enactment

**Dakota, Washington counties—
bonds**

HF1351*—Morrison, Price, Osthoff
SF1138—Metzen, Laidig

Chapter 79: permits the Dakota and Washington county housing and redevelopment authorities to waive performance bonds† for single family housing construction.

Enactment: May 8, 1989

Effective: upon local approval

Edina—transit system establishment

HF0007—Forsythe, Pauly
SF0054*—Storm

Chapter 241: authorizes the city of Edina to operate a public transit system and to acquire necessary equipment, land, and interests in land; allows the city to establish a special service district for the transit route; and exempts the city and its housing and redevelopment authority from requirements for competitive bidding or performance bonds† for facilities or other improvements in the southeast Edina redevelopment area.

Enactment: May 25, 1989

Effective: upon local approval with qualifications

Golden Valley, Plymouth—storm sewers

HF1540*—Heap, Battaglia
SF1396—Ramstad

Chapter 207: regulates storm sewer improvements in the cities of Golden Valley and Plymouth, and allows the cities' governing bodies to annually amend a capital improvement program for a storm sewer tax district.

Enactment: May 19, 1989

Effective: day after enactment

Hennepin County—HRA board members

HF0819*—Jefferson, Otis, S. Olsen, McLaughlin, Scheid
SF0714—Reichgott, Kroening

Chapter 78: expands membership of the Hennepin County Housing and Redevelopment Authority from five commissioners to seven commissioners.

Enactment: May 8, 1989

Effective: upon local approval

Hennepin County—jail construction bonds

HF1448*—Rest, Long, McLaughlin, Blatz
SF0937—D.C. Peterson, Storm, Ramstad, Pogemiller, Reichgott

Chapter 245: permits the Hennepin County Board to issue and sell general obligation bonds up to \$20.0m to finance land acquisition planning, design, site preparation, and other preliminary work for the construction of a public safety building and related facilities, and requires the Hennepin County commissioners, Fourth Judicial District judges, and the Hennepin County attorney and sheriff to individually report to the Legislature by Jan. 15, 1990, on methods to improve criminal justice system administration in the Fourth Judicial District.

Enactment: May 23, 1989

Effective: upon local approval

Metropolitan agency budgets

HF1181*—Carruthers, Jefferson, McGuire, Weaver, Pauly
SF1067—Luther

Chapter 306: provides standards for metropolitan agency budgets.

Provisions:

- require the Metropolitan Council's Development Guide to prescribe "economical" (formerly "economic") development of the area;
- require the council and each metropolitan agency to prepare a summary budget every fiscal year for public informational access;
- outline contents of annual budgets;
- require the price of property local governments acquire for state trunk highway rights-of-way to include the costs of preparing environmental documents;
- set levy limits for the right-of-way acquisition loan fund; effective for property taxes payable in 1990 and subsequent years;
- require the council to:
 - extend the time to complete metropolitan significance reviews up to 30 days if all parties consent to the extension in writing;
 - state the criteria and standards that



Many have come to know Minnesota as "the land of 10,000 lakes." However, Minnesota has more than 12,000 lakes within its boundaries. The largest of these is Red Lake in Beltrami County, with a water surface area of 451 square miles. In all, more than 90,000 miles of lake and river shoreline cover the state. Chapter 326 creates a legislative water commission to study recommendations for state water resources management and protection.

it will use to determine the metropolitan significance of a proposed project; and

—conduct hearings using certain procedures unless the parties agree in writing to waive such procedures;

- expand tax formulas;
- apply this act to the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington;
- repeal a provision regarding levy limits.

Enactment: June 1, 1989

Effective: Aug. 1, 1989 with exceptions

Minneapolis—energy, environmental services

HF1589*—Kahn

SF1494—D.C. Peterson

Chapter 115: permits the Minneapolis City Council to appropriate money to plan, research, develop, and implement energy conservation and environmental programs, and to conduct combined hearings on improvements and assessments.

Enactment: May 10, 1989

Effective: upon local approval

Minneapolis—government personnel appointments

HF0664*—McLaughlin, Long,

Wagenius, Skoglund, Otis

SF0591—D.C. Peterson, Pogemiller,

Brandl, Berglin, Spear

Chapter 54: authorizes the Minneapolis city coordinator to appoint certain management staff members, and the superintendent of schools of Special School District No. 1 to appoint an executive secretary.

Enactment: April 26, 1989

Effective: upon local approval

Minneapolis—

on-sale liquor licenses

HF0665—Greenfield, Long, Sarna, McLaughlin, Otis

SF0203*—Spear, Berglin,

D.C. Peterson, Kroening, Pogemiller

Chapter 40: authorizes the city of Minneapolis to issue on-sale† liquor licenses to the Minneapolis Convention Center, the Orpheum and State theatres, and a Minneapolis restaurant; and repeals a 1973 law concerning plats, coordinates, and surveys.

Enactment: April 17, 1989

Effective: upon local approval

Minneapolis School District—insurance premium subsidies

- See Education

Personnel—county sheriffs

HF1449—Rest, Skoglund, Blatz, S. Olsen

SF1541*—Kroening, Brandl, Ramstad

Chapter 254: amends county personnel laws.

Provisions:

- add a chief administrative deputy sheriff to the Hennepin County unclassified service; effective upon local approval;
- authorize all county sheriffs to appoint a chief deputy or first assistant with county board approval (formerly authorized sheriffs in counties having 100,000 or more residents); effective Aug. 1, 1989.

Enactment: May 25, 1989

Effective: various dates

Ramsey County attorney—prosecutorial jurisdiction

HF0397—McGuire, Vellenga, Weaver, Kelly, Blatz

SF0560*—Marty, Spear, Cohen

Chapter 52: provides that in Ramsey County, only the county attorney may prosecute gross misdemeanor† violations of laws governing unreasonable restraint of children, malicious punishment of a child, or child neglect.

Enactment: April 24, 1989

Effective: upon local approval

Ramsey County—personnel review board members

HF1104*—Trimble, Pappas, McGuire, Bennett, Osthoff

SF1079—Marty, Lantry, Cohen

Chapter 162: increases the membership of the Ramsey County Personnel Review Board from five people to seven people; and permits the Ramsey County personnel director to request, in writing, that an employee produce relevant documents or appear for the purpose of giving relevant oral statements or testimony relating to a disciplinary action of an employee.

Enactment: May 17, 1989

Effective: upon local approval

Ramsey County—property for public library

HF0832*—Kostohryz, Price, Valento, Vellenga, Munger

SF0711—Hughes

Chapter 145: authorizes Ramsey County to use a specific parcel of land for a public library.

Enactment: May 16, 1989

Effective: day after enactment

**Regional Transit Board—
bonding authority**

HF1137*—A. Johnson, Rice,
Carruthers, Vellenga, D. Carlson
SF1253—Lantry, Langseth, Purfeerst,
Pogemiller, McQuaid

Chapter 283: authorizes the Metropolitan Council, after Aug. 1, 1989, to issue metropolitan general obligation bonds up to \$26.0m (formerly \$17.0m) to finance the Regional Transit Board's capital spending plan, and up to \$4.7m (formerly \$1.5m) for other capital expenditures.

Enactment: May 30, 1989

Effective: Aug. 1, 1989

**Regional Transit Board—
light rail planning**

HF1408*—Carruthers, Battaglia,
Kalis, Onnen, McLaughlin
SF1202—Novak, Purfeerst, Lantry,
Langseth, McQuaid

Chapter 339: restructures the Regional Transit Board (RTB) and the Metropolitan Transit Commission (MTC); directs the RTB to plan and coordinate light rail transit systems in the metropolitan area and establish a joint light rail transit advisory committee; and directs the MTC to operate the light rail transit systems.

Provisions:

- permit regional rail authorities to enter into joint powers agreements† with municipalities or other authorities concerning regional transit matters;
- require local governments to approve a preliminary light rail system design plan after holding public hearings; require local governments that disapprove a plan to submit amendments which, if adopted, would cause them to reverse their decision; permit the RTB to recommend amended plans to accommodate local governments' objections;
- require that final design plans go through the same approval and review process as preliminary design plans;
- outline the RTB's duties and membership;
- forbid the RTB from using proceeds of specific bonds to provide capital

assistance to private, for-profit operators of public transit;

- direct the RTB to adopt a light rail transit plan:
 - to ensure that light rail transit facilities in the metropolitan area will be acquired, developed, owned, and capable of operating in an efficient, cost-effective and coordinated manner on a multicounty basis along with buses and other transportation systems; and
 - before any regional rail authority begins construction or becomes eligible for financial assistance;
- outline the RTB's regional development and financial plan, and coordination plan for light rail transit;
- direct the RTB to establish a joint light rail transit advisory committee to help plan light rail transit facilities and coordinate the county regional rail authorities' and the MTC's light rail transit activities;
- outline duties and membership composition of the advisory committee and the MTC;
- require the RTB to complete the initial light rail transit development and financial plan by Jan. 1, 1990; give the Metropolitan Council 45 days to review the initial plan; require the RTB to report to the Legislature by Feb. 15, 1990;
- require the advisory committee to report an initial light rail transit coordinating plan to the RTB by July 1, 1990; outline factors the RTB must consider before adopting the initial coordinating plan;
- authorize a regional railroad authority in the metropolitan area to apply for and receive, in its own name, federal financial assistance;
- require the RTB to study methods to improve transportation services for elderly, handicapped, and disabled people whose transit needs cannot be fully accommodated through the use of existing public transit alternatives;
- repeal laws concerning local governments' review and comment on light rail transit systems, cooperation between the RTB and the MTC, RTB members' terms of office, and preliminary light rail transit design study;
- apply these provisions to Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties.

Enactment: June 1, 1989

Effective: day after enactment

State lands—sales authorization

- See Local Bills—Counties

**St. Louis Park—
HRA name change**

HF1517*—S. Olsen, Segal, Battaglia
SF1373—McQuaid

Chapter 80: allows the St. Louis Park City Council to change the name of the Housing and Redevelopment Authority of St. Louis Park to the Housing Authority of St. Louis Park, effective Oct. 1, 1988.

Enactment: May 9, 1989

Effective: upon local approval

**Washington County—
tax-forfeited land**

HF0502*—Swenson
SF0440—Laidig, Diessner

Chapter 156: authorizes the commissioner of revenue to privately sell certain tax-forfeited land bordering public water in Washington County to a certain individual.

Enactment: May 19, 1989

Effective: day after enactment

**Woodticks—mosquito control
commission expansion**

- See Environment & Natural Resources

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PENSIONS & RETIREMENT

Employee benefits— reasonable exemption

- See Legal & Judiciary

State pension plans—changes

HF0872—Simoneau, Jaros, Munger,
R. Johnson, Knickerbocker
SF0783*—Solon, Novak,
D.J. Johnson, Ramstad,
D.R. Frederickson

Chapter 319: changes laws governing benefits, contributions, and administrators of various statewide and local public pension plans, and the use of state aid and payment of post-retirement adjustments to Minneapolis police and firefighters.

Article 1—Minnesota State Retirement System

Provisions:

- make administrative changes in laws governing the Minnesota State Retirement System (MSRS);
- add a procedure to appeal a denial or termination of MSRS benefits;
- amend laws governing the General State Employees Plan, the MSRS Correctional Employees Retirement Plan, the State Patrol Retirement Plan, and the MSRS Unclassified Employees Retirement Plan;
- effective July 1, 1989 with exceptions.

Article 2—Teachers' Retirement Associations

Provisions:

- make administrative changes in laws governing the Teachers Retirement Association (TRA);
- add a procedure to appeal a denial or termination of TRA benefits;
- amend laws governing the State University and Community College Supplemental Retirement Plan, and the TRA plans;
- exempt retired TRA members, who act as interim superintendents due to the death, disability, termination, or resignation of the previous superintendent, from TRA post-retirement earnings limitations and annuity† payment reductions for up to 90 days;
- repeal laws governing written reports regarding a denied leave of absence;
- effective day after enactment with exceptions.

Article 3—PERA

Provisions:

- make administrative changes in laws governing the Public Employees Retirement Association (PERA) and the PERA Police and Fire Fund (PERA-P&F);
- exclude volunteer firefighters from PERA; give volunteer firefighters who are PERA members an option to remain in the plan;
- effective July 1, 1989.

Article 4—Purchase of Prior Service Credit

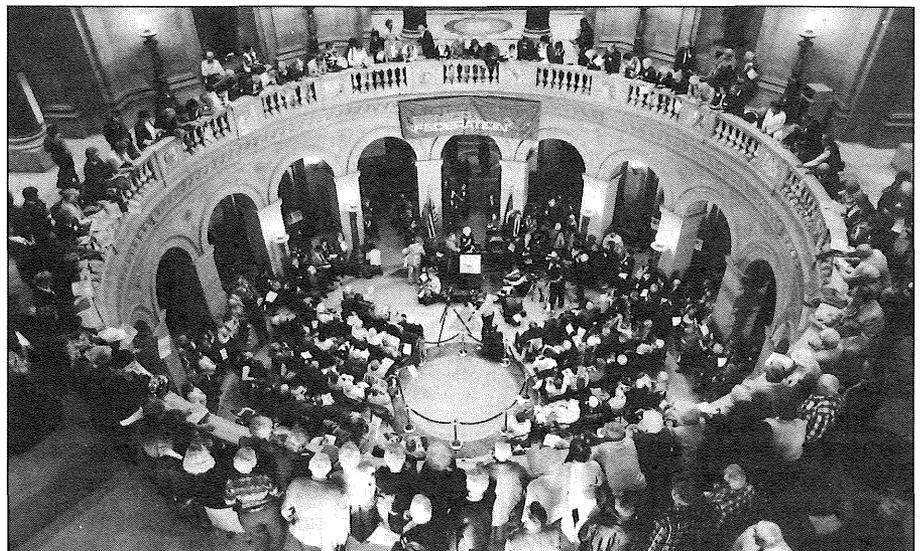
Provisions:

- permit various individuals to purchase prior service credit;
- require individuals who are eligible to purchase prior service credit to pay into the retirement fund the present value of the amount of the additional retirement annuity that they may obtain through the purchase of additional service;
- amend a purchase of prior service credit enacted in 1988 to:
 - permit, rather than require, the Metropolitan Sports Facilities Commission to pay for part of the buyback; and
 - provide for a reduced annuity in the event of early retirement; applies retroactively to May 4, 1988;
- effective day after enactment.

Article 5—Other Retirement Issues

Provisions:

- exclude Minneapolis Community Development Agency employees from PERA;
- provide for a referendum in which each individual basic member of a pension fund could decide whether they want Medicare coverage;
- establish combined service annuities for the judges' pension fund;
- permit judges to repay refunds to their pension fund;



In January, senior citizens from around the state participated in "Senior Citizens' Day on the Hill." They gathered in the Capitol Rotunda for an "Independence and Dignity" rally where they showed legislators their support for proposed legislation on living wills and transportation issues.

- permit a former St. Paul employee to receive a refund of excess employee contributions from PERA;
- effective various dates.

Article 6—Public Employees Insurance

Provisions:

- require municipalities or counties that receive excess police state aid (more than the amount required to meet the employer contribution to the police pension fund) to deposit the excess amount into an insurance trust fund in the state treasury;
- effective July 1, 1989.

Article 7—Minnesota Public Pension Plan Fiduciary Responsibility and Liability Act

Provisions:

- establish a new chapter dealing with public fund fiduciary† responsibilities;
- codify† fiduciary responsibility and liability regulation for public employee pension plans;
- specify which public pension plan officials, contractors, or consultants have a fiduciary status and which public pension plan activities are fiduciary activities;
- prohibit certain people from engaging in fiduciary activities;
- set a general standard of fiduciary care and conduct and various specific fiduciary conduct standards;
- define a fiduciary breach and provide remedies;
- set cofiduciaries' responsibilities and liabilities; authorize limits on cofiduciary responsibility and liability through the allocation or delegation of pension plan activities;
- indemnify† fiduciaries in certain instances;
- clarify various requirements for and limitations on legal challenges to fiduciary actions;
- encourage continuing education for fiduciaries;
- effective day after enactment.

Article 8—Conforming Amendments to Fiduciary Provisions

Provisions:

- contain conforming amendments to the Minnesota Public Pension Plan Fiduciary Responsibility and Liability Act;
- effective day after enactment.

Article 9—Other Teachers' Retirement Associations Provisions

Provisions:

- transfer all assets of the TRA variable annuity investment fund to the Minnesota combined investment fund;
- transfer the reserves of individuals who receive benefits from the variable annuity reserve account to the Minnesota post-retirement investment fund;
- provide a joint and survivor annuity to survivors of TRA members who would qualify for benefits under current law, but did not qualify under laws in effect at the time of the member's death;
- effective day after enactment with qualifications.

Article 10—Volunteer Firefighters

Provisions:

- base salaried firefighter pension and benefit increases on the salary of a top grade patrol officer if the salaried position used to base firefighters' pensions no longer exists because of a shift to volunteers;
- permit probationary volunteer firefighters to join a voluntary firefighters relief association;
- permit five-year vesting for volunteer firefighter relief associations;
- repeal a provision relating to service credit for certain probationary volunteer firefighters;
- effective July 1, 1989.

Article 11—Local Police and Firefighters

Provisions:

- authorize a certain member of the Minnesota Sheriffs' Association to join the PERA-P&F with respect to service in the sheriffs' association;
- increase survivor benefits for the St. Paul Police Fund;
- permit the Mankato Fire Department Relief Association to pay certain non-duty disability benefits;

- permit the Virginia Police Relief Association to increase certain benefits;
- authorize an increased nonforfeitable service pension percentage for Minnetonka volunteer firefighters;
- authorize benefit increases for retired Eveleth police officers, firefighters, and surviving spouses;
- authorize the Bloomington Firefighters Relief Association to pay duty related and non-duty related disability benefits;
- require proportional representation of retirees on the boards of directors of the St. Paul fire and police relief associations;
- repeal laws governing the Brooklyn Center Firefighters' Relief Association;
- effective various dates.

Article 12—Higher Education Supplemental Plan

Provisions:

- amend the supplemental retirement plan for university and community college faculty;
- set the employee contribution at 5 percent of salary, instead of 5 percent of salary between \$6,000 and \$15,000;
- provide a \$450 matching employer contribution or, if a collective bargaining agreement specifies, up to \$2,000;
- effective Aug. 1, 1989.

Article 13—Benefit Changes

Provisions:

- changes benefits for members of MSRS, PERA, TRA, and first-class city† teacher funds;
- reduce the vesting period from five years to three years;
- increase interest on refunds from 5 percent to 6 percent;
- augment (expand) deferred annuities at 6 percent, rather than the former 3 percent, after members reach age 55;
- provide an automatic bounce-back with a subsidy (if an employee chooses a joint and survivor annuity, and the designated survivor dies before the employee, the employee's annuity automatically bounces back to the level it would have been if the employee had not chosen the survivor option);
- give new employees a level formula of 1.5 percent credit for all years of service (rather than the current 1 percent for each of the first 10 years of service, and

- 1.5 percent for each year thereafter); provide for an actuarial† benefit reduction in the event of early retirement;
- provide options for existing employees:
 - current formula: 1 percent for each of the first 10 years, plus 1.5 percent for each year thereafter, with 3 percent annual reduction for early retirement;
 - level formula: 1.5 percent for all years of service, with actuarial reduction for early retirement; or
 - Rule of 90 with current formula rates: 1 percent for each of the first 10 years of service, and 1.5 percent for each year thereafter for coordinated members, with no early retirement reduction (if age plus years of service equal at least 90);
 - clarify that the normal retirement age for existing employees is 65, and the early retirement age for new employees is the age Social Security uses;
 - change certain actuarial assumptions;
 - increase the pre-retirement interest rate from 8 percent to 8.5 percent;
 - extend the amortization period for unfunded pension fund liabilities from 2010 to 2020;
 - effective May 16, 1989 with exceptions and qualifications.

Article 14—Partial Post-Retirement Adjustments

Provisions:

- provide a partial post-retirement adjustment for retirees who haven't been retired long enough to qualify for the full annual post-retirement adjustment;
- effective day after enactment.

Article 15—Pre-1973 Retirees

Provisions:

- provide automatic benefit improvements to people who retired before 1973 and certain other benefit recipients;
- provide an income floor and automatically escalate benefits with improvements which the Minnesota post-retirement fund generates;
- effective July 1, 1989.

Article 16—Legislators

Provisions:

- remove the 20-year cap on service credit and member contributions;
- include regular and special session per diem in the salary base when calculating legislators' pensions;
- amend early retirement penalties;
- augment deferred annuities at a 5 percent rate after age 55;
- effective day after enactment with qualifications.

Article 17—Police and Fire

Provisions:

- provide benefit improvements for PERA-P&F, and MSRS highway patrol and correctional members;
- provide an automatic bounce-back joint and survivor annuity;
- provide a level formula for retirement and disability benefits at 2.5 percent for each year of service (rather than a reduction to 2 percent per year after 25 years of service);
- provide early retirement at age 50 with actuarial reduction;
- provide eligibility for non-duty disability after one year of service;
- effective July 1, 1989.

Article 18—State University and Community College Individual Retirement Account Plan

Provisions:

- permit a community college or state university teacher age 55 with 10 or more years of service to participate in the qualified part-time teaching program;
- designate contributors to the Individual Retirement Account Plan as TRA members for Social Security purposes only;
- designate individuals first employed as community college or state university teachers after June 30, 1989, as members of the Individual Retirement Account Plan;
- permit current college and university teachers who have less than three years of service to elect coverage under the plan and transfer their member contributions, plus interest, to the plan;
- allow current employees who have more than three years of service to elect coverage in the Individual Retirement Account Plan, but not transfer contributions;
- effective July 1, 1989.

Article 19

Provisions:

- provide for payment of certain excess investment income to Minneapolis police and fire retirees as a "13th check";
- effective day after enactment with qualifications.

Enactment: June 1, 1989

Effective: various dates





RESOLUTIONS

Coal slurry pipelines— resolution

HF1464—Welle, R. Johnson, Gruenes, Munger, Krueger
SF1051*—Novak, Langseth, Stumpf, D.J. Johnson, D.E. Johnson

Resolution 3: memorializes† the United States Congress to reject pending legislation that would authorize using Minnesota waters to transport coal, and grant coal slurry pipelines the right of eminent domain.†
Filed: April 25, 1989

Condemnation of Iranian government—resolution

HF0776—Abrams, Vanasek, Schreiber, Wynia, Segal
SF0686*—Knaak, Luther, R.D. Moe, Spear, Benson

Resolution 2: memorializes† the United States president and Congress to condemn the Iranian government because of its action against author Salman Rushdie, and to refuse efforts to return frozen Iranian assets to Iran.
Filed: April 6, 1989

Congressional compensation delay—resolution

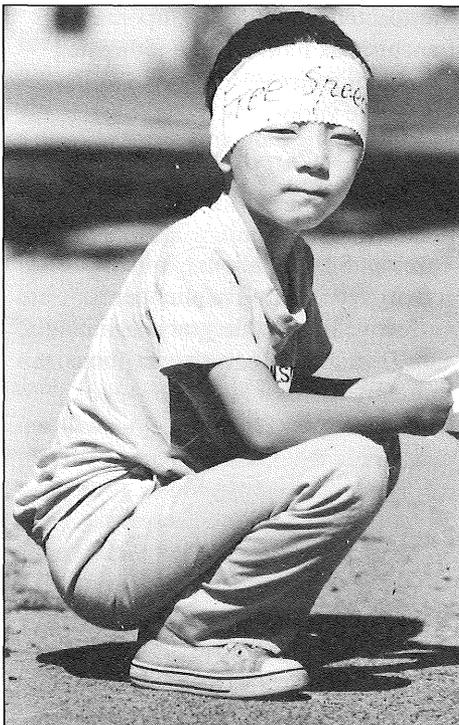
HF0762*—Dempsey, Dorn, Jacobs, Stanius, Simoneau
SF0666—D.R. Frederickson, Berg, Benson, D.J. Frederickson, Larson

Resolution 6: ratifies a proposed amendment to the United States Constitution that would delay a pay raise for congressional members until after another election occurs. (Congressional members proposed the amendment in 1789.)
Filed: May 26, 1989

Interstate 35W demonstration project—resolution

HF0350—Clark, Kalis, McLaughlin
SF0388*—Berglin, D.C. Peterson, Freeman, Brandl, Lantry

Resolution 5: memorializes† the president and United States Congress to enact legislation giving Minnesota greater latitude to use federal funds and flexible highway design standards in the Interstate Highway 35W corridor, to make federal money available for a light rail transit system, and to complete and repair federal aid highways.
Filed: May 23, 1989



**State-chartered banks—resolution
HF1438***—Osthoff, Jacobs, Sparby, Rodosovich, Abrams
SF1302—Solon, Metzen, Spear, R.D. Moe

Resolution 4: memorializes† the Board of Governors of the Federal Reserve Board to reject amendments to its rules that would govern permissible activities of state-chartered banks.
Filed: May 8, 1989

Veterans' medical centers— resolution

HF0052—Kostohryz, Steensma, Vanasek, S. Olsen, Gutknecht
SF0083*—Bertram, R.D. Moe, Benson, Dahl, Novak

Resolution 1: memorializes† the United States Congress to restore full funding to the Veterans Administration Medical Centers.
Filed: Jan. 30, 1989



Six-year-old Mingda Liu wore a "Free Speech" headband at the State Capitol last May. His father, a University of Minnesota graduate student, and mother, both from China, and 25 Chinese students showed their support for Chinese students and others who demonstrated for democracy in Beijing's Tiananmen Square.



TAXES

Airports—leased hangars

HF0054—K. Olson, Kalis, Dauner, Winter

SF0046*—Vickerman, DeCramer, Davis, Metzen

Chapter 239: exempts leased hangars at airports in small cities from property taxation.

Provisions:

- exempt from property taxation any airport property which a city, town, county, or group thereof owns and which any person or entity, including a fixed base operator, leases or uses as a hangar to store or repair aircraft or to provide aviation goods, services, or facilities to the airport or general public;
- do not exempt:
 - property located at an airport which the Metropolitan Airports Commission or a city of over 50,000 population owns or operates; or
 - hangars which certain private individuals, associations, or corporations lease.

Enactment: May 25, 1989

Effective for taxes levied in 1989, payable in 1990, and thereafter

Corporate taxes—technical corrections

HF0068*—Welle, Long

SF0061—Pogemiller, D.J. Johnson

Chapter 27: makes technical corrections to the property taxation of unmined iron ore, and to the corporate franchise tax.

Article 1—Minerals Taxes

Provisions:

- require the commissioner of revenue to send notices to taxpayers of the market value of unmined iron ore, rather than the gross tax capacity;
- clarify the computation of mining occupation taxes to:
 - allow a deduction for income subject to the occupation tax for mining businesses;
 - amend the occupation tax on ores, other than iron ore and taconite, to comply with the constitutional requirement to impose the occupation tax on the ore's value;
 - determine gross income using the mine value of the ore mined in Minnesota and include any gain or loss recognized from the sale or disposition of assets used in the business in the state; and
 - limit the amount of deductions from gross income to expenses incurred in refining the raw ore into marketable quality;
- retroactively provide a corporate franchise tax modification for mining income or gains;
- effective various dates.

Article 2—Corporate Franchise Tax

Provisions:

- exempt S corporations[†] from business activity report filing requirements;
- effective for taxable years beginning after Dec. 31, 1986, with exceptions.

Enactment: April 7, 1989

Effective: various dates

Dept. of Revenue—tax disclosure requirements

HF0243*—Rest, Long

SF0122—Brandl

Chapter 184: recodifies Department of Revenue information and disclosure provisions to increase uniformity of treatment and comply with the Data Privacy Act; allows the commissioner of revenue to compile statistical studies using tax returns and return information, and disclose the study results if the taxpayers' identities remain confidential; and authorizes, in limited circumstances, disclosure of a taxpayer's returns or return information in a judicial or administrative proceeding.

Enactment: May 17, 1989

Effective: July 1, 1989

Individual income tax—technical changes

HF0214*—Welle, Long

SF0062—Pogemiller, D.J. Johnson

Chapter 28: makes technical corrections and clarifications to individual income and corporate franchise taxes.

Provisions:

- update taxable income law definitions to reflect changes in federal taxable income under the Technical and Miscellaneous Revenue Act of 1988;
- update references to the Internal Revenue Code;
- impose a tax and provide for withholding of certain payments to nonresidents; require partnerships to deduct and withhold a tax on nonresident partners based on the partner's distributive share in the partnership;
- impose a tax on entertainment entities of 2 percent of the total compensation they receive during a calendar year for entertainment performed in Minnesota;
- require out-of-state contractors to guarantee payment of income, franchise, withholding, and sales and use taxes.

Enactment: April 7, 1989

Effective: various dates

Liquor tax—refund claims

HF1357*—Jacobs

SF1225—Novak

Chapter 110: reduces the time limit for taxpayers who file bad debt claims from within two years to within one year of the filing date of the federal income tax return in which they claim the bad debt deduction.

Enactment: May 9, 1989

Effective: Aug. 1, 1989

**Local government—
borrowing authority**

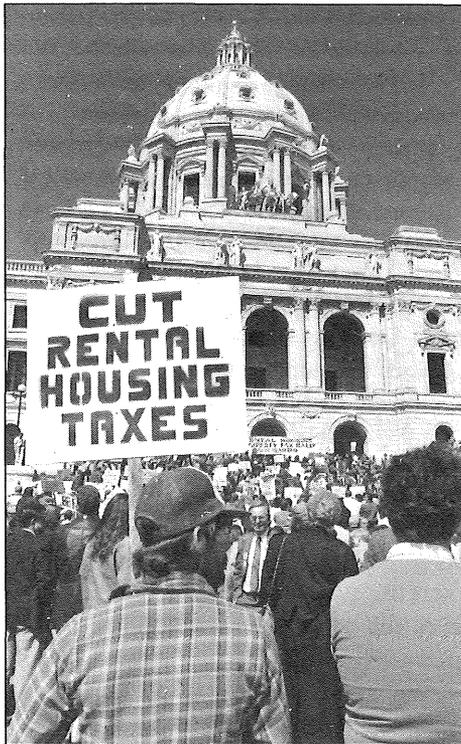
HF1726—Rest, Long

SF1582*—Pogemiller, Reichgott

Chapter 355: provides conditions and requirements relating to local government borrowing authority and debt issuance.

Provisions:

- remove a requirement for performance bonds† on certain housing project contracts;
- include in the purpose provision of the Municipal Industrial Development law a statement that whenever feasible, local governments should take action to reduce the cost of borrowing for public purposes;
- further define “project” to include undertakings to purchase certain local government obligations;
- allow municipalities or redevelopment agencies to:
 - purchase certain obligations that a local government issues; and
 - issue revenue bonds to purchase certain local government obligations; allow disbursement of bond proceeds to pay underwriter’s or placement fees, expenses, or other issuance and sale costs;
- allow counties to enter into certain option agreements to buy or sell governmental securities;
- allow the Metropolitan Council to issue certificates of indebtedness or capital notes for short-term indebtedness to purchase certain equipment;
- allow metropolitan counties to issue bonds to provide funds for the closure,



In April, hundreds of realtors and rental property owners rallied on the steps of the Capitol in support of lower taxes for rental property. Special Session Chapter 1 provides property tax relief for rental property owners.

postclosure, and contingency costs for solid waste facilities in existence on May 15, 1989;

- establish a bond reinvestment program for municipalities to offer and sell obligations to the holders of other municipal obligations;
- provide for paying obligations with foreign currency;
- allow municipalities or their agents to use private registration data regarding municipal obligation ownership when offering obligations under a bond reinvestment program;
- exempt from public sale requirements, obligations issued in the form of an installment purchase contract, lease purchase agreement, or other similar agreement, or obligations sold under a bond reinvestment program.

Enactment: June 2, 1989

Effective: day after enactment

**Local government—
net debt limit**

HF0040*—Long, Rest, Welle,
Morrison, Wenzel

SF0099—D.J. Johnson, Novak

Chapter 1: makes technical corrections to the 1988 omnibus tax bill.

