

1978, chapter 752, shall Section 299A.15 does not apply to any school bus as defined in section 169.01, subdivision 6; ~~which is subject to regular school bus inspections pursuant to section 169.451.~~

(c) "Transportation service" means the transportation by motor vehicle, other than a school bus manufactured before January 1, 1988, of any sick, injured, invalid, incapacitated, or handicapped individual while occupying a wheelchair, which transportation is offered or provided by any operator to the public or to its employees or in connection with any other service offered by the operator including schooling or nursing home, convalescent or child care services.

Approved June 2, 1987

CHAPTER 384—H.F.No. 713

An act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted, and obsolete references and text; eliminating certain redundant, conflicting, and superseded provisions; providing instructions to the revisor; making miscellaneous corrections to statutes and other laws; amending Minnesota Statutes 1986, sections 1.135, subdivision 3; 8.31, subdivision 1; 13.43, subdivision 6; 14.02, subdivision 4; 15.61; 17.59, subdivision 5; 17A.04, subdivision 1; 28A.15, subdivision 4; 32.394, subdivisions 8, as amended, and 8b, as amended; 38.27, subdivision 3; 41A.05, subdivision 2; 48.13, subdivision 2; 48.26; 49.01, subdivision 3; 49.44; 60A.17, subdivision 12; 62E.02, subdivision 23, as amended; 64B.18; 72A.41, subdivision 1; 79.38, subdivision 1; 84A.08; 97A.021, subdivision 2; 97A.065, subdivision 4; 97A.205; 97A.441, subdivision 5; 97A.445, subdivision 3; 97A.465, subdivision 4; 97A.501, subdivision 2; 97A.545, subdivision 4; 97B.315; 97B.921; 97B.925; 115A.07, subdivision 1; 115A.12, subdivision 1; 115A.14, subdivision 5; 115A.162; 116C.57, subdivision 3; 116E.03, subdivision 9; 116J.72; 120.17, subdivision 5a; 121.904, subdivisions 11a and 11b; 122.541, subdivision 2; 124.01, subdivision 1; 124.195, subdivisions 8 and 9; 124.2138, subdivisions 3 and 4; 124.32, subdivision 1c; 124.472; 126.39, subdivision 11; 136.44; 136A.04, subdivision 2; 136A.06; 136D.28, subdivision 2; 136D.89, subdivision 2; 147.09; 152.02, subdivision 12; 160.283, subdivision 1; 161.1419, subdivision 4, as amended; 171.05, subdivision 3; 174.255, subdivisions 1 and 2; 174.29, subdivision 1; 176.011, subdivision 9; 176.442, as amended; 176.83, subdivision 7; 177.24, subdivision 2; 179A.12, subdivision 1; 182.651, subdivision 18; 193.141, subdivision 2; 193.145, subdivision 2; 214.01, subdivision 3; 219.691; 219.692; 219.743; 219.755; 222.61; 241.31, subdivision 2; 243.24, subdivision 2; 246.51, subdivision 1; 246A.02; 246A.11, subdivision 1; 246A.12, subdivisions 1 and 7; 246A.13, subdivision 1; 250.05, subdivision 2; 256.12, subdivision 14; 256.462, subdivision 2; 256B.03, subdivision 2; 256D.05, subdivision 1, as amended; 256D.36, subdivision 1, as amended; 256D.37, subdivision 1, as amended; 257.34, subdivision 1; 260.015, subdivision 3; 260.151, subdivision 1; 268.072, subdivision 6; 270.075, subdivision 1, as amended; 271.15; 273.11, subdivision 8, as amended; 273.13, subdivision 22; 275.125, subdivisions 6a, 8, and 11c; 278.06; 282.08; 290.01, subdivision 20b; 295.34, subdivision 1; 296.14, subdivision 4; 297.03, subdivision 3; 297A.06; 297A.25, subdivision 10; 297D.07, as amended; 302A.727, subdivision 1, as amended;

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308.341; 317.03; 317.65, subdivision 6; 319A.03; 319A.05; 319A.12, subdivisions 1a and 2; 322A.70; 326.03, subdivision 2; 326.06; 327.18, subdivision 3; 327C.07, subdivision 3a; 349.2121, subdivision 3; 354.05, subdivision 2; 355.311, subdivision 1; 361.26, subdivision 2; 366.095, subdivision 1; 378.43, subdivision 1; 383A.404, subdivision 7; 383B.035, subdivision 1; 383B.237; 383C.76; 386.71; 393.13, subdivision 1; 412.381; 412.501; 447.42, subdivision 2; 453.53, subdivision 3; 458A.03, subdivision 8; 458C.17; 462.601; 462.605; 462A.04, subdivision 8; 462A.05, subdivision 18; 462A.20, subdivision 3; 462C.04, subdivision 2; 462C.12, subdivision 2; 471.467, subdivision 1; 471.74, subdivision 2; 471.993, subdivision 1; 471A.03, subdivision 2; 473.149, subdivision 4; 473.181, subdivision 3; 473.811, subdivisions 6, 7, 8, and 9; 473F.06; 473F.07, subdivision 1; 473F.09; 474A.09; 604.06; 609.53, subdivisions 1 and 1a; 609.687, subdivision 4; 611.14; 626A.05, subdivision 2; 645.02; amending Laws 1982, chapter 523, article 30, section 4, subdivision 1; Laws 1983, chapter 334, section; and Laws 1986, chapter 399, article 1, section 17; amending 1987 H.F. No. 42, section 4, subdivision 2; H.F. No. 243, article 2, section 165; H.F. No. 753, article 1, section 16, by adding a subdivision, article 6, section 20, by adding a subdivision, and by adding a section, article 10, section 2, subdivision 2, and section 3; H.F. No. 919, section 8, subdivision 2, section 14, subdivision 8, and section 18, subdivision 11; 1987 S.F. No. 1, article 1, section 14, article 2, sections 11 and 18, article 6, section 9, article 9, section 15, subdivision 2, and sections 22 and 23, article 10, sections 8 and 9; S.F. No. 170, section 4, subdivision 1; S.F. No. 1516, section 1, section 10, subdivisions 1 and 6, sections 20, 34, and 133, subdivision 1; repealing Minnesota Statutes 1986, sections 193.145, subdivision 3; 325D.69, subdivision 1; and 326.2421, subdivision 7; repealing Laws 1986, chapter 463, section 3; and Laws 1986, First Special Session chapter 3, article 1, section 84; and 1987 S.F. No. 1516, section 10, subdivision 7.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

ARTICLE 1

REVISOR'S BILL

STATUTORY CORRECTIONS

Section 1. Minnesota Statutes 1986, section 1.135, subdivision 3, is amended to read:

Subd. 3. **DESIGN.** The design of the seal is as described in this subdivision.

(a) The seal is composed of two concentric borders. The outside forms the border of the seal and the inside forms the border for the illustrations within the seal. The area between the two borders contains lettering.

(b) The seal is two inches in diameter. The outside border has a radius of one inch and resembles the serrated edge of a coin. The width of the border is 1/16 of an inch.

(c) The inside border has a radius of three-fourths of an inch and is composed of a series of closely spaced dots measuring 1/32 of an inch in diameter.

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(d) Within the area between the borders "The Great Seal of the State of Minnesota:" is printed in capital letters. Under that is the date "1858:" with two dagger symbols separating the date and the letters. The lettering is 14 point century bold.

(e) In the area within the inside border is the portrayal of an 1858 Minnesota scene made up of various illustrations that serve to depict a settler plowing the ground near the falls of St. Anthony while he watches an Indian on horseback riding in the distance.

(f) For the purposes of description, when the area within the inside border is divided into quadrants, the following illustrations should be clearly visible in the area described.

(1) In the upper parts of quadrants one and two, the inscription "L'Etoile du Nord" is found on the likeness of a scroll whose length is equal to twice the length of the inscription, but whose ends are twice folded underneath and serve to enhance the inscription. The lettering is seven point century bold.

(2) In quadrant two is found a likeness of a rising sun whose ambient rays form a background for a male Indian in loincloth and plume riding on horseback at a gallop. The Indian is sitting erect and is holding a spear in his left hand at an upward 60-degree angle to himself and is looking toward the settler in quadrant four.

(3) In quadrant one, three pine trees form a background for a picturesque resemblance of St. Anthony Falls in 1858.

(4) In quadrants three and four, cultivated ground is found across the lower half of the seal, which provides a background for the scenes in quadrants three and four.

(5) In quadrant three, a tree stump is found with an ax embedded in the stump and a period muzzle loader resting on it. A powder flask is hanging towards the end of the barrel.

(6) In quadrant four, a white barefoot male pioneer wearing clothing and a hat of that period is plowing the earth, using an animal-drawn implement from that period. The animal is not visible. The torso of the man continues into quadrant two, and he has his legs spread apart to simulate movement. He is looking at the Indian.

Sec. 2. Minnesota Statutes 1986, section 13.43, subdivision 6, is amended to read:

Subd. 6. **ACCESS BY LABOR ORGANIZATIONS.** Personnel data may be disseminated to labor organizations to the extent that the responsible authority determines that the dissemination is necessary to conduct elections, notify employees of fair share fee assessments, and implement the provisions of ~~chapter~~ chapters 179 and 179A. Personnel data shall be disseminated to labor

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organizations and to the bureau of mediation services to the extent the dissemination is ordered or authorized by the director of the bureau of mediation services.

Sec. 3. Minnesota Statutes 1986, section 64B.18, is amended to read:

64B.18 BENEFITS NOT ATTACHABLE.

Except as provided in chapter 256B, the money or other benefits, charity, relief, or aid to be paid, provided, or rendered by any society authorized to do business under this chapter shall, neither before nor after being paid, be liable to attachment, garnishment, or other process and shall not be ~~ceased~~ seized, taken, appropriated, or applied by any legal or equitable process or operation of laws to pay any debt or liability of a certificate holder or of any beneficiary named in the certificate, or of any person who may have any right thereunder.

Sec. 4. Minnesota Statutes 1986, section 84A.08, is amended to read:

84A.08 LANDS CLASSIFIED.

Upon receipt by the commissioner of ~~finance~~ natural resources of the reports of a county auditor specified in section 84A.04, ~~the commissioner shall certify a copy thereof to the department, which~~ shall classify all such lands as to their suitability for agriculture or for afforestation or reforestation or for ownership and use by the state for preserving, propagating, breeding and hunting of wild life of the kinds specified in section 84A.01, and after the title to any such lands has been acquired by the state, in the manner provided, such lands may be reclassified, from time to time. All such lands which shall become the absolute property of the state under the provisions of sections 84A.01 to 84A.11, which have been classified as suitable for agriculture and timber, from any lands so acquired, shall be subject to sale by the state, as provided by law.

Sec. 5. Minnesota Statutes 1986, section 97A.065, subdivision 4, is amended to read:

Subd. 4. (a) For the purposes of this subdivision, "wild rice licenses" means licenses issued by the commissioner under the provisions of section ~~98.46, subdivision 3, clause (1), and subdivision 18, clause (1)~~ 84.091, subdivision 3, clauses (1), (3), and (4).

(b) All money received from the sale of wild rice licenses shall be paid into an account, known as the "wild rice management account," to be established in the state treasury for the management of designated public waters to improve natural wild rice production.

(c) Any money not otherwise appropriated from the wild rice management account, and any monetary interest accrued to the state as a result of this money, shall remain in the wild rice management account until appropriated.

Sec. 6. Minnesota Statutes 1986, section 97A.205, is amended to read:

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97A.205 ENFORCEMENT OFFICER POWERS.

An enforcement officer is authorized to:

(1) execute and serve court issued warrants and processes relating to wild animals, wild rice, public waters, water pollution, conservation, and use of water, in the same manner as a constable or sheriff;

(2) enter any land to carry out the duties and functions of the division;

(3) make investigations of violations of the game and fish laws;

(4) take an affidavit, if it aids an investigation;

(5) arrest, without a warrant, a person ~~that~~ who is detected in the actual violation of the game and fish laws, a provision of chapters 84A, 85, 86A, 88 to 106A, 361, sections 89.51 to 89.61 and 18.431 to 18.436; 609.66, subdivision 1, clauses (1), (2), (5), and (7); and 609.68; and

(6) take an arrested person before a court in the county where the offense was committed and make a complaint.

Sec. 7. Minnesota Statutes 1986, section 97A.441, subdivision 5, is amended to read:

Subd. 5. **ANGLING; DISABLED VETERANS.** A person authorized to issue licenses must issue, without a fee, a permanent license to take fish by angling to a resident ~~that~~ who is a veteran, as defined in section 197.447, and that has a 100 percent service connected disability as defined by the United States Veterans Administration upon being furnished satisfactory evidence.

Sec. 8. Minnesota Statutes 1986, section 97A.445, subdivision 3, is amended to read:

Subd. 3. **ANGLING AND SPEARING; DISABLED RAILROAD AND POSTAL RETIREES.** A license is not required to take fish by angling or spearing for a resident that is:

(1) receiving aid under the federal Railroad Retirement Act of 1937, United States Code Annotated, title 45, section 228b(a)5; or

(2) a former employee of the United States Postal Service receiving disability pay under United States Code Annotated, title 4 5, section 8337.

Sec. 9. Minnesota Statutes 1986, section 97A.465, subdivision 4, is amended to read:

Subd. 4. **DISCHARGED RESIDENT; OBTAINING DEER LICENSE DURING SEASON.** Notwithstanding section ~~97A.481~~ 97A.485, subdivision 9, a resident ~~that~~ who is discharged from the United States armed forces during, or within ten days before, the firearms deer season may, upon showing the official discharge paper, obtain a firearm deer license during the season.

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Sec. 10. Minnesota Statutes 1986, section 97A.501, subdivision 2, is amended to read:

Subd. 2. **ENDANGERED SPECIES.** A person may not take, import, transport, or sell an endangered species of wild animal, or sell, or possess with intent to sell an article made from the parts of a wild animal, except as provided in section ~~84.0894~~ 84.0895.

Sec. 11. Minnesota Statutes 1986, section 97A.545, subdivision 4, is amended to read:

Subd. 4. **UNDRESSED GAME BIRDS TAKEN IN ADJACENT STATES.** A person may transport into the state ~~dressed~~ undressed game birds that are lawfully taken and possessed in adjacent states. A resident may ship the undressed game birds by common carrier within the state. A nonresident may ship the undressed game birds out of the state by common carrier. Each shipment must be tagged or sealed by a conservation officer as prescribed by the commissioner.

Sec. 12. Minnesota Statutes 1986, section 97B.315, is amended to read:

97B.315 CROSSBOW PERMITS.

The commissioner may issue a special permit, without a fee, to take deer with a crossbow to a person that is unable to hunt in another manner because of a permanent physical disability. The disability, established by medical evidence, and the inability to hunt in another manner must be verified in writing by a licensed physician. The person must obtain an archery deer license. The crossbow must:

- (1) be fired from the shoulder;
- (2) deliver at least 42 foot-pounds of energy at a distance of ten feet;
- (3) have a stock at least 30 inches long;
- (4) have a working safety; and
- (5) be used with arrows or bolts ~~of~~ at least ten inches long with a broadhead.

Sec. 13. Minnesota Statutes 1986, section 97B.921, is amended to read:

97B.921 OTTER SEASONS.

The commissioner may establish open seasons for otter between October 25 and April 30. The open season in an area may not exceed 30 days. Otter may be taken only by trapping and the taking is subject to restrictions prescribed by the commissioner.

Sec. 14. Minnesota Statutes 1986, section 97B.925, is amended to read:

97B.925 BEAVER SEASONS.

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The commissioner may establish open seasons for beaver between October 25 and April 30. Beaver may be taken only by trapping and the taking is subject to restrictions prescribed by the commissioner.

Sec. 15. Minnesota Statutes 1986, section 115A.162, is amended to read:

115A.162 HAZARDOUS WASTE PROCESSING FACILITY LOANS.

The board shall review applications for hazardous waste processing facility loans received by the economic development authority and forwarded to the board under section ~~116J.90, subdivision 4a~~ 116M.07, subdivision 9. The board may certify a loan application only if it determines that:

- (1) the applicant has demonstrated that the proposed facility is technically feasible;
- (2) the applicant has made a reasonable assessment of the market for the services offered by the proposed facility;
- (3) the applicant has agreed to provide funds for the proposed facility in an amount equal to at least 25 percent of the capital cost of the facility excluding land acquisition cost;
- (4) the applicant has agreed to pay the cost of any land acquisition necessary to develop the facility; and
- (5) the facility will contribute in a significant way to achievement of the policies and objectives of the hazardous waste management plan and, in particular, to reduce the need for and practice of hazardous waste disposal.