Provisions:

- convert city and county debt limit computation to a system based on a percentage of market value rather than tax capacity;
- require county auditors to increase each local government’s adjusted tax capacity rate proportionately so the total adjusted tax capacity rate of all local governments combined equals 90 percent; apply to taxes payable in 1989 and thereafter;
- prohibit municipalities, except school districts or cities of the first class†, from incurring or becoming subject to a net debt greater than 2 percent (formerly 7.3 percent) of the market value of taxable property in the municipality;
- make technical corrections in 1988 tax increment financing law.

Enactment: Jan. 30, 1989

Effective: day after enactment with exceptions and qualifications

**Sales, special taxes—
technical corrections**

HF0266*—Long, Welle

SF0205—Stumpf, D.J. Johnson

Chapter 277: makes technical corrections, clarifications, and administrative changes to premium taxes, cigarette taxes, sales taxes, motor vehicle excise taxes, liquor taxes, marijuana and controlled substance taxes, lodging taxes, and the metropolitan solid waste landfill fee.

Article 1—Sales and Special Taxes

Provisions:

- make the Department of Revenue eligible to use unmarked vehicles;
- permit the commissioner of revenue to pay all ethanol producers from the ethanol development fund (formerly

allowed the commissioner to pay only those who produced ethanol for motor fuel);

- authorize the commissioner to enter into tax refund agreements regarding cigarette sales taxes with the governing body of any federally recognized Indian reservation in Minnesota;
- permit certain wholesalers and retailers to maintain stock of unstamped cigarettes and liquor to sell to Indian tribes without paying the sales tax;
- allow the commissioner to cancel a sales tax permit if the permit holder:
 - has not filed a sales or use tax return for one year or more;
 - has not reported any sales or use tax liability on his/her returns for two or more years; or
 - requests cancellation of the permit;
- presume that retailers who make 10 or more retail sales totaling more than \$100,000 from outside Minnesota to destinations within Minnesota during a period of 12 consecutive months are engaged in regular solicitation within Minnesota;
- subject motor vehicle leases of local governmental units and nonprofit groups to sales tax;
- clarify that taxes paid to other states are a credit against the Minnesota controlled substances tax;
- prohibit law enforcement officials from using a purchase or possession of controlled substances tax stamps as evidence in a criminal proceeding, with exceptions;
- require cigarette wholesalers to provide certain information to the commissioner before selling cigarettes at less than the presumed cost;
- set cigarette distributor fees;
- add two staff positions to the Department of Revenue's Special Taxes Division;
- appropriate \$91,500 in FY'90 and \$91,500 in FY'91 to the commissioner to enforce the Unfair Cigarette Sales Act;
- repeal gross earnings taxes for express, freight line, and sleeping car companies, obsolete sections, and a duplicate lodging tax provision;
- effective various dates.

Article 2—Property Taxes

Provisions:

- clarify language regarding levies to fund county agricultural societies;
- change and clarify provisions regarding the recovery of forfeited mineral interest claims;
- change "transition aid" to "homestead and agricultural credit aid";
- make the Department of Transportation (formerly the Civil Aeronautics Board) the authorizing agency for air commerce; provide for late filing and tax payment penalties on air flight property taxes;
- codify† the State Board of Equalization's administrative practice in ordering valuation adjustments to specific classes of real property;
- extend the time limit for county assessors to obtain senior accreditation;
- exempt certain municipal parking facilities from property taxation;
- extend valuation and tax deferrals for certain nurseries and greenhouses;
- direct the commissioner to develop and issue qualification guidelines for private golf clubs under the open space law; regulate golf club memberships and golfing privileges;
- change from five to 12 the number of shareholders or partners that a family farm corporation may have and still qualify for homestead treatment;
- extend full homestead treatment to midyear homesteads and add VISTA and Peace Corps members as eligible absent homeowners;
- clarify that the taconite homestead credit reduction limitation of \$10 is intended to apply on a per homestead basis, not a per parcel basis;
- clarify the disparity reduction credit for certain property in the cities of Breckenridge, Dilworth, East Grand Forks, and Moorhead;
- clarify and recodify provisions on distributing penalties, interest, and costs;
- change "assessed value" to "tax capacity" for purposes of distributing taconite production tax to cities and towns;
- establish and regulate town subordinate service districts;
- allow county boards to grant valuation reductions of up to \$10,000 (formerly \$2,000) in market value;

- clarify language regarding parcels which may be included in a hazardous substance subdistrict;
- define special services for the cities of Mankato and Hopkins;
- repeal laws governing:
 - county agricultural society levies;
 - penalties and interest on special assessments and delinquent property;
 - a 1988 human services appropriation reduction;
 - an obsolete tax levy; and
 - a provision which the levy limit article adjusts;
- effective various dates.

Article 3—Special Taxes: Cigarettes and Liquor

Cigarettes

Provisions:

- extend the licensing period from one year to two years for distributors and subjobbers under the tobacco products tax;
- eliminate the commissioner's authority to require surety bonds†, check guarantee bonds, or use of certified checks; require cigarette distributors to use heat applied stamps beginning June 30, 1990;
- repeal surety bond provisions; double the application fee (from \$150 to \$300) for cigarette distributor licenses to reflect the increase in the licensing period from one year to two years;
- repeal surety bond requirements under the tobacco products tax; double the application fee (from \$150 to \$300) for licenses to reflect the increase in the licensing period from one year to two years.

Liquor

Provisions:

- repeal the surety bond requirement under the liquor tax;
- eliminate a provision prohibiting nondistributors from importing liquor, wine, and beer;
- repeal laws governing:
 - a definition of "prior continuous compliance taxpayer" for surety bond purposes;
 - tax meters;
 - bond forfeiture upon license revocation; and
 - bond and certified check provisions for liquor tax;
- effective various dates.

Article 4—Mill Rate Conversions

Provisions:

- make technical adjustments to the statutory tax authorizations to reflect changes which the 1988 omnibus tax law made to the property tax system;
- convert mill rate limits to a percentage of market value (doesn't affect the dollar value of the authorizations);
- repeal certain laws governing firefighters and police relief associations and police pension fund levies;
- effective various dates.

Enactment: May 25, 1989

Effective: various dates

Tax court powers, procedures— recodification

- See Legal & Judiciary

Taxes—omnibus bill

HF1734*—Long, Vanasek, Wynia, Rest, Welle, Sen. D.J. Johnson

No companion

vetoes

Chapter 297: would have changed tax rates and bases, modified tax administration, collection, and enforcement; would have imposed taxes, created tax exemptions, and changed the computation, administration, and payment of aids, credits, and refunds; would have provided new aids and credits, made technical corrections and clarifications, changed proposed property tax notice provisions, levy limits and other local government powers and duties, and tax increment financing provisions; would have made the state the supplier of gambling equipment, changed various provisions affecting certain local governments; and would have set the amount of the budget reserve.

Vetoed: June 2, 1989

Taxes—property tax changes

- See Special Session



TRANSPORTATION

Aeronautics—funding; aircraft registration

HF0408—Wagenius, Winter, Dorn, Kalis, Morrison

SF0499*—Vickerman, Purfeerst, Beckman, Lessard, Taylor

Chapter 272: allows the commissioner of transportation to use state airports fund money to provide the state's matching portion that federal law requires to participate in the federal essential air service program, effective day after enactment; and permits an owner whose aircraft has a base price up to \$10,000 and who uses the aircraft solely for recreation to pay a \$25 annual registration fee in lieu of other taxes, effective Aug. 1, 1989.

Enactment: May 26, 1989

Effective: various dates

Agriculture, Transportation and Semi-State—omnibus bill

- See Appropriations

Airport planning

HF1336—Wynia, G. Anderson, Kalis, Lieder, Boo

SF1358*—R.D. Moe, Purfeerst, D.J. Frederickson

Chapter 279: directs the Metropolitan Airports Commission (MAC) and the Metropolitan Council to conduct a dual-track study of the existing airport site

and a possible new site.

Provisions:

- direct the council to prepare:
 - an annual assessment of trends and factors that may affect long-range (30-year) aviation plans; and
 - amend its aviation plan by February 1990 to incorporate the dual-track strategy (which requires a comprehensive evaluation of long-range development options both at the existing airport and at a new airport);
- require the council to make a series of reports to the Legislature during 1990, and report by Jan. 1, 1993, on policies to reuse the existing airport site if a new airport is developed;
- expand the MAC's membership to include four members from outside the metropolitan area to reflect regions and interests of the state;
- direct the MAC to:
 - adopt a long-term comprehensive plan by Jan. 1, 1991, for the existing airport site (including information on aviation demand and air transportation needs, airport capacity limits and potential, facilities requirements, physical development, operational characteristics, compatibility with metropolitan and local physical facility systems, environmental effects, safety, and effects on neighboring communities); and
 - implement runway and terminal construction or improvements as necessary and prudent until Jan. 1, 1996, or until it completes the dual-track study;
- require the MAC to complete a conceptual design study and plan for a new airport facility at various dates in 1990 and 1991;
- require the MAC, within four years after the council designates a search area, to:
 - select a site;
 - prepare a comprehensive plan and schedule;
 - prepare an estimate of facilities requirements and a concept plan for airport development for another 10 years; and
 - prepare environmental impact statements required for site acquisition;



- establish and outline authority, duties, and membership of a state advisory council on metropolitan airport planning to provide a state level forum for education, discussion, and advice to the Legislature on the MAC and council reports to the Legislature;
 - apply this act to Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties.
- Enactment:** May 25, 1989
Effective: Aug. 1, 1989

AMVETS Memorial Highway—redesignation

HF0105—Bishop, Kalis
SF1011*—Purfeerst, Bertram

Chapter 227: redesignates the AMVETS Memorial Highway (Trunk Highway No. 391 or Interstate Highway 90) as the American Veterans Memorial Highway.
Enactment: May 22, 1989
Effective: Aug. 1, 1989

Bridges—design standards

HF0242*—Dauner, Williams, Ozment, Kalis, Valento
SF0100—Frank, Lantry, Beckman

Chapter 158: requires bridges, including those privately owned, to meet strength, width, clearance, and safety standards that the commissioner of transportation imposes on connecting highways or streets, and applies to bridges built after Aug. 1, 1989.
Enactment: May 19, 1989
Effective: Aug. 1, 1989

Contract transit service—deregulation

HF0953—Hasskamp
SF0847*—Samuelson, DeCramer

Chapter 122: removes people who provide passenger transportation service under contract to the Department of Transportation from the Metropolitan Transit Commission's authority.
Enactment: May 15, 1989
Effective: Aug. 1, 1989

Dealer plates—fees, excise tax

HF0633—Lasley, Kalis, Lieder, Seaberg, Tunheim
SF0659*—Purfeerst, R.W. Peterson, Bernhagen, D.J. Johnson, DeCramer

Chapter 323: increases fees and motor vehicle excise tax for dealer plates and in-transit plates for motor vehicles, motorized bicycles, and boat and snowmobile trailers, and restricts use of dealer plates.
Enactment: June 1, 1989
Effective: Aug. 1, 1989

Driver licenses—'under 21' changes, POW plates

HF0201—A. Johnson, Rest, Wagenius, Brown
SF0139*—Spear, DeCramer, Cohen

Chapter 301: changes driver's license classification from "provisional" to "under-21"; and changes underage drinking laws and transportation-related laws concerning license plates.
 Provisions:

- allow the registrar of motor vehicles to issue special license plates for veterans who own self-propelled recreational equipment;
- permit a surviving spouse, upon the death of a former prisoner of war (POW), to continue to use the special POW license plates and transfer them to another vehicle;
- increase the age at which provisional driver's licenses expire from 19 years to 21 years;
- increase provisional classified driver's license fees:
 - class B from \$15 to \$22.50; and
 - class C from \$9 to \$15;
- require the Department of Public Safety (DPS) to plainly mark as "under-21" any driver's licenses the department issues to applicants under age 21; effective Jan. 1, 1990;
- prohibit the DPS from issuing a Minnesota identification card to anyone who has a driver's license, other than an instruction permit;
- require the commissioner of public safety to suspend provisional driver's

licenses for 90 days for people convicted of certain alcohol-related offenses;

- extend the existing prohibitions against falsification or false use of driver's licenses to Minnesota identification cards; provide gross misdemeanor† penalties for anyone who makes a counterfeit driver's license or Minnesota identification card;
 - specify that provisional licenses expire on the licensee's 21st birthday (formerly 19th birthday); provide that provisional licenses issued before Aug. 1, 1989, expire on the licensee's 19th birthday; permit the commissioner to issue new provisional licenses for a \$5 fee under certain circumstances;
 - provide as a defense to an action against an individual for selling alcohol to an underage person that the individual reasonably relied on a driver's license as proof of age.
- Enactment:** May 26, 1989
Effective: Aug. 1, 1989 with exceptions

Driver licenses—commercial trucking

HF0927*—Lasley, Kalis, Vellenga, Steensma, Dempsey
SF1200—DeCramer, Purfeerst

Chapter 307: imposes federal standards regarding alcohol-related driving on commercial motor vehicle drivers, and allows Minnesota to join a Driver License Compact to exchange driver license information with other compact states.

Provisions:

- set a lower blood alcohol content for commercial drivers than for other drivers (limit for other drivers is 0.10); impose misdemeanor† penalties on commercial trucking drivers who have an alcohol concentration of:
 - 0.04 or greater; or
 - at least 0.04 when their alcohol concentration is measured within two hours of the time of driving;
- direct the commissioner of public safety, after receiving a notice of a conviction under this law, to disqualify a person from operating a commercial vehicle;
- amend the implied consent law to:
 - authorize peace officers to require

commercial vehicle drivers whom they suspect of having a measurable alcohol concentration to take an alcohol concentration test; and —require peace officers to inform drivers whom they ask to take an alcohol concentration test of the provisions of law regarding alcohol concentrations of commercial vehicle drivers;

- permit administrative and judicial review of commercial driver license disqualifications under this law;
 - create a class CC license for operating class C vehicles (farm trucks, tillers, recreation equipment, or vehicles having a gross vehicle weight greater than 26,000 pounds) with a hazardous materials endorsement for transporting hazardous materials in class C vehicles;
 - increase driver license fees for:
 - class A licenses from \$30 to \$34; and
 - class B licenses from \$22.50 to \$26;
 - set a \$19 fee for a class CC license;
 - outline commercial driver license disqualification, exemption, review, notification, reconsideration, and contested case procedures;
 - outline the Driver License Compact in which member states promote compliance with laws, ordinances, administrative rules and regulations on motor vehicle operation in their jurisdictions, and make available driver license information to member states;
 - appropriate \$252,000 in FY'90 and \$228,000 in FY'91 to the commissioner of public safety to record, implement, and administer these provisions.
- Enactment:** June 1, 1989
Effective: Jan. 1, 1990 with exceptions and qualifications

Edina—transit system establishment

- See Local Bills—Metro

Highway traffic—regulations

HF0973—Bauerly, Kalis, Lieder, Brown, Dempsey
SF0163*—Frank, DeCramer, Novak

Chapter 204: amends various traffic laws.

Provisions:

- permit U-turns only when drivers can make the turn safely and without interfering with other traffic;
- require school buses with a seating capacity of more than 10 people (formerly 16 people), including the driver, to have a stop signal arm, prewarning flashing amber signals, and flashing red signals;
- outline the school bus driver's responsibilities when loading and unloading passengers;
- clarify bumper requirements for vans, pickup trucks, and jeep-type vehicles;
- set strength requirements for devices that secure wheelchairs in motor vehicles.

Enactment: May 19, 1989

Effective: Aug. 1, 1989

Highways—power to mow rights-of-way

- See Local Bills—Counties

International Registration Plan; installment payments

HF1280—Lieder, Kalis, Seaberg, G. Anderson
SF1105*—Langseth

Chapter 195: subjects a fleet owner to suspension of license plates and international fuel tax permit if the owner is more than 30 days delinquent in making payments under the International Fuel Tax Agreement or in paying proportional taxes under the International Registration Plan; and allows owners of vehicles taxed under proportional registration or a reciprocity agreement to pay a tax of more than \$400 in installments, with two equal payments due May 1 and Sept. 1.

Enactment: May 19, 1989

Effective: Aug. 1, 1989

Interstate 35W demonstration project—resolution

- See Resolutions

Logging trucks/ Railroad rights-of-way

HF0735—E. Olson, Neuenschwander, Lieder, D. Carlson, R. Johnson
SF0738*—Stumpf, Purfeerst, Lessard

Chapter 299: authorizes the commissioner of transportation to issue special permits for logging trucks carrying pole-length pulpwood, if the trucks don't travel on interstate highways nor exceed allowable gross weights that restrict travel on highways or bridges; authorizes the commissioner, when approving a new railroad grade crossing, to divide the costs of required warning devices between the railroad company and the public authority involved if the parties agree, or if not, then as the commissioner decides; states that a purpose of the Regional Railroad Authorities Act is to preserve abandoned rail rights-of-way for future transportation uses; and repeals a law allowing the commissioner to acquire and maintain a certain railroad right-of-way.

Enactment: May 26, 1989

Effective: Aug. 1, 1989

Motor carriers—omnibus bill

HF0166*—Lasley, Rodosovich, Henry
SF0985—Novak, Purfeerst, DeCramer

Chapter 318: classifies certain information under the Data Privacy Act; requires limousine registration and insurance; exempts certain special transportation service providers holding certificates of compliance from motor carrier regulations; provides permits for special passenger carriers and household goods carriers; and provides for other transportation-related laws.

Provisions:

- classify names of complainants, complaint letters, and other unsolicited data furnished to the Department of Transportation as confidential or protected nonpublic data; classify data

in inspection and compliance forms, and audit reports not prepared under contract to the Federal Highway Administration as public data;

- require limousine insurers to provide minimum coverage of \$300,000 per accident for each limousine covered;
- increase the maximum capacity of vehicles registered as limousines from nine people to 12 people; require that such vehicles do not provide regular route service;
- require a person operating a limousine other than for personal use to register the vehicle and provide proof of adequate insurance;
- change the vehicle identification rule to require owners to display their names (or their business names) and addresses on the vehicle's power unit; require further identification if someone other than the owner leases or operates the vehicle;
- require people who provide or offer to provide household goods packing services and who make arrangements by lease, rental, referral, or other means to provide drivers, vehicles, or transportation services to move the goods, to have an irregular route common carrier permit with authority to transport household goods;
- require a person granted a charter carrier permit to file a tariff that shows the rates and charges that apply to the special passenger service;
- require a distributee who receives a deceased person's motor carrier permit to apply within a year of receiving the permit to transfer it properly to the distributee's name (otherwise, the permit is revoked);
- require irregular route carriers of household goods to carry \$50,000 in cargo insurance or cargo bond, and file a cargo certificate of insurance or cargo bond with the commissioner of transportation;
- authorize the commissioner to:
 - suspend and cancel a carrier's interstate registration if the carrier fails to maintain and file the insurance or bond as required; and
 - cancel the carrier's interstate registration if no proof of insurance is forthcoming within 45 days;

• permit the commissioner to enter into written agreements with other states to allow cooperative registration of motor carriers to transport property or passengers for hire in interstate commerce.

Enactment: May 26, 1989

Effective: Aug. 1, 1989

Motor vehicle registration— certificate of title changes

HF0931*—Kalis, Seaberg, Tunheim, Lieder

SF0826—Lantry, Novak, Mehrkens, Purfeerst

Chapter 148: amends laws governing motor vehicle certificates of title.

Provisions:

- require vehicle owners, rather than secured parties, to retain the certificate of title;
- require the certificate to contain a form for the transferor to disclose the condition of the vehicle's pollution control equipment;
- require the registrar of motor vehicles to mail notification of security interests, if any, to the secured parties;
- permit the commissioner of public safety to suspend or revoke a certificate of title if the vehicle is involuntarily transferred and the owner does not surrender it;
- repeal certain laws concerning previously registered vehicles with security interests.†

Enactment: May 16, 1989

Effective: July 1, 1990 with qualifications

Motor vehicles—classification

HF0218*—K. Olson, Conway, Lieder, Seaberg, Solberg

SF1084—Lantry

Chapter 140: includes station wagons and passenger-carrying vans that hold up to 15 people including the driver in the passenger automobile classification; provides for registration of certain vehicles; requires the commissioner of public safety to conduct a criminal records check before issuing or renewing applications for school bus endorsement.

Enactment: May 16, 1989

Effective: Jan. 1, 1990

Motor vehicles— damage disclosure

- See Commerce & Consumer Affairs

Motor vehicles— handicapped plates

HF0194—Hartle, Morrison, Carruthers, Macklin, Segal

SF0169*—Frederick, Ramstad, McGowan, Purfeerst, DeCramer

Chapter 234: amends laws governing issuance and use of handicapped license plates.

Provisions:

- permit a custodial parent or guardian of a permanently physically handicapped minor to apply to and receive from the registrar of motor vehicles two special license plates for the handicapped, if they provide proof of the physical handicap;
- allow the registrar to issue a second set of handicapped license plates to a physically handicapped person whose employer furnishes a motor vehicle for his/her use on the job;
- allow the commissioner of public safety to waive the requirement of a statement from a physician or a chiropractor when issuing or reissuing handicapped license plates if the applicant previously filed such a statement certifying a permanent handicap.

Enactment: May 25, 1989

Effective: day after enactment

Motor vehicles—registration information restrictions

- See Commerce & Consumer Affairs

Nonrailroad lessors— property sale

HF1432*—Steensma, Kalis, Brown, Tunheim, D. Carlson

SF1303—DeCramer, Vickerman, Purfeerst, Langseth, Frederick

Chapter 212: amends laws governing sales of railroad rights-of-way.

Provisions:

- define "nonrailroad lessor" as a person who grants a lessee an interest in

property within a right-of-way and who doesn't operate a railroad on the right-of-way, nor own a controlling interest in or under common control with a railroad that operates on the right-of-way;

- prohibit a nonrailroad lessor from selling or offering for sale an interest in real estate within the right-of-way unless he/she first extends a written offer to sell that interest at fair market value to each leaseholder of the property.

Enactment: May 23, 1989

Effective: day after enactment

Outdoor recreation— vehicles, trails

- See Environment & Natural Resources

Park, travel trailers/Salvage vehicle inspections

HF1046*—A. Johnson, Kalis

SF1198—Stumpf, Langseth, DeCramer

Chapter 342: regulates travel trailers and park trailers, and sets fees for certain motor vehicle inspections.

Provisions:

- include park trailers in definition of "motor vehicle";
- define "park trailers" as trailers that are:
 - eight feet or wider, but not larger than 400 square feet with fully extended collapsible components; and
 - used as temporary living quarters; doesn't include manufactured homes;
- define "travel trailers" as trailers mounted on wheels that:
 - are designed to provide temporary living quarters during recreation, camping, or travel;
 - don't require a special highway movement permit for towing purposes;
 - have a gross trailer area of less than 320 square feet; and
 - are less than eight feet wide;
- impose certain taxes on certain travel and park trailers;
- require the registrar of motor vehicles to issue a registration receipt for a park

trailer upon payment of annual registration tax;

- require dealers who acquire salvage vehicles to submit certain information to the Department of Public Safety within 10 days and to keep the records for three years; effective day after enactment;
- require anyone requesting a certificate of inspection for a salvage vehicle to pay a \$20 fee to the registrar; effective day after enactment;
- appropriate \$125,000 for FY'90 and \$121,000 for FY'91 to the commissioner of public safety to conduct salvage vehicle inspections.

Enactment: May 26, 1989

Effective: July 1, 1989 with exceptions

Regional Transit Board— bonding authority

- See Local Bills—Metro

Regional Transit Board— light rail planning

- See Local Bills—Metro

Roads—public waters

- See Environment & Natural Resources

Service signs—changes

- See Commerce & Consumer Affairs

State patrol cars—security barriers

HF0387*—Sarna, D. Carlson, Kalis, Hartle, Steensma

SF0401—Lantry, Chmielewski, Bernhagen, Frederick, Novak

Chapter 17: exempts marked state patrol cars from rules requiring a security barrier between the front and rear seats, and gives the officer assigned to the vehicle the option to have a barrier installed.

Enactment: March 29, 1989

Effective: Aug. 1, 1989

Towing—regulation

HF1697*—Carruthers, Blatz, Pugh, Bennett

SF1248—Novak, Pogemiller, Berglin, Marty, Vickerman

Chapter 256: prohibits towing authorities from towing motor vehicles for traffic violations for a four-hour period, with exceptions.

Provisions:

- require the parking enforcement officer to write a towing report describing the motor vehicle and the reasons for towing in addition to the parking citation; require the officer and the tow driver to sign the report;
- prohibit towing certain vehicles;
- clarify that this act doesn't restrict private property owners' authority to tow motor vehicles unlawfully parked on their property;
- entitle owners or drivers of motor vehicles towed in violation of this act to recover damages from the towing authority;
- grant towing authorities the right to:
 - have a lien against a vehicle for the value of storage and towing; and
 - retain possession of the vehicle until the lien is lawfully discharged (doesn't apply to vehicles towed under violation of snow emergency routes).

Enactment: May 25, 1989

Effective: day after enactment

Transportation—roads, highway funding

HF1764*—Kalis, Lieder, D. Carlson, Lasley, Morrison

SF0852—Langseth, R.D. Moe, Purfeerst, DeCramer, Lantry

Chapter 268: changes various transportation funding laws.

Provisions:

- change the distribution of highway user taxes;
- authorize use of the state park road account to improve and maintain city streets and town roads that provide immediate access to state parks and campgrounds;
- increase the motor vehicle license tax

on older vehicles; effective Jan. 1, 1990, for registration year 1990 and subsequent years;

- authorize the commissioner of finance to make certain fund transfers;
- appropriate \$60.9m to the commissioner of transportation for:
 - trunk highway development \$5.8m; \$17.6m
 - trunk highway program delivery \$1.0m; \$3.1m
 - county state-aid \$11.5m; \$18.1m
 - municipal state-aid \$900,000; \$2.9m

Enactment: May 25, 1989

Effective: July 1, 1989 with exceptions

Truck trailers—length

HF0472*—Kalis, Kelso, Dauner, Dempsey, Schreiber
SF0512—Purfeerst, Langseth, Schmitz, McQuaid, Mehrkens

Chapter 250: amends laws governing transportation and motor carriers.

Provisions:

- define “mobile crane” as a vehicle that:
 - isn’t designed or used to transport people or property;
 - operates only incidentally on the highway; and
 - consists of a boom and hoisting mechanism which the construction industry uses;

- increase the maximum length for mobile cranes from 45 feet to 48 feet;
- increase the length of certain semi-trailers to a maximum of 53 feet;
- remove people who provide passenger transportation service under contract to the Department of Transportation from the Metropolitan Transit Commission’s authority;
- require the commissioner of transportation to conduct a highway cost allocation study.

Enactment: May 25, 1989

Effective: Aug. 1, 1989

Trucks—rear-end protection exemption

HF0627*—Tunheim, Dauner, Hugoson, Kalis, D. Carlson
SF0739—Stumpf, Purfeerst, Langseth

Chapter 118: exempts rear-end dump trucks which operators use for agricultural purposes from rear-end protection laws.

Enactment: May 15, 1989

Effective: Aug. 1, 1989

Note: Chapter 356 repeals this chapter.

Trunk Highway 249 turnback HF0966*—V. Johnson, Kalis
SF0878—Morse, Purfeerst, DeCramer, Langseth

Chapter 169: removes Trunk Highway 249 in Houston County from the trunk highway system, and requires the commissioner of transportation and the chair of Houston County Board to approve the transfer.

Enactment: May 17, 1989

Effective: day after enactment



Transportation Committee

★
**VETERANS
 & MILITARY**

Adjutant general—pay grades

HF0203—Bertram, Kostohryz, Steensma, Bennett, Gutknecht
SF0286*—Vickerman, Bertram, Lessard

Chapter 23: clarifies the Minnesota National Guard adjutant general's authority to establish pay grades for certain staff positions.

Enactment: April 7, 1989

Effective: Aug. 1, 1989

**Adjutant general—
 promotion requirements**

HF0267*—Kostohryz, Steensma, Dempsey, Sviggum, Wenzel
SF0191—Bertram, Schmitz, Lessard, Vickerman, Mehrkens

Chapter 11: reduces from two years to one the number of years the Minnesota National Guard adjutant general must serve as brigadier general before becoming eligible for promotion to major general.

Enactment: March 17, 1989

Effective: Aug. 1, 1989

**AMVETS Memorial Highway—
 redesignation**

• See Transportation



World War II veteran Hjalmar Hallberg, Minneapolis, protected from the elements, rallied on the steps of the Capitol last May to gain support for veterans' issues. Chapter 332 directs the Minnesota Veterans Homes Board to establish a 60-bed veterans home in Luverne, Minnesota, and authorizes a study of the need for additional homes.

**Driver licenses—'under 21' changes,
 POW plates**

• See Transportation

National Guard—memorial flags

HF0191—Steensma, Kostohryz, McEachern, McDonald, S. Olsen
SF0115*—Bertram, Samuelson, Dahl, Diessner, Pariseau

Chapter 53: directs the Minnesota National Guard adjutant general to furnish an American flag to the designee of anyone who dies while actively serving in the guard.

Enactment: April 24, 1989

Effective: Aug. 1, 1989

**Veterans homes—
 rulemaking authority**

HF0799—Cooper, Kostohryz, Simoneau, Jefferson, Tjornhom
SF0435*—Bertram, Benson, Diessner

Chapter 84: changes admissions, discharge, and utilization review procedures for veterans homes, and grants rulemaking authority to the Veterans Homes Board.

Provisions:

• authorize the Veterans Homes Board

to adopt emergency rules, which may remain in effect until Dec. 31, 1989;

- direct the board to create a utilization review committee and an admissions committee for each home;
- require spouses and surviving spouses of eligible veterans to meet certain criteria for admission to a home;
- direct the board to adopt rules governing the method of calculating the average cost of care for domiciliary and nursing care residents; specify criteria for determining costs;
- state that nothing in this act forgives a resident from paying overdue maintenance charges, with interest, that accrued prior to the effective date of this act;
- allow the administrator of a home to apply to the district court to enforce an order to discharge a resident;
- remove the presumption of retaliation when an administrator evicts a resident within 45 days after the resident voices grievances if the resident fails to pay maintenance fees; restore the presumption if the resident pays the overdue fees.

Enactment: May 9, 1989

Effective: day after enactment

Veterans—medical assistance, additional homes

HF0723*—Steensma, Kostohryz, Battaglia, Ogren, R. Anderson
SF0678—Langseth, Stumpf

Chapter 332: amends laws governing veterans; changes medical assistance (MA) provisions; authorizes a study of the need for additional veterans homes, and establishes a veterans home in Luverne.

Provisions:

- change MA income and asset limitations for veterans in community nursing homes to conform with those the veterans nursing homes use;
- direct the commissioner of administration to cooperate with the Veterans Home Board of Directors and the Interagency Board for Quality Assurance to complete a veterans homes siting study by Feb. 1, 1990, that will assist the Legislature in determining whether the state needs additional veterans homes, and if so, where to establish them;
- direct the Minnesota Veterans Homes Board to establish a veterans home with at least 60 beds in Luverne;
- direct the board to purchase and build the home using 65 percent federal government funds and 35 percent from other nonstate sources, including local units of government, veterans organizations, and corporations or other business entities; if federal funds aren't available, direct the board to consider Luverne under the veterans homes siting study and, if needed, to establish a veterans home there;
- appropriate \$200,000 to the commissioner of administration to conduct the veterans homes siting study; effective July 1, 1989.

Enactment: May 30, 1989

Effective: day after enactment with exceptions

Veterans' medical centers—resolution

- See Resolutions

Veterans—post-traumatic stress disorder

HF0759—Welle, Morrison, Kostohryz, Steensma, Pappas
SF0590*—Diessner, Vickerman, Mehrkens, Langseth, Beckman

Chapter 124: requires corrections officials, when preparing a corrections plan, to consider whether a veteran or civilian medical staff inmate suffers from post-traumatic stress disorder.

Enactment: May 15, 1989

Effective: Aug. 1, 1989



APPROPRIATIONS

Agriculture, Transportation & Semi-State—omnibus bill

HF1758—G. Anderson for the Appropriations Committee
SF1618*—Merriam

Chapter 269: appropriates money for the departments of Transportation, Public Safety, Agriculture, and Commerce, and various other boards and agencies with certain conditions; regulates certain activities and practices; and provides for certain rights-of-way.

Appropriations

	\$1,257,702,000	FY'90
	\$1,281,263,000	FY'91

Total: \$2,538,965,000

Department of Transportation

Total: \$1.1b; \$1.1b

Includes:

• Highway Development:
\$750.5m; \$791.0m

—Trunk Highways

\$426.8m; \$426.8m

—County State Aids

\$237.4m; \$242.0m

—Municipal State Aids

\$76.8m; \$78.2m

—Highway Debt Service

\$9.5m; \$44.0m

• Public Transit Assistance:

\$11.6m; \$11.6m

—Light Rail Transit

\$3.4m; \$3.4m

—Greater Minnesota Transit

Assistance

\$8.1m; \$8.1m

- Aeronautics:
\$10.0m; \$10.2m
 - Airport Development and Assistance
\$10.0m; \$10.1m
 - Civil Air Patrol
\$65,000; \$65,000
- Operations:
\$188.3m; \$188.3m
 - Maintenance
\$128.5m; \$128.5m
 - Construction Support
\$59.8m; \$59.8m
- Technical Services:
\$56.2m; \$55.4m
 - Program Delivery
\$52.4m; \$51.6m
 - State Aid Technical Assistance
\$946,000; \$946,000
 - Electronic Communications
\$2.8m; \$2.8m
- Program Management:
\$11.8m; \$11.2m
 - Highway Program Administration
\$1.9m; \$1.9m
 - Motor Carrier Administration
\$1.2m; \$1.2m
 - Railroads and Waterways
\$962,000; \$961,000
 - Transit Administration
\$597,000; \$596,000
 - Aeronautics Administration
\$3.4m; \$3.5m
 - Transportation Data Analysis
\$3.8m; \$3.0m
- General Support Services:
\$38.4m; \$33.5m
 - General Administration
\$12.5m; \$12.5m
 - General Services
\$6.8m; \$5.7m
 - Equipment
\$17.8m; \$14.0m
 - Legal Services
\$1.2m; \$1.2m
 - Air Transportation Services
\$54,000; \$54,000
- Buildings:
\$9.4m; \$0
 - St. Paul Central Office Building
\$150,000; \$0
 - Duluth District Headquarters
\$3.9m; \$0
 - Marshal Area Maintenance Building
\$2.2m; \$0
 - Moorhead Weigh Station
\$655,000; \$0

- St. Cloud Area Headquarters
\$90,000; \$0
- Maple Grove Truck Station
\$60,000; \$0
- Detroit Lakes Headquarters
\$100,000; \$0
- Mankato Headquarters
\$90,000; \$0
- Spring Lake Park
\$55,000; \$0
- Golden Valley Headquarters
\$50,000; \$0
- Arden Hills Training Center
\$50,000; \$0
- Thief River Falls Government Service Center
\$100,000; \$0
- Statewide
 - 1) Asbestos removal and pipe reinsulation
\$250,000; \$0
 - 2) Underground storage tank removal/upgrade
\$750,000; \$0
 - 3) Chemical storage shed construction/remodeling
\$405,000; \$0
 - 4) Land acquisition
\$90,000; \$0
- St. Paul Downtown Airport
\$400,000; \$0

Regional Transit Board

Total: \$24.9m; \$24.9m

Includes:

- Regular Route Service:
\$11.2m; \$11.2m
- Metro Mobility:
\$11.5m; \$11.5m
- Small Urban, Rural, and Replacement Services:
\$919,000; \$919,000
- Planning and Programs:
\$900,000; \$900,000
- Administration:
\$450,000; \$450,000

Transportation Regulation Board

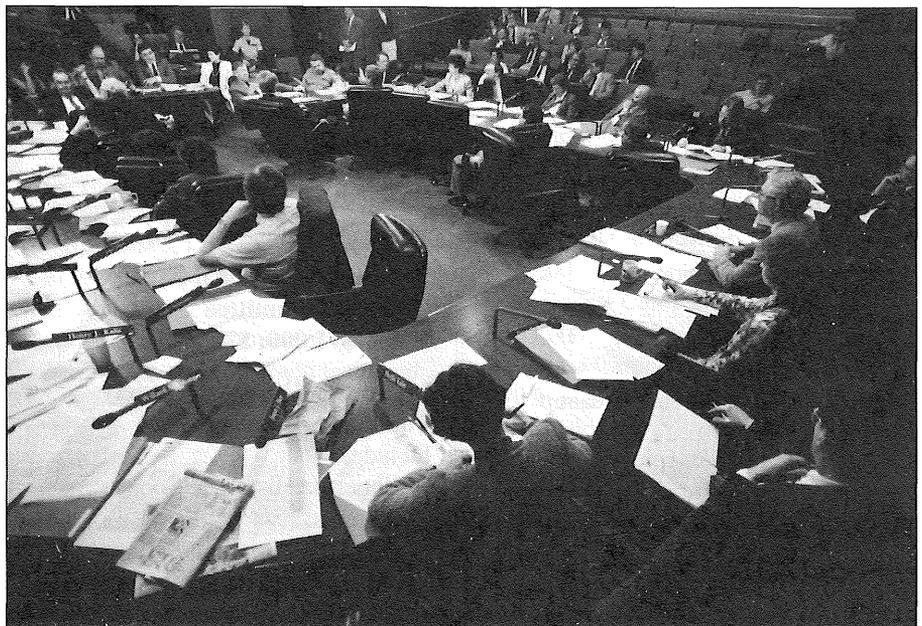
Total: \$629,000; \$609,000

Department of Public Safety

Total: \$93.7m; \$92.5m

Includes:

- Administration and Related Services:
\$5.5m; \$5.1m
- Emergency Management:
\$955,000; \$955,000
- Criminal Apprehension:
\$13.5m; \$13.5m
- Fire Safety:
\$1.9m; \$1.9m
- State Patrol:
\$39.1m; \$38.0m
- Capitol Security:
\$1.5m; \$1.6m



Appropriations Committee

- Driver and Vehicle Licensing:
\$28.3m; \$28.4m
- Liquor Control:
\$738,000; \$738,000
- Ancillary Services:
\$2.2m; \$2.4m
 - Pipeline Safety
\$549,000; \$709,000
 - Crime Victims Reparations Board
\$1.4m; \$1.4m
 - Children's Trust Fund
\$100,000; \$100,000
 - Emergency Response Commission
\$129,000; \$129,000
 - Private Detective and Protective Agency Licensing Board
\$55,000; \$55,000

Board of Peace Officer Standards and Training
Total: \$3.6m; \$3.6m

Department of Agriculture
Total: \$11.3m; \$11.3m
Includes:

- Protection Service:
\$4.3m; \$4.3m
- Promotion and Marketing:
\$757,000; \$757,000
- Family Farm Security:
\$1.6m; \$1.6m
- Administrative Support and Grants:
\$4.7m; \$4.7m

World Trade Center Corporation
Total: \$1.4m; \$800,000

Board of Water and Soil Resources
Total: \$4.9m; \$4.9m

Board of Animal Health
Total: \$2.2m; \$2.0m

Department of Commerce
Total: \$10.3m; \$10.4m
Includes:

- Financial Examinations:
\$4.2m; \$4.2m
- Registration and Analysis:
\$1.9m; \$1.9m
- Petroleum Tank Release Cleanup Board:
\$56,000; \$56,000
- Administrative Services:
\$1.6m; \$1.6m
- Enforcement and Licensing:
\$2.6m; \$2.6m

Non-Health Related Boards

Total: \$964,000; \$955,000

Includes:

- Board of Abstractors:
\$9,000; \$8,000
- Board of Accountancy:
\$358,000; \$358,000
- Board of Architecture, Engineering, Land Surveying, and Landscape Architecture:
\$411,000; \$403,000
- Board of Barber Examiners:
\$127,000; \$127,000
- Board of Boxing:
\$59,000; \$59,000

Public Utilities Commission
Total: \$2.1m; \$2.1m

Department of Public Service
Total: \$6.6m; \$6.6m

Includes:

- Utility Regulation:
\$2.0m; \$2.0m
- Weights and Measures:
\$2.0m; \$2.0m
- Administrative Services:
\$665,000; \$665,000
- Energy:
\$2.0m; \$2.0m

Racing Commission
Total: \$930,000; \$935,000

Ethical Practices Board
\$277,000; \$276,000

Minnesota Municipal Board
Total: \$252,000; \$253,000

Minnesota-Wisconsin Boundary Area Commission
Total: \$111,000; \$115,000

Uniform Laws Commission
Total: \$17,000; \$17,000

Voyageur's National Park Citizens Committee
Total: \$71,000; \$71,000

Minnesota Historical Society
Total: \$11.5m; \$11.9m

Includes:

- Minnesota Historical Society Operations:
\$6.7m; \$6.7m
- Historic Site Operations:
\$3.2m; \$3.2m
- State History Center:
\$379,000; \$941,000
- Repair and Replacement:
\$454,000; \$454,000

- Historic Grant-in-Aid:
\$367,000; \$292,000
 - Historic Preservation
\$295,000; \$265,000
 - Archaeology
\$27,000; \$27,000
 - Special Projects
\$45,000; \$0
- Fiscal Agent:
\$437,000; \$347,000
 - Sibley House Association
\$93,000; \$93,000
 - Minnesota Humanities Commission
\$147,000; \$147,000
 - Minnesota International Center
\$78,000; \$38,000
 - Minnesota Military Museum
\$30,000; \$0
 - Minnesota Air National Guard Museum
\$20,000; \$0
 - Government Learning Center
\$69,000; \$69,000

Board of the Arts
Total: \$4.2m; \$4.2m

Minnesota Horticultural Society
Total: \$68,000; \$68,000

Minnesota Academy of Science
Total: \$28,000; \$28,000

Science Museum of Minnesota
Total: \$638,000; \$638,000

Minnesota Safety Council
Total: \$71,000; \$71,000

Veterans of Foreign Wars
Total: \$31,000; \$31,000

Military Order of the Purple Heart
Total: \$10,000; \$10,000

General Contingent Accounts
Total: \$325,000; \$325,000

Tort Claims
Total: \$600,000; \$600,000

Other Provisions:

- create a special Great River Road account in the state treasury to handle development funds for the Great River Road;
- require the commissioner of transportation to:
 - construct an exit from Trunk Highway 65 in Anoka County under certain conditions;

—convey a 25-foot wide easement to the St. Louis and Lake counties' regional railroad authority for railroad purposes; and

—act as agent for the Bois Fort Indian Reservation in the use of federal demonstration funds and state matching funds to design and construct a proposed highway project in the Lake Vermillion Indian Reservation Recreational Complex;

- require the commissioner of the State Planning Agency to report to the Legislature by Jan. 1, 1990, on certain special transportation services in the metropolitan area and related issues;
- increase the assessment fee on nuclear fission electrical generating plants from \$137,500 to \$177,500 per plant due July 1 of every year to cover the cost of nuclear power plant emergency response plans;
- authorize an annual appropriation to the commissioner of revenue sufficient to pay for ethanol development;
- add one unclassified position to the Department of Public Safety for hazardous substance notification and response activity;
- require the commissioner of veterans affairs to design a special license plate for combat-wounded veterans who received a purple heart;
- increase the motor vehicle filing fee from \$3.25 to \$3.50;
- authorize the commissioner of public safety to charge tuition fees for Bureau of Criminal Apprehension continuing education courses in certain instances;
- authorize the Board of Boxing to collect and require license fees without approval from the commissioner of finance and without recovering all costs through the fees;
- clarify duties and responsibilities of deputy registrar of motor vehicles who is also appointed as the director;
- allow the Regional Transit Board (RTB) to enter into contracts to provide special transit assistance to certain recipients who pay a substantial portion of the service costs;
- exempt the RTB from paying for transit services from a residence to a service site and home again for participants in human services developmental achievement center programs if

transportation to and from the program is a required and funded program component; effective Jan. 1, 1990, in the counties of Anoka, Carver, Dakota, Hennepin, Scott, and Washington.

Enactment: May 26, 1989

Effective: July 1, 1989 with one exception

**Capital bonding—
supplemental appropriations
HF0046***—G. Anderson, Kalis,
D. Carlson, Conway, R. Johnson
SF1588—Merriam

Chapter 300: authorizes spending to acquire and improve public land and buildings and other public improvements of a capital nature; authorizes issuing state bonds; provides for deficiencies and supplements appropriations for state government expenses; and sets filing fees for mental health service providers.

Article 1—Capital Improvement Appropriations

Total: \$157,688,000

Technical Institutes

Total: \$5.5m

Includes:

- Postsecondary vocational technical construction:
 - Independent School District No. 564, Thief River Falls \$505,000
 - Independent School District No. 819, Wadena \$170,000
- Statewide:
 - Land acquisition at Bemidji, Detroit Lakes, Pine City, St. Paul, and Winona campuses \$950,000
 - Continue development of the master facility plan at each technical institute campus \$250,000
 - Miscellaneous capital improvements \$3.6m

Community Colleges

Total: \$5.8m

Includes:

- Brainerd Community College: \$360,000
- Fergus Falls Community College: \$200,000

- Fond du Lac Center: \$100,000
- Hibbing Community College: \$25,000
- Lakewood Community College: \$320,000
- Normandale Community College: \$580,000
- Rainy River Community College: \$155,000
- Southeastern Education Center: \$825,000
- Willmar Community College: \$185,000
- Systemwide:
 - Land acquisition at Willmar, Brainerd, and Anoka-Ramsey community colleges \$1.0m
 - Continuation of effective facility and program planning at community college campuses \$250,000
 - Miscellaneous capital improvements \$1.8m

State Universities

Total: \$27.8m

Includes:

- Bemidji Campus: \$150,000
- Mankato Campus:
 - Val Imm Drive reconstruction and improvement \$500,000
 - Memorial Library remodeling and addition construction \$11.2m
- Metropolitan Campus: \$600,000
- Moorhead Campus: \$210,000
- St. Cloud Campus: \$295,000
- Southwest Campus: \$365,000
- Winona Campus: \$10.3m
- Statewide:
 - Hazardous materials abatement \$1.2m
 - Roof replacement \$1.4m
 - Land acquisition \$1.6m

Other Provisions:

- prohibit the state from making further

payments for wood-fired boiler heating systems at either the Bemidji State University or St. Cloud State University; state that the prohibition is meant to be permanent.

University of Minnesota

Total: \$14.4m

Includes:

- Twin Cities Campus:
 - Walter Library renovation plans \$2.3m
 - Biological Sciences and Basic Sciences construction projects, work drawings \$5.1m
 - Indoor-Outdoor track upgrade \$270,000
 - Physiology Building, work drawings \$60,000
 - Earth Sciences and Materials Engineering Building, schematic plans \$1.0m
- Waseca Campus: \$266,000
- Statewide:
 - Health and life safety improvements \$3.0m
 - Rosemount Research Center cleanup \$2.2m
 - Integrated Waste Management schematic plans \$160,000

Other Provisions:

- permit the University of Minnesota Board of Regents to use nonstate money to:
 - plan an addition to Ferguson Hall;
 - plan the next phase of the recreation sports facility; and
 - build an attached greenhouse at the agriculture laboratories.

Department of Education

Total: \$2.7m

Includes:

- Minnesota State Academy for the Blind and Deaf, Faribault:
 - Rodman Service Building and Tate Hall rewiring \$318,000
 - Asbestos abatement \$135,000

- Minnesota School and Resource Center for the Arts, St. Paul: \$250,000

- Desegregation grants: \$2.0m

Department of Human Services

Total: \$11.8m

Includes:

- Community services facilities planning and construction: \$2.6m
- Heating, ventilating, and air conditioning equipment upgrading and installation: \$4.2m
- Renovation and reconstruction plans for Anoka, Cambridge, Moose Lake, and Fergus Falls regional treatment centers, and evaluation of the need for additional security and nursing home beds in the metro area: \$1.2m
- Regional treatment centers residential buildings remodeling: \$3.0m
- Ah-Gwah-Ching State Nursing Home boiler replacement and renovation: \$683,000

Department of Corrections

Total: \$2.6m

Includes:

- Minnesota Correctional Facility, Red Wing: \$300,000
- Minnesota Correctional Facility, St. Cloud: \$1.1m
- Minnesota Correctional Facility, Shakopee: \$250,000
- Minnesota Correctional Facility, Stillwater: \$350,000
- Systemwide roof repair: \$600,000

Department of Health

Total: \$390,000

Includes:

- Public health lab ventilation system evaluation: \$260,000
- Long-range space utilization study: \$130,000

Veterans Homes Board

Total: \$165,000

Department of Jobs and Training

Total: \$1.0m

Board of Water and Soil Resources

Total: \$1.5m

Minnesota Historical Society

Total: \$301,000

Includes:

- Red Lake Tribal Information Center: \$165,000
- Red Wing Energy Park Archaeological Site: \$136,000

Department of Administration

Total: \$38.3

Includes:

- Statewide handicapped access to state buildings: \$29.0m
- Asbestos removal or encapsulation in state buildings: \$1.5m
- State Capitol remodeling: \$3.0m
- State Capitol restoration: \$575,000
- State agencies relocation: \$1.2m
- House of Representatives restoration in State Capitol: \$2.2m
- Minnesota Public Radio: \$393,000
- Department of Agriculture building site selection and planning: \$420,000
- Arbitration award interest for State Office Building remodeling: \$64,000

Capitol Area Architectural and Planning Board

Total: \$450,000

Department of Natural Resources

Total: \$6.9m

Includes:

- Reinvest in Minnesota: \$3.5m
- Other programs:
 - Trail acquisition and development \$1.2m
 - Water Bank Program \$600,000
 - Flood damage reduction and prevention: 1.0m

—Hibbing Airport, hazardous chemical storage building construction and apron restoration
\$525,000

Pollution Control Agency

Total: \$10.1m

Includes:

- Combined sewer overflow grants: \$6.8m
- State match to federal grants for wastewater treatment facilities construction: \$2.5m
- Grant administration: \$875,000

Public Facilities Authority

Total: \$12.7m

Includes:

- State Independent Grants Program: \$8.0m
- State match for federal grants to capitalize the state water pollution control revolving fund: \$4.7m

Department of Trade and Economic Development

Total: \$6.8m

Includes:

- Duluth Harbor dredging: \$6.1m
- National Shooting Sports Center: \$400,000
- Kayaking Center: \$280,000

Department of Military Affairs

Total: \$400,000

Bond Sales Expenses

Total: \$119,000

Other Provisions:

- authorize the commissioner of finance to issue bonds up to \$142.6m to provide money for the state building fund and up to \$5.0m for the Reinvest in Minnesota resources fund;
- outline procedures allowing agencies to transfer money between accounts after awarding final contracts for construction projects;
- direct the commissioner of administration or other agencies receiving appropriations to apply for the maximum federal share for each project;
- outline methods of land acquisition to include gift, purchase, or condemnation proceedings;

- require legislative review of:
 - capital improvement plans and projects before agencies finalize the plans; and
 - University of Minnesota land acquisitions;
- increase bonding authorization from \$52.0m to \$60.0m for transportation system capital improvements;
- increase various appropriations for statewide bridge construction and reconstruction projects:
 - Department of Transportation, from \$51.0m to \$59.0m;
 - counties, from \$12.0m to \$16.2m;
 - home rule charter and statutory cities, from \$2.0m to \$2.6m; and
 - towns, from \$21.0m to \$23.2m;
- reduce a 1981 bond sale authorization by \$37.9m;
- effective day after enactment.

Article 2—Elementary and Secondary Education

Provisions:

- increase bonding authority for maximum effort school loans from \$20.0m to \$22.0m;
- permit a qualifying group of school districts to apply for an incentive grant up to \$6.0m or 75 percent, whichever is less, of approved construction costs of a cooperative secondary education facility;
- reduce bonding authority for the cooperative secondary facilities grant program from \$16.0m to \$14.0m;
- outline criteria for grant applications;
- approve capital loans for:
 - Independent School District No. 51, Foley \$4.9m;
 - Independent School District No. 333, Ogilvie \$11.3m;
 - direct the commissioner of education to evaluate the effectiveness of the maximum effort school loan program and the cooperative secondary facilities capital grant program and report changes and recommendations to the Legislature by Jan. 1, 1990;
- effective day after enactment.

Article 3—Deficiency

Appropriations

Total: \$3,751,000

Education Aids

Total: \$116,000

Includes:

- Department of Education:
 - Education Aids Law Litigation \$116,000

Health and Human Services

Total: \$999,000

Includes:

- Department of Human Services:
 - Residents of Institutions for Mental Disease \$957,000;
- Health-Related Boards:
 - Board of Optometry \$4,000
 - Board of Podiatry \$16,000
 - Board of Pharmacy \$10,000
 - Board of Psychology \$6,000
 - Board of Veterinary Medicine \$6,000

Agriculture, Transportation, Semi-State Activities

Total: \$439,000

Includes:

- Department of Public Safety:
 - Disaster Relief \$212,000
- Department of Agriculture:
 - Laboratory Equipment to Test for Aflatoxin \$75,000
 - Costs of Testing for the Varroa Mite \$52,000
 - Haylift \$100,000

State Departments

Total: \$2.2m

Includes:

- Court of Appeals:
 - Disability Retirement \$78,000
- Trial Courts:
 - Workers' Compensation \$146,000

- Board of Public Defense:
 - Trial Transcripts
\$160,000
- Attorney General:
 - Education Aids Law Litigation
\$61,000
 - LTV and Reserve Bankruptcy Litigation
\$75,000
- Secretary of State:
 - General Fund Reimbursement Reduction from \$500,000 to \$200,000
- Department of Administration:
 - Volunteer Services
\$70,000
- Department of Finance:
 - Biennial Budget System
\$150,000
 - College Savings Bonds
\$22,000
- Department of Employee Relations:
 - Application Processing System
\$40,000
- Department of Natural Resources:
 - Drought Emergency
\$201,000
 - Park Operations
\$600,000
 - Deer Feeding
\$260,000
- Pollution Control Agency:
 - Waste Management Board Audit
\$279,000
- Department of Veterans Affairs:
 - Veterans Relief
\$55,000

Other Provisions:

- exclude certain professional people from the definition of “mental health service provider”;
- set a \$50 filing fee for an unlicensed mental health provider until permanent rules setting filing fees take effect;
- outline eligibility for general assistance medical care and Minnesota supplemental aid;
- effective day after enactment.

Enactment: May 30, 1989

Effective: day after enactment



Lee Herold, *left*, and Rep. Gil Gutknecht (IR), *right*, both from Rochester, displayed a proposed new state flag as Rev. William M. Becker, associate pastor of Rochester's Church of St. Pius X, *center*, discussed the history of the state flag at a Governmental Operations Committee meeting in March.

**Education Finance, K-12—
omnibus bill**

HF0654*—K. Nelson, McEachern, Bauerly, Ozment, Vellenga
SF1480—R.W. Peterson

Chapter 329: provides for general education revenue, transportation, special programs, community education, school facilities and equipment, education organization and cooperation, access to education excellence, school breakfast programs, sexual harassment and violence policies, libraries, state education agencies, education agency services, Faribault academies, center for arts education, and open enrollment limits; and appropriates money.

Article 1—General Education Revenue

Appropriations

	\$1,223,235,000	FY'90
	\$1,293,436,000	FY'91
Total:	\$2,516,671,000	

Department of Education

Total: \$1.2b; \$1.3b

Includes:

- General and Supplemental Education Aid:
\$1.2b; \$1.3b
- Exceptional Need Aid:
\$420,000 \$70,000

Other Provisions:

- reduce the property tax recognition shift from 27.8 percent to 27 percent if funds are available;
- require school boards to hold referendum elections on the first Tuesday after the last Monday in November; increase from 5 to 15 percent the percentage of registered voters needed on a petition to increase referendum authority;
- increase the formula allowance from \$2,800 to \$2,838 in FY'90 and to \$2,953 in FY'91 and beyond;
- require school boards and teacher bargaining units to ratify a contract by Jan. 15, 1990, for the two-year period ending June 30, 1991, or forfeit \$25 per pupil unit; direct the department to reallocate monies not paid to districts under this provision to eligible districts according to the number of actual pupil units;

- enable a district to qualify for elementary sparsity revenue if:
 - it has an elementary school at least 20 miles from the next nearest elementary school; and
 - the school's average daily membership is 20 pupils or fewer per grade;
- increase the supplemental allowance from \$105 to \$143 in FY'90 and to \$258 for FY'91 and beyond;
- increase the general education levy target from \$1.1b to \$1.2b for FY'91 and to \$1.2b for subsequent fiscal years, requiring an adjusted gross capacity rate of 28.9 percent for FY'91;
- require the department to increase aid payments to school districts for the 1989-90 school year without affecting levies;
- repeal laws concerning exceptional need aid and levy;
- effective July 1, 1989.

Article 2—Pupil Transportation

Appropriations

	\$92,079,000	FY'90
	\$99,365,000	FY'91

Total: \$191,444,000

Department of Education

Total: \$92.1m; \$99.4m

Includes:

- Transportation Aid: \$92.0b; \$99.3b
- Transportation Aid, Postsecondary Enrollment: \$50,000; \$50,000
- Transportation Aid, Enrollment Options: \$50,000; \$50,000

Other Provisions:

- authorize school boards to transport pupils who are custodial parents and their children from the pupils' homes and a child care provider and between the provider and the school; direct boards to establish criteria for such transportation;
- authorize the department to pay transportation aid to transport:
 - pupils to the residence of a person the parent chooses;
 - pupils to a respite care facility; and
 - elementary pupils who move during a school year within an area the district designates as a mobility zone (where more than 50 percent of the pupils are eligible for free and reduced lunch, and the pupil withdrawal rate is greater than 12 percent);

- change transportation aid entitlement provisions to:
 - codify† the regression formula;
 - eliminate rural/nonrural classification;
 - modify contracted services adjustment;
 - establish FTE (full-time equivalent) weighting factors;
 - establish a minimum allowance per pupil transported; and
 - limit desegregation transportation funding to excess costs;
- require specified adjustments in each district's predicted base cost by July 1, 1991;
- set a basic transportation levy of \$82.1b statewide for FY'91 and \$86.2b for subsequent fiscal years;
- effective July 1, 1989.

Article 3—Special Programs

Appropriations

	\$191,490,000	FY'90
	\$215,103,000	FY'91
Total:	\$406,593,000	

Department of Education

Total: \$191.5m; \$215.1m

Includes:

- Special Education Aid: \$160.3m; \$165.9m
- Special Pupil Aid: \$284,000; \$158,000
- Summer Special Education Aid: \$5.8m; \$5.8m
- Travel for Home-Based Services: \$51,000; \$51,000
- Residential Facilities Aid: \$1.4m; \$1.4m
- Limited English Proficiency Pupils Program: \$3.3m; \$3.4m
- American Indian Scholarships: \$1.6m; \$1.6m
- American Indian Postsecondary Preparation Grants: \$857,000; \$857,000
- American Indian Language and Culture Programs: \$590,000; \$590,000
- American Indian Education: Total: \$176,000; \$176,000
- Secondary Vocational Education Aid: \$11.5m; \$11.7m
- Secondary Vocational Handicapped: \$5.3m; \$6.2m
- Tribal Contract Schools: \$200,000; \$200,000

- American Indian Teacher Grants: \$150,000; \$150,000
- Assurance of Mastery: \$0; \$10.6m
- Individualized Learning and Development Aid: \$0; \$6.4m

Other Provisions:

- direct the State Board of Education to adopt rules concerning student eligibility for special education services;
- require districts to provide information the department needs for limited English proficiency programs aid; require the department to promptly notify each district of the amount of aid it will receive; effective day after enactment;
- specify that a district may receive assurance of mastery revenue to provide direct instructional services to eligible students in the students' regular classrooms (assurance of mastery revenue is the sum of state and district money that may equal up to \$45 for FY'91 and beyond, times the number of actual pupil units K-8 in the district); effective for the 1990-91 school year;
- reduce the special education funding formula from the lesser of 66 percent of the salary or \$18,400 to the lesser of 60 percent of the salary or \$16,727; provide similar formula for part-time personnel;
- authorize Indian-controlled contract schools on reservations to receive tribal contract school aid; require such schools to comply with the state education code;
- make money available to allow a district to achieve kindergarten and first grade teacher-pupil ratios which the district's curriculum advisory committee establishes and the district school board adopts; preclude districts from increasing districtwide teacher-pupil ratios in grades 2-8; permit a district to use the aid to improve program offerings if the district achieves and maintains the ratios; direct the commissioner of education to withhold aid from any district that fails to make a good faith effort to achieve the ratios; effective for the 1990-91 school year;
- establish a grant program to assist American Indians to become teachers;

authorize joint grants to certain higher education institutions and certain school districts;

- require the Department of Education and the Association of Minnesota Counties to jointly prepare a report describing the responsibilities of county boards and school districts to provide services for handicapped children under age 5 and their families;
- effective July 1, 1989 with exceptions.

Article 4—Community and Adult Education

Appropriations

\$21,429,900 FY'90
\$21,668,000 FY'91

Total: \$43,097,900

Department of Education

Total: \$21.4m; \$21.7m

Includes:

- Adult Basic Education (ABE) Aid: \$4.8m; \$5.0m
- Adult Handicapped Program Aid: \$610,000; \$670,000
- Community Education Aid: \$4.9m; \$3.6m
- Early Childhood Family Education (ECFE): \$9.6m; \$10.3m
- Health and Developmental Screening Aid: \$881,000; \$1.4m
- Evaluation of Basic Skills Programs: \$75,000; \$75,000
- Evaluation of ECFE Programs: \$25,000; \$0
- GED and Learn to Read on TV: \$100,000; \$100,000
- Hearing-Impaired Adults: \$70,000; \$70,000
- Adult Literacy Grants: \$400,000; \$500,000

Other Provisions:

- allow districts to award up to one credit to students participating in youth service programs;
- permit ECFE programs to include activities and materials designed to prevent sexual and other interpersonal violence;
- direct districts to transfer money from the general fund to the community service fund for teacher retirement and FICA obligations resulting from community education programs; effective day after enactment;

- require districts to implement by July 1, 1993, a voluntary health and developmental screening program for children who are age 3 or older but haven't entered kindergarten;
- require specific developmental tests and assessments for children;
- make screening aid available in varying amounts;
- permit districts to use up to 5 percent of the combined state and federal aid for administrative costs of coordinating educational services for adult learners;
- recodify current community education revenue law and add youth service revenue; specify that a district's total community education revenue equals the sum of the district's general community education revenue, youth development plan revenue, and youth service program revenue;
- establish an interagency adult learning advisory council to award grants to programs serving individuals meeting specific employment and academic criteria;
- direct school districts in the 1989-90 school year to begin a planning process to make screening readily available to all 3-year-olds; direct the commissioner of education to develop guidelines to assist school districts in expanding the Early Childhood Screening Program to all 3-year-olds;
- repeal laws concerning Community Education Program, health screening, community education revenue, and responsibilities of the State Board of Education and the state commissioner of health;
- effective July 1, 1989 with exceptions.

Article 5—Facilities and Equipment

Appropriations

\$65,360,500 FY'90
\$74,455,000 FY'91

Total: \$139,815,500

Department of Education

Total: \$65.4m; \$74.5m

Includes:

- Capital Expenditure Facilities Aid: \$33.8m; \$41.0m
- Capital Expenditure Equipment Aid: \$16.9m; \$20.5m
- Health and Safety Aid: \$8.2m; \$10.8m
- Maximum Effort School Loan Fund: \$855,500; \$2.1m

- Hazardous Substance Aid: \$9,000; \$0
- Capital Expenditure Aid: \$5.6m; \$0

Other Provisions:

- remove from the definition of "public building" a building for which a district pays;
- reduce the revenue for capital expenditure equipment revenue from \$70 per pupil unit to \$65;
- clarify procedures the Department of Education uses to determine the approved cost of a district's hazardous substance plan; effective day after enactment;
- authorize Independent School District No. 228, Harmony, to levy up to \$100,000 to make handicapped accessibility changes to a school building;
- authorize the St. Louis County School District to issue \$1.0m for construction bonds without a referendum;
- make levy adjustments for capital expenditure facilities, equipment, health and safety, and leased facilities;
- effective July 1, 1989 with exceptions.