As a condition of its certification the board may require an applicant to agree to provide funds in excess of 25 percent of the capital cost of the facility in addition to any land acquisition costs. In certifying an application or in determining the share of the capital costs that will be provided by the loan, the board may consider the types and volumes of hazardous waste that will be handled by the facility, the number of generators served by the facility, and the extent to which the facility serves the need of smaller businesses that generate hazardous waste. The board may establish additional criteria for certifying loan applications consistent with the provisions of this section.

The board may adopt emergency rules under sections 14.29 to 14.36 to implement the loan program. Emergency rules adopted by the board remain in effect for 360 days or until permanent rules are adopted, whichever occurs first.

Sec. 16. Minnesota Statutes 1986, section 136A.06, is amended to read:

136A.06 FEDERAL FUNDS.

The higher education coordinating board is designated the state agency to apply for, receive, accept, and disburse to both public and private institutions of

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higher education all federal funds which are allocated to the state of Minnesota to support higher education programs, construction, or other activities and which require administration by a state higher education agency under the Higher Education Facilities Act of 1963, and any amendments thereof, the Higher Education Act of 1965, and any amendments thereof, and any other law which provides funds for higher education and requires administration by a state higher education agency as enacted or may be enacted by the Congress of the United States; provided that no commitment shall be made that shall bind the legislature to make appropriations beyond current allocations of funds. The board may apply for, receive, accept, and disburse all administrative funds available to the board for administering federal funds to support higher education programs, construction or other activities. The board also may apply for, receive, accept, and disburse any research, planning, or program funds which are available for purposes consistent with the provisions of this chapter. In making application for and administering federal funds the board may comply with any and all requirements of federal law and federal rules and regulations to enable it to receive and accept such funds. The expenditure of any such funds received shall be governed by the laws of the state, except insofar as federal regulations may otherwise provide. The board may contract with both public and private institutions in administering federal funds, and such contracts shall not be subject to the provisions of chapter ~~16~~ 16B. All such moneys received by the board shall be deposited in the state treasury and are hereby appropriated to it annually for the purpose for which such funds are received. None of such moneys shall cancel but shall be available until expended.

Sec. 17. Minnesota Statutes 1986, section 147.09, is amended to read:

147.09 **EXEMPTIONS.**

Section ~~147.10~~ 147.081 does not apply to, control, prevent or restrict the practice, service, or activities of:

(1) A person who is a commissioned medical officer of, a member of, or employed by, the armed forces of the United States, the United States Public Health Service, the Veterans Administration, any federal institution or any federal agency while engaged in the performance of official duties within this state, if the person is licensed elsewhere.

(2) A licensed physician from a state or country who is in actual consultation here.

(3) A licensed or registered physician who treats the physician's homestate patients or other participating patients while the physicians and those patients are participating together in outdoor recreation in this state as defined by section 86A.03, subdivision 3. A physician shall first register with the board on a form developed by the board for that purpose. The board shall not be required to promulgate the contents of that form by rule. No fee shall be charged for this registration.

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(4) A student practicing under the direct supervision of a preceptor while the student is enrolled in and regularly attending a recognized medical school.

(5) A student who is in continuing training and performing the duties of an intern or resident or engaged in postgraduate work considered by the board to be the equivalent of an internship or residency in any hospital or institution approved for training by the board.

(6) A person employed in a scientific, sanitary or teaching capacity by the state university, the state department of education, or by any public or private school, college, or other bona fide educational institution, or the state department of health, whose duties are entirely of a public health or educational character, while engaged in such duties.

(7) Physician's assistants registered in this state.

(8) A doctor of osteopathy duly licensed by the state board of osteopathy under Minnesota Statutes 1961, sections 148.11 to 148.16, prior to May 1, 1963, who has not been granted a license to practice medicine in accordance with this chapter provided that the doctor confines activities within the scope of the license.

(9) Any person licensed by a health related licensing board, as defined in section 214.01, subdivision 2, or registered by the commissioner of health pursuant to section 214.13, including licensed psychologists with respect to the use of hypnosis; provided that the person confines activities within the scope of the license.

(10) A Christian Scientist or other person who endeavors to prevent or cure disease or suffering exclusively by mental or spiritual means or by prayer, or who practices ritual circumcision pursuant to the requirements or tenets of any established religion.

Sec. 18. Minnesota Statutes 1986, section 160.283, subdivision 1, is amended to read:

Subdivision 1. It is hereby found and declared that the development and promotion of the tourist industry is important to the economic welfare of the state. It is further found that the control and regulation of outdoor advertising and the consequential removal of certain advertising devices has adversely affected many resorts ~~through~~ through such regulation and control of outdoor advertising is in the general interest of the people and is necessary to conserve the natural beauty of areas adjacent to highways and roads of the state. The legislature finds that in order to alleviate hardships on the tourist industry caused by limitations imposed on the use of outdoor advertising along certain local highways and roads and to also conserve the natural beauty of areas adjacent to such local highways and roads, it is necessary that devices, directional in nature, be erected on certain local highways and roads as hereinafter provided for the purpose of guiding tourists and other travelers to their destination, and that such direction-

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al devices be standardized and the design therefor and distribution thereof be controlled by the department of transportation with the counties participating therein.

Sec. 19. Minnesota Statutes 1986, section 171.05, subdivision 3, is amended to read:

Subd. 3. Notwithstanding any provision in subdivision 1 to the contrary, the department, upon application and payment of the fee prescribed in section ~~65B.481~~ 171.02, subdivision 3, may issue a motorized bicycle instruction permit to an applicant who is 15 years of age and who has successfully completed the written portion of the examination prescribed by the commissioner. The holder of this instruction permit who has the permit in possession may operate a motorized bicycle within one mile of the holder's residence for the purpose of practicing to take the operator portion of the examination prescribed by the commissioner.

Sec. 20. Minnesota Statutes 1986, section 246.51, subdivision 1, is amended to read:

Subdivision 1. **PROCEDURES.** The commissioner shall make investigation as necessary to determine, and as circumstances require redetermine, what part of the cost of care, if any, the patient is able to pay. If the patient is unable to pay the full cost of care the commissioner shall make a determination as to the ability of the relatives to pay. The patient or relatives or both shall provide the commissioner documents and proofs necessary to determine their ability to pay. Failure to provide the commissioner with sufficient information to determine ability to pay may make the patient or relatives, or both, liable for the full cost of care until the time when sufficient information is provided. No parent shall be liable for the cost of care given a patient at a regional treatment center after the patient has reached the age of 18 years. The commissioner's determination shall be conclusive in any action to enforce payment of the cost of care unless appealed from as provided in section 246.55. All money received, except for chemical dependency receipts, shall be paid to the state treasurer and placed in the general fund of the state and a separate account kept of it. Responsibility under this section shall not apply to those relatives having gross earnings of less than \$11,000 per year.

Sec. 21. Minnesota Statutes 1986, section 246A.02, is amended to read:

246A.02 CREATION OF CORPORATION.

There is created a corporation which shall be public in nature. The corporation shall be known as ~~.....~~ Ramsey Health Care, Inc. The purpose of the corporation is to engage in the provision and delivery of health care and related services, including education and research.

Sec. 22. Minnesota Statutes 1986, section 246A.13, subdivision 1, is amended to read:

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Subdivision 1. **CORPORATION AS CONTINUATION OF COMMISSION.** The hospital subsidiary corporation created by section ~~246A.02~~ 246A.06, subdivision 3 shall be considered a continuation of the St. Paul Ramsey Medical Center commission and not the creation of a new authority. The subsidiary corporation succeeds to all rights and contractual obligations of the commission with the same force and effect as if those rights and obligations had been continued in the commission itself.

Sec. 23. Minnesota Statutes 1986, section 246A.12, subdivision 7, is amended to read:

Subd. 7. **POLITICAL SUBDIVISION.** Solely for the purpose of establishing equitable compensation relationships, the hospital subsidiary corporation shall be considered a political subdivision pursuant to Laws 1984, chapter 651. Unless expressly provided otherwise in ~~Laws 1986, chapter 462, sections 1 to 29~~ sections 246A.01 to 246A.27, this subdivision shall not be construed to mean that the hospital subsidiary corporation is a political subdivision for any other purpose.

Sec. 24. Minnesota Statutes 1986, section 271.15, is amended to read:

271.15 WHO MAY ADMINISTER OATHS.

The commissioner of revenue, each judge of the tax court, the administrator and court administrators of the tax court, and all other officers and employees of the department and of the tax court shall, respectively, have power to administer oaths and to take and certify acknowledgments so far as they may deem necessary to the proper discharge of their respective duties, and may authenticate the same with the seal of the department or the tax court, as the case may be. The commissioner of revenue and any officer and employee of the department shall no longer exercise this power in any matter that has been appealed to the tax court.

Sec. 25. Minnesota Statutes 1986, section 273.13, subdivision 22, is amended to read:

Subd. 22. **CLASS 1.** (a) Except as provided in subdivision 23, real estate which is residential and used for homestead purposes is class 1. The market value of class 1a property must be determined based upon the value of the house, garage, and land.

The first \$64,000 of market value of class 1a property must be assessed at 18 percent of its market value. The homestead value of class 1a property that exceeds \$64,000 must be assessed at 28 percent of its value.

(b) Class 1b property includes real estate or manufactured homes used for the purposes of a homestead by

(1) any blind person, if the blind person is the owner thereof or if the blind person and the blind person's spouse are the sole owners thereof; or

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(2) any person, hereinafter referred to as "veteran," who:

(i) served in the active military or naval service of the United States; and

(ii) is entitled to compensation under the laws and regulations of the United States for permanent and total service-connected disability due to the loss, or loss of use, by reason of amputation, ankylosis, progressive muscular dystrophies, or paralysis, of both lower extremities, such as to preclude motion without the aid of braces, crutches, canes, or a wheelchair; and

(iii) with assistance by the administration of veterans affairs has acquired a special housing unit with special fixtures or movable facilities made necessary by the nature of the veteran's disability, or the surviving spouse of the deceased veteran for as long as the surviving spouse retains the special housing unit as a homestead; or

(3) any person who:

(i) is permanently and totally disabled and

(ii) receives 90 percent or more of total income from

(A) aid from any state as a result of that disability; or

(B) supplemental security income for the disabled; or

(C) workers' compensation based on a finding of total and permanent disability; or

(D) social security disability, including the amount of a disability insurance benefit which is converted to an old age insurance benefit and any subsequent cost of living increases; or

(E) aid under the Federal Railroad Retirement Act of 1937, United States Code Annotated, title 45, section 228b(a)5; or

(F) a pension from any local government retirement fund located in the state of Minnesota as a result of that disability.

Property is classified and assessed pursuant to clause (1) only if the commissioner of human services jobs and training certifies to the assessor that the owner of the property satisfies the requirements of this subdivision. The commissioner of human services jobs and training shall provide a copy of the certification to the commissioner of revenue.

Class 1b property is valued and assessed as follows: in the case of agricultural land, including a manufactured home, used for a homestead, the first \$32,000 of market value shall be valued and assessed at five percent, the next \$32,000 of market value shall be valued and assessed at 14 percent, and the remaining market value shall be valued and assessed at 18 percent; and in the case of all other real estate and manufactured homes, the first \$32,000 of market

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value shall be valued and assessed at five percent, the next \$32,000 of market value shall be valued and assessed at 18 percent, and the remaining market value shall be valued and assessed at 28 percent. In the case of agricultural land including a manufactured home used for purposes of a homestead, the commissioner of revenue shall adjust, as provided in section 273.1311, the maximum amount of the market value of the homestead brackets subject to the five percent and 18 percent rates; and for all other real estate and manufactured homes, the commissioner of revenue shall adjust, as provided in section 273.1311, the maximum amount of the market value of the homestead brackets subject to the five percent and 18 percent rates. Permanently and totally disabled for the purpose of this subdivision means a condition which is permanent in nature and totally incapacitates the person from working at an occupation which brings the person an income.

(c) Class 1c property is commercial use real property that abuts a lakeshore line and is devoted to temporary and seasonal residential occupancy for recreational purposes but not devoted to commercial purposes for more than 200 days in the year preceding the year of assessment, and that includes a portion used as a homestead by the owner. It must be assessed at 12 percent of market value with the following limitation: the area of the property must not exceed 100 feet of lakeshore footage for each cabin or campsite located on the property up to a total of 800 feet and 500 feet in depth, measured away from the lakeshore.

(d) The tax to be paid on class 1a or class 1b property, less any reduction received pursuant to sections 273.123 and 473H.10, shall be reduced by 54 percent of the tax imposed on the first \$68,000 of market value. The amount of the reduction shall not exceed \$700.

Sec. 26. Minnesota Statutes 1986, section 275.125, subdivision 11c, is amended to read:

Subd. 11c. **HAZARDOUS SUBSTANCE CAPITAL EXPENDITURE LEVY.** In addition to the levy authorized in ~~subdivisions 11a and 11b~~ subdivision 11a, each year a school district may levy an amount not to exceed the amount equal to \$25 times the total pupil units in the year to which the levy is attributable. No levy under this subdivision shall exceed two mills times the adjusted assessed valuation of the property in the district for the preceding year. The proceeds of the tax shall be placed in the district's capital expenditure fund and may be used only for expenditures necessary for the removal or encapsulation of asbestos from school buildings or property, asbestos related repairs, cleanup and disposal of polychlorinated biphenyls found in school buildings or property, or the cleanup, removal, disposal, and repairs related to storing transportation fuels such as alcohol, gasoline, fuel oil, and special fuel, as defined in section 296.01.

Sec. 27. Minnesota Statutes 1986, section 290.01, subdivision 20b, is amended to read:

Subd. 20b. **MODIFICATIONS REDUCING FEDERAL ADJUSTED GROSS INCOME.** There shall be subtracted from federal adjusted gross income:

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(1) interest income on obligations of any authority, commission or instrumentality of the United States to the extent includable in gross income for federal income tax purposes but exempt from state income tax under the laws of the United States;

(2) the portion of any gain, from the sale or other disposition of property having a higher adjusted basis for Minnesota income tax purposes than for federal income tax purposes, that does not exceed such difference in basis; but if such gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to 40 per centum of the portion of the gain;

(3) losses, not otherwise reducing federal adjusted gross income assignable to Minnesota, arising from events or transactions which are assignable to Minnesota under the provisions of sections 290.17 to 290.20, including any capital loss or net operating loss carryforwards or carrybacks or out of state loss carryforwards resulting from the losses, and including any farm loss carryforwards or carrybacks;

(4) if included in federal adjusted gross income, the amount of any overpayment of income tax to Minnesota, or any other state, for any previous taxable year, whether the amount is received as a refund or credited to another taxable year's income tax liability;

(5) the amount of any distribution from a qualified pension or profit-sharing plan included in federal adjusted gross income in the year of receipt to the extent of any contribution not previously allowed as a deduction by reason of a change in federal law which was not adopted by Minnesota law for a taxable year beginning in 1974 or later;

(6) pension income as provided by section 290.08, subdivision 26;

(7) the first \$3,000 of compensation for personal services in the armed forces of the United States or the United Nations, and the next \$2,000 of compensation for personal services in the armed forces of the United States or the United Nations wholly performed outside the state of Minnesota. This modification does not apply to compensation defined in clause (6);

(8) unemployment compensation to the extent includable in gross income for federal income tax purposes under section 85 of the Internal Revenue Code of 1954;

(9) for an estate or trust, the amount of any income or gain which is not assignable to Minnesota under the provisions of section 290.17;

(10)(a) income from the business of mining as defined in section 290.05, subdivision 1, clause (a) which is not subject to the Minnesota income tax; (b) to the extent included in computing federal adjusted gross income, expenses and other items allocable to the business of mining or producing iron ore, the mining or production of which is subject to the occupation tax imposed by section

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298.01, subdivision 1, shall be allowed as a subtraction to the extent that the expenses or other items are included in computing the modifications provided in subdivision 20a, clause (7) or paragraph (a) of this clause and to the extent that the expenses or other items are not deductible, capitalizable, retainable in basis, or taken into account by allowance or otherwise in computing the occupation tax. Occupation taxes imposed under chapter 298, royalty taxes imposed under chapter 299, and depletion expenses may not be subtracted under this paragraph;

(11) to the extent included in federal adjusted gross income, distributions from a qualified governmental pension plan which represent a return of designated employee contributions to the plan and which contributions were included in gross income pursuant to Minnesota Statutes 1984, section 290.01, subdivision 20a, clause (18). The provisions of this clause shall apply before the provisions of clause (6) apply and an amount subtracted under this clause may not be subtracted under clause (6); ~~and~~

(12) to the extent included in federal adjusted gross income, distributions from an individual retirement account which represent a return of contributions if the contributions were included in gross income pursuant to Minnesota Statutes 1984, section 290.01, subdivision 20a, clause (17). The distribution shall be allocated first to return of contributions included in gross income until the amount of the contributions has been exhausted; and

(13) to the extent included in federal adjusted gross income, income related to disposition of property used in a family farm business as provided by section 290.08, subdivision 27.