Article 6—Education Organization and Cooperation

Appropriations

\$5,642,500 FY'90
\$4,266,000 FY'91

Total: \$9,908,500

Department of Education

Total: \$5.6m; \$4.3m

Includes:

- Education District Aid: \$4.7m; \$4.0m
- Cooperation and Combination Aid: \$0; \$75,000
- Secondary Vocational Cooperative Aid: \$495,000; \$224,000
- Telecommunications Grants: \$490,000; \$0
- Communications Link Grant: \$4,500; \$0

Other Provisions:

- permit school district consolidation to take effect on July 1 of an even numbered year;
- outline procedures for school boards that adopt a five-year written agreement to provide cooperative secondary instruction for at least two years and to

combine into one district after two years; specify requirements for combining districts (*Note: Chapter 356 changes "420" to "400" resident pupils in the last option*);

- require school boards entering into a cooperative agreement to submit their plan to the state board for review; require the plan to outline joint governance and administration, combining employees, combined academic and extracurricular programs, a referendum to approve combining districts, handling outstanding debts, debt service and referendum levies, building sites, and a timeline;
- set the effective date for combination as July 1 of any year;
- eliminate language that allows school boards and bargaining representatives to agree to work under a contract that one of the pre-existing districts executed until they execute a new contract;
- allow districts in midst of consolidating to agree to comply with the employment contract of either district with respect to all teachers or with each of the employment contracts of the affected districts;
- require districts with an interdistrict cooperation agreement to discontinue at least grades 10-12 in all but one cooperating district; specify that to establish a seniority list, each cooperating district is considered to have started school on the same date;
- expand the purpose of an education district to include cooperation and coordination among school districts and postsecondary institutions;
- require members of an education district to be contiguous† by the 1990-91 school year, with exceptions; require districts with interdistrict cooperation agreements to belong to the same education district; outline the education district board membership;
- allow school districts belonging to education districts to discontinue any of grades K-12, or portions of those grades, and provide for instruction through the education district;
- require all education district members to implement selected components of a common academic calendar prior to the 1990-91 school year;
- require all education districts to develop a five-year plan to increase

educational opportunities for students and submit the plan to the state board for approval;

- outline education district, cooperation, and combination revenues and levy procedures;
- establish cooperation and combination revenue for districts that have a state board-approved plan; effective for FY'91 and thereafter;
- repeal laws concerning educational districts bond issuance and program improvement grants;
- effective July 1, 1989 with exceptions.

Article 7—Access to Excellence

Appropriations

	\$5,764,000	FY'90
	\$3,057,000	FY'91
Total:	\$8,821,000	

Department of Education Office of Educational Leadership

Total: \$1.3m; \$250,000

Includes:

- Research and Development Grants: \$1.1m; \$0
- Technical Assistance, Research and Development Sites: \$250,000; \$250,000

Department of Education

Total: \$4.5m; \$2.8m

Includes:

- Adult Graduation Aid: \$1.2m; \$1.6m
- Area Learning Center Grants: \$150,000; \$150,000
- Arts Planning Grants: \$38,000; \$38,000
- Planning, Evaluating, and Reporting (PER) Process Aid: \$1.0m; \$1.0m
- Career Teacher Aid: \$1.0m; \$0
- Minority Teacher Incentives: \$1.0m; \$0

Other Provisions:

- preclude school districts from denying admission to any school age homeless person; classify a homeless pupil as a resident of the school district that enrolls the pupil;
- establish an office of educational leadership to assist educational organizations in developing policies to maximize learning; outline office structure; direct the office to develop a

project to determine the effectiveness of learner outcomes; set up a research advisory committee;

- direct the state board to adopt learner goals and learner outcomes that require thinking and problem-solving skills for curriculum areas and vocational curriculum; direct the department to make model learner outcomes available to districts;
- direct the department to maintain an assessment item bank to provide assessment items designed to measure pupils' attainment of learner outcomes;
- amend the Minnesota Career Teacher Act to establish career teacher programs that emphasize each child's needs, and procedures to give career teachers responsibilities for individual children beginning with ECFE (*Note: Chapter 356 changes a reference from "teacher" to "principal" in a provision describing qualifications for a principal teacher*);
- offer financial incentives to districts having a minority enrollment of at least 10 percent, or which operate under a desegregation plan, to employ a minority teacher who hasn't taught in Minnesota during the previous school year;
- allow the state board to select up to 10 sites to serve as research and development sites for outcome based education; define site selection criteria and requirements;
- repeal laws on the counselor-teacher component of an improved learning program;
- effective July 1, 1989.

Article 8—Other Educational Programs

Appropriations

	\$35,819,000	FY'90
	\$36,526,000	FY'91
Total:	\$72,345,000	

Department of Education

Total: \$35.8m; \$36.5m

Includes:

- Abatement Aid: \$5.1m; \$6.0m
- Integration Grants: \$14.9m; \$14.9m
- Nonpublic Pupil Aid: \$8.5m; \$8.8m

- School Lunch and Food Storage Aid: \$4.6m; \$4.6m
- School Milk Aid: \$800,000; \$800,000
- Tobacco Use Prevention: \$565,000; \$672,000
- West St. Paul: \$500,000; \$0
- Alcohol-Impaired Driver Education Grants: \$620,000; \$620,000
- Nett Lake Liability Insurance: \$40,000; \$0
- Nett Lake Unemployment Compensation: \$40,000; \$0
- Peterson Operating Debt: \$50,000; \$0

Other Provisions:

- require districts to offer a school breakfast program in certain schools; exempt schools in which fewer than 25 students would be expected to participate; effective Sept. 1, 1991;
- require school districts to complete a survey by Oct. 1, 1990, to determine parents' interest in a school breakfast program and report on the results to the commissioner by Nov. 1, 1990;
- require school boards to adopt a written policy on sexual harassment and sexual violence for pupils, teachers, administrators and other school personnel and include reporting procedures and disciplinary actions; require schools to conspicuously post the policy in each school building;
- require the commissioner to maintain a model sexual harassment and violence policy that is available to school boards; require school boards to submit their policies to the commissioner;
- require the Minnesota State High School League to adopt a policy, rules, penalties, and recommendations addressing sexual harassment and sexual violence toward and by league participants;
- authorize a special levy up to \$100,000 for Independent School District No. 232, Peterson, to retire an operating debt;
- allow a one-year levy of 0.8 percent of tax capacity for Minneapolis and Duluth for desegregation purposes;
- effective July 1, 1989 with exceptions.

Article 9—Miscellaneous

Provisions:

- alter open enrollment laws:
 - outline pupil application procedures under the open enrollment option; require pupils and their parents to meet with a counselor or appropriate school official to explore the pupil's academic or other reason for transferring to another school; require a stated reason for transfer;
 - direct nonresident school officials to provide written notice of a pupil's acceptance by Feb. 1; require parents to notify the nonresident district by Feb. 15 that the student will enroll;
 - obligate the student to attend one year at the nonresident school unless the school boards of the resident and nonresident districts agree to allow the student to return, or if the parents change residence;
 - direct the nonresident district to notify the resident district of the pupil's intent to enroll by March 1;
 - make the procedures applicable to transfers between two nonresident districts; and
 - create and outline the process for student transfers under open enrollment for districts with desegregation plans;
 - effective for the 1990-91 school year and thereafter;
- direct local school boards to develop standards for school age child care programs; prohibit the state board from adopting rules for extended day programs;
- amend the postsecondary enrollment option:
 - permit school boards to arrange for postsecondary courses for secondary students;
 - preclude high school graduates from participating in the postsecondary enrollment option;
 - outline requirements for earning credits; preclude auditing courses;
 - permit postsecondary institutions to charge pupils for fees, textbooks, and materials for a course taken for postsecondary credit; and
 - make textbooks and materials purchased under the postsecondary option the school district's property;
- direct the department, along with the State Fire Marshal's Office, to develop

- safety requirements for school labs; reject lack of funding as an excuse for noncompliance;
- change eligibility requirements for the High School Graduation Incentives Program to include as eligible participants:
 - excluded or expelled students;
 - students whom the school district refers to an alternative program; and
 - students who are pregnant or are parents;
- remove penalties for delinquent contributions to retirement funds for Minneapolis; effective retroactive to May 7, 1988;
- establish a two-year staff exchange program for K-12 instructional and administrative staffs; outline program requirements and application procedures; effective for the 1989-90 school year;
- repeal portions of education law that may be redundant or obsolete;
- effective July 1, 1989 with exceptions.

Article 10—Libraries

Appropriations

	\$6,333,000	FY'90
	\$6,413,000	FY'91
Total:	\$12,746,000	

Department of Education

Total: \$6.3m; \$6.4m

Includes:

- Basic Support Grants: \$5.8m; \$6.1m
- Multicounty, Multitype Library Systems: \$247,000; \$256,000
- State Agency On-Line System: \$43,000; \$43,000
- Materials for Librarians: \$20,000; \$0
- Automated Library System: \$222,000; \$21,000

Other Provisions:

- establish an advisory committee to advise the staff of the Minnesota Library for the Blind and Physically Handicapped on long-range plans and library services;
- repeal portions of laws on maintenance of effort exceptions for FY'87 and FY'88 effective July 1, 1989, and on establishment grants for the first and second year of participating in regional systems effective July 1, 1991;
- effective July 1, 1989.

Article 11—Education Agency Services

Appropriations

\$7,851,000 FY'90
\$7,521,000 FY'91

Total: \$15,372,000

Higher Education Coordinating Board

Total: \$214,000; \$214,000

Includes:

- Summer Program Scholarship: \$214,000; \$214,000

Board of Teaching

Total: \$150,000; \$150,000

Includes:

- Teacher Center Grants: \$150,000; \$150,000

Department of Education

Total: \$7.4m; \$7.2m

Includes:

- Teacher Mentorship: \$250,000; \$250,000
- Administrator's Academy: \$168,000; \$168,000
- Office on Transition Services: \$80,000; \$80,000
- Educational Cooperative Service Units (ECSUs): \$749,000; \$749,000
- Management Information Centers: \$3.4m; \$3.4m
- Legislative Commission on Public Education: \$250,000; \$0
- State PER Assistance: \$601,000; \$601,000
- Educational Effectiveness: \$600,000; \$600,000
- Curriculum and Technology Integration: \$600,000; \$600,000
- Arts Planning Program Assistance: \$38,000; \$38,000
- Academic Excellence Foundation: \$160,000; \$160,000
- Health and Wellness Curriculum: \$30,000; \$0
- ECSU Loans: \$500,000; \$500,000

State University Board

Total: \$25,000; \$0

Includes:

- Faculty Exchange: \$25,000; \$0

University of Minnesota Board of Regents

Total: \$25,000; \$0

Includes:

- Faculty Exchange: \$25,000; \$0

Other Provisions:

- change the membership of the board of directors of the Minnesota Academic Excellence Foundation; place the board and the foundation's activities under the State Board of Education; codify the creation of an academic league;
- require a dissolved ESCU to distribute its property to member districts;
- repeal a law regarding the national bicentennial competition and the Exemplary Teacher Education Program;
- effective July 1, 1989 with exceptions.

Article 12—State Agencies' Appropriations for Education

Appropriations

\$30,092,700 FY'90
\$29,816,700 FY'91

Total: \$59,909,400

Department of Education

Total: \$17.2m; \$16.5m

Includes:

- Educational Services: \$8.3m; \$7.6m
- Administration and Financial Services: \$8.9m; \$8.9m

Faribault Academies

Total: \$7.1m; \$7.1m

Minnesota Center for Arts Education

Total: \$5.8m; \$6.2m

Other Provisions:

- make an annual appropriation from a revolving fund containing rental income to the academies for the deaf and blind for staff development costs;
- change the name of the Minnesota School and Resource Center for the Arts to the Minnesota Center for Arts Education; allow the center's board to receive and award grants; allow the board to offer arts seminars to students in grades 9-12 instead of grades 9-10;
- increase fees and terms of licenses for private business and trade schools; ;
- increase initial and renewal license

fees for solicitors from private business schools;

- direct the Minnesota Center for Arts Education to identify at least one school district in each congressional district for a magnet arts program; require a report to the Legislature on needed legislative action;
- effective July 1, 1989.

Article 13—Mill Rate Conversions

Provisions:

- change mill rate to percent of adjusted gross tax capacity;
- make technical changes for school district property taxes;
- effective day after enactment.

Enactment: June 1, 1989

Effective: various dates

Health & Human Services—omnibus bill

HF1759*—G. Anderson for the Appropriations Committee
SF1630—Merriam

Chapter 282: appropriates funds for the departments of Human Services, Jobs and Training, Corrections, and Health, and veterans nursing homes, and for purposes related to the organization and operation of state government.

Article 1—Appropriations

\$1,313,847,000 FY'90
\$1,368,440,000 FY'91

Total: \$2,682,287,000

Commissioner of Human Services

Total: \$1.1b; \$1.2b

Includes:

- Human Services Administration: \$13.0m; \$11.2m
- Legal and Intergovernmental Programs: \$4.2m; \$4.3m
- Social Services: \$120.5m; \$124.3m
- Mental Health: \$21.6m; \$25.6m
- Family Support Programs: \$181.2m; \$189.8m
—Aid to Families with Dependent Children, General Assistance, Work Readiness, Minnesota Supplemental Aid \$154.5m; \$156.2m

- Family Support Programs Administration
\$26.7m; \$33.5m
- Health Care Programs:
\$553.4m; \$593.4m
 - Medical Assistance and General Assistance Medical Care
\$506.8m; \$545.9m
 - Preadmission Screening and Alternative Care Grants
\$16.5m; \$16.5m
 - Children's Health Plan
\$4.3m; \$6.7m
 - Health Care Programs Administration
\$25.7m; \$24.3m
- State Residential Facilities:
\$210.7m; \$212.0m
 - Regional Treatment Centers and State-Operated Community Services
\$187.2m; \$189.6m
 - (1) Salaries
\$169.6m; \$169.0m
 - (2) Current Expense
\$14.2m; \$15.7m
 - (3) Repairs and Betterments
\$2.8m; \$1.8m
 - (4) Special Equipment
\$680,000; \$1.2m
 - (5) Personnel Mitigation
\$0; \$2.0m
 - Nursing Homes
\$21.4m; \$20.3m
 - (1) Salaries
\$18.5m; \$17.6m
 - (2) Current Expense
\$2.5m; \$2.5m
 - (3) Repairs and Betterments
\$378,000; \$222,000
 - (4) Special Equipment
\$66,000; \$0
 - Other State Residential Facilities Administration Activities
\$2.1m; \$2.0m

Ombudsman for Mental Health and Mental Retardation
Total: \$888,000; \$921,000

Veterans Nursing Homes Board
Total: \$18.9m; \$21.0m

Includes:

- Veterans Nursing Homes:
\$18.7m; \$20.9m
- Veterans Nursing Homes Board:
\$145,000; \$145,000



On a warm spring day, some House members chose the high road over the low road to return to the State Office Building following an afternoon session at the Capitol.

Commissioner of Jobs and Training
Total: \$37.8m; \$32.3m

Includes:

- Rehabilitation Services:
\$18.3m; \$18.4m
- Services for the Blind:
\$3.4m; \$3.4m
- Economic Opportunity Office:
\$7.3m; \$7.3m
- Employment and Training:
\$8.8m; \$3.3m

Commissioner of Corrections
Total: \$104.8m; \$104.5m

Includes:

- Correctional Institutions:
\$75.7m; \$75.5m
- Community Services:
\$25.0m; \$25.0m
- Management Services:
\$4.0m; \$4.1m

Sentencing Guidelines Commission
Total: \$218,000; \$218,000

Corrections Ombudsman
Total: \$369,000; \$364,000

Commissioner of Health
Total: \$41.4m; \$43.5m

Includes:

- Preventive and Protective Health Services:
\$12.1m; \$12.2m
- Health Delivery Systems:
\$25.5m; \$27.5m
- Health Support Services:
\$3.8m; \$3.8m

Health-Related Boards
Total: \$5.0m; \$5.0m

Includes:

- Board of Chiropractic Examiners:
\$264,000; \$252,000
- Board of Dentistry:
\$400,000; \$400,000
- Board of Medical Examiners:
\$1.8m; \$1.9m
- Board of Nursing:
\$1.1m; \$1.0m
- Board of Examiners for Nursing Home Administrators:
\$141,000; \$141,000
- Board of Optometry:
\$57,000; \$59,000
- Board of Pharmacy:
\$445,000; \$431,000
- Board of Podiatry:
\$26,000; \$26,000
- Board of Psychology:
\$181,000; \$187,000
- Social Work and Mental Health Boards:
\$560,000; \$485,000

—Board of Marriage and Family Therapy
\$82,000; \$82,000

—Board of Social Work
\$87,000; \$87,000

—Board of Unlicensed Mental Health Service Providers
\$168,000; \$93,000

—The Office of Social Work and Mental Health Boards
\$223,000; \$223,000

• Board of Veterinary Medicine:
\$96,000; \$96,000

Other Provisions:

- authorize the commissioner of health to develop a fee schedule for diagnostic evaluations conducted at clinics with programs for handicapped children; appropriate annually all receipts the program generates to the commissioner for use in the Maternal and Child Health Program;
- require the commissioner to ensure that:
 - state appropriations to supplement federal programs are spent within federal requirements; and
 - the same income eligibility criteria apply to the weatherization and energy assistance programs;
- require mortgage and deed tax receipts that exceed the state share of county Aid to Families with Dependent Children grants to be offset against state payments to the county;
- set effective date for the article as July 1, 1989.

Article 2—Social Services, Health, and Administration

Provisions:

- exempt certain contracts related to the dislocated workers program from state contracting requirements;
- allow officers and employees of the state Office of the Military Order of the Purple Heart to enroll themselves and their dependents in state insurance plans at their own expense;
- state that expenditures related to health maintenance organizations' (HMO) supplemental benefits are not "uncovered expenditures";
- set requirements for HMOs offering supplemental benefits in accordance with state requirements;
- authorize Department of Health officers and employees to enter any building where infection, filth, or other source or cause of preventable disease exists or is suspected;
- require a class B supervised living facility for six or fewer people seeking medical assistance certification as an intermediate care facility for people with mental retardation to meet certain requirements;
- require hospitals and outpatient surgical centers to submit certain fees to the commissioner upon a reporting organization's withdrawal of approval;
- require the commissioner of health to

report to the Legislature the termination or nonrenewal of a voluntary reporting organization;

- establish methods for approving voluntary reporting procedures for voluntary, nonprofit reporting organizations that are consistent with the commissioner's requirements;
- require hospitals and outpatient surgical centers that don't file certain information with a reporting organization to report to the commissioner;
- allow the commissioner to:
 - require reporting organizations to provide funds to cover certain costs; and
 - withdraw approval of voluntary, nonprofit reporting organizations that fail to comply with written operating requirements.

Lead Abatement

Provisions:

- require the commissioner of health and others to:
 - implement an educational program for targeted audiences to promote the prevention of exposure to all sources of lead; and
 - conduct screening tests of children at risk who are under age 6;
- set reporting requirements for laboratories performing blood lead analyses;
- require the commissioner to:
 - work with the Women, Infants, and Children Program to meet certain requirements for lead testing for children; and
 - report to the Legislature on the availability and affordability of lead screening;
- direct boards of health to assess certain residences to determine sources of lead contamination and issue abatement orders in certain circumstances;
- set guidelines for paint removal;
- require boards of health to:
 - post warning notices on property entrances where abatement orders exist; and
 - retest after completion of the abatement order;
- require abatement contractors to register with the commissioner and notify the board of health of abatement projects after July 1, 1989;

- require the commissioner to:
 - develop a training program for abatement contractors by July 1, 1990;
 - report to the Legislature by Jan. 1, 1991 on the need for licensure or certification of lead abatement contractors; and
 - establish a task force to evaluate abatement costs and report to the Legislature by January 1990;
- require the commissioners of the Pollution Control Agency and health to adopt rules to set toxic lead levels for paint, soil, dust, and drinking water from public fountains.

Home Care Provider Licensure Provisions:

- eliminate requirements that the commissioner of health provide 48 hours notice to home care providers before conducting routine office visits or inspections;
- require applicants for home care provider licenses and renewals to pay a fee;
- allow the commissioner to:
 - bring actions in district court against home care providers illegally engaging in certain activities; and
 - adopt rules requiring applicants to disclose criminal convictions;
- classify violations of home care provider licensure requirements as misdemeanors†.

Inhalant Abuse

Provisions:

- add aerosol paint, amyl nitrate, butyl nitrate, and nitrous oxide to the list of substances that cannot be sold to a person under age 18, but exclude aerosol paint in a packaged model construction kit;
- direct retail establishments selling certain substances to display a conspicuous warning sign stating certain information;
- prohibit individuals from using specified substances to become intoxicated;
- direct the commissioner of health to inform retail businesses of the requirements and penalties of selling, displaying, and using toxic substances.

Special Diet Cards

Provisions:

- direct the commissioner of health to make certain identification cards available to physicians and people with diabetes and other conditions requiring special diets;
- state that such cards exempt the cardholder from prohibitions on bringing outside food and drink into public facilities.

Maternal and Child Block Grants

Provisions:

- change the allocation formula;
- direct the Department of Health to develop uniform investigative guidelines and protocols for medical examiners conducting autopsies and death investigations of children under age 2;
- authorize the commissioner of health to award special grants to community health boards or nonprofit corporations to develop, implement, and evaluate case management services for individuals infected with the human immunodeficiency virus (HIV);
- allow the Board of Social Work (BSW) to specify a longer period of time for accumulating work experience for purposes of granting a license exemption;
- allow hospital social workers whom the BSW hasn't licensed to use the title hospital social worker;
- prohibit individuals from representing themselves as marriage and family therapists unless:
 - they are licensed psychologists with competency in marriage and family therapy; or
 - a Department of Health-licensed hospital employs them to provide marriage and family therapy;
- modify the definition "mental health servicer provider";
- change the size and composition of the Mortuary Sciences Advisory Council from four members to five members.

Board and Lodging Establishments

Provisions:

- direct board and lodging establishments providing supportive or health supervision services to register with the commissioner of health by Sept. 1, 1989; require the commissioner to

provide necessary forms for submitting the registration;

- state that this section doesn't prohibit family members' or home care agencies from providing services to board and lodging establishment residents;
- exempt from these license requirements any board and lodging establishments having licenses from the commissioner of human services;
- allow the commissioner of health to revoke special service and establishment licenses if certain violations occur;
- exempt nonprofit senior citizen centers' sales of home-baked goods from Department of Health licensure requirements;
- prohibit the departments of Veterans Affairs, Human Services, or other state agencies from treating Agent Orange payments to veterans or their dependents as income for the purposes of any public assistance or benefit program;
- permit the Board of Dentistry to set the salary of its executive director, not exceeding 80 percent of the top salary range for the commissioner of health;
- give subpoena power to the ombudsman for mental health and mental retardation;
- require a facility director to notify the ombudsman within 24 hours of a client's death or serious injury.

Human Services Licensing Act Amendments

Provisions:

- define "controlling individual" as any public body, government agency, business entity, or individual whose responsibilities include directing program management or policies;
- define "drop-in child care programs" as programs for children at least age 2, for a maximum of five hours per day or 40 hours per month, at a drop-in facility;
- exclude the following programs from Department of Human Services licensure requirements:
 - social or recreational groups;
 - religious societies providing religious instruction for school age children, including Sabbath or Sunday schools, or congregate care for children during regular worship;
 - camps for which the commissioner of health provides licenses;

—nonresidential programs for people with mental illness (until July 1, 1991); or

- residential programs serving school-age children whose sole purpose is cultural or educational exchange, until the commissioner adopts appropriate rules;
- add controlling individual to the list of people legally required to have a license to operate residential or nonresidential programs;
- set requirements for applicants and license holders;
- allow the commissioner of human services to review arrest and investigative information from the Bureau of Criminal Apprehension in certain situations;
- allow the commissioner to immediately suspend or revoke a license if a license holder fails or refuses to cooperate with the commissioner;
- require the commissioner to promulgate rules before implementing procedures in this section, with exceptions;
- direct the commissioner to notify, in writing, the applicant or license holder and the individual who is the subject of the study of the study's results;
- allow the subject of the study to ask the commissioner to reconsider possible disqualification;
- add maltreatment to the list of allegations the commissioner may investigate without giving prior notice;
- require the commissioner of human services to submit proposed rules to the commissioner of human rights for review and recommendation concerning the protection of individual rights;
- prohibit transferring licenses to unlicensed controlling individuals;
- require a license holder to promptly notify the commissioner of human services in writing after correcting a violation;
- prohibit controlling individuals from receiving a new license for five years following a revocation for noncompliance of certain laws;
- permit outside parties to assume receivership for the state and terminate receivership 36 months after the order;
- authorize special licensing standards for drop-in child care programs;
- set operating standards for drop-in child care programs;

- allow the commissioner to determine charges for services using different methods.

Services for Developmentally Disabled

Provisions:

- limit county responsibility to pay for the care of children having mental retardation or related conditions who are residents of other states;
- define "related conditions" to include victims of prader willi syndrome;
- extend the interim rate setting provisions for day training and habilitation services for adults with mental retardation when the county board pays for the services.

Chemical Dependency

- require detoxification programs to professionally evaluate people proposed for admission and provide separate sleeping areas for adults and minors;
- require the commissioner of human services to work with agencies to create a demonstration project in communities at risk of inhalant abuse that will provide intervention and coordinating community services for inhalant abusers aged 7 to 14;
- change "family" to "married couple" to determine the income factor in allocating chemical dependency (CD) funds to counties;
- authorize a separate fee scale for recipients of CD, transitional, and extended care rehabilitation services;
- authorize counties to submit invoices to the Indian CD account in cases where a local tribe hasn't entered into an agreement with the commissioner to receive funds.

Child Mortality Review Panel

Provisions:

- direct the commissioner of human services to establish a child mortality review panel to review deaths of Minnesota children, including those attributed to maltreatment;
- authorize the commissioner to require local agencies to establish a child mortality review panel;
- allow the commissioner to obtain nonpublic data from government agencies and private hospitals to assist the state or local child mortality review panel in reviewing individual child death cases;

- classify data that a mortality review panel acquires as confidential, and not subject to subpoena or discovery;
- prohibit those attending child mortality review panel meetings from disclosing meeting information except to assist the review panel.

Board on Aging

Provisions:

- require the state ombudsman to designate qualified local ombudsmen for various duties;
- provide immunity from civil liability for state and local ombudsmen;
- require home care service providers to post the address and telephone number of the ombudsman's office in a conspicuous place;
- permit the ombudsman to enter acute care facilities without notice to obtain client information; provide misdemeanor penalties for anyone who attempts to prevent access;
- authorize the board to award grants, enter into contracts, and adopt rules as necessary.

Council for the Hearing Impaired

Provisions:

- authorize the council to:
 - advise the commissioner of human services, the governor, and the Legislature on matters relating to the hearing impaired; and
 - contract, receive, and distribute grants and funds;
- require the council to prepare and distribute a report on its activities by Dec. 31 of each even-numbered year.

Community Social Services Act (CSSA)

Provisions:

- require the commissioner of human services to coordinate other social service grant applications with CSSA planning;
- eliminate the requirement that the commission publish an annual report on community social services;
- include various services in the community social services fund;
- authorize the commissioner to make grants to pilot programs for safe houses for homeless youth.

Child Welfare

Provisions:

- direct the commissioner of human services to:
 - reimburse available federal Title IV-B funds to counties on Oct. 30 once the commissioner determines the amount;
 - establish a specialized grant program for placement prevention and family reunification for American Indian and minority children;
 - provide necessary forms and instructions to the counties to apply for the grants; and
 - design and implement a system for monitoring the program's effectiveness.

Child Care Programs

Provisions:

- exclude play groups and parent cooperatives from the meaning of "child care services";
- exclude work study income and earned incomes tax credits from the definition of "income";
- replace term "postsecondary educational system" with "other administering agencies" to clarify that the commissioner of human services must develop standards for administering child care funds;
- require counties that receive certain funds to keep records and report the names of those requesting child care assistance and to identify students in need of child care;
- require the commissioner to allocate 66 percent of the money appropriated under the child care fund for the basic sliding fee program between the seven-county metropolitan area and Greater Minnesota;
- prohibit any county from receiving more than 55 percent of the total appropriation;
- set allocation limitations of certain percentages to counties and eligibility requirements for the child care assistance basic sliding fee program;
- give first priority for the child care assistance basic sliding fee program to eligible recipients who lack a high school or general equivalency diploma (GED), and within that group, to parents under age 21;
- authorize the commissioner to allocate

certain percentages of money appropriated under the child care fund to certain counties based on various elements;

- set priority guidelines for Aid to Families with Dependent Children (AFDC) child care assistance;
- allow the commissioner to reallocate AFDC child care program funds to other counties;
- require the Higher Education Coordinating Board to administer the non-AFDC postsecondary child care program using the sliding fee scale that the Department of Human Services develops;
- authorize the commissioner to make payments to each county in quarterly installments;
- require counties to submit child care plans to the commissioner on specified dates;
- allow parents to choose child care providers that meet their needs;
- permit continued child care assistance for employed people who meet certain criteria;
- require counties to contribute 15 percent of the cost of the basic sliding fee program;
- limit counties from using more than 7 percent of their allocation for administrative expenses under the basic sliding fee program;
- set priorities for awarding resource and referral grants to start and improve programs;
- set a formula for distribution of child care services grant funds;
- require the commissioner to establish a grant review advisory task force;
- list purposes for which the commissioner may award child care service grants; set priorities for grants;
- require a 25 percent local match for child care grants for various items;
- specify uses for mini-grants and set priorities for applicants;
- direct the commissioner to convene a statewide advisory task force on grants and other child care issues;
- specify certain purposes for which counties may make grants;
- allow counties to include donated goods and services as part of the required matching share;
- require county boards to develop a

biennial child care plan as part of the Community Social Services Act;

- direct the State Planning Agency to set up an interagency child care advisory committee to develop policy, advise member agencies, and perform other tasks;
- require the commissioner to establish pilot project toll-free information service for child care providers to assist people in finding child care services;
- require the commissioner to revise the family foster care rules by Dec. 31, 1989 (formerly Dec. 31, 1988).

Paternity

Provisions:

- create a presumption of paternity if evidence of blood tests establish a probability of 99 percent or greater;
- extend the time period for bringing certain actions to establish non-paternity;
- establish standards for blood tests in parentage actions.

Special Needs Children

Provisions:

- authorize the commissioner of human services to reimburse up to \$2,000 for non-recurring adoption expenses for children with special needs;
- authorize post-adoption service grants;
- authorize county welfare boards to require a contribution from the child and parent based on their ability to pay toward costs of the juvenile's court-ordered treatment;
- declare an individual eligible to receive unemployment benefits if he/she is a dislocated worker in training;
- expand the services under the Department of Jobs and Training's Youth Employment Program to include transitional services;
- authorize the commissioner of natural resources to contract for or provide remedial skills, life skills, and career counseling to youths in the Minnesota Conservation Corps Program and to evaluate the program's effectiveness.

Head Start Program

Provisions:

- designate the Department of Jobs and Training as responsible for administering the Head Start Program;
- authorize the commissioner of jobs and training to:

- make grants to public or private nonprofit agencies to supplement federal funds for the program; and
- distribute money to program grantees to expand services to low-income children;
- allow the commissioner to use up to 11 percent of the funds annually to provide grants to local Head Start agencies for various services;
- require grantees to submit an annual report to the commissioner by Jan. 1;
- direct the commissioner to prepare an annual report for the Legislature concerning the uses and impact of Head Start supplemental funding.

Hospitality Host Program

Provisions:

- establish a Hospitality Host Older Worker Tourism Program in the Department of Jobs and Training to:
 - create employment for low-income people age 55 or older;
 - raise the income of older people living in poverty; and
 - promote tourism in selected local areas;
- require the commissioner of jobs and training to set program goals and objectives, and monitor the program;
- require the Arrowhead Economic Opportunity Agency to submit an annual report to the commissioner regarding the program.

Dislocated Worker Program

Provisions:

- require the commissioner of jobs and training to:
 - establish and oversee an early warning system to identify industries and businesses likely to experience large losses in employment; and
 - encourage businesses considering a plant closing, substantial layoff, or relocation, to give notice of that decision as early as possible to the commissioner, employees, and any other affected parties;
- require employers giving notice of plant closings and substantial layoffs to provide the commissioner with the names, addresses, and occupations of terminated employees;
- direct the commissioner to establish a rapid response program to assist employees, employers, and others

responding to plant closings and substantial layoffs;

- allow the commissioner to make grants up to \$10,000 to organizations to provide an initial assessment of feasible alternatives to plant closings or layoffs; set requirements for grant applicants;
- require the commissioner to:
 - report monthly to the Governor's Job Training Council on grants and studies; and
 - establish performance standards for programs funded under the rapid response program.

Asbestos Work

Provisions direct that the initial certificate the commissioner of jobs and training issues to an employer for performing asbestos-related work must expire one year after the completion date of the approved training course diploma.

Fee Increases

Provisions:

- increase the marriage dissolution fee from \$55 to \$75 and direct distribution of the fee proceeds as follows:
 - \$35 to grant programs for battered women and displaced homemakers;
 - \$20 to the commissioner of corrections for local programs;
 - \$16.75 to the Department of Corrections; and
 - \$18.25 to the Department of Jobs and Training (DJT);
- increase the marriage license fee from \$45 to \$65 and direct distribution of a portion of the fee proceeds as follows:
 - \$16.75 to the commissioner of corrections for battered women's programs; and
 - \$33.25 to the DJT for displaced homemakers' programs.

Child Support

Provisions:

- state that certain public assistance benefits are non-income for purposes of determining child support or maintenance awards;
- authorize the court to order a person required to pay child support, who earns less than \$400 per month, to perform community services to fulfill his/her obligation;
- expand a current Dakota County pilot project allowing administrative collection of child support; permit the

commissioner of human services to designate counties to participate in the administrative process;

- permit parties to appeal orders under this section to the state Court of Appeals (formerly the chief administrative law judge reviewed such decisions);
- require the state Supreme Court to develop a standard automatic withholding form for use in all courts, including an exception for waivers, by Jan. 1, 1990;
- require counties to use automatic support and maintenance withholding in



The Christopher Columbus statue stands above a granite bench facing the Historical Society (future Judicial Building) on Cedar Avenue. Minnesota's Italian population presented the statue to the state in 1931. Historical Society pictures show a turnout of thousands of people at the dedication ceremonies. Nationally, we celebrate Columbus Day on Oct. 12.

all cases that the support enforcement authority enforces;

- permit the court to waive the automatic withholding requirements in certain circumstances;
- require a court order to obtain settlement funds held in a trust account for a child.

Child Protection

Provisions:

- create the crime of endangerment of a child and set gross misdemeanor† penalties for parents, legal guardians, or caretakers who endanger a child's health or person by willfully taking certain actions;
- provide a duty to report if lack of medical care may cause serious danger to a child's health;
- state that reliance on spiritual healing methods is not necessarily child maltreatment; provide that local welfare agencies may ensure the child gets needed medical care;
- expand the possible membership of the multi-disciplinary child abuse teams;
- require case consultation committee or subcommittee members to annually sign a data sharing agreement that assures their compliance with the Data Practices Act;
- provide that data which the case consultation committee or subcommittee acquires in exercising case consultation duties is confidential;
- prohibit case consultation members from discussing what happened at a meeting, except to carry out the case consultation plan;
- require the commissioner of human services, by Jan. 1, 1991, to:
 - establish a pilot program for peer review of local agency responses to child maltreatment reports;
 - designate local agencies subject to program review; and
 - appoint a peer review panel;
- set requirements for the panel;
- require the commissioner to report to the Legislature by Jan. 1, 1992 on the panel's activities and recommendations for the establishment of a permanent peer review system.

Other Provisions:

- provide exceptions to the hospital moratorium project;
- add eligible low-income households, disabled people, and refugee families with children to the list of outreach clients;
- require labor negotiations between the state and certain food stamp workers;
- require the commissioner of human services to report to the Legislature on the outcome of the inhalant abuse demonstration project by Feb. 1, 1991;
- authorize the commissioner to award planning grants to public or private agencies or programs to establish a treatment program for children under age 12 identified as inhalant abusers;
- establish a legislative task force to examine the role and future of community action programs in Minnesota;
- require the commissioner to adopt permanent rules for drop-in day care by April 1, 1990;
- authorize additional variances in day care center rules;
- allow the commissioner to consult with other sources in developing recommendations;
- exclude board and lodging establishments providing services for five or more mentally ill people from licensure under certain circumstances until July 1, 1990;
- direct the commissioner of health to study issues relating to hearing instruments and obtaining surety bonds†;
- require the commissioner of human services to study and report to the Legislature by Feb. 15, 1990, on exemptions to registration with the Board of Unlicensed Mental Health Service Providers;
- repeal laws relating to Department of Health hospital information and human services licensing;
- set various effective dates for this article.

Article 3—Health Care and Medical Assistance

Provisions:

- prohibit health plans and insurance policies from denying or reducing benefits because a person eligible for the Children's Health Plan or general

assistance medical care receives the services;

- coordinate payment and notification between providers, health plans, and state health programs.

Client Reimbursement Classifications Provisions:

- require the commissioner of health to:
 - establish reimbursement classifications based upon the assessment of each client in intermediate care facilities for the mentally retarded (ICF-MR); and
 - notify each client of the reimbursement classification;
- permit the client, the client's representative, or the ICF to request, in writing, within 30 days after receiving the classification that the commissioner reconsider the assigned classification;
- require the ICF-MR to provide the client's case manager, the client, or the client's representative with assessment forms and other documentation to support assessment findings;
- allow the commissioner to review the classification of all clients at a facility and to decide on reconsideration within 15 working days;
- permit the Department of Health to audit assessments of clients in ICFs-MR;
- direct the commissioner to adopt necessary rules.

Nursing Homes, Boarding Care Homes, and Supervised Living Facilities

Provisions:

- require licensed boarding care homes, nursing homes, and supervised living facilities to accept residents having the human immunodeficiency virus (HIV) or the hepatitis B virus, unless the person is ineligible for admission or the facility can't meet certain patient needs;
- require nursing homes, beginning Oct. 1, 1989, to have at least one staff member trained in adult cardiopulmonary resuscitation on duty at all times;
- provide exceptions to the nursing home moratorium;
- establish fines for certain nursing home deficiencies to comply with changes in federal law;

- require the commissioner of health to assess only one fine for facilities receiving more than one fine for the same violation;
- establish procedures for adopting a fine schedule;
- permit the commissioner to suspend admissions to a nursing home or certified boarding care home in certain circumstances;
- permit a nursing home or certified boarding care home to appeal a suspension order; state that the order remains in effect until final resolution of the appeal;
- require nursing homes to provide the commissioner and the Ombudsman for Older Minnesotans with the names of residents, guardians, and family contacts within five working days after the commissioner revokes, suspends, or denies renewal of a nursing home license; set a penalty for noncompliance;
- require the commissioner to hold a contested case hearing for license suspensions, revocations, and renewal denials within 60 days after initiating the proceedings;
- direct the court to issue a temporary order for appointment of a receiver within five days after receiving the petition when the court determines there is probable cause to believe an emergency exists in a nursing home or certified boarding care home;
- allow the commissioner of health to recommend that the commissioner of human services review the rates for facilities in involuntary receivership having needs or deficiencies which Department of Health documents;
- require the commissioner of health to establish a mechanism for hearing appeals on nursing and boarding care homes' transfers and discharges of residents; permit the commissioner to adopt permanent rules;
- authorize the commissioner to place a person to act as a monitor in a home in certain situations.

Nursing Assistants

Provisions:

- require the commissioner of health in consultation with the commissioner of human services to implement provisions of the federal Omnibus Budget Reconciliation Act of 1987 relating to training

and competency evaluation of nursing assistants in nursing or boarding care homes;

- require the state director of vocational technical education to develop curricula for nursing assistant training programs, and upon request, to provide technical assistance in developing nursing assistant programs;
- require the commissioner of health to approve the competency evaluation programs, and administer a test to nursing assistants who complete an approved training program and want to be listed in the nursing assistant registry;
- require nursing assistants hired between Jan. 1, 1979 and Jan. 1, 1990, to successfully complete an approved nursing assistant training program or enroll in the first available program; require nursing assistants hired after Jan. 1, 1990, to complete an approved nursing assistant training program and competency evaluation within four months from the date of employment;
- set a \$300 fine for nursing and boarding care homes that don't comply with certain provisions;
- classify the actual costs of tuition and reasonable expenses for nursing assistant training programs as reimbursable expenses under medical assistance (MA);
- require nursing and boarding care homes to reimburse nursing assistants for the costs of training; require the commissioner to adopt rules related to reimbursement under this section;
- change the definition of "review organization" to include MA and general assistance medical care professional services advisory groups or medical review agents established to provide recommendations on the medical necessity of a service or the prevailing medical standard;
- provide review organizations with a limited exemption from liability for damages or other relief.

Children's Health Plan (CHP)

Provisions:

- extend the age of eligibility for the CHP from age 9 to age 18;
- exclude special education services from CHP coverage;
- authorize the commissioner of human services to adopt rules to administer certain provisions.

Medical Assistance (MA) Hospital Reimbursement

Provisions:

- allow the commissioner of human services to reduce payment rates to avoid reduced federal financial participation resulting from rates in excess of Medicare limits;
- allow the commissioner to combine diagnostic classifications into diagnostic categories, and establish separate categories based on program eligibility or hospital peer group;
- require the commissioner to establish operating payment rates per admission for each hospital based on the cost-finding methods and allowable costs of the Medicare program, for rate years beginning Jan. 1, 1991, and every two years after (or more frequently as the commissioner determines);
- require the commissioner to adjust rates for the rate year beginning Jan. 1, 1991, to ensure that all hospitals are subject to the hospital cost index limitation for two complete years; strike existing language related to special considerations;
- prohibit individual hospital payments for admissions during the rate year from exceeding, in the aggregate, the charges for the MA-covered inpatient services during the same time period;
- allow limiting certain services separately from other services;
- provide instruction in calculating payment rates; require the commissioner to notify hospitals of payment rates by Dec. 1 of the year preceding the rate year;
- require hospitals to charge the MA program no more than they charge the general public, nor more than the lowest charge to any other payor;
- require the commissioner to consider certain circumstances when determining payment rates; outline procedures for appealing payment rates;
- prohibit hospitals from limiting MA admissions to percentages of capacity or quotas unless they limit all payors in the same manner;
- prohibit transferring MA patients to other hospitals without the explicit consent of the receiving hospital;
- direct the commissioner to establish a transition period for the calculation of

payment rates from July 1, 1989 to Dec. 31, 1990;

- direct the commissioner to contract for an evaluation of the inpatient and outpatient hospital payment systems, and report to the Legislature by Jan. 15, 1991;
- require the commissioner to adopt permanent rules to implement provisions related to hospital reimbursement.

Other Medical Assistance (MA)

Provisions:

- exempt Aid to Families with Dependent Children (AFDC) recipients who are refugees, and for whom the federal government pays 100 percent of their health services, from enrolling in a prepaid health plan during the period they receive assistance from the federal government;
- give the commissioner of human services greater flexibility to use competitive bidding to provide items under MA;
- require the commissioner to award a grant to an eligible organization to conduct a statewide campaign promoting early prenatal care;
- provide that the methodology for calculating income for MA eligibility for the aged, blind, and disabled must be the same method for calculating income for the supplemental security income program, unless otherwise specified;
- require the commissioner to deduct state and federal income taxes and Federal Insurance Contributions Act (FICA) payments withheld from an individual's earned income when determining eligibility;
- establish the same method of calculating assets for all families and children on MA;
- exclude prepaid funeral contracts, insurance policies with cash surrender value, and certain other items from the assets counted when determining MA eligibility;
- raise the income eligibility limit for MA from 115 percent to 120 percent of the income standard for family size;
- allow a person on a MA spend down to have medical expenses deducted at the beginning of a one-month budget period or the beginning of a six-month budget period;
- set MA eligibility guidelines for

infants, children, pregnant women, and people who are entitled to certain Medicare benefits.

Institutionalized Spouse Income Provisions:

- require certain deductions from an institutionalized person's income;
- modify the treatment of spousal assets and income when determining medical assistance (MA) eligibility for nursing home services to conform to changes in federal law;
- declare that an institutionalized person is ineligible for long-term care services for a specified time period if that person gave away, sold, or disposed of any asset for less than fair market value within a specified time period; continue eligibility if the person transfers a homestead for less than fair market value and other circumstances existed;
- allow exceptions for transfer of other assets;
- authorize extended payment of MA for up to 12 months for people who lose eligibility for Aid to Families with Dependent Children; require an MA eligibility redetermination for people under age 21;
- strike language permitting MA payment in limited circumstances for nursing care provided to patients in swing beds, effective July 1, 1990;
- allow MA reimbursement at a lower rate for special transportation provided to non-ambulatory people who don't need a wheelchair lift van or stretcher-equipped vehicle;
- state that MA covers medical services identified in a recipient's individualized education plan only if a Minnesota school district enrolled as a MA provider gives the services and meets other requirements;
- limit MA coverage for organ and tissue transplant procedures to Medicare-covered procedures;
- allow the commissioner of human services to reduce payment rates for MA providers receiving federal funds to avoid reduced federal financial participation resulting from rates in excess of Medicare limitations;
- require the Preadmission Screening Program to assess the active treatment needs of individuals screened in cooperation with qualified mental

health and mental retardation professionals;

- permit a qualified county case manager to act as a qualified mental retardation professional if the case manager meets the federal definition; allow counties to contract with public or private agencies or individuals who aren't service providers to provide guardianship services for these clients;
- allow the commissioner to contract with qualified agencies or people to provide case management services to MA recipients who are at risk of institutionalization due to brain injuries and who meet certain criteria;
- require the Department of Human Services to fund case management contracts using MA administrative funds; list requirements for case management contractors.

Nursing Home Reimbursement Changes

Provisions:

- state that nursing or boarding care homes that receive notification to suspend admissions are ineligible to receive payment for admissions that occur during the effective dates of suspension;
- exclude Public Employee Retirement Act contributions from the definition of "fringe benefits";
- limit the negotiated payment rate for services provided to ventilator-dependent people;
- strike language exempting certain employee pension contributions from the care-related and other operating cost limits;
- set the replacement-cost-new per bed limit for a single bedroom at \$49,907, beginning July 1, 1989; require annual adjustments beginning Jan. 1, 1990;
- strike language requiring the commissioner of human services to adjust a nursing home's property-related payment rate for savings resulting from refinancing;
- modify the property payment rate calculation formula for certain nursing homes;
- strike special rate language for certain intermediate care facility chemical dependency programs;
- allow the commissioner of human services to grant an adjustment to the nursing home's payment rate after the

commissioner of health recommends a rate reviewal;

- allow the commissioner of human services to recover amounts paid in cases of a sale or transfer of the nursing home;
- require the commissioner to determine a one-time nursing staff adjustment to the payment rate to upgrade the nursing staff of certain homes to meet minimum standards of the federal Omnibus Budget Reconciliation Act of 1987, effective Jan. 1, 1990 to June 30, 1991;
- require the commissioner to add 30 cents per resident day to nursing home payment rates for rate period beginning Jan. 1, 1990 through June 30, 1991; prohibit making the adjustment to freestanding boarding care homes;
- require the commissioner to determine a one-time adjustment to the payment rate of a freestanding boarding care home necessary for that home to comply with OBRA; limit the adjustment to \$300 per bed per year;
- change the method of allocating property costs to therapy services billed separately from a nursing home's payment rate;
- require nursing homes that offer special services to make them available to all residents; prohibit a nursing home from receiving medical assistance (MA) payments if the home refuses to purchase special services;
- require nursing homes certified as skilled nursing facilities under the MA program to have all skilled beds Medicare-certified;
- prohibit certain intra-facility skilled nursing bed transfers;
- allow the commissioner of human services, in consultation with the commissioner of health, to establish a receivership fee payment exceeding a long-term care facility payment rate;
- permit the commissioner of human services to adjust the program operating cost rates of intermediate care facilities for people with mental retardation based on a comparison of client service characteristics, resource needs, and costs;
- permit the commissioner to conduct and administer an experimental project to determine the effects of competency-based wage adjustments for direct-care staff on quality care and active treatment for people with mental retardation or related conditions;

- direct the commissioner to exempt recipients who have private coverage through a health maintenance organization or are eligible for MA through the spend down from the limitation of choice provision;
- allow recipients enrolled with a prepaid demonstration project provider who ends participation to change providers within the first 60 days of enrolling with a new provider;
- allow the commissioner to continue the prepaid MA demonstration project after June 30, 1990, if the federal government grants necessary authority.

General Assistance Medical Care (GAMC)

Provisions:

- make technical changes;
- expand eligibility for GAMC to people over age 18 residing in an institution for mental diseases who would otherwise be eligible for medical assistance (MA); prohibit certain transfers of assets;
- expand the services available under GAMC coverage;
- require the commissioner of human services to base payments for GAMC services on MA program methods unless otherwise provided by statute or rule;
- strike language crediting cigarette tax money to the public health fund;
- require the commissioner to:
 - contract with an independent financial consultant to analyze nursing home financial data and study the concept of a capital asset replacement fund; and
 - report to the Legislature by Jan. 1, 1990; †
- require the commissioner, in consultation with an advisory committee, to study nursing home workers' compensation costs and make recommendations to the Legislature by Jan. 1, 1990;
- require the commissioner of health to review state laws regarding the revocation, suspension, and nonrenewal of nursing home licenses, and provisions relating to controlling individuals and managerial employees;
- permit the commissioner of human services, from Jan. 1, 1989 through June 30, 1989, to pay GAMC and Minnesota Supplemental Aid for anyone who is

- over age 18 and who would be eligible for MA if he/she didn't reside in a facility determined to be an institution for mental diseases;
- allow payment for certain services and provide rate exceptions for certain facilities determined to be institutions for mental diseases;
- repeal various provisions governing nursing homes, brain injuries, and health care programs;
- set various effective dates for this article.

Article 4—Mental Health

Adult Mental Health

Provisions:

- require the commissioners of human services and health to study and submit a report and recommendations on issues related to mental illness to the Legislature by Feb. 15, 1991;
- allow certain people trained in human services who receive clinical supervision from a mental health professional to provide emergency service during nonbusiness hours only until Jan. 1, 1991.

Case Management

Provisions:

- require county boards to:
 - provide case management activities for adults with serious and persistent mental illness by Jan. 1, 1989;
 - bill the Medical Assistance (MA) Program for case management service they provide to MA eligible individuals;
 - develop day treatment services by July 1, 1989, as part of the community support services available to adults with serious and persistent mental illness residing in the county; list day treatment service goals; and
 - screen all adults before admitting them for treatment of a mental disorder by Jan. 1, 1992, if public funds pay for the services;
- direct the commissioner of human services to appoint a task force to examine and evaluate mechanisms for client review and report to the Legislature by Feb. 15, 1990;
- require the commissioner's report on implementation of children and adult comprehensive mental health acts to

- include certain recommendations;
- require the commissioner to:
 - adopt permanent rules to implement the Minnesota Comprehensive Adult Mental Health Act and other provisions; and
 - consult with appropriate postsecondary institutions and establish a public/academic liaison initiative to coordinate and develop brain research and education and training opportunities for mental health professionals.

Children's Mental Health

Provisions:

- direct the commissioner of human services to create and ensure a comprehensive children's mental health service system consistent with the provision of public social services for children;
- direct counties to make case management, community support services, and day treatment services available to eligible children;
- require county boards, by Aug. 1, 1989, to notify mental health service providers of their obligation to refer children eligible as of Jan. 1, 1989, for needed services.

Coordination of Children's Mental Health System

Provisions:

- require coordination at the state and local level in the development and delivery of mental health services for children;
- require commissioners or designees from the departments of Human Services, Health, Education, State Planning Agency, and Corrections, and a Minnesota District Judges Association Juvenile Committee representative, to meet at least quarterly through 1992 to ensure coordination at the state level;
- require the commissioner of human services to supervise development and coordination of local children's mental health services and other services;
- direct the commissioner to require counties to develop treatment services and management activities for children with emotional disturbances by Jan. 1, 1992; set priorities for the provision of mental health services;
- require county boards to provide certain services within their children's mental health service system.

Local Service Delivery System

Provisions:

- require county boards to provide certain services within the children's mental health service system in areas of:
 - education and prevention;
 - early identification and intervention;
 - emergency care;
 - outpatient care;
 - family community support;
 - day treatment;
 - residential treatment;
 - acute care hospital inpatient treatment;
 - screening;
 - case management;
 - therapeutic support of foster care; and
 - professional home-based family treatment;
- list requirements for service provider contracts;
- require county boards to establish:
 - a local children's mental health advisory council or subcommittee of an existing mental health advisory council by Oct. 1, 1989; and
 - a council representing members of local systems of care and other organizations by Jan. 1, 1990, to develop recommendations to improve services for children with emotional disturbances;
- require residential, acute care hospital inpatient, and regional treatment centers to complete diagnostic screening within five working days of admission, and providers of outpatient and day treatment services to complete diagnostic screening within 10 working days of admission;
- require county boards, by Jan. 1, 1992, to have mental health professionals screen all children before admitting them for specified types of residential treatment;
- require the commissioner of human services to appoint a task force on residential and inpatient treatment services to evaluate admission and continued care review mechanisms and report to the Legislature by Feb. 15, 1990;
- require county boards to submit a children's local mental health proposal to the commissioner by Nov. 15, 1989.

Other Provisions:

- increase the State Advisory Council on Mental Health from 25 members to 30 members;
- allow members to receive per diem; clarify that the council does not expire;
- require the council to coordinate work of local adult and children's mental health advisory councils and subcommittees;
- add the commissioner of the State Planning Agency (or a designee) and other representatives to the subcommittee on children's mental health;
- decrease from 10 percent to 5 percent, the amount of the federal block grant for mental health services available to the commissioner for administration; increase from 10 percent to 15 percent the amount available for planning and evaluation;
- set guidelines for developing rules for serving people with mental illness; require the commissioner to report rulemaking status to the Legislature by Jan. 1, 1990;
- establish the office of medical director within the Department of Human Services and list the director's duties;
- direct the commissioner to establish a regional treatment center medical staff under the clinical direction of the medical director;
- require the commissioners of human services and health to study, report, and recommend to the Legislature, by Feb. 15, 1991, information on increasing specified services and medical assistance coverage for mentally ill people;
- repeal various provisions;
- set various effective dates for this article.

Article 5—Income Maintenance and Welfare Reform

Provisions:

- authorize disclosure of welfare data to the Department of Jobs and Training to verify receipt of energy assistance for the Telephone Assistance Plan (TAP);
- require that TAP applications include the applicant's social security number; state that the Department of Human Services (DHS) will deny applications lacking a social security number;
- increase annual funds to the DHS for TAP-related administrative costs from \$90,000 to \$180,000;
- authorize the commissioner of human

services, in consultation with the commissioner of jobs and training, to implement the work and training programs for food stamp recipients necessary to satisfy federal requirements;

- require the commissioner of human services to pay the nonfederal share of the costs of the MAXIS computer system and the child support enforcement systems.

Welfare Reform Proposal

Provisions:

- authorize the commissioner of human services, in coordination with administrators of other state agencies, to design a welfare reform system and seek congressional authority to begin the new program on a trial basis;
- require the commissioner to:
 - seek legislative funding for field trials if the program receives federal approval; and
 - design the program with specified goals;
- list eligibility requirements for the Minnesota Family Investment Plan (MFIP);
- adopt federal income exclusions when determining a family's available income with exceptions;
- permit families that aren't eligible for assistance through MFIP due to income or resources to apply for the food stamp program;
- require the MFIP, with approval from the federal government, to:
 - consolidate Aid to Families with Dependent Children (AFDC), general assistance, and food stamps into a single cash assistance program; and
 - authorize medical assistance (MA) for all MFIP-eligible families;
- provide that a needy family is eligible for assistance, regardless of AFDC "absent parent" requirements, if the family's income and resources don't exceed certain standards; provide eligibility for family members between age 18 and 60 who enroll at least half time in a higher education institution;
- state that the program expects all families eligible for MFIP assistance are in transitional status, i.e., pursuing independence or under county contract to do so;
- replace the AFDC dependent care deduction with a child care subsidy;

- list caregiver requirements and exemptions;
- provide an employment bonus for families leaving the MFIP as a result of increased earnings through employment;
- require counties, as much as possible, to make case management and support services available to MFIP participants who are independently pursuing self-sufficiency;
- direct counties to contact single parent families, who have received MFIP assistance 18 months within a 36-month period, to remind them that receipt of transitional assistance is contingent upon transitional status beginning with the 24th month of assistance;
- require counties to process applications in a timely manner and no later than 30 days after the application date, unless conditions for extension of the processing period apply;
- direct the commissioner to adjust the MFIP to reflect increases in federal food stamp allotments;
- authorize the commissioner to study families receiving MFIP to assess their relative financial condition.

Welfare Appeals

Provisions:

- clarify that people receiving direct assistance from the Department of Human Services may appeal a decision; provide that state actions under the family subsidy program and the Minnesota Family Investment Plan (when implemented) are appealable;
- specify that, except for prepaid health plans, service providers may not be parties to hearings under certain provisions;
- revise the appeal process for people enrolled in prepaid health plans under medical assistance or general assistance medical care;
- authorize local agencies to conduct telephone hearings for welfare appeals, and upon request, to reimburse applicants' appeal costs;
- authorize the commissioner of human services to issue a temporary stay prohibiting the demission of a client from a licensed residential or day program, pending the outcome of conciliation or appeal;
- authorize:

- human services referees to conduct a hearing and recommend an order to the commissioner, based on all relevant evidence;
- a party to request reconsideration of a commissioner's order within 30 days of issuance; and
- the commissioner to reconsider his/her own motion;
- specify that except for prepaid health plans, service providers cannot be parties to or seek judicial review of appeals brought under these provisions;
- specify that state or local agencies have a claim for food stamps and cash benefits provided to a recipient during the pending of an appeal if a recipient is later found ineligible.

Refugee Services

Provisions:

- define "social adjustment services" to include various kinds of treatment, counseling, aftercare, referral, and crisis intervention;
- define "refugee" as a person to whom the federal Immigration and Naturalization Services has granted refugee or asylee status;
- require the commissioner of human services to:
 - establish a grant program to provide social adjustment services to refugees residing in Minnesota who experience crises; and
 - select projects for funding which service providers experienced in providing bilingual social adjustment services to refugees will administer;
- authorize a special grant program to provide specialized child welfare services to Asian and Amerasian refugees;
- require that selected projects use existing resources when possible, and present clear goals, timelines, and staff qualifications;
- require selected service providers to report certain information to the commissioner by June 30 of each year.

Aid to Families with Dependent Children (AFDC)

Provisions:

- amend AFDC laws to:
 - clarify the work requirements for people whose eligibility for assistance is based on unemployment; and
 - require certain full-time students in the AFDC Paths program to register

- for work;
- provide exceptions from the program's work requirement for:
 - people starting at age 60;
 - caretakers of children under age 6;
 - pregnant women after the third month of pregnancy; and
 - people employed at least 30 hours per week;
- amend language relating to mandatory school attendance of custodial parents under the AFDC Paths program to:
 - add a requirement for assessment and planning of educational programs for custodial parents under age 20; and
 - allow case managers or social services agencies to intervene for custodial parents who fail to meet the schooling requirements;
- require each county to provide an orientation to all caretakers within its jurisdiction whom the commissioner of human services:
 - determines eligible for AFDC on or after July 1, 1989; and
 - requires to attend an orientation; specifies program contents;
- amend laws relating to the provision of case management services under the AFDC Paths program to make the definitions of "assessment" and "employability development plan" consistent with the Family Support Act;
- amend job search requirements in the AFDC Paths program to conform to the Family Support Act;
- authorize the commissioner to:
 - enter agreements with Indian tribes to provide employment and training programs;
 - establish additional Community Work Experience Programs; and
 - continue certain pilot programs to comply with the Family Support Act;
- authorize county agencies to develop on-the-job training programs that permit AFDC recipients to voluntarily participate;
- require the commissioner to review the AFDC standard of need;
- authorize at least four pilot projects for fraud prevention investigations of AFDC applicants; specify certain geographical areas for the pilot projects.

General Assistance (GA)

Provisions:

- restate the commissioner of human services' power to authorize payment of negotiated rates to congregate living facilities;
- authorize the commissioner to adopt rules to:
 - set eligibility for Aid to Families with Dependent Children Emergency Aid; and
 - pay general assistance (GA) to people with seasonal income;
- prohibit the commissioner of human services from making GA payments for foster care, child welfare services, or other social services; authorize the commissioner to issue vendor or voucher payments only under certain circumstances;
- define "resident" as a person living in Minnesota with the intent of making his/her home here; require proof of intent;
- clarify that the commissioner will reduce state aid for work readiness assistance to 65 percent if certain circumstances exist;
- require people eligible for GA because of illness or incapacity to have medical certification that the disability is expected to continue for more than 30 days;
- require the household member receiving care to have a medically certified disability if a person's GA eligibility is based on caretaker status;
- clarify that an individual eligible for GA based on placement in a treatment facility must reside in the facility;
- delete the following categories of people from eligibility for GA:
 - those eligible for displaced homemaker services; and
 - those unable to communicate in English;
- require people whose eligibility is based on having a pending Supplemental Security Income application to provide the county with medical proof of disability to justify continued payment of GA if the county denies their application;
- remove from and add certain categories to GA eligibility;
- authorize local agencies to provide assistance, using certain methods, to people who cannot verify their

- addresses; require recipients to claim need on a weekly basis in order to continue receiving aid;
- authorize work readiness assistance, delete the six-month limitation, and authorize emergency assistance for non-residents;
- require local agencies to:
 - determine work readiness grants using the same procedures as the GA program;
 - include certain plans and procedures in the work readiness program; and
 - prepare an annual work readiness plan and submit it to the commissioner of jobs and training;
- require participation in the work readiness program for certain people in work readiness assistance units;
- provide that mandatory registrants who fail to meet participation requirements will be terminated and disqualified from work readiness;
- require the state to reimburse local agencies for 92 percent of expenditures for work readiness service grants up to an average of \$260 annually per client;
- permit local agencies to terminate from the work readiness program anyone who refuses a suitable job offer or quits a job;
- provide notice and hearing rights for people failing to comply with work readiness requirements after the certification period;
- authorize local agencies to provide start work grants to work readiness clients to help them accept employment;
- require local agencies to:
 - work with local educational institutions and job training programs to assist functionally illiterate work readiness registrants;
 - conduct literacy assessments for functionally illiterate work readiness registrants; and
 - provide child care and transportation to enable people to participate in literacy training;
- require the state to reimburse local agencies for transportation costs; require counties to make every effort to ensure that child care is available;
- authorize local agencies to terminate work readiness payments for people who fail to attend orientation and to participate in the assessment and

development of the employment development plan;

- require local agencies to advise work registrants of the consequences of failing to comply with work readiness requirements.

Minnesota Supplemental Aid (MSA)

Provisions:

- provide that a negotiated rate payment made for a person eligible for MSA counts toward satisfying federal requirements for supplemental aid;
- state that people eligible for MSA who reside in state hospitals or negotiated rate facilities shall receive the same personal needs allowance that medical assistance clients receive;
- delete a provision relating to negotiated rates for MSA clients in room and board facilities;
- require that those eligible for MSA be a state resident and a U.S. citizen or legal alien;
- require county agencies to:
 - provide information to interested people about MSA; and
 - determine an applicant's eligibility for MSA as soon as they receive verification, but no later than 30 days after application for aged or blind applicants, and no later than 60 days for disabled applicants;
- require applicants to provide verification of eligibility information; state that failure to provide such information could result in denial or termination of assistance;
- exclude certain items from income when determining MSA eligibility;
- permit local agencies to make MSA special need payments in certain instances;
- require local agencies to make monthly payments to recipients and to determine the amount prospectively;
- allow local agencies to grant MSA emergency aid to recipients without resources to solve an emergency; require recipients to use all available income and resources, including property that can be liquidated, during the month in which the need for emergency aid arises;
- permit counties to place a recipient on protective payee status and make monthly payments to another person if the recipient's physical or mental condition or inability to use funds

interferes with his/her ability to handle basic needs;

- require the county to appoint as a protective payee someone interested in the client's welfare;
- require counties to give recipients 10 days written notice before terminating, suspending, or reducing a grant, and five days notice when they have verified and documented that the case facts require those actions;
- list cases where counties may give notice on the effective date of termination, reduction, or suspension;
- grant applicants or recipients the right to appeal if an agency displaces them, and the right to continue receiving a grant while an appeal is pending in certain instances;
- state that a person who obtains assistance by fraud is guilty of theft and subject to the certain sanctions;
- list duties of the commissioner of human services regarding MSA.