Sec. 28. Minnesota Statutes 1986, section 296.14, subdivision 4, is amended to read:

Subd. 4. PAYMENT AND TRANSFER OF TAX ON GASOLINE SOLD FOR STORAGE IN ON-FARM BULK STORAGE AND ETHYL ALCOHOL FOR PERSONAL USE. Notwithstanding the provisions of this section, the producer of ethyl alcohol which is produced for personal use and not for sale in the usual course of business and a farmer who uses gasoline on which a tax has not been paid shall report and pay the tax on all ethyl alcohol or gasoline delivered into the supply tank of a licensed motor vehicle during the preceding calendar year. The tax shall be reported and paid together with any refund claim filed by the taxpayer under section 296.18. If no refund claim is filed, the tax shall be reported and paid annually by March 15 or more frequently, as the commissioner may prescribe. Any producer, qualifying under this subdivision, shall be exempt from the licensing requirements contained in section ~~296.01~~ 296.06, subdivision 1.

Sec. 29. Minnesota Statutes 1986, section 322A.70, is amended to read:

322A.70 REGISTRATION.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Before transacting business in this state, a foreign limited partnership shall register with the secretary of state. In order to register, a foreign limited partnership shall submit to the secretary of state, in duplicate, an application for registration as a foreign limited partnership, signed and sworn to by a general partner and setting forth:

(1) the name of the foreign limited partnership and, if different, the name under which it proposes to register and transact business in this state;

(2) the state and date of its formation;

(3) the name and address of any agent for service of process on the foreign limited partnership whom the foreign limited partnership elects to appoint; the agent must be an individual resident of this state, a domestic corporation, or a foreign corporation having a place of business in, and authorized to do business in, this state;

(4) a statement that the secretary of state is appointed the agent of the foreign limited partnership for service of process if no agent has been appointed under paragraph (4) (3) or, if appointed, the agent's authority has been revoked or if the agent cannot be found or served with the exercise of reasonable diligence;

(5) the address of the office required to be maintained in the state of its organization by the laws of that state or, if not so required, of the principal office of the foreign limited partnership;

(6) the name and business address of each general partner; and

(7) the address of the office at which is kept a list of the names and addresses of the limited partners and their capital contributions, together with an undertaking by the foreign limited partnership to keep those records until the foreign limited partnership's registration in this state is canceled or withdrawn.

Sec. 30. Minnesota Statutes 1986, section 326.03, subdivision 2, is amended to read:

Subd. 2. Nothing contained in sections 326.02 to 326.15 shall prevent persons from advertising and performing services such as consultation, investigation, or evaluation in connection with, or from making plans and specifications for, or from supervising, the erection, enlargement, or alteration of any of the following buildings:

(a) Dwellings for single families, and outbuildings in connection therewith, such as barns and private garages;

(b) Two family dwellings;

(c) Any farm building or accessory thereto; or

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(d) Temporary buildings or sheds used exclusively for construction purposes, not exceeding two stories in height, and not used for living quarters;

~~(e) Any public work or public improvement done by a public body in this state, the cost of which does not exceed \$100,000, provided that plans and specifications for such work or improvement affecting water supply or waste disposal are approved by the appropriate state agency; or~~

~~(f) Any building, structure, or work, the total cost of which does not exceed \$100,000.~~

Sec. 31. Minnesota Statutes 1986, section 326.06, is amended to read:

326.06 GENERAL POWERS AND DUTIES OF BOARD.

Each member of the board shall receive a certificate of appointment from the governor, and, before beginning a term of office, shall file with the secretary of state the constitutional oath of office. The board shall adopt and have an official seal, which shall be affixed to all licenses granted; shall make all rules, not inconsistent with law, needed in performing its duties; and shall fix standards for determining the qualifications of applicants for certificates, which shall not exceed the requirements contained in the curriculum of a recognized school of architecture, landscape architecture or engineering. The board shall make rules to define classes of buildings with respect to which persons performing services described in section 326.03, subdivision 2, may be exempted from the provisions of sections 326.02 to 326.15, by a finding of no probable risk to life, health, property or public welfare. ~~These rules shall be promulgated on or before July 1, 1979. Upon the adoption of these rules, section 326.03, subdivision 2, clauses (e) and (f), are superseded and of no effect.~~

Sec. 32. Minnesota Statutes 1986, section 327C.07, subdivision 3a, is amended to read:

Subd. 3a. **SAFETY FEATURE DISCLOSURE FORM.** A resident or a resident's agent shall disclose information about safety features of the home to the prospective buyer. The information must be given to the buyer before the sale, in writing, in the following form:

This form is required by law to be filled out and given to the prospective buyer of any used manufactured home by all private parties, dealers, and brokers.

This home has at least one egress window in each bedroom, or a window in each bedroom that meets the specifications of the American National Standard Institute 1972 Standard A119.1 covering manufactured homes made in Minnesota. This standard requires that the window be at least 22 inches in least dimension, and at least five square feet in area, and that the window be not more than four feet off the floor. Egress windows installed in compliance with the United States Department of Housing and Urban Development Manufac-

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tured Home Standards or the State Building Code are deemed to meet the requirements of this section.

Yes No

This home has (number) of exits. They are located

This home is equipped with fire extinguishers as required by the Minnesota state health department.

Yes No

They are located

This home is equipped with at least one listed automatic smoke detector outside each sleeping area as required in homes built in accordance with the state building code.

Yes No

This home has aluminum electrical wiring.

Yes No

Aluminum electrical wiring can present a fire hazard in homes. The special hazards presented by aluminum electrical wiring can be eliminated by certain repairs, as recommended by the United States Consumer Product Safety Commission.

A. The wiring connections to the outlets in this home have been crimped, and the connection point is now copper.

Yes No

B. This home has electrical outlets and switches compatible with aluminum electrical wiring.

Yes No

C. Other action has been taken to eliminate or reduce the danger caused by aluminum electrical wiring in this home. (Describe) (The buyer may check the effectiveness of these methods by contacting the United States Consumer Product Safety Commission.)

The furnace compartment in this home is lined with gypsum board, as specified in the 1976 United States Department of Housing and Urban Development codes governing manufactured housing construction.

Yes No

The water heater enclosure in this home is lined with gypsum board, as specified in the 1976 United States Department of Housing and Urban Development codes governing manufactured housing construction.

Yes No

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This home contains a solid fuel burning stove. This stove was installed by the manufacturer of the home after June 15, 1976, and was inspected for compliance with the United States Department of Housing and Urban Development Manufactured Home Standards.

Yes

No

This home contains a solid fuel burning stove. This stove unit is approved for installation in manufactured homes. It was installed by in accordance with the manufacturer's guidelines. A building permit for this stove was issued by the city of, and this stove installation has been approved by the building official.

Yes

No

This home contains a solid fuel burning fireplace. The fireplace was installed by the manufacturer of the home after June 15, 1976, and was inspected for compliance with the United States Department of Housing and Urban Development Manufactured Home Standards.

Yes

No

This home contains a solid fuel burning fireplace. This fireplace unit is approved for installation in manufactured homes. It was installed by in accordance with the manufacturer's guidelines. A building permit for this fireplace was issued by the city of, and this fireplace installation has been approved by the building official.

Yes

No

This home is supported by a support system, as required by state code since September 1, 1974.

Yes

No

It is also recommended that the buyer check the home's heat tape. Old and worn heat tape, and improper installation of heat tape, can cause a fire hazard.

It is recommended that the buyer have a qualified utility representative check the furnace and water heater to see that they are both in good working order. If this home was converted from oil to natural gas heat, there could be safety problems if the conversion was not done correctly. A utility representative or building official can inspect the condition and installation of this equipment. They may charge a reasonable fee to do so. It is also recommended that the buyer check the floor area around the water heater and furnace compartments. A weakened floor can create a fire hazard.

It is also recommended that the buyer have a utility approved energy audit of the home.

If you purchase the home, you will be required to install egress windows within one year and smoke detectors and fire extinguishers within 30 days. You will be required to comply with all of the safety features contained in this form within three years.

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I,, the undersigned, hereby declare that the above information is true and correct to the best of my knowledge.

.....
Signature

.....
Date

A park owner shall provide a resident or a resident's agent with a copy of the safety feature disclosure form upon request.

Sec. 33. Minnesota Statutes 1986, section 349.2121, subdivision 3, is amended to read:

Subd. 3. **SUSPENSION, REVOCATION.** The commissioner, after notice and hearing, may for reasonable cause revoke or suspend a permit held by a distributor. A notice must be sent to the distributor at least 30 days before the hearing and give notice of the time and place of the hearing, must give the reason for the proposed suspension or revocation, and must require the distributor to show cause why the proposed action should not be taken. The notice may be served personally or by mail in the manner prescribed for service of notice of a deficiency. The commissioner may not issue a new permit after revocation except upon application accompanied by reasonable evidence of the intention of the applicant to comply with all applicable laws and rules.

Sec. 34. Minnesota Statutes 1986, section 354.05, subdivision 2, is amended to read:

Subd. 2. **TEACHER.** "Teacher" includes any person who renders service as a teacher, supervisor, principal, superintendent, or librarian in the public schools of the state located outside of the corporate limits of the cities of the first class as those cities were so classified on January 1, 1979, or in the state universities, or in any charitable or state institution including penal and corrective institutions supported, in whole or in part, by public funds, or who is engaged in educational administration in connection with the state public school system, including the state university system and state community college system, but excluding the University of Minnesota, whether the position be a public office or an employment, not including members of any general governing or managing board or body connected with the systems, or the officers of common, independent, special, or associated school districts, or unorganized territory. The term shall also include an employee of the teachers retirement association unless the employee is covered by the Minnesota state retirement system by virtue of prior employment by the association, and any nurse, counselor, social worker, therapist or psychologist who renders service in the public schools as defined above or in state universities. The term shall also include any person who renders teaching service on a part-time basis and who also renders other services for a school district. In such cases, the teachers retirement association shall have the authority to determine whether all or none of the combined employment shall be covered by the teachers retirement association. The term does not include an

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employee described in section 352D.02, subdivision 1a, ~~clause (4)~~, who is hired after the effective date of Laws 1986, chapter 458. The term does not mean any person who works for a school or institution as an independent contractor. The term shall not include any person employed in subsidized on-the-job training, work experience or public service employment as an enrollee under the federal Comprehensive Employment and Training Act from and after March 30, 1978, unless the person has as of the later of March 30, 1978 or the date of employment sufficient service credit in the retirement fund to meet the minimum vesting requirements for a deferred retirement annuity, or the employer agrees in writing on forms prescribed by the executive director to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal Comprehensive Training and Employment Act, or the person agrees in writing on forms prescribed by the executive director to make the required employer contribution in addition to the required employee contribution. The term shall not include any person holding a part-time adult supplementary vocational technical school license who renders part-time teaching service in a vocational technical school if (1) the service is incidental to the regular non-teaching occupation of the person; and (2) the applicable vocational technical school stipulates annually in advance that the part-time teaching service will not exceed 300 hours in a fiscal year; and (3) the part-time teaching service actually does not exceed 300 hours in a fiscal year. The term also shall not include a person exempt from licensure pursuant to section 125.031 or any person who was excluded from membership prior to January 1, 1981 pursuant to Laws 1978, chapter 556, section 1 and Laws 1980, chapter 342, section 8, if the person annually certifies on a form prescribed by the executive director that the person has established and is contributing to an individual retirement account which is based on nonteaching employment.

Sec. 35. Minnesota Statutes 1986, section 366.095, subdivision 1, is amended to read:

366.095 AUTHORITY TO ISSUE CERTIFICATES OF INDEBTEDNESS.

Subdivision 1. **CERTIFICATES OF INDEBTEDNESS.** The town board may issue certificates of indebtedness within the existing debt limits for a town purpose otherwise authorized by law. The certificates shall be payable in not more than five years and shall be issued on the terms and in the manner as the board may determine. If the amount of the certificates to be issued ~~to finance the purchase~~ exceeds one percent of the assessed valuation of the town, excluding money and credits, they shall not be issued for at least ten days after publication in a newspaper of general circulation in the town of the board's resolution determining to issue them; and if before the end of that time, a petition asking for an election on the proposition signed by voters equal to ten percent of the number of voters at the last regular town election is filed with the clerk, the certificates shall not be issued until the proposition of their issuance has been approved by a majority of the votes cast on the question at a regular or

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special election. A tax levy shall be made for the payment of the principal and interest on the certificates as in the case of bonds.

Sec. 36. Minnesota Statutes 1986, section 378.43, subdivision 1, is amended to read:

Subdivision 1. **PETITION.**

(a) A lake improvement district may be initiated by a petition to the county board. The petition must state:

- (1) the name of the proposed lake improvement district;
- (2) the necessity of the proposed district to promote public health or public welfare;
- (3) the benefits to property from the establishment of the lake improvement district;
- (4) the boundaries of the proposed district which shall be encouraged to be as consistent as possible with natural hydrologic boundaries;
- (5) a map of the proposed district;
- (6) the number, from five to nine, of directors proposed for the district; and
- (7) a request for establishing the district as proposed.

(b) A petition must be signed by 26 percent of the property owners within the proposed lake improvement district described in the petition. Governmental subdivisions, other than the state or federal governments, owning lands within the proposed district are eligible to sign the petition.

(c) The petition must be filed with the county auditor and addressed to the board requesting the board to establish of a lake improvement district to develop and provide a program of water and related land resources management.

(d) The county board shall, at least 30 days before it acts on a petition, send the town board of a town wholly or partially within the boundaries of a proposed district a copy of the petition submitted under this subdivision and encourage the town board to respond to the proposed creation of the district.

Sec. 37. Minnesota Statutes 1986, section 383A.404, subdivision 7, is amended to read:

Subd. 7. **SALARIES PAYABLE OUT OF RAMSEY COUNTY TREASURY.** All annual salaries for the ~~second judicial district court services~~ community corrections department shall be payable out of the Ramsey county treasury.

Sec. 38. Minnesota Statutes 1986, section 453.53, subdivision 3, is amended to read:

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Subd. 3. The initial board of directors of the municipal power agency, unless otherwise provided by the agency agreement, shall be elected prior to the filing of the agreement by a majority vote of the persons acting as representatives of the member cities, from among their ~~member~~ members. After commencement of existence, the first meeting of the board of directors shall be held at the call of the directors, after notice, for the purpose of adopting the initial bylaws, electing officers, and for any other business that comes before the meeting.

Sec. 39. Minnesota Statutes 1986, section 462A.20, subdivision 3, is amended to read:

Subd. 3. Whenever any money ~~are~~ is appropriated by the state to the agency solely for a specified purpose or purposes, the agency shall establish a separate bookkeeping account or accounts in the housing development fund to record the receipt and disbursement of such money and of the income, gain, and loss from the investment and reinvestment thereof. The agency may transfer unencumbered balances from one appropriated account to another, provided that no money appropriated for the purpose of agency loan programs may be transferred to an account to be used for making grants, except that money appropriated for the purpose of section 462A.05, subdivision 14a, may be transferred for the purpose of section 462A.05, subdivision 15a.

Sec. 40. Minnesota Statutes 1986, section 462C.04, subdivision 2, is amended to read:

Subd. 2. A public hearing shall be held on each program after one publication of notice in a newspaper circulating generally in the city, at least 15 days before the hearing. On or before the day on which notice of the public hearing is published, the city shall submit the program to the metropolitan council, if the city is located in the metropolitan area as defined in section 473.121, subdivision 2, or to the regional development commission for the area in which the city is located, if any, for review and comment. The appropriate reviewing agency shall comment on:

(a) whether the program is consistent with the housing plan of the city; and

(b) whether the program is consistent with the metropolitan development guide, if the city is located in the metropolitan area, or adopted policies of the regional development commission.

Review of the program may be conducted either by the board of the reviewing agency or by the staff of the agency. Any comment submitted by the reviewing agency to the city must be presented to the body considering the proposed program at the public hearing held on the program.