Negotiated Rate Reform

Provisions:

- provide that people eligible for general assistance (GA) or Minnesota Supplemental Aid (MSA) who reside in a congregate setting under a county-approved plan are eligible for negotiated rate payments;
- allow counties to make monthly payments for rates the county negotiated at the rate in effect on March 1, 1985, not to exceed specified amounts;
- state that the maximum negotiated rate doesn't apply to facilities licensed to provide semi-independent living services;
- exclude certain residences from the limit on negotiated rates;
- require the commissioner of human services to:
 - adopt statewide difficulty-of-care rates for adults in foster care;
 - adopt a statewide system of rates for people in negotiated rate facilities; and
 - adjust the negotiated rate annually according to increases in the Consumer Price Index;
- authorize counties to:
 - use voucher or vendor payments for negotiated rates payable on behalf of a GA client; and
 - appoint representative payees for MSA clients who can't manage their finances;

- remove the Work Incentive Program and add case management to the list of job-related services.

Indian Work Programs

Provisions:

- require the commissioner of jobs and training to review and comment on Indian tribe employment and training services, and approve or disapprove plans;
- require employment and training service providers under contract with Indian tribes to report to the tribe;
- require local service units to make fiscal year plans instead of calendar year plans, and to report use of Aid to Families with dependent Children (AFDC) funds for certain employment and training programs;
- require the commissioners of jobs and training and human services to review and comment on Indian tribe plans;
- repeal various provisions governing welfare reform, AFDC and Minnesota Supplemental Aid (MSA) simplification, and general assistance (GA) and work readiness;
- set various effective dates for this article.

Article 6—Regional Treatment Centers

Provisions:

- authorize the commissioner of human services to provide technical training assistance on a regional basis to community-based programs;
- require the commissioner to review:
 - funding for mental health services and report to the Legislature by Jan. 31, 1991; and
 - statutory preadmission screening requirements for psychiatric hospitalization in regional treatment centers (RTCs) and other hospitals and report to the Legislature by Jan. 31, 1990.

Chemical Dependency Services

Provisions:

- require regional treatment centers (RTCs) to:
 - provide certain services designed to end a person's reliance on chemicals and to increase effective and chemical-free functioning;
 - provide services primarily to adolescent and adult residents of Minnesota; and
 - establish programs in Anoka,

Brainerd, Fergus Falls, Moose Lake, St. Peter, and Willmar;

- require the commissioner of human services to notify parents, involved family members, and guardians about changes planned for RTCs.

Nursing Home Services

Provisions:

- authorize the commissioner of human services to phase down and close the Oak Terrace Nursing Home by July 1, 1992;
- require the commissioner to provide nursing home care to people who need and are eligible for skilled nursing care because of certain conditions;
- require counties to conduct preadmission screening;
- authorize nursing homes to enter into shared services agreements with other groups to provide services needed in the community;
- authorize facilities to provide respite care in certain situations.

Services for People with Developmental Disabilities

Provisions:

- allow the commissioner of human services to establish 24 state-operated residential programs and 14 state-operated day programs at certain locations for the least vulnerable regional treatment center (RTC) residents;
- require the commissioner to create a plan to provide continued RTC community-based residential and day programs for people with developmental disabilities at certain locations and report to the Legislature by Jan. 15, 1991;
- require RTCs to base administrative and professional staffs on campus;
- authorize the commissioner to seek advice from the Advisory Task Force on Services for Mentally Retarded Persons on when planning the transition of such people from RTCs to community-based programs;
- require state-operated services to include residential and day services;
- require the commissioner to:
 - consider certain factors when determining locations for state-operated facilities;
 - reimburse state-operated community intermediate care facilities (ICFs)

and training programs consistent with MA reimbursement requirements; and —seek parents, relatives, and interested people to assume private guardianship for people with developmental disabilities currently under public guardianship.

Services for People with Mental Illness

Provisions:

- update the list of regional treatment centers (RTCs) that serve people with mental illness;

- direct the commissioner to develop and submit the following to the

Legislature:

- a plan for a program for mentally ill people in southeastern Minnesota, by Jan. 30, 1990;
- a plan to establish a comprehensive treatment program at Faribault for people with brain injuries, by Jan. 1, 1990;

- a plan to establish 35 auxiliary beds at the Brainerd RTC for the Minnesota Security Hospital, by Jan. 1, 1990; and
- a plan to renovate or construct mental health facilities at Anoka, Brainerd, Moose Lake, and Fergus Falls, by Jan. 31, 1990;

- require the commissioner to use certain information to determine service needs of people with extreme mental illness;
- authorize the commissioner to establish a system of state-operated community services for people with mental illness, which may include residential treatment facilities for children, beginning July 1, 1991;

- require the commissioner to assess and improve the quality of community services to mentally ill people and report results to the Legislature by Jan. 31, 1993.

Discharge of People with Developmental Disabilities

Provisions:

- establish additional requirements for counties when screening people with mental retardation whom they may discharge from a regional treatment center (RTC);
- allow an individual who objects to a discharge to request a review under

existing appeal law, and to request reimbursement for certain expenses related to the appeal; prohibit RTCs from discharging a client while an appeal for discharge is pending;

- direct the commissioner of human services to distribute certain amounts of funds to counties for case management;
- require the commissioner to:

- conduct a study of parental involvement in private guardianship and in activities of screening teams for people with mental retardation; and
- contract for a study on the progress of people discharged from RTCs since 1985, due July 1, 1990;

- set various effective dates for this article.

Enactment: June 1, 1989
Effective: various dates

Higher Education— omnibus appropriations bill HF1747—G. Anderson for the Appropriations Committee SF1625*—Merriam

Chapter 293: appropriates money for education and related purposes to the Higher Education Coordinating Board, State Board of Vocational Technical Education, State Board for Community Colleges, State University Board, University of Minnesota, and the Mayo Medical Foundation, with certain conditions.

Appropriations

\$943,318,000	FY'90
\$1,014,642,000	FY'91

Total: \$1,957,960,000

Higher Education Coordinating Board

Total: \$83.6m; \$96.5m

Includes:

- Agency Administration: \$3.9m; \$3.0m
- State Scholarships and Grants: \$69.0m; \$82.6m
- Interstate Tuition Reciprocity: \$4.3m; \$4.3m
- State Work Study: \$5.3m; \$5.5m
- Minitex Library Program: \$1.0m; \$1.1m

Provisions:

- require the Higher Education Coordinating Board (HECB) to administer an income contingent loan repayment program to assist graduate students of certain Minnesota schools;
- allow the HECB to disclose applicant data to consumer credit reporting agencies.

State Board of Vocational Technical Education

Total: \$166.0m; \$174.1m

Includes:

- Instructional Expenditures: \$219.5m; \$230.5m
- Noninstructional Expenditures: \$6.5m; \$6.3m
- State Council on Vocational Technical Education: \$94,500; \$49,200

State Board for Community Colleges

Total: \$88.1m; \$99.6m

Includes:

- Instructional Expenditures: \$118.9m; \$134.9m
- Noninstructional Expenditures: \$12.0m; \$12.5m

Provisions:

- exempt state-owned land at Worthington Community College from tax levies until the state sells the land; effective day after enactment.

State University Board

Total: \$167.4m; \$179.2m

Includes:

- Instructional Expenditures: \$237.3m; \$253.5m
- Noninstructional Expenditures: \$10.7m; \$10.9m

Provisions:

- prohibit the state from making any further payments to maintain wood-fired boiler heating systems at Bemidji State University or St. Cloud State University; effective day after enactment.

University of Minnesota Board of Regents

Total: \$437.2m; \$464.3m

Includes:

- Operations and Maintenance: \$355.0m; \$377.6m
 - Instructional Expenditures: \$388.9m; \$413.9m
 - Noninstructional Expenditures: \$105.7m; \$111.8m

- Special Appropriations: \$82.2m; \$86.7m
 - Agriculture and Extension Service \$42.8m; \$45.0m
 - Health Sciences \$16.3m; \$17.4m
 - Institute of Technology \$3.5m; \$3.6m
 - System Specials \$19.5m; \$20.7m
 - 1) Duluth Campus \$540,800; \$551,600
 - 2) Morris Campus \$65,000; \$66,100
 - 3) Crookston Campus \$65,000; \$65,000
 - 4) Waseca Campus \$65,000; \$65,000
 - 5) Rochester Campus \$1.1m; \$1.3m

Mayo Medical Foundation

Total: \$1.0m; \$1.1m

Includes:

- Medical School: \$753,000; \$790,000
- Family Practice and Graduate Residency Program: \$281,000; \$291,000

Other Provisions:

- require the commissioner of finance to make base level adjustments in the 1992-93 biennium budget preparation for higher education systems;
- require each public postsecondary governing board to evaluate and plan for enrollment growth, and submit a preliminary report on the accommodation and recruitment plans to the Legislature by Sept. 1, 1989;
- create a program called "Bring Out Art Students' Talent" (BOAST) to display postsecondary students' award-winning art in the State Capitol complex;
- require the public postsecondary governing boards and the Higher Education Coordinating Board (HECB) to study mechanisms to encourage students to finish educational programs in a timely manner;
- require the State University Board, the Community College Board, and the State Board of Vocational Technical Education to study and make recommendations on the effects of adopting secondary school preparation requirements for incoming students;

- require the State Board for Community Colleges, the State University Board, and private postsecondary occupational and technical institutions to develop student tracking systems to determine the number of students successfully placed in occupations related to their education;
- extend deadlines for certain advisory committees and task forces;
- require each postsecondary system to:
 - study the effects of proposed programmatic and enrollment changes on other systems and campuses;
 - review current and projected uses of community outreach and extension programs; and
 - adopt and disseminate a clear, understandable written policy on sexual harassment and sexual violence;
- clarify tuition reciprocity agreements with Wisconsin and North and South Dakota;
- define "student," "independent student," "part-time student," and "resident student";
- expand, clarify, and determine eligibility for student grants, scholarship stipends, grant stipends, and awards, and the length of each type of financial aid;
- establish a child care grant program to provide money to eligible students to reduce their child care costs while attending eligible postsecondary institutions; direct the HECB to develop policies and adopt rules to implement and administer the program;
- require grant recipients to reimburse the HECB for overpayment;
- increase the capital bonding authority of the Higher Education Facilities Authority from \$150.0m to \$250.0m;
- require institutions to monitor and report on students' child care needs;
- authorize the State Board of Vocational Technical Education to adopt:
 - policies as necessary to perform its duties; and
 - temporary standards and issue temporary licenses to teaching and support personnel in certain situations;
- require the board to use all technical institute money and tuition solely for postsecondary vocational technical education;

- clarify guidelines governing levies for local school districts' share of technical institute construction costs;
 - extend the faculty exchange program; allow faculty exchanges between different systems; set guidelines for program management;
 - authorize the HECB to adopt emergency rules to award child care grants for the 1989-90 academic year;
 - establish guidelines for further expansion of the two-way interactive television system in higher education systems; effective day after enactment.
- Enactment:** May 30, 1989
Effective: July 1, 1989 with exceptions

**Red River Valley—
emergency flood relief**

HF1586*—Lieder, Tunheim, Dauner, Williams, Sparby
SF1444—R.D. Moe, Langseth, Stumpf

Chapter 41: appropriates money for emergency relief for Red River Valley area flooding and for an arbitration award.

Provisions:

- appropriate \$250,000 from the general fund to the commissioner of natural resources for emergency relief for flooding in the Red River Valley area of Minnesota;
- appropriate \$3.8m from the state building fund to the commissioner of administration to pay the State Office Building arbitration award; direct the commissioner of finance to sell and issue bonds to fund the arbitration award.

Enactment: April 21, 1989

Effective: day after enactment

State claims bill

HF0785—Lieder
SF0736*—Dahl

Chapter 225: appropriates money to pay various claims against the state.

Enactment: May 19, 1989

Effective: day after enactment

**State Departments—omnibus bill
HF0372*—Solberg, Simoneau
SF1631—Merriam**

Chapter 335: appropriates money for the general legislative, judicial, and administrative expenses of state government.

Provisions:

Article 1—Appropriations

\$573,599,900 FY'90

\$633,143,500 FY'91

Total: \$1,206,743,400

Minnesota Legislature

Total: \$44.6m; \$44.3m

Includes:

• Senate:

\$14.5m; \$14.5m

• House of Representatives:

\$19.9m; \$19.9m

• Legislative Coordinating Commission:

\$6.9m; \$6.4m

—Legislative Reference Library

\$783,000; \$803,000

—Revisor of Statutes

\$3.4m; \$3.6m

—Legislative Commission on the

Economic Status of Women

\$197,000; \$152,000

—Legislative Commission on

Employee Relations

\$94,500; \$95,500

—Great Lakes Commission

\$40,500; \$40,500

—Legislative Commission on

Pensions and Retirement

\$583,000; \$607,100

—Legislative Commission on

Planning and Fiscal Policy

\$100,000; \$100,000

—Legislative Commission to Review

Administrative Rules

\$121,500; \$124,000

—Legislative Commission on Waste

Management

\$145,200; \$149,300

—Mississippi River Parkway

Commission

\$29,000; \$30,500

—Subcommittee on Redistricting

\$700,000; \$0

—Legislative Coordinating

Commission - General Support

\$726,900; \$734,100

• Legislative Audit Commission:

\$3.3m; \$3.5m

—Legislative Audit Commission

\$15,000; \$15,000

—Legislative Auditor

\$3.3m; \$3.5m

Supreme Court

Total: \$11.4m; \$12.2m

Includes:

• Supreme Court Operations:

\$3.0m; \$2.9m

• Supreme Court Civil Surcharge:

\$1.3m; \$1.3m

• Family Farm Legal Assistance:

\$850,000; \$850,000

• State Court Administrator:

\$5.5m; \$6.2m

• State Law Library:

\$807,000; \$1.0m

• Base Cut:

(\$99,000); (\$101,000)

Court of Appeals

Total: \$4.3m; \$4.5m

Trial Courts

Total: \$25.4m; \$27.4m

Board on Judicial Standards

Total: \$163,000; \$163,000

Board of Public Defense

Total: \$2.7m; \$19.5m

Governor and Lieutenant Governor

Total: \$3.0m; \$2.9m

Includes:

• Governor's Residence Council:

\$2,000; \$0 **vetoed**

Secretary of State

Total: \$2.9m; \$3.0m

Includes:

• Elections and Publications:

\$332,000; \$573,000

• Uniform Commercial Code:

\$166,000; \$166,000

• Business Services:

\$632,000; \$632,000

• Administration:

\$523,000; \$399,000

• Fiscal Operations:

\$140,000; \$140,000

• Data Services:

\$214,000; \$214,000

• Network Operations Voter

Registration:

\$779,000; \$697,000

• Reports Renewals Registration:

\$145,000; \$223,000

• Base Cut:

(\$13,000); (\$15,000)

State Auditor

Total: \$576,000; \$576,000

State Treasurer

Total: \$597,000; \$572,000

Attorney General

Total: \$18.8m; \$18.1m

Includes:

• Government Services:

\$3.4m; \$3.4m

• Public Resources:

\$2.3m; \$2.3m

• Human Resources:

\$2.7m; \$2.7m

• Law Enforcement:

\$2.8m; \$2.8m

• Business Regulation:

\$2.8m; \$2.8m

• Legal Policy and Administration:

\$4.8m; \$4.3m

• Base Cut:

(\$172,000); (\$172,000)

Investment Board

Total: \$1.7m; \$1.7m

Administrative Hearings

Total: \$3.0m; \$3.0m

Department of Administration

Total: \$24.0m; \$23.7m

Includes:

• Operations Management:

\$4.0m; \$4.0m

• Information Management:

\$5.8m; \$5.8m

• Property Management:

\$7.8m; \$7.8m

• Administrative Management:

\$5.0m; \$4.8m

• Information Policy Office:

\$1.6m; \$1.6m

• Interagency Projects:

\$1.0m

• Base Cut:

(\$162,000); (\$162,000)

Capitol Area Architectural and

Planning Board

Total: \$229,000; \$229,000

Department of Finance

Total: \$8.5m; \$8.5m

Includes:

• Base Cut:

(\$169,000); (\$169,000)

Department of Employee Relations

Total: \$10.4m; \$9.6m

Includes:

- Administration: \$1.9m; \$1.9m
- Benefits: \$676,000; \$199,000
- Labor Relations: \$484,000; \$484,000
- Personnel: \$7.4m; \$7.1m
- Base Cut: (\$76,000); (\$76,000)

Department of Revenue

Total: \$65.4m; \$65.5m

Includes:

- Revenue Administration: \$19.1m; \$18.8m
- Tax Policy: \$3.1m; \$3.1m
- Taxpayer Service: \$11.1m; \$11.3m
- Operations: \$10.1m; \$10.1m
- Tax Compliance: \$22.7m; \$22.9m
- Base Cut: (\$618,000); (\$620,000) **vetoed**

Tax Court

Total: \$436,000; \$437,000

Department of Natural Resources

Total: \$132.1m; \$134.2m

Includes:

- Mineral Resources Management: \$4.8m; \$4.8m
 - Mineral Resources \$4.8; \$4.8
 - Mineland Reclamation \$408,000; \$408,000
- Water Resources Management: \$6.8m; \$6.7m
- Forest Management: \$25.0m; \$26.5m
- Parks and Recreation Management: \$17.1m; \$17.4m
- Trails and Waterways: \$9.2m; \$9.7m
- Fish and Wildlife Management: \$30.8m; \$31.1m
- Enforcement: \$12.6m; \$13.0m
- Field Operations Support: \$10.1m; \$9.3m
- Regional Operations Support: \$4.8m; \$5.0m

- Special Services and Programs: \$5.1m; \$4.9m
- Administrative Management Services: \$6.0m; \$5.9m

Zoological Board

Total: \$5.9m; \$5.0m

Pollution Control Agency

Total: \$25.9m; \$25.1m

Includes:

- Water Pollution Control: \$5.5m; \$4.2m
- Air Pollution Control: \$3.0m; \$3.5m
- Groundwater and Solid Waste Pollution Control: \$7.8m; \$8.3m
- Hazardous Waste Pollution Control: \$3.9m; \$4.1m
- Regional Support: \$52,000; \$52,000
- General Support: \$3.1m; \$3.2m
- Waste Tire Management: \$2.4; \$1.7m

Office of Waste Management

Total: \$1.7m; \$0

Department of Trade and Economic Development

Total: \$39.7m; \$37.8m

Includes:

- Minnesota Trade Office: \$2.3m; \$2.3m
- Business Promotion: \$4.4m; \$4.3m
- Tourism: \$8.2m; \$8.1m
- Administration: \$1.5m; \$1.5m
- Community Development: \$22.4m; \$20.6m
- Policy Analysis, Science, and Technology: \$1.2m; \$1.2m
- Base Cut: (\$210,000); (\$210,000) **vetoed**
- would have transferred \$2.0m from the Greater Minnesota Corporation to:
 - the Department of Trade and Economic Development for the capital access program;
 - Minnesota Project Innovation to provide research bridge grants; and
 - the Western Five Community Development Corporation to establish

a statewide system to aid small businesses to prepare proposals for and negotiate federal procurement contracts.

Amateur Sports Commission

Total: \$603,000; \$428,000

Housing Finance Agency

Total: \$12.6m; \$12.6m

Includes:

- Urban and Rural Homesteading: \$187,000; \$188,000
- Governor's Housing Commission: \$2.5m; \$2.5m

State Planning Agency

Total: \$6.1m; \$6.5m

Note: To correct an omission, Chapter 356 provides \$25,000 each year to an eligible Minneapolis organization for demonstration grants under the youth employment and housing program.

Minnesota Future Resources Fund

Total: \$10.0m; \$8.6m

Includes:

- Legislative Commission on Minnesota Resources: \$340,000; \$340,000
- Department of Natural Resources: \$2.2m; \$2.1m
 - Acquisition of Private Exploration Data \$75,000; \$75,000
 - St. Louis County Tract Index \$40,000; \$40,000
 - Groundwater Sensitivity \$362,000; \$362,000
 - River Bank and Meander Management \$100,000; \$100,000
 - Development of Forest Soil Interpretations \$25,000; \$25,000
 - Urban Forestry \$50,000; \$50,000
 - Impacts of Forest Road System \$85,000; \$85,000
 - Statewide Public Recreation Map \$285,000; \$285,000
 - Camper Survey \$15,000; \$15,000
 - American Youth Hostel Pilot Program \$130,000; \$130,000
 - Trails Planning and Management \$64,000; \$64,000

- Trail Right-of-Way Protection
\$75,000; \$75,000
- Ridgeline Hiking Trail
\$78,000; \$78,000
- North Shore Harbors Study
\$100,000; \$0
- Mississippi River Interpretive
Center Planning
\$30,000; \$30,000
- Urban Fishing Program
\$175,000; \$175,000
- North American Waterfowl Plan
Coordination
\$100,000; \$100,000
- County Biological Survey
\$75,000; \$75,000
- Purple Loosestrife Research
\$100,000; \$100,000
- Local Volunteer Coordination
\$25,000; \$25,000
- Accelerated Land Exchange
\$100,000; \$100,000
- Alternative Dispute Resolution
\$60,000; \$60,000
- LAWCON (Federal Land and
Water Conservation) Administration
\$40,000; \$40,000
- carry forward 1987 appropriations
for the Duluth Area Breakwater and
Swan Lake Area Wildlife Project
- Pollution Control Agency:
\$1.5m; \$1.5m
- Redesign Ambient Groundwater
Monitoring Program
\$98,000; \$98,000
- Minnesota River Basin Water
Quality Monitoring
\$350,000; \$350,000
- PCBs and Mercury in Public
Waters
\$250,000; \$250,000
- Biological Manipulation of
Wastewater Treatment Ponds
\$73,000; \$73,000
- Municipal Solid Waste Materials
Recovery
\$200,000; \$200,000
- Medical Waste Incinerator
Evaluation
\$125,000; \$125,000
- Dioxin From Incinerator Emissions
\$148,000; \$148,000
- Household Batteries Recycling and
Disposal
\$45,000; \$45,000
- Ash as Soil Amendment
\$50,000; \$50,000

- Health Risk Assessment Modeling
for Composting
\$40,000; \$40,000
- Contaminants in Minnesota
Wildlife
\$87,000; \$87,000
- Department of Trade and Economic
Development Recreation Grants
Program:
\$1.3m; \$0
- State Planning Agency:
\$280,000; \$280,000
- Statewide Land Use Update
\$225,000; \$225,000
- Hydrologic Model Applications
\$55,000; \$55,000
- Department of Health:
\$369,000; \$369,000
- Pesticide Breakdown Products
Survey
\$165,000; \$165,000
- Abandoned Well and Monitoring
Well Technologies
\$100,000; \$100,000
- Indoor Air Quality Assessment
Protocol
\$54,000; \$54,000
- Community Lead Abatement
Project
\$50,000; \$50,000
- Department of Agriculture:
\$295,000; \$295,000
- Pesticide Use Survey
\$45,000; \$45,000
- Biological Control of Pests
\$250,000; \$250,000
- Minnesota Historical Society:
\$347,000; \$347,000
- State History Center Exhibit
Planning
\$100,000; \$100,000
- County and Local Historical
Outreach
\$40,000; \$40,000
- Historical Data Base
\$50,000; \$50,000
- Heritage Trails
\$50,000; \$50,000
- Heirloom Seeds
\$20,000; \$20,000
- Preservation of Historic
Shipwrecks
\$37,000; \$37,000
- Implement Plan for Archaeological
Resources
\$50,000; \$50,000

- Science Museum of Minnesota:
\$255,000; \$255,000
- Water Education for Minnesota
\$150,000; \$150,000
- North Central Minnesota Water
Quality Education
\$75,000; \$75,000
- Aquatic Invertebrate Data Base
Development
\$30,000; \$30,000
- University of Minnesota:
\$2.5m; \$2.5m
- Aeromagnetic Survey
\$315,000; \$315,000
- Biogeochemical Prospecting
\$75,000; \$75,000
- Research in Taconite Refinement
\$100,000; \$100,000
- Program Design for Groundwater
Research
\$10,000; \$0
- Program Design for Lake Superior
Studies
\$25,000; \$25,000
- Land Use Impacts on Lake
Superior
\$120,000; \$120,000
- County-Level Groundwater Data
Management
\$43,000; \$43,000
- Chemical Transport in Goundwater
\$150,000; \$150,000
- Lake Aeration Techniques and
Hydrologic Forecasting
\$414,000; \$414,000
- Wetland Plant Communities
\$45,000; \$45,000
- Water Filter for Iron Removal
\$14,000; \$14,000
- Simulation of Future Forestry
Economy
\$50,000; \$50,000
- Oak Wilt Research
\$44,000; \$44,000
- Lignin-Based Engineering Plastics
\$54,000; \$54,000
- High Flotation Tire Research
\$20,000; \$20,000
- Aquaculture Development and
Education
\$100,000; \$100,000
- Sonar Measurement of Fish
Population
\$30,000; \$30,000
- Accelerated Soil Survey
\$600,000; \$600,000

—Test Emissions from Densified-RDF (refuse derived fuels)
\$75,000; \$75,000
—Peat for Containment of Municipal Incinerator Ash
\$75,000; \$75,000
—Evaluation of Peat in Poultry Waste Treatment
\$65,000; \$65,000
—Urban Gardening Program
\$45,000; \$45,000

• State University Board:
\$215,000; \$215,000
—Groundwater Quality Assessment Procedure
\$45,000; \$45,000
—Pilot County Groundwater Mapping
\$170,000; \$170,000
• Contingent Account:
\$500,000; \$500,000

**Department of Labor and Industry
Total: \$16.8m; \$16.6m**

Includes:
• Employment Standards:
\$937,000; \$937,000
• Workers' Compensation Regulation and Enforcement:
\$6.5m; \$6.4m
• Workers' Compensation Special Compensation Fund:
\$2.5m; \$2.5m
• Code Enforcement:
\$1.5m; \$1.5m
• OSHA:
\$1.3m; \$1.3m
• General Support:
\$2.3m; \$2.3m
• Information Management Services:
\$1.8m; \$1.8m

**Workers' Compensation Court of Appeals
Total: \$1.1m; \$1.1m**

**Bureau of Mediation Services
Total: \$1.8m; \$1.8m**

**Public Employment Relations Board
Total: \$65,000; \$65,000**

**Department of Military Affairs
Total: \$8.5m; \$9.5m**

Includes:
• Maintenance of Training Facilities:
\$5.6m; \$5.6m
• General Support:
\$1.4m; \$1.4m

• Enlistment Incentives:
\$1.6m; \$2.6m
• Base Cut:
(\$69,000); (\$69,000)

**Department of Veterans Affairs
Total: \$3.1m; \$2.6m**

**Department of Human Rights
Total: \$2.9m; \$2.9m**

**Indian Affairs Council
Total: \$313,000; \$313,000**

**Council on Affairs of Spanish-Speaking People
Total: \$190,000; \$190,000**

**Council on Black Minnesotans
Total: \$176,000; \$176,000**

**Council on Asian-Pacific Minnesotans
Total: \$153,000; \$153,000**

**Council on People with Disabilities
Total: \$520,000; \$520,000**

**Salary Supplement
Total: \$40.7m; \$89.0m**

Includes:
—General Fund
\$30.0m; \$60.8m
—Game and Fish Fund
\$1.4m; \$2.8m
—Trunk Highway Fund
\$11.5m; \$23.6m
—Highway User Tax Distribution Fund
\$301,000; \$618,000
—Workers' Compensation
\$532,000; \$1.1m

**General Contingent Accounts
Total: \$1.5m; \$750,000**

**Tort Claims
Total: \$319,000; \$319,000**

**Minnesota State Retirement System
Total: \$7.9m; \$8.5m**

• Includes:
—Legislators
\$2.3m; \$2.4m
—Judges
\$5.5m; \$5.9m
—Constitutional Officers
\$168,000; \$180,000
—State Employee Supplemental Benefits
\$17,000; \$17,000

**Public Employees Retirement Association
Total: \$14,000; \$14,000**

**Minneapolis Employees Retirement Fund
Total: \$10.4m; \$10.5m**

**Police and Fire Amortization Aid
Total: \$6.0m; \$6.0m**

**Pre-1973 Retirees
Total: \$6.0m; \$5.7m**

**Other Provisions:
General**

Provisions:
• provide post-retirement lump sum adjustment payments;
• permit constitutional officers and agencies to transfer unencumbered balances;
• direct the governor to study the growth of major state expenditure programs;
• permit the attorney general and revisor of statutes to assess fees for services;
• extend the capitol area boundaries;
• permit executive, judicial, and legislative branch employees to use payroll direct deposit and deductions;
• create a statewide telecommunications access routing system to provide voice, data, video, and other telecommunications transmission services to state agencies, educational institutions, public corporations, and state political subdivisions;
• change state building acquisition rules and the State Building Code regarding access for physically handicapped people;
• direct the Metropolitan Council to develop short- and long-term plans for existing and expected water use and supply in the metropolitan area;
• authorize the commissioner of employee relations to make career development grants to state employees to examine government practices;
• provide re-enlistment bonuses and tuition reimbursement for Minnesota National Guard members;
• provide for a corporate nongame wildlife income tax checkoff ("chickadee checkoff");
• transfer supervision of the Environmental Education Board from the Department of Natural Resources to the State Planning Agency.

Natural Resources

Provisions:

- provide additional appointments to the Environmental Trust Fund Citizens' Advisory Committee;
- create a legislative task force on minerals;
- make changes in computing the Department of Natural Resources' staff complement;
- provide exceptions for railroad right-of-way acquisitions;
- create Eurasian water milfoil education and management programs;
- establish the Minnesota conservation corps to provide employment opportunities for youths who are economically, socially, physically, or educationally disadvantaged and those who live in areas of substantial unemployment;
- create a taconite iron ore special advance royalty account to dispose of certain mineral lease money;
- provide for adjustments in game and fish fund fees; increase fees for hunting, fishing, trapping, and other licensed activities;
- impose a \$2 surcharge on certain watercraft 17 feet long or longer to manage purple loosestrife and Eurasian water milfoil;
- authorize the commissioner of natural resources to make shoreland management grants to local governments;
- create an interagency task force to establish a long-term program on exotic species management;
- change the source of payments for Indian agreements.

Pollution Control

Provisions:

- create an office and board of waste management;
- authorize the Pollution Control Agency to train sewage treatment system personnel;
- set monitor requirements for incinerators.

Trade and Economic Development

Provisions:

- establish:
 - a tourism loan program and account;
 - a project outreach corporation to facilitate the transfer of technology

- and scientific advice from the University of Minnesota to businesses and assist small- and medium-sized businesses in finding technical and financial assistance providers that meet their needs; and
 - a capital access program to provide capital to businesses to foster economic development;
- change provisions governing the Greater Minnesota Corporation;
- create a policy analysis and science and technology division, and abolish the Office of Policy Analysis within the Department of Trade and Economic Development.

Repealers

Provisions:

- repeal laws:
 - allowing certain complement exemptions;
 - providing for industrial or hazardous waste processing facility loans;
 - providing for the Council on Productivity and Quality;
 - restricting funding by the commissioner of trade and economic development of travel information centers;
 - granting certain powers to county and multicounty authorities;
 - allowing the Supreme Court to retain certain funds;
 - providing for judicial fees in civil actions and conciliation courts;
 - providing certain services and representation to criminal defendants;
 - repealing establishment of the Job Skills Partnership Program and board;
 - providing certain state cash bonus payments to Minnesota National Guard members;
 - relating to the Waste Management Board;
- set various effective dates for this article.