A member or employee of the reviewing agency shall be permitted to present the comments of the reviewing agency at the public hearing. After conducting the public hearing, the program may be adopted with or without amendment,

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provided that any amendments must not be inconsistent with the comments, if any, of the reviewing agency and must not contain any material changes from the program submitted to the reviewing agency other than changes in the financial aspects of any proposed issue of bonds or obligations. If any material change other than a change in the financial aspects of a proposed issue of bonds or obligations, or any change which is inconsistent with the comments of the reviewing agency is adopted, the amended program shall be resubmitted to the appropriate reviewing agency for review and comment, and a public hearing shall be held on the amended program after one publication of notice in a newspaper circulating generally in the city at least 15 days before the hearing. The amended program shall be considered after the public hearing in the same manner as consideration of the initial program. Each program shall be submitted to the Minnesota housing finance agency for review. The agency shall reject any program that:

- (a) does not comply with statewide housing policies;
- (b) if implemented will cause a material adverse effect on financing programs of the agency, will subject the interest on future bonds of the agency to federal income tax under any limitations imposed at the time by federal law;
- (c) provides for administrative and bond issuance costs that are unreasonable; or
- (d) does not comply with all other requirements of sections 462C.01 to 462C.08.

The agency shall have 30 days from submission to complete its review and reject a program. Submission shall be the date on which a complete document describing the program is submitted to the agency. If the agency rejects a program it shall communicate the fact of that rejection, in writing, to the city with within 15 days of the rejection. If the agency fails to reject a program within 30 days of submission, or fails to communicate a rejection, in writing, to the city within 15 days of the rejection, then the agency is precluded from rejecting the program. For purposes of sections 462C.01 to 462C.08, the agency's failure to reject a program is considered an approval of the program. The agency may collect reasonable fees and charges in connection with its review of a city's housing program. The fees and charges shall be limited to the amounts required to pay the actual costs to the agency.

The Minnesota housing finance agency, in cooperation with the metropolitan council and the regional development commissions, shall report annually to the legislature on the number and amounts of bond issues and the number of housing programs established pursuant to sections 462C.01 to 462C.08.

Sec. 41. Minnesota Statutes 1986, section 462C.12, subdivision 2, is amended to read:

Subd. 2. **POWERS.** The board is granted the following powers:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(a) The board may issue obligations and other forms of indebtedness under this section, subject to the terms and conditions set forth in the joint powers agreement, as may be from time to time amended.

(b) The board is authorized to exercise the powers conferred upon the cities of Minneapolis and St. Paul and their designated housing and redevelopment authorities, or the powers of an agency exercising the powers of a housing and redevelopment authority by this chapter and chapter 462 and any other general or special law of the state of Minnesota relating to housing or housing finance. The powers which may be exercised by the board include, without limitation, the power to undertake and implement projects, developments, or programs, the power to issue and sell obligations and other forms of indebtedness payable exclusively from the revenues of the programs, projects, or developments undertaken by the board, or any of the powers the Minnesota housing finance agency may exercise under chapter 462A, provided that the obligations and other forms of indebtedness may be sold upon terms and conditions as the board may from time to time determine. The board may exercise the powers conferred by this section only with respect to projects, programs, or developments within the corporate limits of the cities of Minneapolis and St. Paul, except as may be otherwise provided in a joint powers agreement entered into under section 471.59 between the board and any other city, housing and redevelopment authority, port authority or economic development authority established under sections 458C.01 to 458C.23 in the state of Minnesota.

(c) For the purposes of section ~~462C.09~~ 474A.07, the board may be authorized by the cities of Minneapolis and St. Paul, or by any other city with which the board enters into a joint powers agreement, to issue revenue bonds or obligations in an amount not to exceed the amount of bonds allocated by general or special law to such cities, or the board may issue mortgage credit certificates in lieu thereof.

Sec. 42. Minnesota Statutes 1986, section 471.993, subdivision 1, is amended to read:

Subdivision 1. **ASSURANCE OF REASONABLE RELATIONSHIP.** In preparing management negotiation positions for compensation established through collective bargaining under chapter ~~179~~ 179A and in establishing, recommending, and approving compensation plans for employees of political subdivisions not represented by an exclusive representative under chapter ~~179~~ 179A, the respective political subdivision as the public employer, as defined in section ~~179.63~~, subdivision 4 179A.03, subdivision 15, or, where appropriate, the Minnesota merit system, shall assure that:

- (1) compensation for positions in the classified civil service, unclassified civil service, and management bear reasonable relationship to one another;
- (2) compensation for positions bear reasonable relationship to similar positions outside of that particular political subdivision's employment; and

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(3) compensation for positions within the employer's work force bear reasonable relationship among related job classes and among various levels within the same occupational group.

Sec. 43. Minnesota Statutes 1986, section 471A.03, subdivision 2, is amended to read:

Subd. 2. **SERVICE CONTRACT.** Subject to the provisions of section ~~471A.09~~ 471A.08, a municipality may enter into a service contract for a term of not more than 30 years. However, the service contract may permit the municipality to either extend or renew the term of the service contract so long as the municipality is not bound under the service contract for an extended or renewal period of more than 30 years. Under the service contract the municipality may, under terms and conditions agreed to by the municipality and the private vendor:

(1) obligate itself to pay or cause to be paid a service fee for the availability and use of the capital intensive public services to be furnished under the service contract;

(2) enter into other agreements relating to the service to be provided and which the municipality considers appropriate that are not otherwise contrary to law; and

(3) either pledge its full faith and credit or obligate a specific source of payment for the payment of the service fee and the performance of other obligations under the service contract and the payment of damages for failure to perform the obligations.

The obligation of the municipality to pay the service fee and perform any other permitted obligations under the service contract are not considered a debt within the meaning of any statutory or charter limitation, and no election is required as a precondition to the municipality entering into any permitted obligation or undertaking a project under a service contract.

Sec. 44. Minnesota Statutes 1986, section 474A.09, is amended to read:

474A.09 ALLOCATION OF STATE ENTITLEMENTS UNDER FEDERAL VOLUME LIMITATION ACT.

The amount allocated to the department of finance under section 474A.08, subdivision 1, clause (1), may be allocated or reallocated by the commissioner of the department of finance internally among state issuers at any one time or from time to time during the calendar year, provided that 11.5 percent of the entitlement allocation is allocated to the iron range resources and rehabilitation commissioner. Upon the request of a statutory city located in the taconite tax relief area that received an entitlement allocation under Minnesota Statutes 1984, section 474.18, of \$5,000,000 or more for calendar year 1985, the iron range resources and rehabilitation commissioner shall enter into an agreement with

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the city whereby the commissioner issues obligations on behalf of the city, in an amount requested by the city but not to exceed 17 percent of the amount allocated to the commissioner under this ~~subdivision~~ section.

Sec. 45. Minnesota Statutes 1986, section 604.06, is amended to read:

604.06 FIREMAN'S RULE.

The common law doctrine known as the fireman's rule shall not operate to deny any peace officer, as defined in section 626.84, subdivision 1, clause (c), or section ~~352E.01~~ 176B.01, subdivision 2, a recovery in any action at law or authorized by statute.

Sec. 46. Minnesota Statutes 1986, section 609.53, subdivision 1, is amended to read:

Subdivision 1. **PENALTY.** Any person who receives, possesses, transfers, buys or conceals any stolen property or property obtained by robbery, knowing or having reason to know the property was stolen or obtained by robbery, may be sentenced as follows:

(1) If the value of the property is \$1,000 or more, to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both;

(2) If the value of the property is less than \$1,000, but more than \$300, to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both;

(3) If the value of the property is \$300 or less, to imprisonment for not more than 90 days or to payment of a fine of not ~~less~~ more than \$700, or both;

(4) Notwithstanding the value of the property, if the property is a firearm, to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Sec. 47. Minnesota Statutes 1986, section 609.53, subdivision 1a, is amended to read:

Subd. 1a. **PENALTY.** Any precious metal dealer as defined in section 325F.731, subdivision 2, or any person employed by a precious metal dealer as defined in section 325F.731, subdivision 2, who receives, possesses, transfers, buys or conceals any stolen property or property obtained by robbery, knowing or having reason to know the property was stolen or obtained by robbery, may be sentenced as follows:

(1) If the value of the property received, bought or concealed is \$1,000 or more, to imprisonment for not more than ten years or to payment of a fine of not more than \$50,000, or both;

(2) If the value of the property received, bought or concealed is less than

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\$1,000 but more than \$300, to imprisonment for not more than five years or to payment of a fine of not more than \$40,000, or both;

(3) If the value of the property received, bought, or concealed is \$300 or less, to imprisonment for not more than 90 days or to payment of a fine of not less more than \$700, or both.

Sec. 48. Minnesota Statutes 1986, section 645.02, is amended to read:

645.02 EFFECTIVE DATE AND TIME OF LAWS.

Each act, except one making appropriations, enacted finally at any session of the legislature takes effect on August 1 next following its final enactment, unless a different date is specified in the act. A special law required to be approved by the local government unit affected before it goes into effect becomes effective as to the approving unit the day following the day on which the certificate of approval prescribed by section 645.021, ~~subdivision 1,~~ is filed with the secretary of state, unless a later date is specified in the act. When approval of such a special law is required by two or more local government units before it may become effective, the day after the day when the last of the required certificates is filed is the effective date, unless a later date is specified in the act.

An appropriation act or an act having appropriation items enacted finally at any session of the legislature takes effect at the beginning of the first day of July next following its final enactment, unless a different date is specified in the act.

Each act takes effect at 12:01 a.m. on the day it becomes effective, unless a different time is specified in the act.

Sec. 49. REVISOR'S INSTRUCTION.

In the next and subsequent editions of Minnesota Statutes, the revisor shall change the names of the state-operated hospitals referred to in column A to the names designated in column B.

Column A

Anoka State Hospital

Brainerd State Hospital

Cambridge State Hospital

Faribault State Hospital

Fergus Falls State Hospital

* Moose Lake State Hospital

St. Peter State Hospital

Column B

Anoka-Metro Regional
Treatment Center

Brainerd Regional

Human Services Center

Cambridge Regional Human
Services Center

Faribault Regional Center

Fergus Falls Regional

Treatment Center

Moose Lake Regional

Treatment Center

St. Peter Regional

Treatment Center

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Willmar State HospitalWillmar Regional
Treatment Center

Sec. 50. Laws 1982, chapter 523, article 30, section 4, subdivision 1, is amended to read:

Sec. 4. INDEPENDENT SCHOOL DISTRICT 710.

Subdivision 1. Commencing with taxes payable in 1983, the commissioner of revenue shall deduct and annually pay to Independent School District 710 an amount equal to four cents per gross ton of taxable iron concentrate produced but not less than \$240,000 annually from the taxes paid pursuant to sections 298.23 to 298.28 by a person, corporation, partnership, operator, joint venture or other owner of a taconite plant and taconite properties located within the school district. The deduction shall be made from the amount which would otherwise have been distributed to the northeast Minnesota economic protection fund in the apportionment fund in the state treasury under section 298.28, ~~subdivision 1~~ subdivisions 2 to 12. A sum is annually appropriated to the commissioner from the proceeds of the taxes sufficient to make the payments required by this section.

Sec. 51. Laws 1986, chapter 399, article 1, section 17, is amended to read:

Sec. 17. EXCLUSION FROM PETITION REQUIREMENTS AND VETO POWER.

The petition requirement of section 15 and the right of owners and those subject to a service charge to veto a resolution in section ~~20~~ 16 do not apply to second or subsequent years' applications of a tax or service charge which is authorized to be in effect for more than one year pursuant to a resolution which has met the petition requirements of section 15 and which has not been vetoed under section 20 for the first year's application. A resolution levying a tax or imposing a service charge for more than one year shall not be adopted unless the notice of public hearing required by section 10 and the notice mailed with the adopted resolution pursuant to section 16 include the following information:

(a) In the case of improvements, the maximum rate or amount of taxes to be levied or the maximum service charge to be imposed in any year and the maximum number of years the taxes will be levied or service charges imposed to pay for the improvement.

(b) In the case of operating and maintenance services, the maximum rate or amount of taxes to be levied or the maximum service charge to be imposed in any year and the maximum number of years, or a statement that the tax will be imposed for an indefinite number of years, the taxes will be levied or service charges imposed to pay for operation and maintenance services.

The resolution may provide that the maximum amount of tax to be levied or maximum service charge to be imposed in any year will increase or decrease

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from the maximum amount authorized in the preceding year based on an indicator of increased cost or a percentage amount established by the resolution.

Sec. 52. Laws 1986, chapter 463, section 3, is repealed.

Sec. 53. Laws 1986, First Special Session chapter 3, article 1, section 84, is repealed.

Sec. 54. Minnesota Statutes 1986, section 176.011, subdivision 9, is amended to read:

Subd. 9. **EMPLOYEE.** "Employee" means any person who performs services for another for hire including the following:

(1) an alien;

(2) a minor;

(3) a sheriff, deputy sheriff, constable, marshal, police officer, firefighter, county highway engineer, and peace officer while engaged in the enforcement of peace or in the pursuit or capture of any a person charged with or suspected of crime ~~and any~~;

a person requested or commanded to aid an officer in arresting any person; or in retaking any a person who has escaped from lawful custody, or in executing any legal process, in which ease cases, for purposes of calculating compensation payable under this chapter, the daily wage of the person ~~requested or commanded to assist an officer or to execute a legal process~~ shall be the prevailing wage for similar services ~~where the services are~~ performed by paid employees;

(4) a county assessor;

(5) an elected or appointed official of the state, or of any a county, city, town, school district or governmental subdivision ~~in the state~~. An officer of a political subdivision elected or appointed for a regular term of office, or to complete the unexpired portion of a regular term, shall be included only after the governing body of the political subdivision has adopted an ordinance or resolution to that effect;

(6) an executive officer of a corporation, except an officer of a family farm corporation as defined in section 500.24, subdivision 1, clause (c), or an executive officer of a closely held corporation who is referred to in section 176.012;

(7) a voluntary uncompensated worker, other than an inmate, rendering services in state institutions under the ~~commissioner~~ commissioners of human services and ~~state institutions under the commissioner~~ of corrections similar to those of officers and employees of ~~these~~ the institutions, and whose services have been accepted or contracted for by the commissioner of human services or ~~the commissioner~~ of corrections as authorized by law; ~~shall be employees~~. In the event of injury or death of the ~~voluntary uncompensated~~ worker, the daily wage

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of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of the injury or death for similar services in institutions where the services are performed by paid employees;

(8) a voluntary uncompensated worker engaged in peace time in the civil defense program when ordered to training or other duty by the state or any political subdivision of it; ~~shall be an employee~~. The daily wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of the injury or death for similar services where the services are performed by paid employees;

(9) a voluntary uncompensated worker participating in a program established by a county welfare board ~~shall be an employee~~. In the event of injury or death of the ~~voluntary uncompensated~~ worker, the wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid in the county at the time of the injury or death for similar services where the services are performed by paid employees working a normal day and week;

(10) a voluntary uncompensated worker accepted by the commissioner of natural resources who is rendering services as a volunteer pursuant to section 84.089 ~~shall be an employee~~. The daily wage of the worker for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of injury or death for similar services where the services are performed by paid employees;

(11) a member of the military forces, as defined in section 190.05, while in state active service, as defined in section 190.05, subdivision 5a. The daily wage of the member for the purpose of calculating compensation payable under this chapter shall be based on the member's usual earnings in civil life. If there is no evidence of previous occupation or earning, the trier of fact shall consider the member's earnings as a member of the military forces;

(12) a voluntary uncompensated worker, accepted by the director of the Minnesota historical society, rendering services as a volunteer, pursuant to chapter 138; ~~shall be an employee~~. The daily wage of the worker, for the purposes of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of injury or death for similar services where the services are performed by paid employees;

(13) a voluntary uncompensated worker, other than a student, who renders services at the Minnesota ~~School~~ state academy for the deaf or the Minnesota ~~Braille and Sight-Saving School~~ state academy for the blind, and whose services have been accepted or contracted for by the state board of education, as authorized by law; ~~shall be an employee~~. In the event of injury or death of the ~~voluntary uncompensated~~ worker, the daily wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of the injury or death for similar services performed in institutions where the services are performed by paid employees;

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(14) a voluntary uncompensated worker, other than a resident of the veterans home, who renders services at a Minnesota veterans home, and whose services have been accepted or contracted for by the commissioner of veterans affairs, as authorized by law, ~~is an employee~~. In the event of injury or death of the ~~voluntary uncompensated~~ worker, the daily wage of the worker, for the purpose of calculating compensation ~~payable~~ under this chapter, shall be the usual ~~going~~ wage paid at the time of the injury or death for similar services performed in institutions ~~where the services are performed~~ by paid employees;

(15) a worker who renders in-home attendant care services to a physically handicapped person, and who is paid directly by the commissioner of human services for these services, shall be an employee of the state within the meaning of this subdivision, but for no other purpose;

(16) ~~these~~ students enrolled in and regularly attending the medical school of the University of Minnesota; ~~whether~~ in the graduate school program or the post-graduate program; ~~notwithstanding that~~. The students shall not be considered employees for any other purpose. In the event of the student's injury or death, the weekly wage of the student for the purpose of calculating compensation ~~payable~~ under this chapter, shall be the annualized educational stipend awarded to the student, divided by 52 weeks. The institution in which the student is enrolled shall be considered the "employer" for the limited purpose of determining responsibility for paying benefits ~~payable~~ under this chapter;

(17) a faculty member of the University of Minnesota employed for ~~the~~ current an academic year is also an employee for the period between that academic year and the succeeding academic year if:

(a) ~~the faculty~~ member has a contract or reasonable assurance of a contract from the University of Minnesota for the succeeding academic year; and

(b) the personal injury for which compensation is sought arises out of and in the course of activities related to the faculty member's employment by the University of Minnesota; ~~and~~

(18) a worker who performs volunteer ambulance driver or attendant services is an employee of the political subdivision, nonprofit hospital, nonprofit corporation, or other entity for which the worker performs the services. The daily wage of the worker for the purpose of calculating compensation ~~payable~~ under this chapter ~~is~~ shall be the usual ~~going~~ wage paid at the time of injury or death for similar services ~~if the services are performed~~ by paid employees; and

(19) a voluntary uncompensated worker, accepted by the commissioner of administration, rendering services as a volunteer at the department of administration. In the event of injury or death of the ~~voluntary uncompensated~~ worker, the daily wage of the worker, for the purpose of calculating compensation ~~payable~~ under this chapter, shall be the usual ~~going~~ wage paid at the time of the injury or death for similar services performed in institutions ~~where the services were performed~~ by paid employees.

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~~In the event~~ If it is difficult to determine the daily wage as provided in this subdivision, ~~then~~ the trier of fact may determine the wage upon which the compensation is payable.

Sec. 55. INSTRUCTION TO REVISOR.

In the next edition of Minnesota Statutes, the revisor shall substitute "Minnesota state academy for the blind" and "Minnesota state academy for the deaf" for the former names of those institutions whenever they appear.

Sec. 56. Minnesota Statutes 1986, section 282.08, is amended to read:

282.08 APPORTIONMENT OF PROCEEDS.

The net proceeds from the sale or rental of any parcel of forfeited land, or from the sale of any products therefrom, shall be apportioned by the county auditor to the taxing districts interested therein, as follows:

(1) Such portion as may be required to pay any amounts included in the appraised value under section 282.01, subdivision 3, as representing increased value due to any public improvement made after forfeiture of such parcel to the state, but not exceeding the amount certified by the clerk of the municipality, shall be apportioned to the municipal subdivision entitled thereto;

(2) Such portion of the remainder as may be required to discharge any special assessment chargeable against such parcel for drainage or other purpose whether due or deferred at the time of forfeiture, shall be apportioned to the municipal subdivision entitled thereto; and

(3) Any balance shall be apportioned as follows:

(a) Any county board may annually by resolution set aside no more than 30 percent of the receipts remaining to be used for timber development on tax-forfeited land and dedicated memorial forests, to be expended under the supervision of the county board. It shall be expended only on projects approved by the commissioner of natural resources.

(b) Any county board may annually by resolution set aside no more than 20 percent of the receipts remaining to be used for the acquisition and maintenance of county parks or recreational areas as defined in sections 398.31 to 398.36, to be expended under the supervision of the county board.

(c) If the board does not avail itself of the authority under paragraph (a) or (b) any balance remaining shall be apportioned as follows: county, 40 percent; town or city, 20 percent; and school district, 40 percent, and if the board avails itself of the authority under paragraph (a) or (b) the balance remaining shall be apportioned among the county, town or city, and school district in the proportions in this paragraph above stated, provided, however, that in unorganized territory that portion which should have accrued to the township shall be administered by the county board of commissioners.

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ARTICLE 2

OBSOLETE REFERENCE CORRECTIONS

Section 1. INSTRUCTION TO REVISOR.

In each section of Minnesota Statutes referred to in column A, the revisor of statutes shall delete the reference in column B and insert the reference in column C.

<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
<u>1.36, subd. 2</u>	<u>3.102</u>	<u>3.101</u>
<u>3.3026, subd. 7</u>	<u>16.90</u>	<u>16B.40, subd. 2,</u> <u>clause (3)</u>
<u>3.732</u>	<u>16.07</u>	<u>16B.07</u>
<u>3.732</u>	<u>16.08</u>	<u>16B.09</u>
<u>3.732</u>	<u>16.098</u>	<u>16B.06</u>
<u>12.11, subd. 2</u>	<u>43.21</u>	<u>43A.16</u>
<u>12.21, subd. 3</u>	<u>14.70</u>	<u>14.69</u>
<u>13.36</u>	<u>624.718</u>	<u>624.719</u>
<u>13.71</u>	<u>60A.20</u>	<u>60A.195 to</u> <u>60A.209</u>
<u>13.75, subd. 1</u>	<u>179.67</u>	<u>179A.12</u>
<u>13.75, subd. 2</u>	<u>179.71, subds.</u> <u>5 and 6</u>	<u>179A.04, subd. 3;</u> <u>and 179A.15</u>
<u>14.01</u>	<u>14.70</u>	<u>14.69</u>
<u>14.02, subd. 1</u>	<u>14.70</u>	<u>14.69</u>
<u>14.03, subd. 1</u>	<u>14.70</u>	<u>14.69</u>
<u>14.03, subd. 2</u>	<u>14.70</u>	<u>14.69</u>
<u>14.05, subd. 1</u>	<u>14.70</u>	<u>14.69</u>
<u>14.15, subd. 3</u>	<u>14.13</u>	<u>14.131</u>
<u>14.18</u>	<u>14.13</u>	<u>14.131</u>
<u>14.37, subd. 1</u>	<u>14.70</u>	<u>14.69</u>
<u>14.38, subd. 9</u>	<u>14.70</u>	<u>14.69</u>
<u>14.51</u>	<u>14.13</u>	<u>14.131</u>
<u>16B.43</u>	<u>121.938</u>	<u>121.937</u>
<u>29.021</u>	<u>29.091</u>	<u>29.081</u>
<u>29.049, subd. 1</u>	<u>29.091</u>	<u>29.081</u>
<u>29.061</u>	<u>29.091</u>	<u>29.081</u>
<u>29.071</u>	<u>29.091</u>	<u>29.081</u>
<u>29.081</u>	<u>29.091</u>	<u>29.081</u>
<u>41B.035</u>	<u>473.02, subd. 5</u>	<u>473.121, subd. 2</u>
<u>43A.27</u>	<u>179.741, subd. 1</u>	<u>179A.10, subd. 2</u>
<u>46.041, subd. 3</u>	<u>14.70</u>	<u>14.69</u>
<u>47.54, subds. 2</u> <u>and 3</u>	<u>14.70</u>	<u>14.69</u>
<u>48.24, subd. 6</u>	<u>48.22</u>	<u>48.221</u>
<u>48.65</u>	<u>48.22</u>	<u>48.221</u>

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<u>51A.03, subd. 3</u>	<u>14.70</u>	<u>14.69</u>
<u>51A.065, subd. 10</u>	<u>14.70</u>	<u>14.69</u>
<u>51A.07</u>	<u>14.70</u>	<u>14.69</u>
<u>53.07, subd. 1</u>	<u>15.0411, subd. 3</u>	<u>14.02, subd. 4</u>
<u>55.15</u>	<u>55.09</u>	<u>55.08</u>
<u>60A.23, subd. 8</u>	<u>14.70</u>	<u>14.69</u>
<u>61B.15</u>	<u>300.082</u>	<u>300.083</u>
<u>62A.152, subd. 2</u>	<u>148.87</u>	<u>148.88</u>
<u>62D.02, subds. 1</u>	<u>62D.29</u>	<u>62D.30</u>
<u>and 4</u>		
<u>62D.03, subds. 1,</u>	<u>62D.29</u>	<u>62D.30</u>
<u>3, and 4</u>		
<u>62D.04, subds. 1,</u>	<u>62D.29</u>	<u>62D.30</u>
<u>2, and 3</u>		
<u>62D.05, subds. 1,</u>	<u>62D.29</u>	<u>62D.30</u>
<u>2, and 5</u>		
<u>62D.06, subd. 1</u>	<u>62D.29</u>	<u>62D.30</u>
<u>62D.08, subd. 3</u>	<u>62D.29</u>	<u>62D.30</u>
<u>62D.10, subd. 1</u>	<u>62D.29</u>	<u>62D.30</u>
<u>62D.12, subd. 1</u>	<u>72A.231</u>	<u>72A.32</u>
<u>62D.12, subds. 3</u>	<u>62D.29</u>	<u>62D.30</u>
<u>and 9</u>		
<u>62D.14, subd. 4</u>	<u>62D.29</u>	<u>62D.30</u>
<u>62D.15, subd. 1</u>	<u>62D.29</u>	<u>62D.30</u>
<u>62D.17, subds. 1,</u>	<u>62D.29</u>	<u>62D.30</u>
<u>2, 3, and 4</u>		
<u>62D.19</u>	<u>62D.29</u>	<u>62D.30</u>
<u>62D.20</u>	<u>62D.29</u>	<u>62D.30</u>
<u>62D.21</u>	<u>62D.29</u>	<u>62D.30</u>
<u>62D.22, subds. 1, 3,</u>	<u>62D.29</u>	<u>62D.30</u>
<u>4, 5, and 10</u>		
<u>62D.23</u>	<u>62D.29</u>	<u>62D.30</u>
<u>62D.24</u>	<u>62D.29</u>	<u>62D.30</u>
<u>62E.02</u>	<u>62E.17</u>	<u>62E.16</u>
<u>62E.05</u>	<u>62E.17</u>	<u>62E.16</u>
<u>62E.081</u>	<u>62E.17</u>	<u>62E.16</u>
<u>62E.09</u>	<u>62E.17</u>	<u>62E.16</u>
<u>62E.10, subd. 3</u>	<u>14.70</u>	<u>14.69</u>
<u>62E.13, subds. 6</u>	<u>62E.17</u>	<u>62E.16</u>
<u>and 8</u>		
<u>62E.14, subd. 2</u>	<u>62E.17</u>	<u>62E.16</u>
<u>62E.15, subd. 2</u>	<u>62E.17</u>	<u>62E.16</u>
<u>62G.20, subd. 3</u>	<u>14.70</u>	<u>14.69</u>
<u>62G.25</u>	<u>14.70</u>	<u>14.69</u>
<u>67A.06</u>	<u>300.082</u>	<u>300.083</u>
<u>79.01, subd. 1</u>	<u>79.23</u>	<u>79.211</u>
<u>79.10</u>	<u>14.70</u>	<u>14.69</u>

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<u>79.36</u>	<u>79.42</u>	<u>79.40</u>
<u>79.37</u>	<u>79.42</u>	<u>79.40</u>
<u>79.38, subd. 1</u>	<u>79.42</u>	<u>79.40</u>
<u>80D.13</u>	<u>80D.12</u>	<u>80D.11</u>
<u>82.34</u>	<u>327.55, subd. 1a</u>	<u>327B.04, subd. 5</u>
<u>84.89</u>	<u>609.58</u>	<u>609.582</u>
<u>84.928, subd. 7</u>	<u>100.273, subd. 9</u>	<u>97A.315, subd. 1</u>
<u>84.944, subd. 1</u>	<u>97.488</u>	<u>84.0895</u>
<u>84.944, subd. 2</u>	<u>97.48, subd. 11,</u>	<u>97A.101, 97A.125,</u>
	<u>26, or 27</u>	<u>or 97C.001</u>
<u>84.944, subd. 2</u>	<u>101.42, subd. 9</u>	<u>97C.021</u>
<u>84.944, subd. 2</u>	<u>101.475</u>	<u>97C.011</u>
<u>84.944, subd. 3</u>	<u>97.481, subd. 2</u>	<u>97A.145, subd. 2</u>
<u>85.41, subd. 2</u>	<u>98.50, subd. 2</u>	<u>97A.485, subd. 11</u>
<u>87.024</u>	<u>87.022</u>	<u>87.0221</u>
<u>89.56, subd. 3</u>	<u>89.61 to 89.71</u>	<u>89.58</u>
<u>97A.065, subd. 4</u>	<u>98.46, subd. 3,</u>	<u>84.091, subd. 3,</u>
	<u>clause (1); and</u>	<u>paragraph (a),</u>
	<u>18, clause (1)</u>	<u>clauses (1), (3),</u>
		<u>and (4)</u>
<u>105.418</u>	<u>15.0412, subd. 5</u>	<u>14.29 to 14.36</u>
<u>106A.085, subd. 1</u>	<u>97.50, subd. 1</u>	<u>97A.205 and</u>
		<u>97A.211</u>
<u>106A.401, subd. 1</u>	<u>97.481</u>	<u>97A.145</u>
<u>106A.615, subd. 6</u>	<u>97.484</u>	<u>97A.071, subd. 4</u>
<u>115.05, subd. 11</u>	<u>14.70</u>	<u>14.69</u>
<u>115.37</u>	<u>115.15</u>	<u>115.18</u>
<u>115A.162</u>	<u>116J.90, subd. 4a</u>	<u>116M.07, subd. 9</u>
<u>115A.25, subd. 1a</u>	<u>16.135</u>	<u>116B.37, subd. 4</u>
<u>115A.25, subd. 1a</u>	<u>16.21</u>	<u>116B.37, subd. 5</u>
<u>115A.30</u>	<u>14.70</u>	<u>14.69</u>
<u>116C.74, subd. 2,</u>	<u>116C.725</u>	<u>116C.731</u>
<u>clauses (b) and (c)</u>		
<u>116J.36, subd. 6,</u>	<u>16A.65, subd. 1</u>	<u>16A.641, subd. 10</u>
<u>clause (c)</u>		
<u>116J.68, subd. 2,</u>	<u>16.083 to 16.086</u>	<u>16B.19 to 16B.22</u>
<u>clause (f)</u>		
<u>116J.82</u>	<u>14.70</u>	<u>14.69</u>
<u>116K.11</u>	<u>473.02</u>	<u>473.121, subd. 2</u>
<u>116K.12</u>	<u>473.02</u>	<u>473.121, subd. 2</u>
<u>116M.03, subd. 28,</u>	<u>474.16, subd. 6</u>	<u>474A.02, subd. 14</u>
<u>paragraph 2,</u>		
<u>clause (d)</u>		
<u>120.75, subd. 2</u>	<u>14.70</u>	<u>14.69</u>
<u>121.902, subd. 1</u>	<u>121.92</u>	<u>129.917</u>
<u>121.904, subd. 7</u>	<u>124.201</u>	<u>124A.033</u>
<u>121.911, subd. 3</u>	<u>124.781</u>	<u>124.76</u>