Article 2—Proceeds of Stripper Well Litigation

Provisions:

- appropriate \$3.6m to the commissioner of administration for the following grants:
 - Bemidji State University for research on the biotechnical conversion of peat to energy and other useful products
\$173,500

- University of Minnesota, Crookston for research on short rotation intensive culture of hybrid poplars for the production of petroleum substitutes
\$272,800

- Minneapolis Energy Office to develop programs to promote energy efficiency in multifamily buildings and small businesses
\$272,900

- University of Minnesota Southwest Experiment Station for research and on-farm adoption of energy efficient and conservation farming methods in Minnesota
\$336,000

- University of Minnesota, St. Anthony Falls Hydraulics Laboratory for economic hydropower development in Minnesota
\$284,000

- Self-Reliance Center for a low-cost furnace efficiency demonstration program
\$102,000

- Staples Technical Institute for a natural air and low-temperature grain drying demonstration project
\$45,000

- Energy Resource Center for a project evaluating domestic hot water supply options in multifamily buildings
\$107,500

- Upper Minnesota Valley Regional Development Commission for research and analysis of the biological, engineering, and economic issues surrounding the lowering of feedstock costs into polyhydroxybutyrate (PHBV) biodegradable plastic resin plants
\$255,000

- University of Minnesota Extension Service 4H Youth Development for a bicycle promotion program to increase the number of bicycle commuters
\$57,000

- University of Minnesota Cold Climate Research Center for research and demonstration projects using alternative sources of energy and to promote energy efficiency in buildings located in cold climates
\$724,000

—Department of Administration to administer the grants program

\$100,000

—A nonprofit cold weather resource center that meets certain conditions

\$700,000

—Amateur Sports Commission to operate the Blaine Sports Facility

\$150,000

- allow the commissioner of finance to transfer money from the general fund to the National Sports Center Special Revenue Account;
- require agencies or entities receiving appropriations to submit semi-annual progress reports and work plans;
- effective day after enactment.

Article 3—Judicial System

Provisions:

- require the state to assume some costs of the trial court system;
- require counties to redirect certain court revenues to the state;
- effective July 1, 1989.

Note: Chapter 356 changes some effective dates in this article.

Article 4—Fund Consolidation

Provisions:

- consolidate various special revenue and fund accounts into the general fund to simplify the existing accounting structure and develop an accounting organizational structure that reflects agency functional organizations;
- state that the consolidations aren't intended to restructure agency programs nor will they permit agencies to use fees for purposes other than for which the fees were created;

vetoed

- would have transferred economic development fund trustee and insurance accounts related to the energy loan insurance program to the special revenue fund energy loan insurance account.

- effective July 1, 1989 with exceptions.

Enactment: June 3, 1989

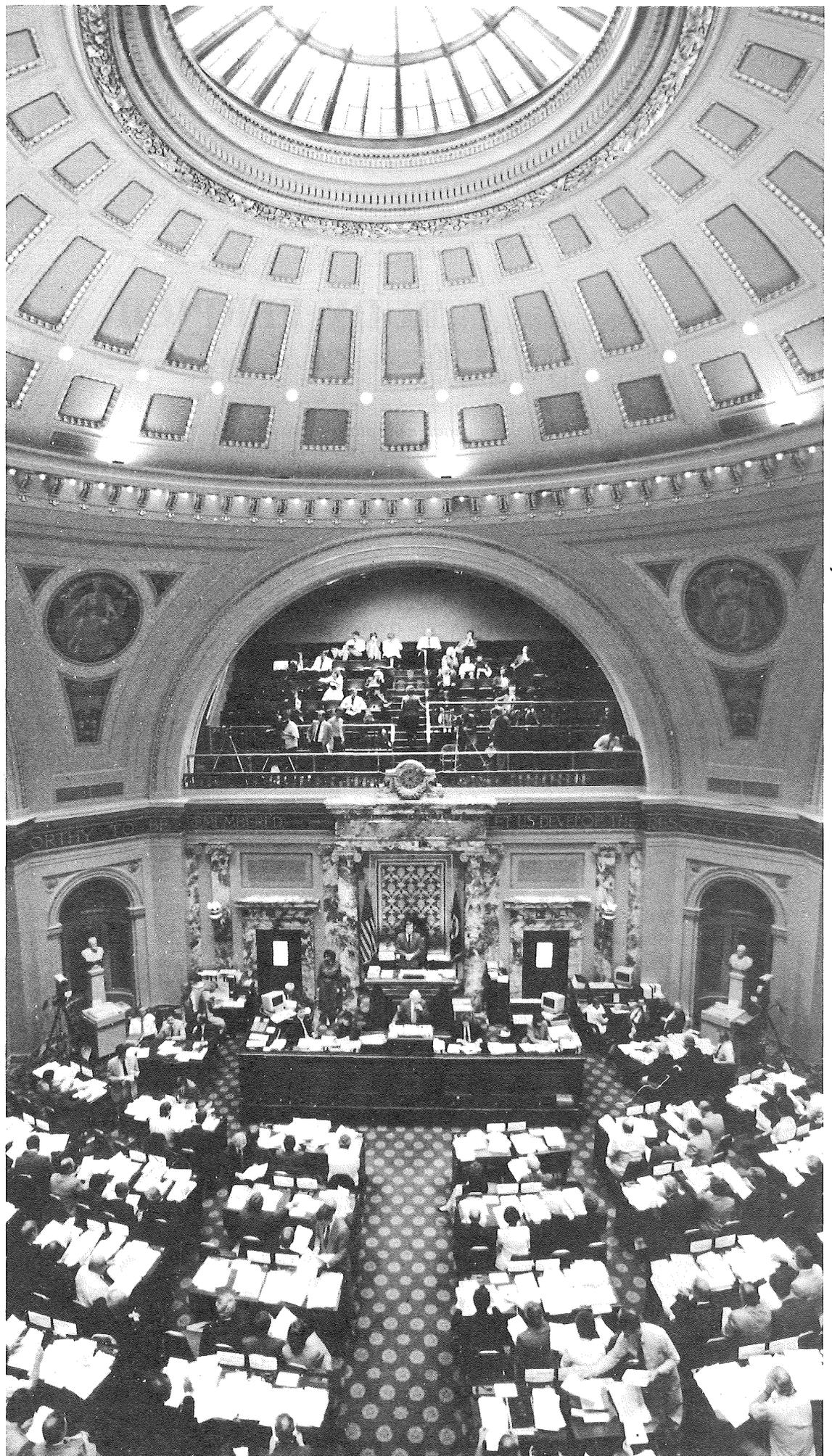
Effective: various dates



A bronze statue of Charles Lindbergh, the Lone Eagle, stands proudly on the Capitol Mall Approach, a tribute to one of Minnesota's favorite sons. Minnesota sculptor Paul Granlund depicts two Lindberghs: the national hero, standing straight and tall; and the boy whose dreams took flight, his arms spread like a bird's wings.

**1989
Special
Session**

*Members of the
Minnesota House
of Representatives
met in the Senate
Chamber from
Sept. 27 to Sept. 29
for the 1989 Special
Session.*





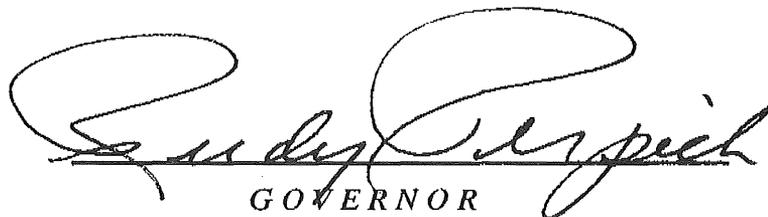
RUDY PERPICH

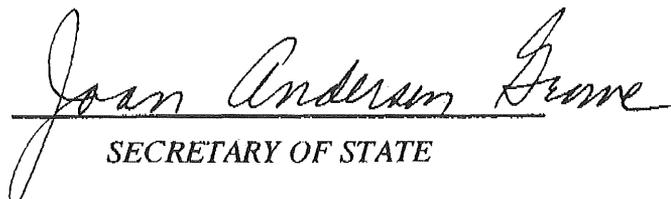
Governor of the State of Minnesota

- WHEREAS: *Final agreement on essential legislation affecting the health, safety and welfare of Minnesota citizens was not reached during the regular session of the Minnesota Legislature; and*
- WHEREAS: *The unfinished business includes essential items dealing with tax reform and operations of local governments; and*
- WHEREAS: *It is critical for the long-term fiscal stability of the state government, the economic future of the state and the needs of the people of Minnesota that such issues be resolved; and*
- WHEREAS: *The period of time allowed by the Minnesota Constitution for passage of such legislation has expired and an extraordinary occasion is thereby created; and*
- WHEREAS: *Article IV, Section 12 of the Constitution of the State of Minnesota provides that a special session of the Legislature may be called on extraordinary occasions; and*
- WHEREAS: *Elected leaders of the legislature have agreed on an agenda and procedures to complete a special session in the shortest time possible; and*
- WHEREAS: *Due to the current renovation of the chamber of the House of Representatives, it is necessary for the House to meet in the chamber of the Senate, but only after the Senate has passed a resolution granting consent to such use; and*
- WHEREAS: *It is therefore necessary to summon members of the House to convene at a time certain that is later than the time set for convening the Senate;*

NOW THEREFORE, I, Rudy Perpich, as Governor of the State of Minnesota, do hereby summon you, members of the Legislature, to convene in Special Session on Wednesday, September 27, 1989, the Senate to convene at 10:00 a.m. and the House of Representatives at noon on that day, in the chamber of the Senate in the Capitol in Saint Paul, Minnesota.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Minnesota to be affixed at the State Capitol this twenty-sixth day of September in the year of our Lord one thousand nine hundred and eighty-nine, and of the State the one hundred thirty-first.


GOVERNOR


SECRETARY OF STATE

1989 Special Session

In obedience to the Proclamation of the Honorable Rudy Perpich, Governor of the State of Minnesota, summoning the two houses of the Legislature to meet in Special Session, the members of the House of Representatives pursuant to a Special Session Senate Resolution assembled in the Chamber of the Senate at the Capitol in Saint Paul on Wednesday, the twenty-seventh day of September 1989, at 12:00 noon.

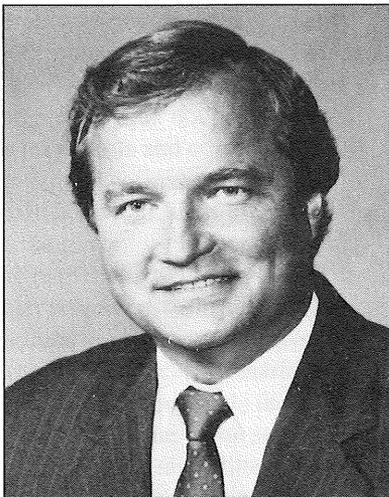
—*Journal of the House of Representatives
Special Session of the Legislature
Wednesday, Sept. 27, 1989*

Members of the House of Representatives met in the Senate Chamber during the Special Session beginning on Sept. 27, 1989.

On the first day, Speaker Rep. Robert Vanasek (DFL-New Prague) announced changes in committee assignments:

- Rep. Edgar Olson (DFL-Fosston) replaces Rep. Dee Long (DFL-Mpls) on the Ethics Committee, effective Sept. 11, 1989; and
- Rep. Dee Long (DFL-Mpls) replaces former Rep. Ann Wynia (DFL-St. Paul) as chair of the Rules and Legislative Administration Committee, effective Sept. 1, 1989. On June 21, 1989, members of the House DFL caucus elected Long to succeed Wynia as majority leader of the House. Wynia resigned to accept the governor's appointment as state commissioner of human services.

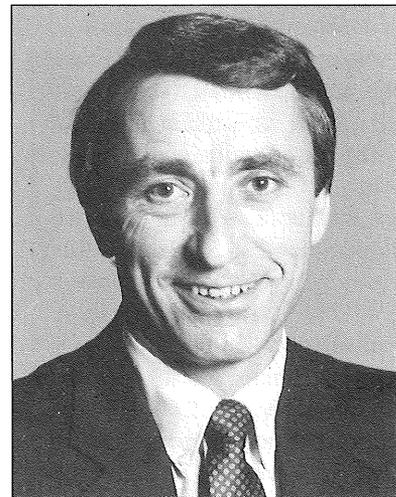
During the three-day session, House members introduced 25 bills and acted upon two, both of which the governor signed into law.



Robert Vanasek
Speaker of the House



Dee Long
Majority Leader



William H. Schreiber
Minority Leader



SPECIAL SESSION

Session Laws 1989— revisor's corrections

HF0002*—Rest, Dempsey
SF0004—Knaak, Merriam

Chapter 2: corrects miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors in laws enacted during the 1989 regular legislative session.

Enactment: Oct. 4, 1989

Effective: day after enactment with exceptions

Taxes—property tax changes

HF0001*—Long, Vanasek, Welle, Rest, E. Olson
SF0001—D.J. Johnson, R. Moe, Pogemiller, Novak, Stumpf

Chapter 1: provides for the financing and operation of government in Minnesota; changes tax rates and bases; provides new aids and credits; changes proposed property tax notice provisions; changes levy limits and other local government powers and duties; modifies certain bond allocation procedures; requires the governor to recommend spending reductions; sets the amount of the budget reserve; establishes plans and programs to reduce waste generated, recycle waste, develop markets for recyclables, address materials that cause special problems in the waste stream, prevent, control, and abate litter, and inform and educate the public on proper waste management; requires a mechanism to fund certain mental health services; and provides procedures for

allocating costs of certain human services between the state and county agencies.

Article 1—

State-Local Finance Reform

Provisions:

- contain a statement of policy for state-local finance reform including a discussion on the need for reform and the process for reform;
- provide as general principles to guide state-local finance reform in Minnesota that:

—state resources should finance all or most of the cost of program mandates†;

—political subdivision resources should finance all or most of the cost of nonprogram mandates and local programs that aren't state mandates; —a combination of state and political subdivision resources should finance programs that are shared responsibilities; and

—the state should assist in providing a basic level of local services at local tax levels that aren't excessive to address wealth disparities among political subdivisions and income disparities among individuals;

- direct the Legislative Commission on Planning and Fiscal Policy to:

—designate a joint legislative task force to make recommendations to the commission regarding the review of state aid programs;

—study state-local finance and make certain recommendations to the Legislature; and

—select mandates, state programs, and state aids for review and give priority to programs involving state payments to local governments;

- make the governor responsible for performing these reviews;
- direct the governor to submit recommendations to the commission if, after review, he/she determines that a state aid or mandate should be abolished or changed in a manner that would increase, decrease, or redirect the program's payments;
- require the amount of state aid proposed for reduction or elimination to be reserved in a contingent account and spent only for other property tax relief or state aid programs;
- require state departments and agencies

to prepare a fiscal note for any bill proposing a new or expanded mandate on a political subdivision that will identify the projected fiscal impact on both the state and affected political subdivisions;

- appropriate:
 - \$600,000 to the commission for FY'90-FY'91 to perform the duties this article imposes; and
 - \$100,000 to the commissioner of finance for FY'90-FY'91 to implement the fiscal note provisions, and add two staff positions;
- repeal provisions limiting the necessity for fiscal note preparation;
- set effective date for the article as day after enactment.

Article 2—Property Tax Classification

Provisions:

- change the term "tax capacity rate" to "class rate";
- define:
 - "gross tax capacity" as the market value multiplied by the appropriate gross class rate for that type of property; and
 - "net tax capacity" as the market value multiplied by the appropriate net class rate for that type of property;
- modify net class rates for the following types of property: residential homesteads; blind, disabled, paraplegic veterans homestead; agricultural homestead; timberland; agricultural nonhomestead; seasonal recreational residential; commercial seasonal 1C (homestead resort); commercial seasonal 4C (resort); residential nonhomestead (1-3 units); apartment (4 or more units); Farmers Home Administration in municipalities having fewer than 10,000 population (buildings); Title II, MFHA, Section 8 (buildings); vacant land; commercial, industrial, and public utility (real and personal); public utility (machinery); employment property; mineral; and railroad;
- increase the number of business days allowed for noncommercial resorts from 200 days to 225 days;
- allow a corporation or partnership to own class 1C property (homestead resort) if one of the shareholders homesteads the property;
- create a target class rate of 4 percent for all properties having a class rate of

5.06 percent; provide the phase-in percentage for taxes payable 1991 is 10 percent; provide a procedure for moving from the present rate to the target rate;

- require the governor to submit a recommended phase-in percentage for taxes payable in the following two calendar years when the biennial budget is submitted; require the budget to include funding for the increase in homestead and agricultural credit aid (HACA) which results from increasing the phase-in percentage for the target class rate;

- subject substandard housing to a higher class rate if the responsible authority finds it in violation of health, fire prevention, housing, and maintenance codes; establish a notice and appeal process;
- direct the Department of Revenue to study the effect of the changes in class rates that apply to farm homesteads for taxes payable in 1990, 1991, 1992 and thereafter as provided by this act; direct the commissioner to report to the Legislature by Feb. 12, 1990;
- set various effective dates for the article.

Article 3—Property Tax

Provisions:

- clarify, for purposes of equalization, that public utility personal property† is a separate class of property even though its tax capacity percentage is the same as commercial-industrial (C/I) property;
- limit the tax exemption for pollution control property to personal property (former law exempts both real† and personal property);
- include certain real and personal property as tax-exempt pollution abatement property;
- exempt property leased to a school district from property tax if it meets certain conditions;
- require property owners seeking an exemption for pollution control property to annually file a statement of exemption with the commissioner of revenue by Feb. 15, effective for taxes payable in 1990 and subsequent years;
- require county assessors to be Minnesota residents;
- require assessors, when valuing agricultural property under the “Green Acres” law, to use sales ratios for

similar properties outside of the metropolitan area, but in the same region;

- state that property qualifying for disaster relief is eligible for relief in the year following the disaster, as well as the actual year of the disaster; change the effective date of this provision from 1987 to 1986;
- impose additional restrictions on qualification for leasehold cooperative status, including limiting income and requiring property owners to provide disclosure materials to tenants before the tenants become members of a leasehold cooperative or before the owners convert a building to leasehold cooperative status;
- modify the calculation of taconite and supplemental homestead credit for taxes payable in 1990 to coordinate it with changes in the homestead credit;
- redefine terms used in computing homestead and agricultural credit aid;
- change the name “transition aid” to “homestead and agricultural credit aid” (HACA); direct the commissioner of revenue to annually recompute each taxing jurisdiction’s HACA; provide for certain subtractions from and reductions in HACA;
- provide fiscal disparity homestead and agricultural credit aid beginning in 1991 to compensate jurisdictions whose fiscal disparities distribution amount is reduced due to a change in the class rate on upper-tier C/I property;
- direct a recomputation of each jurisdiction’s disparity reduction aid for 1990 to reflect the computation of disparity aid after HACA, rather than before;
- direct the commissioner, rather than the county auditor, to compute the HACA guarantee amount and make any necessary adjustments in the following year;
- provide for a reduction in each county’s HACA amount beginning in 1991 equal to the county’s 1990 costs for certain state-paid human services programs;
- provide for the payment of fiscal disparities HACA;
- create a manufactured home HACA for 1990 and subsequent years which mirrors the computation of the regular HACA, but applies only to that portion of taxes that manufactured homes pay;

- provide for a C/I equalization refund for taxes payable in 1990 and 1991 for upper tier C/I property equal to 75 percent of the amount by which the effective tax rate exceeds the class rate, up to \$4,000 per claim and limited to a statewide dollar amount of \$10.0m per year;
- increase the distribution to the taconite property tax relief account from 12 cents to 15 cents per ton;
- provide for the determination of fiscal disparities contribution; distribute tax capacities and levies in years when the class rate for upper-tier C/I property changes;
- require counties, cities, school districts, regional railroad authorities, metropolitan agencies and the Regional Transit Board to annually report to the state auditor by Jan. 31 their estimated lobbying expenditures for the previous year;
- prohibit the market value for manufactured home parks for taxes levied in 1989 from exceeding the park’s market value for taxes levied in 1988;
- require the Department of Revenue to study the valuation and assessment of manufactured home parks and report findings and recommendations to the Legislature by Feb. 12, 1990;
- provide an appropriation on Jan. 1 and July 1, 1991, and each year thereafter from the general fund to a newly created county human services aid account (counties will deposit in the account 97 percent of the mortgage registration and deed tax);
- repeal obsolete taconite and supplemental taconite credit provisions;
- set various effective dates for the article.

Article 4—Local Government Aids

Provisions:

- provide that the levy which the taxing district certifies to the county auditor is the levy amount prior to adjustment for equalization aid;
- instruct the county auditor to deduct the equalization aid from the taxing district’s certified levies;
- include a town having a population greater than 5,000 in the definition of “city” for purposes of the regular local government aid formula;
- define “town” as a township having a population of fewer than 5,000 for purposes of local government aid;

- clarify that "net tax capacity" for use in the 1990 local government aid calculations is based on the tax capacity percentages in the 1988 tax law; state that local government aid for 1991 and subsequent years will use the tax capacity percentages provided in this act;
- reduce local government aid payments to counties by an amount equal to the cost to the state for assuming:
 - the costs of district court administration, trial court information system operation, and public defense services for juvenile and misdemeanor cases for Hennepin and Ramsey counties in 1990; and
 - the costs of court reporters, judicial officers, district court referees, and the expenses of law clerks and court reporters in 1992;
- increase the preliminary aid amount to each town by at least 6 percent over its 1989 local government aid amount;
- limit city aid increases beginning in 1990; guarantee that each city will receive a preliminary aid increase in 1990 of at least 2 percent of its 1989 local government aid amount;
- provide a tax base equalization aid for cities, excluding towns having a population greater than 5,000 and cities of the first class†; prohibit tax base equalization aid from exceeding 15 percent of the total local government aid for 1989;

- require the commissioner of revenue to notify the taxing authorities of their local government aid amount by Oct. 23, 1989, for aid payable in 1990;
- reduce the 1990 aid amount to each city and town by 3.4 percent of its adjusted net tax capacity (if the preliminary aid amount is less than the subtraction amount, the difference is deducted from equalization aid or HACA);
- repeal obsolete provisions on local government aid increases and alternative aid which is effective as a separate aid only for 1989; effective Jan. 1, 1991;
- set various effective dates for the article.

Article 5—Levy Limits

Provisions:

- define special levies for taxes payable in 1990 and subsequent years;
- permit new special levies for certain purposes;
- delay state takeover of income maintenance programs until 1991; limit human services special levies;
- define the levy limit base; provide that the 1989 base is the previous year's adjusted levy limit base plus the amount of administrative reimbursement aid received in 1988; list additional base adjustments;
- define a governmental subdivision's adjusted levy limit base for taxes levied in 1989 and thereafter as equal to the levy limit base plus certain increases;

- decrease the county adjusted levy limit base for payable 1990 by the additional state takeover of court costs that offset county local government aid;
- allow the commissioner of finance to deduct the penalty for exceeding the levy limit from either the governmental subdivision's local government aid (LGA) amount or its homestead and agricultural credit aid (former law only allowed the deduction from the LGA amount);
- increase Ramsey County's building fund levy to be consistent with the amount that the county may levy to pay principal and interest on bonds if it has an approved capital improvement plan;
- increase the maximum levy for housing and redevelopment authorities;
- convert the levy authority for the Red River watershed and the Aitkin County development levy;
- increase from \$50,000 to \$100,000 the annual amount that Aitkin County may appropriate out of its general fund to promote economic and agricultural development for 1989 and 1990;
- exempt Itasca County from penalties for exceeding the levy limit for the amount levied under 1988 law for economic development purposes; provide a levy limit exception for the county for taxes levied in 1989 and 1990 for the same purpose;



On Sept. 27, the first day of the Special Session, House members numbering 133 (one seat vacant) doubled up in the 67-seat Senate Chamber. The House Chamber is under renovation which is scheduled to be finished before the 1990 session begins.

- repeal all city, town, and county levy limits (overall, per capita, and tax rate limits);
- set various effective dates for the article.

Article 6—Education

Provisions:

- increase the levy recognition shift for school districts and cooperative districts from 27.8 percent to 31.0 percent;
- increase the capital expenditure facilities and equipment aid to school districts by increasing the equalizing factor used to determine the levy from 70 percent to 100 percent of the general education equalizing factor;
- require the Department of Education to reduce levies made to school districts that don't receive capital expenditure equipment and facilities aid if the department must prorate the aid to districts that receive it (keeps capital expenditure revenue constant for all school districts in the event that the aid appropriation must be prorated);
- freeze the equalizing factor for the health and safety levy at \$7,128.10;
- reduce the general education tax rate for the 1989 payable 1990 general education levy; set the 1990 payable 1991 general education levy at the rate that will raise \$845.0m statewide;
- create a process to determine the dollar value that will be transferred from a district's homestead and agricultural credit aid (HACA) to the district's educational aids;
- recalculate the basic transportation levy;
- clarify timelines for school districts to follow when submitting levy information to the department;
- increase the general education appropriation for FY'90 and FY'91 to reflect the transfer of HACA and the transfer of funds from the local government aid program; increase the appropriation for:
 - transportation aid to reflect the transfer of funds from HACA to education aid;
 - capital expenditure facilities aid to reflect the transfer of HACA and the increase from 70 percent to 100 percent of the equalizing factor; and
 - capital expenditure equipment aid to reflect the transfer of HACA and

- the increase from 70 percent to 100 percent of the equalizing factor;
- define adjusted gross tax capacity for purposes of education levy calculations for 1989 payable 1990 levies;
- set effective date for the article as day after enactment.

Article 7—Property Tax Refund and Targeting

Provisions:

- modify the homeowners' property tax refund schedule to extend eligibility to homeowners having household incomes between \$35,000 and \$60,000;
- establish a separate property tax refund schedule for renters;
- create a new targeting credit for taxes payable in 1990 through 1995 which will pay homestead property owners a portion of a tax increase greater than 10 percent over the previous year on the same property;
- create a new targeting credit for owners of seasonal, recreational properties for property taxes payable in 1990 only;
- require the governor, by Feb. 15, 1990, to recommend to the Legislature:
 - modification of the homeowners' property tax refund schedule to simplify the program and increase public awareness and participation;
 - modifications to increase eligibility which will result in up to \$10.0m in additional refunds for taxes payable in 1991; and
 - a separate credit to provide state refunds to homeowners having high effective tax rates on modest or low value homes and low or moderate incomes;
- direct the Department of Revenue to develop a new renter's schedule that increases eligibility and refund amounts by an amount equal to the state savings resulting from the rental property tax reductions;
- repeal the targeting credit for property taxes payable in 1995;
- set various effective dates for the article.

Article 8—Local Revenue Option

Provisions:

- increase the maximum rate for local lodging taxes from 3 percent to 6 percent; prohibit the combined rate of local lodging taxes and excise taxes authorized prior to 1972 from exceeding 6 percent;
- require local governments to use 95 percent of the revenue that the first 3 percent of any local lodging taxes generates for tourism and convention promotion;
- set the effective date for the article as Jan. 1, 1990.

Article 9—Proposed and Final Tax Notice

Provisions:

- change various dates relating to notice provisions for proposed property taxes;
- require school districts to designate on a school referendum ballot the number of years the referendum will be in effect;
- require the school board to notify each taxpayer of the anticipated impact of the referendum on certain types of properties;
- base the general education revenue reductions for excess fund balances per pupil unit on estimated fund balances;
- limit the period for railroad companies to request a meeting on their valuation to 10 days; require the commissioner of revenue to meet with the companies within 20 days of the valuation notice;
- require real estate sellers or buyers to file certificates of value with the county auditor within 30 days of the property's sale;
- require all utility companies doing business in Minnesota to annually provide information to the commissioner to enable the commissioner to establish valuations and equalization;
- require each taxing authority, except school districts, to adopt a proposed budget and certify the proposed property tax levy by Sept. 1;
- provide for the certification of levies for taxing authorities located in more than one county;
- require the state demographer to certify the population of each taxing authority and the commissioner of education to certify the number of pupils in each school district by Sept. 1;

- require county auditors to prepare and county treasurers to mail (first class) to individual property owners a notice of proposed property taxes by Nov. 10 each year; require certain information in the notices;
- require taxing authorities to reimburse counties for the costs of preparing and mailing the notices in excess of state reimbursements to counties;
- require cities and counties to hold public hearings between Nov. 15 and Dec. 20 each year to adopt final budgets and property tax levies; require school districts to hold such hearings during the same time period to adopt final property tax levies;
- permit the commissioner to authorize levies in excess of the proposed amount to pay certain unreimbursed costs of tort liability and costs incurred to clean up a natural disaster;
- require taxing authorities to provide proof of compliance to the commissioner; require county auditors to use the taxing authority's previous year's levy in cases where the commissioner determines the taxing authority hasn't complied;
- provide transportation off-levy formula adjustments in the second year following each fiscal year;
- require the county auditor to deliver county district lists to the county treasurer on the first business day in January rather than the first business day in March;
- require the commissioner to prescribe the form and contents of the property tax statement; specify certain items which the commissioner must include in the form;
- provide that unpaid personal property taxes become delinquent on May 16 (under former law, the first half property tax payment became delinquent on March 1 and the second half payment became delinquent on July 1);
- provide guidelines for state payments for agricultural preserves to affected taxing jurisdictions other than school districts;
- state that the population and household counts used to determine local government aid are the most recent estimate for the preceding calendar year;

- appropriate:
 - \$1.8m for FY'91 to the commissioner of revenue to reimburse counties for the costs implementing the notice provisions; and
 - \$140,000 for the biennium to the commissioner of education for the cost of implementation; add two staff positions;
- require each taxing authority other than a school district to:
 - adopt a proposed budget and certify a proposed tax levy to the county auditor by Nov. 15, 1989, for taxes payable in 1990;
 - publish a notice at least five weekdays before a public budget or levy hearing; prescribe hearing notice contents; and
 - certify its final levy for taxes payable in 1990 by Dec. 28, 1989;
- repeal laws relating to:
 - temporary rulemaking authority governing the taxation of railroad property; and
 - tax rate computation and public advertisements of local budget hearings;
- set various effective dates for the article.

Article 10—Income and Business Taxes

Provisions:

- require the state treasurer to pay political check-off money designated on income tax returns to the Ethical Practices Board on the 15th of the month following the month in which the state receives the returns;
- limit purposes for which political parties may spend check-off money;
- limit the valuation fee on life insurance policies to an annual maximum of \$1,000 per company;
- provide that mutual insurers† that write principally workers' compensation insurance qualify for the lower gross premiums tax rates for small mutual insurers;
- exempt from the retaliatory tax those companies from states that provide a reciprocal exemption for Minnesota companies or that don't impose a retaliatory tax (the retaliatory tax imposes tax provisions of the out-of-state insurance company's home state on Minnesota companies doing business there, if the result is a higher tax than Minnesota's regular tax provisions);

- allow insurance companies a net operating loss carryover deduction in computing their franchise tax liability;
- provide that insurance companies will determine their taxable income under the 1988 version of the Internal Revenue Code (formerly determined under the federal Revenue Act of 1936);
- modify the nexus rules governing secondary market purchases of Minnesota loans;
- exempt foreign insurance companies from the corporate franchise tax, unless the company's home state doesn't impose a retaliatory tax on Minnesota insurance companies;
- impose the Minnesota corporate franchise tax on exempt organizations' unrelated business income;
- impose a surtax on corporate franchise tax liability beginning for tax year 1990;
- increase the income thresholds at which the child care credit begins to phase-out, from \$12,200 to \$13,350; reduce the phase-out rate from 6 percent to approximately 5.1 percent;
- impose a new corporate alternative minimum tax beginning for tax year 1990;
- provide a formula for calculating Minnesota alternative minimum taxable income;
- modify the net operating loss provisions to allow insurance companies to deduct net operating losses in calculating taxable income in the same manner as other corporations;
- provide that Minnesota state lottery winnings paid to nonresidents are Minnesota income;
- permit corporations engaged in farming to apportion their income if the corporation meets certain criteria;
- clarify the definition of "participation loans" for purposes of the apportionment formula for financial institutions to include loans transferred or assigned (as well as sold) to a third party;
- allow corporations to take a 100 percent dividend received deduction for stock dividends received from an affiliated insurance company in a reorganization plan, if federal law or rules allow such a deduction;
- state that insurance companies will be taxed under their taxable incomes as measured under the current version of

the Internal Revenue Code (formerly under the federal Revenue Act of 1936);

- modify references in the taxation of nonprofit health service corporations, i.e., Blue Cross or Delta Dental, to be consistent with the changes in insurance company taxation;
- do not require exempt organizations to file returns under the unrelated business income tax provisions, unless federal law requires them to do so;
- limit the income tax liability of a husband and wife after a marriage dissolution to the proportion of the income tax on a joint or combined return that would be attributable to each spouse's income if they had filed separate returns;
- exempt certain income from the partnership withholding rules;
- direct the commissioner of jobs and training to withhold income taxes from unemployment compensation payments unless the recipient elects to be exempt from withholding within five working days of receiving the notice;
- require the state lottery to withhold 8 percent of state lottery winnings in excess of \$5,000;
- permit federal law enforcement and corrections employees to qualify for the pension exclusion for tax years 1985 and 1986 regardless of age, and to file amended returns for those years to take advantage of the exclusion;
- state that the purpose of the corporate alternative minimum tax changes in this act is to insure that all corporations with economic profits pay some corporate franchise tax and that the Legislature intends to continue studying this issue during the 1989 interim and 1990 legislative session;
- exempt all insurance companies, regulated investment companies, and cooperatives from the new alternative minimum tax for tax year 1990;
- repeal the alternative minimum tax equal to 40 percent of the federal alternative minimum tax liability;
- set various effective dates for the article.