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<u>121.93, subd. 1</u>	<u>121.938</u>	<u>121.937</u>
<u>121.931, subd. 1</u>	<u>121.938</u>	<u>121.937</u>
<u>121.936, subd. 1</u>	<u>121.92</u>	<u>121.917</u>
<u>124.14, subd. 2</u>	<u>121.92</u>	<u>121.917</u>
<u>124.2131, subd. 7</u>	<u>14.70</u>	<u>14.69</u>
<u>124.214, subds. 2</u>	<u>124.201</u>	<u>124A.033</u>
<u>and 3</u>		
<u>127.25, subd. 4</u>	<u>14.70</u>	<u>14.69</u>
<u>128A.02, subd. 6</u>	<u>14.70</u>	<u>14.69</u>
<u>134.08, subd. 1</u>	<u>375.335</u>	<u>134.20</u>
<u>136.70, subd. 2</u>	<u>chapter 16</u>	<u>chapters 16A</u>
		<u>and 16B</u>
<u>136A.06</u>	<u>chapter 16</u>	<u>chapter 16B</u>
<u>136A.233, subd. 2</u>	<u>136A.235</u>	<u>136A.234</u>
<u>136C.25</u>	<u>136C.37</u>	<u>136C.36</u>
<u>136C.26</u>	<u>136C.37</u>	<u>136C.36</u>
<u>144.471</u>	<u>144.47</u>	<u>144.45</u>
<u>144.49, subds.</u>	<u>144.47</u>	<u>144.45</u>
<u>5 and 8</u>		
<u>144.55, subd. 7</u>	<u>14.70</u>	<u>14.69</u>
<u>144.581</u>	<u>383A.41</u>	<u>246A.01 to</u>
		<u>246A.27</u>
<u>144.802</u>	<u>14.70</u>	<u>14.69</u>
<u>144A.03, subd. 2</u>	<u>144A.17</u>	<u>144A.16</u>
<u>144A.05</u>	<u>144A.17</u>	<u>144A.16</u>
<u>144A.08</u>	<u>144A.17</u>	<u>144A.16</u>
<u>144A.09</u>	<u>144A.17</u>	<u>144A.16</u>
<u>144A.10, subds.</u>	<u>144A.17</u>	<u>144A.16</u>
<u>1, 2, and 4</u>		
<u>144A.11, subd. 4</u>	<u>144A.17</u>	<u>144A.16</u>
<u>144A.12</u>	<u>144A.17</u>	<u>144A.16</u>
<u>144A.29, subd. 4</u>	<u>144A.17</u>	<u>144A.16</u>
<u>144A.51</u>	<u>144A.55</u>	<u>144A.54</u>
<u>145.031</u>	<u>327.29</u>	<u>327.28</u>
<u>145.55</u>	<u>327.29</u>	<u>327.28</u>
<u>145.918</u>	<u>327.29</u>	<u>327.28</u>
<u>147.091</u>	<u>525.612</u>	<u>525.61</u>
<u>148.32</u>	<u>525.612</u>	<u>525.61</u>
<u>148.65</u>	<u>147.10</u>	<u>147.081</u>
<u>148.75</u>	<u>147.10</u>	<u>147.081</u>
<u>148.75</u>	<u>525.612</u>	<u>525.61</u>
<u>156A.02</u>	<u>156A.12</u>	<u>156A.11</u>
<u>164.041</u>	<u>275.59</u>	<u>275.58</u>
<u>168.021, subd. 2</u>	<u>16.8632</u>	<u>16B.61, subd. 5</u>
<u>168.12, subd. 2b</u>	<u>14.70</u>	<u>14.69</u>
<u>168B.02, subds. 1</u>	<u>168B.11</u>	<u>168B.101</u>
<u>and 2</u>		

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<u>168B.05</u>	<u>168B.11</u>	<u>168B.101</u>
<u>168B.07, subd. 2</u>	<u>168B.11</u>	<u>168B.101</u>
<u>168B.08, subd. 3</u>	<u>168B.11</u>	<u>168B.101</u>
<u>168B.09, subd. 2</u>	<u>168B.11</u>	<u>168B.101</u>
<u>169.123, subd. 5b</u>	<u>14.70</u>	<u>14.69</u>
<u>173.20</u>	<u>173.24</u>	<u>173.231</u>
<u>174.23, subd. 7</u>	<u>14.70</u>	<u>14.69</u>
<u>174.30, subd. 5</u>	<u>14.70</u>	<u>14.69</u>
<u>174A.04</u>	<u>14.70</u>	<u>14.69</u>
<u>176.136, subd. 4</u>	<u>14.13</u>	<u>14.131</u>
<u>176.136, subd. 4</u>	<u>14.21</u>	<u>14.22</u>
<u>176.181, subd. 2</u>	<u>14.70</u>	<u>14.69</u>
<u>177.27, subd. 4</u>	<u>14.70</u>	<u>14.69</u>
<u>179A.03, subd. 14</u>	<u>16.098</u>	<u>16B.17, subd. 1</u>
<u>179A.23</u>	<u>16.07</u>	<u>16B.07</u>
<u>179A.23</u>	<u>16.098</u>	<u>16B.17</u>
<u>181A.08, subd. 2</u>	<u>14.70</u>	<u>14.69</u>
<u>197.977</u>	<u>14.70</u>	<u>14.69</u>
<u>210A.01, subd. 3</u>	<u>210A.22</u>	<u>210A.23</u>
<u>214.10, subd. 2a</u>	<u>626.555</u>	<u>626.557</u>
<u>214.13, subd. 1</u>	<u>214.14</u>	<u>214.141</u>
<u>236.02</u>	<u>232.02</u>	<u>232.22</u>
<u>236.04</u>	<u>232.06, subd. 1</u>	<u>232.23</u>
<u>237.075, subd. 9</u>	<u>301.37</u>	<u>302A.133 to</u>
		<u>302A.139</u>
<u>240.06, subd. 7</u>	<u>14.70</u>	<u>14.69</u>
<u>240.07, subd. 6</u>	<u>14.70</u>	<u>14.69</u>
<u>241.27, subd. 2</u>	<u>11.10</u>	<u>11A.25</u>
<u>244.09, subd. 5</u>	<u>14.70</u>	<u>14.69</u>
<u>245.69, subd. 2</u>	<u>14.70</u>	<u>14.69</u>
<u>245.73, subd. 1</u>	<u>245.813</u>	<u>245.812</u>
<u>248.07, subd. 1</u>	<u>248.085</u>	<u>248.10</u>
<u>252.23</u>	<u>252.26</u>	<u>252.25</u>
<u>252.24, subd. 1</u>	<u>245.813</u>	<u>248.812</u>
<u>252.24, subd. 2</u>	<u>252.26</u>	<u>252.25</u>
<u>252.25</u>	<u>252.26</u>	<u>252.25</u>
<u>252.261</u>	<u>252.26</u>	<u>252.25</u>
<u>256.98</u>	<u>256.872</u>	<u>256.871</u>
<u>256.991</u>	<u>14.13</u>	<u>14.131</u>
<u>256B.02, subd. 8</u>	<u>14.70</u>	<u>14.69</u>
<u>256B.502</u>	<u>14.13</u>	<u>14.131</u>
<u>256D.03, subd. 1</u>	<u>14.70</u>	<u>14.69</u>
<u>256D.04</u>	<u>14.70</u>	<u>14.69</u>
<u>257.67, subd. 3</u>	<u>256.872</u>	<u>256.871</u>
<u>260.125, subd. 3</u>	<u>609.58, subd. 2,</u>	<u>609.582, subd. 1</u>
	<u>clause (b)</u>	
<u>260.191, subd. 1b</u>	<u>260.15, subd. 24</u>	<u>260.015, subd. 24</u>

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<u>260.194, subd. 1</u>	<u>245.813</u>	<u>245.812</u>
<u>260.195, subd. 3</u>	<u>340.731</u>	<u>340A.503</u>
<u>268.672</u>	<u>268.671</u>	<u>268.672</u>
<u>268.673</u>	<u>268.686</u>	<u>268.682</u>
<u>270.06</u>	<u>325.64 to</u>	<u>325D.30 to</u>
	<u>325.76</u>	<u>352D.42</u>
<u>287.09</u>	<u>294.28</u>	<u>294.26</u>
<u>294.21</u>	<u>294.28</u>	<u>294.26</u>
<u>294.23</u>	<u>294.28</u>	<u>294.26</u>
<u>297A.02, subd. 3</u>	<u>340.001, subd. 2</u>	<u>340A.101, subd. 19</u>
<u>297A.02, subd. 3</u>	<u>340.07, subd. 2</u>	<u>340A.101, subd. 14</u>
<u>298.282, subd. 2</u>	<u>275.59</u>	<u>275.58</u>
<u>299F.73, subd. 2</u>	<u>14.70</u>	<u>14.69</u>
<u>299F.75, subd. 2</u>	<u>14.70</u>	<u>14.69</u>
<u>317.30</u>	<u>317.43</u>	<u>317.42</u>
<u>325D.04</u>	<u>325.01 to 325.07</u>	<u>325D.01 to 325D.07</u>
<u>325F.25</u>	<u>325F.33</u>	<u>325F.32</u>
<u>325F.31</u>	<u>325F.33</u>	<u>325F.32</u>
<u>326.244</u>	<u>14.70</u>	<u>14.69</u>
<u>327.32</u>	<u>327.51 to 327.55</u>	<u>327B.01 to 327B.12</u>
<u>327.33, subd. 2</u>	<u>327.51 to 327.55</u>	<u>327B.01 to 327B.12</u>
<u>327.33, subd. 3</u>	<u>14.70</u>	<u>14.69</u>
<u>332.19</u>	<u>14.70</u>	<u>14.69</u>
<u>332.20</u>	<u>14.70</u>	<u>14.69</u>
<u>336.09</u>	<u>366.06</u>	<u>366.01, subd. 4</u> <u>and 366.07</u>
<u>340A.304</u>	<u>14.70</u>	<u>14.69</u>
<u>340A.415</u>	<u>14.70</u>	<u>14.69</u>
<u>345.381</u>	<u>356.21, subd. 2</u>	<u>356.20, subd. 2</u>
<u>349.50, subd. 9</u>	<u>340.11, subd. 11</u>	<u>340A.404, subd. 1</u>
<u>352.01, subd. 11,</u> <u>clause (10)</u>	<u>43.56 to 43.62</u>	<u>43A.40 to 43A.465</u>
<u>354.66, subd. 6</u>	<u>43.47, subd. 16</u>	<u>43A.25</u>
<u>356.371, subd. 1,</u> <u>paragraph (4)</u>	<u>356.60, subd. 1,</u> <u>paragraph (a)</u>	<u>356.61</u>
<u>367.42, subd. 1</u>	<u>327.06</u>	<u>327.76</u>
<u>375.167, subd. 1</u>	<u>275.59</u>	<u>275.58</u>
<u>376.56, subd. 2</u>	<u>376.66</u>	<u>376.60</u>
<u>383B.031, subd. 1</u>	<u>375.10</u>	<u>375.101</u>
<u>383B.041</u>	<u>210A.22</u>	<u>210A.23</u>
<u>383B.29, subd. 3</u>	<u>15.052, subd. 8</u>	<u>14.55</u>
<u>383B.37, subd. 1</u>	<u>43.28, subd. 1</u>	<u>43A.32, subd. 1</u>
<u>383B.38, subd. 2</u>	<u>179.61 to 179.76</u>	<u>179A.01 to 179A.25</u>
<u>383C.61</u>	<u>376.66</u>	<u>376.60</u>
<u>414.01, subd. 2</u>	<u>473.02, subd. 5</u>	<u>473.121, subd. 2</u>
<u>427.02</u>	<u>48.22</u>	<u>48.221</u>
<u>452.01</u>	<u>452.14</u>	<u>452.13</u>

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<u>452.08</u>	<u>452.14</u>	<u>452.13</u>
<u>452.09</u>	<u>452.14</u>	<u>452.13</u>
<u>452.11</u>	<u>452.14</u>	<u>452.13</u>
<u>452.12</u>	<u>452.14</u>	<u>452.13</u>
<u>452.13</u>	<u>452.14</u>	<u>452.13</u>
<u>453A.05</u>	<u>300.082</u>	<u>300.083</u>
<u>462.398</u>	<u>14.70</u>	<u>14.69</u>
<u>462C.11, subd. 3</u>	<u>462C.09</u>	<u>474A.07, subd. 6</u>
<u>462C.12, subd. 2</u>	<u>462C.09</u>	<u>474A.07</u>
<u>471.1921</u>	<u>275.59</u>	<u>275.58</u>
<u>471.616, subd. 1</u>	<u>179.67</u>	<u>179A.12</u>
<u>471.617, subd. 2</u>	<u>sections 14.01</u>	<u>chapter 14</u>
	<u>to 14.70</u>	
<u>471.617, subd. 3</u>	<u>60A.20</u>	<u>60A.195 to 60A.209</u>
<u>471.982</u>	<u>sections 14.01</u>	<u>chapter 14</u>
	<u>to 14.70</u>	
<u>471.993, subd. 1</u>	<u>179.63, subd. 4</u>	<u>179A.03, subd. 15</u>
<u>473.121, subd. 12</u>	<u>473.401</u>	<u>473.341</u>
<u>473.191, subd. 2</u>	<u>473.203</u>	<u>473.204</u>
<u>473.208</u>	<u>473.203</u>	<u>473.204</u>
<u>473.245</u>	<u>473.193</u>	<u>473.194</u>
<u>473.405, subd. 12</u>	<u>473.401 to 473.451</u>	<u>473.404 to 473.449</u>
<u>473.411, subds. 4</u>	<u>473.401 to 473.451</u>	<u>473.404 to 473.449</u>
<u>and 5</u>		
<u>473.415, subd. 1</u>	<u>473.401 to 473.451</u>	<u>473.404 to 473.449</u>
<u>473.416</u>	<u>473.401 to 473.451</u>	<u>473.404 to 473.449</u>
<u>473.446, subds. 1</u>	<u>473.401 to 473.451</u>	<u>473.404 to 473.449</u>
<u>and 1a</u>		
<u>473.449</u>	<u>473.401 to 473.451</u>	<u>473.404 to 473.449</u>
<u>473.556, subd. 14</u>	<u>16.085</u>	<u>16B.22</u>
<u>473.556, subd. 14</u>	<u>16.086</u>	<u>16B.21</u>
<u>473.711, subd. 3</u>	<u>473.17</u>	<u>473.716</u>
<u>474A.05, subd. 3</u>	<u>138.5819</u>	<u>138.581</u>
<u>502.72</u>	<u>525.18</u>	<u>524.1-201</u>
<u>514.950</u>	<u>21.47</u>	<u>21.72</u>
<u>524.1-201</u>	<u>527.01 to 527.11</u>	<u>527.21 to</u>
		<u>527.44</u>
<u>525.56, subd. 3</u>	<u>253A.07</u>	<u>253B.08</u>
<u>528.01</u>	<u>528.16</u>	<u>528.15</u>
<u>528.02</u>	<u>528.16</u>	<u>528.15</u>
<u>593.135</u>	<u>593.13</u>	<u>593.42, subd. 2</u>
<u>604.06</u>	<u>352E.01, subd. 2</u>	<u>176B.01, subd. 2</u>
<u>609.02</u>	<u>340.07</u>	<u>340A.101</u>
<u>611A.03</u>	<u>609.58, clauses</u>	<u>609.582, subd. 1</u>
	<u>(1)(b) and (2)</u>	
<u>626.557, subd. 2</u>	<u>245.813</u>	<u>245.812</u>
<u>626.861, subd. 4</u>	<u>97.49, subd. 5</u>	<u>97A.065, subd. 2</u>

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Sec. 2. Minnesota Statutes 1986, section 8.31, subdivision 1, is amended to read:

Subdivision 1. **INVESTIGATE OFFENSES AGAINST THE PROVISIONS OF CERTAIN DESIGNATED SECTIONS; ASSIST IN ENFORCEMENT.** The attorney general shall investigate violations of the law of this state respecting unfair, discriminatory and other unlawful practices in business, commerce, or trade, and specifically, but not exclusively, the act against unfair discrimination and competition (sections 325D.01 to 325D.08), the unlawful trade practices act (sections 325D.09 to 325D.16), ~~the automobile dealer's anticorruption act (sections 325D.17 to 325D.29);~~ the antitrust act (sections 325D.49 to 325D.66), section 325F.67 and other laws against false or fraudulent advertising, the antidiscrimination acts contained in section 325D.67, the act against monopolization of food products (section 325D.68), and the prevention of consumer fraud act (sections 325F.68 to 325F.70) and assist in the enforcement of those laws as in this section provided.

Sec. 3. Minnesota Statutes 1986, section 14.02, subdivision 4, is amended to read:

Subd. 4. **RULE.** "Rule" means every agency statement of general applicability and future effect, including amendments, suspensions, and repeals of rules, adopted to implement or make specific the law enforced or administered by it or to govern its organization or procedure. It does not include (a) rules concerning only the internal management of the agency or other agencies, and which do not directly affect the rights of or procedure available to the public; (b) rules of the commissioner of corrections relating to the internal management of institutions under the commissioner's control and those rules governing the inmates thereof prescribed pursuant to section 609.105; (c) rules of the division of game and fish published in accordance with section 97A.051; (d) rules relating to weight limitations on the use of highways when the substance of the rules is indicated to the public by means of signs; (e) opinions of the attorney general; (f) the systems architecture plan and long-range plan of the state education management information system provided by section 121.931; (g) the data element dictionary and the annual data acquisition calendar of the department of education to the extent provided by section 121.932; (h) ~~the comprehensive statewide plan of the crime control planning board provided in section 299A.03; or~~ (i) occupational safety and health standards provided in section 182.655.

Sec. 4. Minnesota Statutes 1986, section 15.61, is amended to read:

15.61 UNEMPLOYED AND UNDEREMPLOYED; EMPLOYMENT BY STATE AND OTHER GOVERNMENTAL UNITS.

Subdivision 1. The state of Minnesota, its departments, agencies and instrumentalities, and any county, city, town, school district or other body corporate and politic, may employ unemployed and underemployed persons as defined in the federal Emergency Employment Act of 1971, as amended, and Comprehensive Employment and Training Act of 1973, as amended, and eligible job applicants under sections 268.671 to 268.686 pursuant to the terms of those acts.

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Subd. 2. The provisions of Minnesota Statutes 1969, Sections 197.455 to 197.48 and 43A.11 and any other law or ordinance relating to preference in employment and promotion of persons having served in the armed services, the provisions of any law, rule or regulation, the provisions of any city charter or any ordinance or resolution, or the provisions of any other law or statute in conflict with the provisions of the federal Emergency Employment Act of 1971, as amended, and Comprehensive Employment and Training Act of 1973, as amended, and eligible job applicants under sections 268.671 to 268.686 shall not be applicable to the employment of the persons specified in subdivision 1.

Sec. 5. Minnesota Statutes 1986, section 17.59, subdivision 5, is amended to read:

Subd. 5. **COMMODITIES RESEARCH AND PROMOTION ACCOUNT.** All fees collected by the department under sections 17.51 to 17.69; ~~21A.01 to 21A.19; 29.14 to 29.19; 30.461 to 30.477; 32B.01 to 32B.13;~~ and any other fees and income received by the department in the administration of these statutes shall be deposited in a separate account known as the commodity research and promotion account in the special revenue fund. These funds shall be appropriated to the department for the purpose of defraying the expenses of administering and enforcing the sections listed in this subdivision.

Sec. 6. Minnesota Statutes 1986, section 17A.04, subdivision 1, is amended to read:

Subdivision 1. **LICENSING PROVISIONS.** Licenses shall be issued to livestock market agencies and public stockyards annually and shall expire on December 31 each year, renewable annually thereafter. The license issued to a livestock market agency and public stockyard shall be conspicuously posted at the licensee's place of business. Licenses shall be required for livestock dealers and their agents for the period beginning July 1 each year and ending June 30. The license issued to a livestock dealer or the agent of a livestock dealer shall be carried by the person so licensed. The livestock dealer shall be responsible for the acts of the dealer's agents. Licensed livestock market agencies, public stockyards, and livestock dealers shall be responsible for the faithful performance of duty of the public livestock weighers at their places of business. The license issued to a livestock market agency, public stockyard or livestock dealer or agent of a livestock dealer is not transferable. The operation of livestock market agencies, livestock dealers, agents and packers at a public stockyard are exempt from sections 17A.01 to 17A.09, and 17A.12 to 17A.15; ~~and 239.27.~~

Sec. 7. Minnesota Statutes 1986, section 28A.15, subdivision 4, is amended to read:

Subd. 4. Any persons required to be licensed under ~~the provisions of sections 19.18 to 19.40~~ chapter 19 or trucks operating under a certificate or permit issued pursuant to chapter 221 or warehouse operators, other than cold storage warehouse operators, offering storage or warehouse facilities for compensation.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 8. Minnesota Statutes 1986, section 38.27, subdivision 3, is amended to read:

Subd. 3. In all counties, in addition to all other powers now or hereafter by law conferred upon county boards, authority is given annually to levy a tax upon all property subject to taxation and, from time to time, to pay over the proceeds of this tax, when collected, to a county agricultural society of its county which is a member of the state agricultural society, to assist the society in paying financial obligations hereafter incurred for premium costs of liability insurance procured pursuant to section 466.06 or for payment of judgments as provided in section 466.09. A tax levied under this subdivision for payment of judgments may be in excess of any per capita or millage tax limitation imposed by statute or charter. A tax levied under this subdivision for payment of premium costs of liability insurance shall not be a special levy as defined in section 275.50, subdivision 5, and shall be subject to the levy limitation provided in ~~sections~~ section 275.51 and 275.52.

Sec. 9. Minnesota Statutes 1986, section 41A.05, subdivision 2, is amended to read:

Subd. 2. **ISSUANCE OF BONDS.** (a) Subject to section 16A.80, upon application pursuant to section 41A.04, the board by resolution may exercise the powers of a rural development authority under sections 362A.01 to 362A.05 and the powers of a municipality under chapter 474 for the purposes of providing money to pay the costs of a project, including the issuance of bonds and the loan of the bond proceeds pursuant to a lease or other agreement. The bonds must be issued, sold, and secured on the terms and conditions and in the manner determined by resolution of the board. ~~Sections~~ Section 16A.80 and 474.23 do ~~does~~ not apply to the bonds. Notwithstanding subdivision 1, a reserve established for the bonds provided by the borrower, including out of bond proceeds, may be deposited and held in a separate account in the guaranty fund and applied to the last installments of principal or interest on the bonds, subject to the reserves being withdrawn for any purpose permitted by subdivision 1. The board may by resolution or indenture pledge any or all amounts in the guaranty fund, including any reserves and investment income on amounts in the fund, to secure the payment of principal and interest on any or all series of bonds, upon the terms and conditions as provided in the resolution or indenture. To the extent the board deems necessary or desirable to prevent interest on bonds from becoming subject to federal income taxation, (1) the amounts in the guaranty fund shall be invested in obligations or securities with restricted yields and (2) the investment income on the amounts are released from the pledge securing the bonds or loan guaranty and appropriately applied to prevent taxation.

(b) Bonds issued pursuant to this chapter are not general obligations of the state or the board. The full faith and credit and taxing powers of the state and the board are not and may not be pledged for the payment of the bonds. No person may compel the levy of a tax for the payment or compel the appropriation of money of the state or the board for the payment of the bonds, except as specifically provided in this chapter.

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(c) The issuance of bonds pursuant to this subdivision is subject to ~~sections 474.18 to 474.25~~ chapter 474A. For purposes of sections 474.16 to 474.20 474A.05 and 474A.11, the board is a ~~local~~ another issuer and may apply for allocations of authority to issue private activity obligations and may enter into an agreement for the issuance of obligations by another issuer.

Sec. 10. Minnesota Statutes 1986, section 48.13, subdivision 2, is amended to read:

Subd. 2. **SECURITIES IN LIEU OF BOND.** With the prior written approval of the commissioner and in lieu of the corporate surety or five individual sureties, there may be posted a deposit in securities of a form and amount acceptable to the commissioner. These funds are under the control of the commissioner for the purposes of section 48.12. All deposits must remain in the custody of the commissioner of finance and pursuant to ~~sections~~ section 7.19 ~~and 46.15~~ may be released only upon order from the commissioner. These control and custody requirements must not prevent any interest or dividend earnings accruing on the funds posted to be paid over to pledgor.

Sec. 11. Minnesota Statutes 1986, section 48.26, is amended to read:

48.26 APPLICATION.

The provisions of ~~sections 48.25 and~~ section 48.88, subdivision 2, shall not apply to any existing contract or to mutual savings banks.

Sec. 12. Minnesota Statutes 1986, section 49.01, subdivision 3, is amended to read:

Subd. 3. "Investment company" means any person, copartnership, association, or corporation referred to in ~~Minnesota Statutes 1941~~, sections 54.26 to 54.29; ~~as amended~~.

Sec. 13. Minnesota Statutes 1986, section 49.44, is amended to read:

49.44 NATIONAL BANKING ASSOCIATION; CONVERSION, MERGER, CONSOLIDATION; STATE BANK.

A national banking association which is located in this state and which has taken the corporate action required therefor by the laws of the United States may convert into a state bank upon complying with the provisions applicable to the organization of a state bank except as herein otherwise provided. In such case the certificate of incorporation and the application for a certificate authorizing the proposed bank to transact business shall be executed by a majority of the directors of the national banking association and in addition thereto there shall be filed with the application a copy of the plan of conversion and a certificate signed by the president and the cashier of the national banking association setting forth the corporate action taken by the national banking association authorizing the conversion. The department of commerce may, at its discretion, dispense with the notice and hearing provided in ~~Minnesota Statutes 1949~~,

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section 45.04 ~~46.041~~, if the granting of the certificate of authority will not increase the number of banks in the community affected. No certificate of deposit of an amount equal to the capital stock of the proposed bank shall be required but the president and the cashier of the national banking association shall certify to the commissioner of commerce that the association has a paid in and unimpaired capital not less than that specified in the certificate of incorporation of the proposed bank. Upon the conversion of a national banking association into a state bank as herein provided, the corporate existence of the national banking association shall be merged into that of the state bank and all and singular its rights, privileges and franchises and its right, title and interest in and to all property of whatsoever kind, whether real, personal or mixed, and all things in action and every right, privilege, interest, or asset of conceivable value or benefit then existing which inure to it under an unconverted existence shall be deemed fully and finally transferred to and vested in the state bank without further act or deed and the state bank shall have and hold the same in its own right as fully as the same was possessed and held by the national banking association from which it was by operation hereof transferred. Its rights, obligations and relations to any person, creditor, depositor, trustee or beneficiary of any trust shall remain unimpaired and the state bank into which it shall have been converted shall succeed to these relations, obligations, trusts and liabilities and shall execute and perform all such trusts in the same manner as though it had itself assumed the relation or trust or incurred the obligation or liability and its liabilities and obligations to creditors existing for any cause shall not be impaired by the conversion, nor shall any obligation or liability of any stockholder of the national banking association be affected by such conversion, but these obligations and liabilities shall continue as fully and to the same effect as existed before the conversion. The state bank shall become without further act or deed the successor of the national banking association in any and all fiduciary capacities in which the national banking association may be acting at the time of the conversion and shall be liable to all beneficiaries as fully as if the national banking association had continued its existence as such. If the national banking association shall be nominated or appointed or shall have been nominated or appointed as executor, guardian, administrator, agent or trustee, or in any other trust relation or fiduciary capacity in any will, trust agreement, trust conveyance or any other conveyance, order or judgment of any court or any other instrument prior to the conversion, even though the will or other instrument shall not become operative or effective until after the conversion shall have become effective, every such office, trust relationship, fiduciary capacity, and all of the rights, powers, privileges, duties, discretions and responsibilities so provided to devolve upon, vest in, or inure to the national banking association so nominated or appointed shall fully and in every respect devolve upon, vest in, and inure to and be exercised by the state bank into which the national banking association shall have been converted.

Sec. 14. Minnesota Statutes 1986, section 60A.17, subdivision 12, is amended to read:

Subd. 12. **LIABILITY FOR PLACING INSURANCE IN UNAUTHO-**

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RIZED COMPANY. Any person, regardless of whether that person is required to be licensed as an insurance agent, who participates in any manner in the sale of any insurance policy or certificate, or any other contract providing benefits, for or on behalf of any company which is required to be, but which is not authorized to engage in the business of insurance in this state, other than pursuant to ~~section 60A.20~~ sections 60A.195 to 60A.209, shall be personally liable for all premiums, whether earned or unearned, paid by the insured, and the premiums may be recovered by the insured. In addition, that person shall be personally liable for any loss the insured has sustained or may sustain if the loss is one resulting from a risk or hazard covered in the issued policy, certificate, or contract or which would have been covered if the policy, certificate, or contract had been issued to the purchaser of the insurance.

Sec. 15. Minnesota Statutes 1986, section 72A.41, subdivision 1, is amended to read:

Subdivision 1. It is unlawful for any company to enter into a contract of insurance as an insurer or to transact insurance business in this state, as set forth in subdivision 2, without a certificate of authority from the commissioner; provided that this subdivision does not apply to: (a) contracts of insurance procured by agents under the authority of ~~section 60A.20~~ sections 60A.195 to 60A.209; (b) contracts of reinsurance and contracts of ocean or wet marine and transportation insurance; (c) transactions in this state involving a policy lawfully solicited, written and delivered outside of this state covering only subjects of insurance not resident, located or expressly to be performed in this state at the time of issuance and which transactions are subsequent to the issuance of the policy; (d) transactions in this state involving group or blanket insurance and group annuities where the master policy of such groups was lawfully issued and delivered in a state in which the company was authorized to do an insurance business where, except for group annuities, the insurer complies with section 72A.13. The commissioner may require the insurer which has issued such master policy to submit any information as the commissioner reasonably requires in order to determine if probable cause exists to convene a hearing to determine whether the total charges for the insurance to the persons insured are unreasonable in relation to the benefits provided under the policy; (e) transactions in this state involving a policy of insurance or annuity issued prior to July 1, 1967; or (f) contract of insurance procured under the authority of section 60A.19, subdivision 8; or (g) transactions in this state involving contracts of insurance covering injury property or risks not located in this state.

Sec. 16. Minnesota Statutes 1986, section 79.38, subdivision 1, is amended to read:

Subdivision 1. **PROVISIONS.** The plan of operation shall provide for all of the following:

- (a) The establishment of necessary facilities;
- (b) The management and operation of the reinsurance association;

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(c) A preliminary premium, payable by each member in proportion to its total premium in the year preceding the inauguration of the reinsurance association, for initial expenses necessary to commence operation of the reinsurance association;

(d) Procedures to be utilized in charging premiums, including adjustments from excess or deficient premiums from prior periods;

(e) Procedures governing the actual payment of premiums to the reinsurance association;

(f) Reimbursement of each member of the board by the reinsurance association for actual and necessary expenses incurred on reinsurance association business;

(g) The composition, terms, compensation and other necessary rules consistent with section 79.37 for boards of directors of the reinsurance association ~~to succeed the initial board provided in section 79.41;~~

(h) The investment policy of the reinsurance association; and

(i) Any other matters required by or necessary to effectively implement sections 79.34 to 79.42.

Sec. 17. Minnesota Statutes 1986, section 97A.021, subdivision 2, is amended to read:

Subd. 2. **AUTHORITY OF COMMISSIONER.** A provision of the game and fish laws is subject to, and does not change or modify the authority of the commissioner to delegate powers, duties, and functions under ~~sections~~ section 84.083 ~~and 84.088.~~

Sec. 18. Minnesota Statutes 1986, section 115A.07, subdivision 1, is amended to read:

Subdivision 1. **INTERAGENCY COORDINATION.** The chair of the board shall inform the commissioner of energy and economic development of the board's activities ~~in accordance with section 116J.47.~~ ~~The chair shall keep the agency informed of the board's activities,~~ solicit the advice and recommendations of the agency, and coordinate its work with the regulatory and enforcement activities of the agency.

Sec. 19. Minnesota Statutes 1986, section 115A.12, subdivision 1, is amended to read:

Subdivision 1. **SOLID AND HAZARDOUS WASTE MANAGEMENT.** The chair of the board shall establish a solid waste management advisory council and a hazardous waste management planning council broadly representative of the geographic areas and interests of the state. The councils shall have not less than nine nor more than 18 members each. The membership of the solid waste council shall consist of one-third citizen representatives, one-third repre-

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representatives from local government units, and one-third representatives from private solid waste management firms. The solid waste council shall contain at least one member experienced in each of the following areas: state and municipal finance; solid waste collection, processing, and disposal; and solid waste reduction and resource recovery. The membership of the hazardous waste advisory council shall consist of one-third citizen representatives, one-third representatives from local government units, and one-third representatives of hazardous waste generators and private hazardous waste management firms. The chairs of the advisory councils shall be appointed by the chair of the board. The chair of the board shall provide administrative and staff services for the advisory councils. The advisory councils shall have such duties as are assigned by law or the chair of the board. The solid waste advisory council shall make recommendations to the board on its solid waste management activities. The hazardous waste advisory council shall make recommendations to the board on its activities under sections 115A.08, 115A.09, 115A.10, 115A.11, 115A.20, 115A.21, ~~115A.23~~, and 115A.24. Members of the advisory councils shall serve without compensation but shall be reimbursed for their reasonable expenses as determined by the chair of the board.

Sec. 20. Minnesota Statutes 1986, section 115A.14, subdivision 5, is amended to read:

Subd. 5. **STUDY.** The commission shall study alternative methods of insuring that an adequate supply of solid waste will be available to resource recovery facilities and report to the appropriate policy committees of the house of representatives and senate before January 1, 1982. The commission shall, at a minimum, consider the relative merits of the required use provisions described in sections 115A.70; and 400.162, and ~~473.827~~, and other mechanisms designed to facilitate resource recovery by raising costs of landfill alternatives or lowering costs of disposal at resource recovery facilities.