Article 11—Real Estate Assurance Fund

Provisions:

- change references from the real estate assurance fund to the general fund regarding payment of damages arising from the sale of tax-forfeited property and fee deposits;
- set effective date for the article as July 1, 1989.

Article 12—Sales Taxes

Provisions:

- exclude sales tax from the penalty for substantial understatement of liability and impose a penalty of 10 percent of any additional sales tax assessed because of negligence or intentional disregard;
- exempt from sales tax:
 - meals provided at no charge or the bargain element of meals provided at a reduced charge to employees of restaurants, resorts, and hotels;
 - finger pricking devices and glucose monitoring equipment that diabetics use;
 - capital equipment in new or expansions of existing manufacturing facilities;
 - chair lifts, ramps, elevators, and building materials people use to install or construct these facilities in the homes of handicapped individuals, with certain restrictions; allow refunds in certain circumstances; and
 - state lottery tickets; instead direct the State Lottery Division of the Department of Gaming to pay 6 percent tax on the gross receipts from the sale of lottery tickets;
- extend sales tax to telephone services that a hotel provides to its guests;
- extend distressed county designations;
- set various effective dates for the article.

Article 13—Lawful Gambling Tax

Provisions:

- expand "lawful purpose" expenditures of charitable gambling net profits to include:
 - authorized local and federal tax payments;
 - real estate tax and assessment payments on licensed gambling premises that the licensed organization owns; and
 - approved construction, improvement, expansion, maintenance, and

repair of athletic fields and outdoor ice rinks that the organization or a public agency owns;

- require the Charitable Gambling Control Board to adopt procedures and standards to govern expenditures;
- include free play tickets valued at face value in the calculation of "ideal gross" and prizes;
- define "gross receipts" as all receipts from lawful gambling activity, including the following items, before reductions for prizes, expenses, shortages, free plays, or any other charges or offsets:
 - gross sales of bingo cards or sheets;
 - gross sales of raffle tickets and paddletickets;
 - the ideal gross of pulltab and tipboard deals less the value of unsold and defective tickets;
 - admission or other charges to participate in lawful gambling; and
 - interest, dividends, annuities, and profit from transactions or other income derived from gambling proceeds;
- define fiscal year 1990 from Oct. 1, 1989 to June 30, 1990, under lawful gambling laws; define all other fiscal years from July 1 to June 30;
- clarify that "face value" is the price per ticket printed on the ticket or the flare;
- define "free play" as a winning ticket labeled as a free play or its equivalent;
- permit allowable expenses of:
 - up to 55 percent of gross profits less taxes from bingo; or
 - 50 percent percent of gross profits less taxes for other forms of lawful gambling;
- prohibit the board from issuing a license after Oct. 1, 1989, if the Department of Revenue determines that the organization seeks licensing to evade or reduce taxes;
- prohibit anyone from selling, offering for sale, or furnishing gambling equipment obtained from an unlicensed manufacturer or distributor or that has the same serial numbers on equipment of the same type;
- increase from two years to 3.5 years the time organizations must keep their records;
- change the basic tax on tipboards and pull-tabs from 10 percent of ideal net to

2 percent of gross receipts less prizes paid, with certain exemptions;

- impose a combined receipts tax on gross receipts on lawful gambling, other than bingo;
- remove an exemption for interstate transportation of nonstamped tipboards or pulltabs;
- prohibit gambling employees from providing inside information to players;
- give the commissioner of revenue certain powers when conducting tax audits related to lawful gambling;
- set a late payment penalty and additional penalties for failing to file a return, intentional disregard of the law, filing false or fraudulent returns, and for sales after revocation, suspension, or expiration;
- provide criminal penalties for failure to file a return, filing a fraudulent return, and selling without a permit;
- provide for payment of interest, late payments, extensions, additional assessments, and erroneous refunds;
- allow taxpayers to ask the commissioner of revenue to reconsider an order assessing tax or denying a request for abatement or refund;
- declare the state as the sole supplier of all gambling equipment;
- direct the revisor of statutes to change the words "charitable gambling" to "lawful gambling" wherever they appear in statutes;
- set effective date for the article as Oct. 1, 1989.

Article 14—Tax Increment Financing (TIF)

Provisions:

- permit certification of the original tax capacity of hazardous substance sites and subdistricts on dates other than the assessment date;
- modify requirements for redevelopment districts;
- clarify that the development authority, rather than the municipality, will designate and oversee hazardous substance parcels;
- require the commissioner of the Pollution Control Agency to approve, modify, or reject proposed response plans within 60 days;
- expand TIF reporting requirements and city powers;
- require redevelopment districts to use 90 percent of tax increment revenues to

correct blighting conditions that can be used to qualify an area as a TIF redevelopment district;

- provide income limitations for TIF districts to qualify as housing districts;
- extend a transition rule for the city of Brooklyn Park through Oct. 31, 1989;
- direct the commissioner of revenue to pay homestead and agricultural aid to the cities of Falcon Heights and Lauderdale for certain TIF districts;
- permit the city of Moorhead to issue bonds for a convention and conference center and hotel until April 1, 1992;
- allow the city of Chanhassen to receive tax increments through 1992 to pay development costs for improvements to Hwys. 101 and 5 and district administrative expenses;
- provide rule exemptions for projects in the cities of Brooklyn Park, Inver Grove Heights, and Minneapolis;
- set various effective dates for the article.

Article 15—Budget Reserve

Provisions:

- set the budget and cash flow reserve account at \$550.0m;
- direct the commissioner of revenue, beginning in November 1990, to appropriate budget surpluses first to reduce the property tax levy recognition percent to 27 percent before allocating money to the budget and cash flow reserve account;
- set effective date for the article as day after enactment.

Article 16—Human Services

Provisions:

- authorize the state takeover of the county share of payment for certain welfare programs beginning July 1, 1991, for expenditures retroactive to Jan. 1, 1991; (Beginning in 1991, the state will pay 100 percent of the non-federal share of the costs of the following programs: Aid to Families with Dependent Children (AFDC); Medical Assistance (MA); General Assistance Medical Care (GAMC); General Assistance (GA); GA Work Readiness Grants; AFDC Emergency Assistance; GA Work Readiness Services; Minnesota Supplemental Aid; Preadmission Screening and Alternative Care Grants under MA; and AFDC Case Management for work and training programs);

- clarify financial responsibility for counties regarding provision of welfare services;
- set effective date for the article as day after enactment.

Article 17—Miscellaneous

Appropriations

(to administer the act)

Total: \$922,300

Commissioner of Revenue

Includes:

- Truth in Taxation: \$128,800
 - Charitable Gambling: \$107,500
 - Property Tax Refunds: \$94,000
 - Systems: \$250,000
 - Tax Samples: \$76,000
 - Commercial-Industrial Refund: \$266,000
- add seven staff positions for FY'91

Other Provisions:

- direct the commissioner of revenue to prepare a tax expenditure budget for the state every four years (formerly every two years) beginning in 1993;
- clarify legislative intent on exemptions for the gross earnings tax from interstate business;
- exempt public authorities responsible for child support enforcement from district court filing fees;
- exclude from the definition of "capital improvement" in the county capital improvement bonding laws certain recreation or sports facilities unless they are part of an outdoor park facility and are a complement to the primary purpose of outdoor recreation;
- clarify that counties may authorize separate issuances of county capital improvement bonds for a project at one public hearing;
- allow towns outside the seven-county metropolitan area to construct, operate, and finance municipal waterworks and sewer systems if the towns aren't in an orderly annexation process;
- extend border city enterprise zones eligibility to receive allocations for tax reductions;

- change multi-family housing project rules to:
 - increase application deposits for applicants who don't agree to the gross rent restrictions in the federal low income housing credit program; and
 - allocate bonding authority only to projects that agree to the federal rent restrictions for allocations through the last Monday in July;
- authorize Kandiyohi County to establish a county rural development finance authority and outline its authority;
- exempt the county's economic development districts from the requirements that such districts be contiguous† and meet the blight criteria under tax increment financing law;
- specify that a levy for Kandiyohi County's economic development authority (EDA) be treated as a special levy;
- authorize the town of Otsego to establish an EDA and to exercise the powers of a city under the EDA law;
- provide for continued taxation of a non-producing taconite facility;
- direct the governor to recommend the following spending reductions to the 1990 Legislature:
 - \$50.0m for FY'91; and
 - \$100.0m for FY'92 and FY'93;
- allow the North Pine County Area Hospital District to include noncontiguous cities and towns;
- exempt the Department of Revenue from the Revisor of Statutes' surtax on drafting fees for drafts submitted after Oct. 31 under certain circumstances;
- set various effective dates for the article.

Article 18—Recycling Requirements and Programs

Provisions:

- require the Department of Administration (DOA) to consider recycled content when purchasing commodities;
- require state agencies to:
 - buy recycled material when bid specifications allow, and when the cost is less than an additional 10 percent;
 - buy uncoated paper when practicable;

- include plastics in the definition of "recyclable materials";
- require the DOA to:
 - develop and implement a cooperative purchasing program with other units of government for purchasing recycled or recyclable materials; and
 - recycle 40 percent of state agency waste generated in the metropolitan area by Dec. 31, 1993;
- require political subdivisions and government agencies to pursue practices to procure recycled and recyclable materials;
- direct the Office of Waste Management (OWM) to make grants to people to develop markets for recycling;
- require metro counties to recycle 35 percent of their solid waste and non-metro counties to recycle 25 percent of their solid waste by Dec. 31, 1993;
- require each county to have at least one recycling center and provide for recycling of problem materials and major appliances; require cities of more than 5,000 population in the metro area and cities of the first† and second class† to have curbside pickup of recyclables; effective Oct. 1, 1990;
- require counties to ensure transportation of recyclables to market; allow counties to license recyclables collectors;
- require the OWM to establish a statewide transportation system for recyclables;
- direct the Pollution Control Agency to designate recycling centers which must be open at least 12 hours per week, 12 months per year;
- require the State Planning Agency to adopt model zoning criteria for placement of recycling centers;
- require the Department of Transportation to design and manufacture recycling center signs which the centers may purchase and post;
- require the DOA to study building, fire safety, and historical preservation code barriers to recycling and make recommendations to the Legislative Commission on Waste Management;
- set effective date for the article as day after enactment with exceptions.

Article 19—Revenue for Recycling and Solid Waste Programs

Provisions:

- require the Office of Waste Management to distribute money appropriated for recycling programs to counties based on population, with each county to receive at least \$55,000 a year;
- establish requirements and restrictions for receiving the money;
- allow counties to use special levies to pay the county matching funds requirement;
- require the commissioner of revenue to deposit in the general fund all revenue, including interest and penalties, derived from taxes imposed on solid waste collection services and to use it to pay for solid waste reduction and recycling programs;
- set effective date for the article as day after enactment with exceptions.

Article 20—Solid Waste Collection and Disposal

Provisions:

- define "major appliances" and "problem material" relating to solid waste collection and disposal;
- provide a misdemeanor penalty for anyone illegally disposing of a lead acid (automotive) battery;
- require local jurisdictions to license mixed municipal solid waste collectors;
- require licenses to include volume or weight-based pricing of collection services to the extent possible;
- allow the Pollution Control Agency to identify and label problem materials, including products for personal, family, or household purposes;
- authorize the commissioner of agriculture to adopt rules providing consumer information, labeling, and retail handling practices for pesticides;
- require the Office of Waste Management (OWM) to report to the Legislature by June 30, 1991, on a mechanism to indicate that products are environmentally sound;
- direct the OWM to develop plans for problem material processing and disposal and for separation and collection;
- prohibit placing a major appliance in solid waste disposal or processing facilities after July 1, 1990;
- require OWM to develop a plan to collect, process, and dispose of household batteries;

- specify contents which counties must include in their household hazardous waste plans;
- require customers to pay a \$5 fee surcharge on each automotive battery purchased at retail unless the customer returns a used battery to the retailer; provide for refunds;
- require retailers to accept, at no cost, up to five used automotive batteries;
- set recycling and public notice requirements for automotive battery retailers;
- allow local government bodies to prohibit unlawful deposit of solid waste and require landowners to clean up or pay for clean up;
- allow counties to provide financial incentives to promote recycling;
- require each metropolitan county to develop and implement a permanent program to manage household hazardous waste by June 30, 1992, and set guidelines;
- set effective date for the article as day after enactment.

Article 21—Waste Education

Provisions:

- add three representatives of the private recycling industry as members of the Office of Waste Management's (OWM) Waste Education Coalition;
- direct the OWM to:
 - develop a statewide waste management public education campaign;
 - develop education curricula on waste education for grades kindergarten to 12; and
 - provide grants to people who develop and distribute waste education information;
- direct the State Board of Education to implement a waste education component as part of the minimum comprehensive educational programs for both elementary and secondary levels for the 1991-92 school year;
- set effective date for the article as day after enactment.

Article 22—Waste Spending

Provisions:

- direct the Office of Waste Management (OWM) to report to the Legislative Commission on Waste Management by July 15, 1990, on disposal of major appliances;

- direct the Pollution Control Agency, in cooperation with the OWM and the Metropolitan Council, to:
 - develop and distribute a safety guide for operating recycling or yard waste composting facilities; and
 - direct the commissioner of administration to study and evaluate the department's purchasing practices to ensure that they encourage procurement and use of recycled materials;
- direct the OWM to study appropriate waste management of plastic material and report to the Legislature by Jan. 1, 1991;
- set effective date for the article as day after enactment.

**Article 23—
Office of Waste Management**

**Appropriations
Total: \$2,650,000**

- Includes:
- General Operations and Management: \$500,000; \$2.2m
 - add 16 staff positions in FY'90 and 28 staff positions in FY'91;
 - set effective date for the article as day after enactment.

Article 24—Appropriations

	\$2,537,000	FY'90
	\$5,150,000	FY'91
Total:	\$7,687,000	

**Office of Waste Management
Total: \$1.6m; \$3.2m**

- Includes:
- Solid Waste Reduction Programs: \$175,000; \$350,000
 - Solid Waste Recycling Programs: \$250,000; \$500,000
 - Market Development Programs: \$800,000; \$1.6m
 - Litter Prevention, Control, and Abatement: \$50,000; \$100,000
 - Public Education Programs: \$250,000; \$500,000
 - Problem Materials Collection and Disposal: \$75,000; \$150,000
 - add 12 staff positions.

Pollution Control Agency

Total: \$800,000; \$1.8m

Includes:

- Problem Materials Management: \$500,000; \$1.0m
- Recycling Programs: \$300,000; \$750,000
- add seven staff positions.

Department of Administration

Total: \$100,000; \$200,000

Includes:

- Waste Reduction, Procurement, and Recycling: \$100,000; \$200,000
- add three staff positions.

Department of Revenue

Total: \$37,000; \$0

Includes:

- Tax Administration: \$37,000; \$0

County Block Grants

Total: \$6.7m; \$15.6m

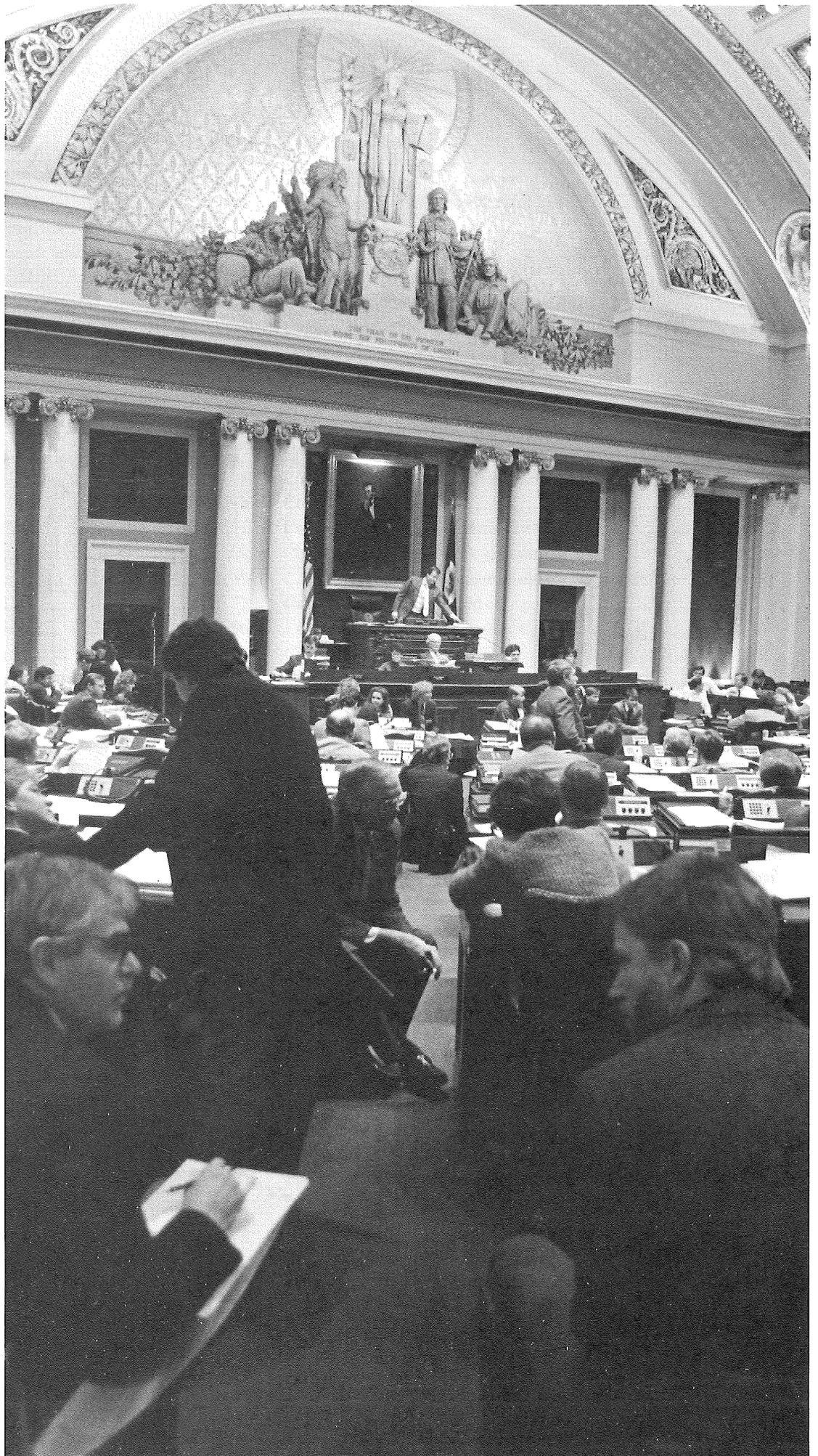
Includes:

- Office of Waste Management: \$6.7m; \$15.6m
- set effective date for the article as day after enactment.
- Enactment:** Oct. 3, 1989
- Effective:** various dates

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The Minnesota House of Representatives and the Minnesota Senate are responsible for making new law, changing or abolishing old law, establishing a state budget and tax policy, proposing changes in the State Constitution, selecting regents of the University of Minnesota, and overseeing the work of the state government.



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Appendix

The Legislature can meet in regular session for up to 120 legislative days in a biennium. Minnesota law defines “legislative day” as a day (7 a.m. to 7 a.m.) on which either the House or the Senate is in session. However, the Legislature cannot meet in regular session after the first Monday following the third Saturday of May in any year.



TERMS & DEFINITIONS

actuarial: calculated by an actuary, i.e., a person whose work is to calculate risks and premiums for insurance purposes

adjudication: the formal giving or pronouncing a judgment or decree in a cause; also the judgment given

affidavit: a written or printed declaration or statement of facts which a person voluntarily makes and confirms by oath or affirmation before an individual authorized to administer such oath or affirmation

annuity: a fixed sum payable at certain intervals for a specific period of time or for life

appointing authority: an official, employee, board, or commission, or other person or body authorized to hire county employees

bank letter of credit: see *irrevocable letter*

bona fide: in or with good faith; honestly, openly, and sincerely; without deceit or fraud

callable: an option to pay before maturity on call, i.e., a bond issue, all or part of which the issuing corporation (or governmental unit) may redeem under definite conditions before maturity

calling: see *callable*

cartway: a path that connects private land with a public road

charter: a franchise or written grant of specified rights that a government or ruler makes to a person or corporation

city classes: the Legislature divides cities into four classes by population at the time of the last census:

—**first class:** cities with a population of 100,000 or more; St. Paul, Duluth, and Minneapolis are all cities of the first class;

—**second class:** cities with a population between 20,000 and 100,000;

—**third class:** cities with a population between 10,000 and 20,000;

—**fourth class:** cities with a population of fewer than 10,000

codify: to arrange laws systematically

contiguous: close; neighboring; adjoining; near in succession, in actual close contact; touching at a point or along a boundary; bounded or traversed by

controlled substance: any narcotic drug so designated by federal or state controlled substances laws

convey: to pass or transmit the title of property from one to another

conveyancing: the act of performing various functions related to transferring real property

crime: conduct which state law prohibits and for which a judge may sentence the actor to prison, with or without a fine (see *felony*, *gross misdemeanor*, *misdemeanor*, *petty misdemeanor*)

disorderly house: a building, dwelling, place, establishment, or premises where people regularly violate laws relating to the sale of intoxicating liquor or nonintoxicating malt liquor, gambling, prostitution, or the sale or possession of controlled substances

eminent domain: the power of the state, municipalities, and private individuals or corporations having the

authority to act in the public interest to take private property for public use; commonly known as condemnation or expropriation

felony: a crime of a graver or more serious nature than those designated as misdemeanors, for which a judge may impose a prison sentence of more than one year (see *misdemeanor*, *gross misdemeanor*, *petty misdemeanor*)

fiduciary: a person or institution who manages money or property for another and who must exercise a standard of care in such management activity which laws or contracts impose; e.g., a trustee; the status of being a fiduciary gives rise to certain legal incidents and obligations, including the prohibition against investing the money or property in investments which are speculative or otherwise imprudent

financial intermediary: any person doing business in Minnesota who offers transaction accounts to the public (see *transaction account*)

fiscal year: a period of 12 consecutive months selected as the accounting period for annual reports; for the state budget, July 1 to June 30; two fiscal years make a biennial budget cycle

fixture: an article of personal property which has become attached to the land and is regarded as part of it

fixture filing: a filing that takes place in the office where an individual would file or record a mortgage on real estate

funds (in the Minnesota state treasury):

—**general fund:** an account in which money is deposited for the usual, ordinary, running, and incidental expenses of state government; the primary operating fund of a governmental unit

—**special fund:** an account for proceeds of specific revenue sources that are legally restricted to use for specific purposes

—**trunk highway fund:** a special fund established in Article 14 of the Minnesota Constitution to support

trunk highway maintenance, development, and construction; 62 percent of the money in the fund comes from the highway user tax distribution fund; also receives revenue from drivers' license fees, a share of fines from State Patrol arrests, and from other sources

general assistance (GA): a cash payment program which provides financial assistance for basic maintenance needs and shelter; state law prohibits the use of such payments for foster care, child welfare services, or other social services

general assistance medical care (GAMC): full or partial payment of medical care and service costs which the commissioner of human services approves for individuals whose income and resources are insufficient to meet the cost of care

gross misdemeanor: any crime which is not a felony or misdemeanor; a judge may impose a fine up to \$3,000 (see *misdemeanor, felony, petty misdemeanor*)

home rule charter city: a city that operates under a charter which local governmental units adopt; the charter's provisions relate to the city government's structure and powers; 108 Minnesota cities have a home rule charter (see *statutory city*)

indemnify: to make good, compensate, or reimburse; to pay in whole or in part; to secure against loss or damage, as in the case of a crime victim; several states, including Minnesota, have special funds for compensating crime victims

in forma pauperis: describes permission given to a poor person, i.e., indigent, to proceed without liability for court fees or costs

insured: the person who obtains or is otherwise covered by insurance on his/her health, life, or property; applies to anyone whom the policy insures

insurer: the underwriter or insurance company with whom a contract of insurance is made; the one who assumes risk or underwrites a policy, or the underwriter or company with whom contract of insurance is made

irrevocable letter: a type of letter of credit in which the issuing bank guarantees that it will not withdraw the credit or cancel the letter before the expiration date

issue: regarding securities, refers to the act or process of offering stocks or bonds for sale to public or institutional investors

issuer: every person who issues or proposes to issue any securities; generally the legal entity owning the securities and which is responsible for offering them for public or private sale

joint powers agreement: permits two or more governmental units, with approval from their governing bodies, to jointly or cooperatively exercise any power or similar powers they have in common; allows one or more of the governmental units to exercise such powers on behalf of the other participating units

mandate: an authorized command, order, or direction (written or oral) that demands obedience

mandated reporter: a health care professional or a member of the clergy whom state law requires to immediately report to the local welfare agency, police department, or the county sheriff the knowledge or belief that a child is neglected or physically or sexually abused now or within the preceding three years

medical assistance (MA): payments of part or all of the cost of various specified care and services for eligible individuals whose income and resources are insufficient to meet medical costs

memorialize: petition or request; the official expression of legislative sentiment is called a memorial

mill: one-tenth of one cent; many states use a mill rate to figure property taxes

Minnesota Statutes: a collection of the general and permanent laws of the state, which the revisor of statutes prints every two years; organized according to subject matter; most public libraries have copies of *Minnesota Statutes*

misdemeanor: offenses lesser than felonies for which a judge may impose a sentence of up to 90 days in prison and/or a fine up to \$700 (see *felony, gross misdemeanor, petty misdemeanor*)

municipality: an association of people living in a limited area, legally incorporated or duly authorized for local government or other public purposes; a political body with powers to help in the civil government of the state and to regulate and administer local and internal affairs of the community; a political subdivision of public agency or instrumentality of a state

negligence: conduct which falls below standards the law establishes to protect others against unreasonable risk of harm; failure to act as a reasonably prudent person would act under similar circumstances

nonissuer: not directly or indirectly for the benefit of the issuer or an issuer's affiliate (see *issue, issuer*)

nuisance: actions that endanger life or health, offend the senses, violate the laws of decency, or obstruct reasonable and comfortable use of property; may include actions such as prostitution, gambling, and operating a disorderly house (see *disorderly house*)

off-sale: the sale of alcoholic beverages in original packages for consumption off the licensed premises only

ombudsman: an official or semi-official office where people may go with grievances or questions connected with government; the ombudsman stands between, and represents, the citizen before the government

on-sale: the sale of alcoholic beverages for consumption on the licensed premises only

parimutuel: refers to betting a mutual stake or wager, a betting pool; a form of betting on horses or dogs where those who bet on the winner share total stakes less a small percent to the management (see *takeout*)

performance bond: a bond given to insure that a contract, once awarded, will be completed as awarded within fixed period of time; also known as a completion bond (see *surety bond*)

personal property: generally, all property other than real estate

petty misdemeanor: a petty offense which state law prohibits, which isn't a crime and for which a judge may impose a fine up to \$200 (see *crime, misdemeanor, felony, gross misdemeanor*)

petty offenders: those convicted of a crime, the maximum punishment for which is generally a fine or short term in jail or house of correction

pool: a common fund or combination of interest for a common adventure in buying or selling; an aggregation (collection) of the interests or property of people who enter into joint undertaking which subjects them to the same control and common liability; a pool of funds for a specific purpose

presumptive sentence: presumptive sentencing laws specify a "normal" sentence for each offense but permit limited departures from the norm in atypical cases

real property: land, and generally whatever is erected or growing upon or affixed to land

resolution: a formal expression of the opinion, sentiments, or will of an official body or a public assembly, adopted by vote; as a legislative resolution

rider: a schedule or small piece of paper reflecting an amendment, addition, or endorsement annexed to some part of a roll, document, or record; e.g., an attachment to an insurance policy that modifies the policy's

conditions to expand or restrict its benefits or exclude certain conditions from coverage

rinsate: a dilute mixture of a fertilizer or fertilizer with water, solvents, oils, commercial rinsing agents, or other substances

S corporation: a small business corporation which, under certain conditions, may elect to have its undistributed taxable income taxed to its shareholders; such status usually avoids the corporate income tax, and allows shareholders to claim corporate losses; also known as subchapter S corporations

security: a resource such as an obligation, pledge, mortgage, deposit, or lien that a debtor furnishes a creditor to assure payment or performance of the debt

security interest: a form of interest in property which provides that the property may be sold on default in order to satisfy the obligation for which the security interest is given; i.e., a mortgage or lien

sentimental property: certain personal property that has significant emotional or nostalgic value arising from the relationship between an individual and the person who died, or in the case of an eligible child, arising from the relationship the child had with the prior spouse of the person who died

statute of limitations: a law setting time limits for filing certain described causes of action or criminal prosecutions

statutory city: cities that derive their powers from the Uniform City Code which offers three different structure plans from which each statutory city must choose; plans differ essentially in the makeup of the city council, the election or appointment of certain city offices, the abolition of independent administrative boards and commissions, and the appointment of a city manager; of the 855 incorporated municipalities in Minnesota, 747 are statutory cities (see *home rule charter city*)

subrogation: the lawful substitution of a third party in place of a party having a claim against another party; insurance companies generally have the right to "step into the shoes" of the party whom they compensate and sue any party whom the compensated party could have sued

surety bond: a guarantor's obligation to pay a second party if a third party defaults in a performance the third party owes to the second party; also known as suretyship bond (see *performance bond*)

takeout: the percentage of money a racetrack "takes out" of the handle (total amount bet) to cover operating and other expenses

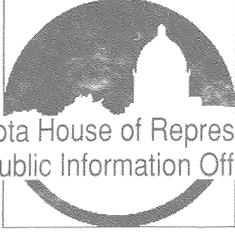
tax-forfeited land: land the state takes ownership of because the owner failed to pay state taxes on the land

transaction account: a deposit or account which a person establishes and maintains under an individual or business name for personal, household, or business purposes from which the depositor or account holder may make withdrawals or transfers to third parties, i.e., a checking account

trunk highways: highways which the Minnesota Department of Transportation own and maintain; the state trunk highway system covers about 12,100 miles and includes state routes, the interstate system, and designated U.S. routes; the Minnesota Constitution provides for a trunk highway system of 70 routes, creating one-half of the trunk system; the Legislature can designate and change location of the routes

veto: the constitutional power of the governor to reject a bill, thus preventing it from becoming law unless the Legislature passes it again with a two-thirds majority in both the Senate and House of Representatives

Sources: *Black's Law Dictionary, Fifth Edition*; *Mason's Manual of Legislative Procedure*; *Minnesota Statutes*; *Webster's New World Dictionary*; Minnesota House of Representatives Research Department documents



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