Sec. 21. Minnesota Statutes 1986, section 116C.57, subdivision 3, is amended to read:

Subd. 3. **EMERGENCY CERTIFICATION.** Any utility whose electric power system requires the immediate construction of a large electric power generating plant or high voltage transmission line may make application to the board for an emergency certificate of site compatibility or permit for the construction of high voltage transmission lines, which certificate or permit shall be issued in a timely manner no later than 195 days after the board's acceptance of the application and upon a finding by the board that a demonstrable emergency exists which requires immediate construction, and that adherence to the procedures and time schedules specified in ~~sections~~ section 116C.54; ~~116C.56~~ and this section would jeopardize the utility's electric power system or would jeopardize the utility's ability to meet the electric needs of its customers in an orderly and timely manner. A public hearing to determine if an emergency exists shall be held within 90 days of the application. The board shall, after notice and hearing, promulgate rules specifying the criteria for emergency certification.

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Sec. 22. Minnesota Statutes 1986, section 116E.03, subdivision 9, is amended to read:

Subd. 9. **PRIVATE GRANT AND FEDERAL FUNDS.** The chief administrative officer of the state board is the state agent to apply for, receive, and disburse private grant and federal funds made available to the state by private organizations or federal law or rules and regulations promulgated thereunder for any purpose related to the powers and duties of the state board or the regional councils. The chief administrative officer shall comply with any and all requirements of such private organizations or federal law or such rules and regulations promulgated thereunder to enable the funds to be applied for, received, and disbursed. All such moneys received by the chief administrative officer of the state board shall be deposited in the state treasury and are hereby annually appropriated to the chief administrative officer for the purposes for which they are received. None of such moneys in the state treasury shall cancel and they shall be available for expenditure in accordance with the requirements of federal law or the terms of such private grants. No application for federal funds or private grants under this subdivision shall be submitted to federal authorities or private organizations for approval unless the proposed budget for the expenditure of such funds is approved by the governor and reported to the legislative committees designated in section ~~16.165~~ and, when the legislature is not in session, reported to the standing committee on finance of the senate and the standing committee on appropriations of the house of representatives.

Sec. 23. Minnesota Statutes 1986, section 116J.72, is amended to read:

116J.72 EXISTING LICENSES.

Nothing in sections ~~3.965~~, subdivision 6 and 116J.69 to 116J.71 shall affect the validity of duration of an existing issued license.

Sec. 24. Minnesota Statutes 1986, section 120.17, subdivision 5a, is amended to read:

Subd. 5a. **SUMMER PROGRAMS.** A district may provide summer programs for handicapped children living within the district and nonresident children temporarily placed in the district pursuant to subdivision 6 or 7. Prior to March 31 or 30 days after the handicapped child is placed in the district, whichever is later, the providing district shall give notice to the district of residence of any nonresident children temporarily placed in the district pursuant to subdivisions 6 or 7, of its intention to provide these programs. Notwithstanding any contrary provisions in subdivisions 6 and 7, the school district providing the special instruction and services shall apply for special education aid for the summer program. For the purposes of computing the summer ~~school~~ program revenue allowance as provided in section ~~124.201~~ 124A.033, pupils enrolled in these programs shall be counted by the district of residence and not by the district providing the programs. The unreimbursed actual cost of providing the program for nonresident handicapped children, including the cost of board and lodging, may be billed to the district of the child's residence and shall be paid by

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the resident district. Transportation costs shall be paid by the district responsible for providing transportation pursuant to subdivision 6 or 7 and transportation aid shall be paid to that district.

Sec. 25. Minnesota Statutes 1986, section 121.904, subdivision 11a, is amended to read:

Subd. 11a. Beginning with payments received in fiscal year 1978, revenues received pursuant to sections 294.21 to ~~294.28~~ 294.26; 298.23 to 298.28; ~~298.32~~; 298.34 to 298.39; 298.391 to 298.396; 298.405; 298.51 to 298.67; any law imposing a tax on severed mineral values or any other law distributing proceeds in lieu of ad valorem tax assessments on copper or nickel properties, shall be recognized as revenue in the school year received.

Sec. 26. Minnesota Statutes 1986, section 121.904, subdivision 11b, is amended to read:

Subd. 11b. (1) Each district affected by the provisions of subdivision 11a shall account for and expend according to the provisions of this subdivision the total amount by which its 1976 payable 1977 and its 1977 payable 1978 permissible levies pursuant to sections 124A.03, 124A.06, subdivision 3a, 124A.08, subdivision 3a, 124A.10, subdivision 3a, 124A.12, subdivision 3a, 124A.14, subdivision 5a, and 275.125 were reduced on account of payments pursuant to sections 294.21 or ~~294.28~~ 294.26; 298.23 to 298.28; ~~298.32~~; 298.34 to 298.39; 298.391 to 298.396; 298.405; 298.51 to 298.67; any law imposing a tax upon severed mineral values, or under any other law distributing proceeds in lieu of ad valorem tax assessments on copper or nickel properties. Notwithstanding the provisions of section 124A.035, subdivision 5, clause (2) and the provisions of section 275.125, subdivision 9, clause (2) or any other law to the contrary, this total amount shall not be applied to reduce the foundation aid which the district is entitled to receive pursuant to section 124A.02 or again be applied to reduce the permissible levies of the district.

(2) The lesser of the amount in (1) or an amount equal to \$200 times the pupil units in the district computed pursuant to section 124.17 for the 1977-1978 school year shall be reflected in an "appropriated fund balance reserve account for current use of taconite payments" which shall be established in the general fund. Each school year, beginning in 1978-1979, each affected district shall transfer an amount equal to \$20 times the number of pupil units in the district in 1977-1978 out of this account into other operating accounts in the general fund, until the amount transferred equals the amount originally reflected in the reserve account; provided that in the last year in which the district is required to make this transfer, it shall transfer the balance of the reserve account, not to exceed an amount equal to \$20 times the number of pupil units in the district in 1977-1978. Notwithstanding the provisions of section 121.917, each affected district may use the amount so transferred each year to increase its expenditures above the amount it would otherwise be authorized to expend in that school year.

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(3) Of the amount in (1), any amount not reflected in the account established pursuant to clause (2) shall be reflected in the district's appropriated fund balance reserve account for purposes of reducing statutory operating debt, if the district has established this account pursuant to section 275.125, subdivision 9a. The June 30, 1977 statutory operating debt of the district shall be reduced by the amount so reflected and shall be recertified accordingly by the commissioner.

(4) Notwithstanding the provisions of section 121.912, any portion of the amount in (1) remaining after the application of clauses (2) and (3) shall be transferred to the district's capital expenditure fund; provided that before July 1, 1979 not exceeding \$75,000 of the amount transferred to the capital expenditure fund pursuant to this clause may be transferred to the district's general fund.

Sec. 27. Minnesota Statutes 1986, section 122.541, subdivision 2, is amended to read:

Subd. 2. A district entering into an agreement permitted in subdivision 1 shall:

(1) Continue to count its resident pupils who are educated in a cooperating district as resident pupils in the calculation of pupil units for all purposes, including the calculation of state aids and levy limitations. Notwithstanding section 124.18, subdivision 2, an agreement permitted by subdivision 1 shall provide for the tuition payments the cooperating districts determine are necessary and equitable to compensate each district for the instruction of nonresident pupils; and

(2) Continue to provide transportation and collect transportation aid for its resident pupils pursuant to sections 123.39, ~~124.222~~ and 124.223, and 124.225. This clause shall not be construed to prohibit a district from providing some or all transportation to its resident pupils by contracting with a district which has entered the agreement. For purposes of aid calculations pursuant to section ~~124.222~~ 124.225, the commissioner may adjust the base cost per eligible pupil transported to reflect changes in costs resulting from an agreement which provides for a district to discontinue at least one grade.

Sec. 28. Minnesota Statutes 1986, section 124.01, subdivision 1, is amended to read:

Subdivision 1. **GENERALLY.** For purposes of this chapter and chapter 124A, the words defined in section 120.02 have the same meaning and the terms defined in sections ~~124.201~~, 124A.02, and 124A.033 have the meanings attributed to them in those sections.

Sec. 29. Minnesota Statutes 1986, section 124.195, subdivision 8, is amended to read:

Subd. 8. **PAYMENT PERCENTAGE FOR REIMBURSEMENT AIDS.** The following aids shall be paid at 100 percent of the entitlement for the prior

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fiscal year: summer program aid according to section 124A.033; abatement aid according to section 124.214, subdivision 2; special education residential aid according to section 124.32, subdivision 5; special education summer school aid, according to section 124.32, subdivision 10; planning, evaluating, and reporting process aid according to section ~~123.743~~ 124.274; and extended leave and part-time teacher aids according to chapters 354 and 354A.

Sec. 30. Minnesota Statutes 1986, section 124.195, subdivision 9, is amended to read:

Subd. 9. **PAYMENT PERCENTAGE FOR CERTAIN AIDS.** The following aids shall be paid at 100 percent of the entitlement for the current fiscal year: reimbursement for transportation to post-secondary institutions, according to section 123.3514, subdivision 8; reimbursement for transportation to a program of excellence, according to section 126.62, subdivision 6; handicapped adult program aid, according to section 124.271, subdivision 7; arts education aid according to section 124.275; school lunch aid, according to section 124.646; hearing impaired support services aid, according to section 121.201; and technology demonstration site grants, according to section 129B.36 and ~~courseware purchase subsidy according to section 129B.38.~~

Sec. 31. Minnesota Statutes 1986, section 124.2138, subdivision 3, is amended to read:

Subd. 3. **REPLACE STATE PAY.** In any fiscal year in which the state payments on behalf of a district authorized in sections 354.43, subdivision 1; 354A.12, subdivision 2; and 355.46, subdivision 3, clause (b), are reduced under this section ~~or section 124A.037~~, the commissioner of education shall certify the amounts of the required reductions to the district. The district shall pay employer contributions in the amount of the reduction of these payments to the commissioner, which amount shall be placed in the general fund.

Sec. 32. Minnesota Statutes 1986, section 124.2138, subdivision 4, is amended to read:

Subd. 4. **NONAGRICULTURAL DISTRICT DEFINED.** For the purposes of this section ~~and section 124A.037~~, nonagricultural district means a district where the assessed valuation of agricultural land identified in section 273.13, subdivision 23, comprises less than 60 percent of the assessed valuation of the district.

Sec. 33. Minnesota Statutes 1986, section 124.32, subdivision 1c, is amended to read:

Subd. 1c. **FOUNDATION AID FORMULA ALLOWANCE.** For purposes of this section, "foundation aid formula allowance" shall have the meaning attributed to it in section 124A.02, subdivision 9, and "summer school program revenue allowance" shall have the meaning attributed to it in section ~~124.201~~ 124A.033. For the purposes of computing foundation aid formula allowances

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pursuant to this section, each handicapped child shall be counted as prescribed in section 124.17, subdivision 1.

Sec. 34. Minnesota Statutes 1986, section 124.472, is amended to read:

124.472 BOND ISSUE, MAXIMUM EFFORT SCHOOL LOANS; 1965.

For the purpose of providing moneys to be loaned to school districts as agencies and political subdivisions of the state for the acquisition and betterment of public land and buildings and other public improvements of a capital nature, in the manner provided by the maximum effort school aid law, the state auditor is directed to issue and sell school loan bonds of the state of Minnesota in the maximum amount of \$10,400,000, ~~in addition to the bonds authorized by section 124.471, subdivisions 1 and 2,~~ which amount is appropriated to the maximum effort school loan fund and shall be expended under the direction of the school loan committee for the making of debt service loans and capital loans to school districts as provided in sections 124.36 to 124.47. These bonds shall be issued and sold and provision for the payment thereof shall be made in accordance with section 124.46, and an amount sufficient to pay interest on the bonds to and including July 1 in the second year after the date of issue shall be credited from the bond proceeds to the school loan bond account in the state bond fund. Any expenses incidental to the sale, printing, execution, and delivery of the bonds, including, but without limitation, actual and necessary travel and subsistence expenses of state officers and employees for such purposes, shall be paid from the maximum effort school loan fund, and the amounts necessary therefor are appropriated from such fund.

Sec. 35. Minnesota Statutes 1986, section 126.39, subdivision 11, is amended to read:

Subd. 11. **RULES.** The state board, upon the receipt of recommendations by the advisory task force, may promulgate rules providing for standards and procedures appropriate for the implementation of and within the limitations of ~~sections 126.31 to 126.42~~ section 126.36.

Sec. 36. Minnesota Statutes 1986, section 136.44, is amended to read:

136.44 ACCEPTANCE OF FEDERAL GRANTS; USE OF GRANTS.

The treasurer of the state university board is authorized to accept any federal grant which will become available under provisions of Title II of Public Law Number 85-864; under Title I, Part D, of Public Law Number 90-351 (also known as section 406 of the Omnibus Crime Control and Safe Streets Act of 1968 and as the Law Enforcement Education Program); under Title VIII, Part B, Public Law Number 410 (also known as Public Health Service Act) as amended including specifically the amendment by Public Law Number 88-581 (also known as Nurse Training Act of 1964 which authorizes the Nursing Student Loan Program); under Title IV, Part A, of the Higher Education Act of 1965; or any other federal grants made available for the purpose of providing scholarship,

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grant, or loan money to students at the state universities, for use in the special student loan account in the university activity funds in any of the Minnesota state universities for which the grant is made. ~~All applications for federal grants shall be submitted in accordance with section 16.165.~~ Any such federal grant is hereby appropriated to the state university board for use in the intended state university, in accordance with the terms under which it was accepted. The moneys of any such federal grant, shall be administered within the university activity fund.

Sec. 37. Minnesota Statutes 1986, section 136A.04, subdivision 2, is amended to read:

Subd. 2. The higher education coordinating board shall review and make recommendations regarding a plan or proposal for a new or additional program of instruction or a substantial change in an existing program of instruction to be offered by an area vocational technical institute within 45 days of the transmission of approval of the plan or proposal to the higher education coordinating board by the state board for vocational education ~~pursuant to section 121.217, clause (2).~~ The higher education coordinating board shall then transmit a written explanation of its recommendations within five days of board action to the director of the applying area vocational technical institute and to the commissioner of education.

Sec. 38. Minnesota Statutes 1986, section 136D.28, subdivision 2, is amended to read:

Subd. 2. **TAXES.** Before issuing such bonds, the board shall certify to each participating school district and to the county auditor or auditors the years and amounts of taxes required to be levied for payment of such bonds by section 475.61. The county auditor shall cause the share of each participating school district in such taxes to be spread in each year until the bonds and interest have been paid, the share of each district in any year to be equal to the ratio of the most recent assessed valuation of taxable property therein to the most recent assessed valuation of taxable property in all participating school districts. None of the taxes levied for payment of such bonds shall be included in computing the limitations upon the levy of any district under ~~section 275.12, or any law amendatory thereof, or supplemental thereto.~~ Such taxes may be levied in addition to the taxes authorized by section 136D.27 hereof.

Sec. 39. Minnesota Statutes 1986, section 136D.89, subdivision 2, is amended to read:

Subd. 2. **TAXES.** Before issuing such bonds, the board shall certify to each participating school district and to the county auditor or auditors the years and amounts of taxes required to be levied for payment of such bonds by section 475.61. The county auditor shall cause the share of each participating school district in such taxes to be spread in each year until the bonds and interest have been paid, the share of each district in any year to be equal to the ratio of the most recent assessed valuation of taxable property therein to the most recent

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assessed valuation of taxable property in all participating school districts. None of the taxes levied for payment of such bonds shall be included in computing the limitations upon the levy of any district under ~~section 275.12, or any law amendatory thereof, or supplemental thereto.~~ Such taxes may be levied in addition to the taxes authorized by section 136D.87 hereof.

Sec. 40. Minnesota Statutes 1986, section 152.02, subdivision 12, is amended to read:

Subd. 12. If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the state board of pharmacy, the state board of pharmacy shall similarly control the substance under Laws 1973, chapter 693 after the expiration of 30 days from publication in the federal register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance. Such order shall be filed pursuant to section 14.38. If within that 30 day period, the state board of pharmacy objects to inclusion, rescheduling, or deletion, it shall publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the state board of pharmacy shall publish its decision, which shall be subject to the provisions of Minnesota Statutes 1971, chapter 15.

In exercising the authority granted by Laws 1971, chapter 937, the state board of pharmacy shall be subject to the provisions of Minnesota Statutes 1969, chapter 15. The state board of pharmacy shall provide copies of any proposed rule under Laws 1971, chapter 937, to the advisory council on controlled substances at least 30 days prior to any hearing required by ~~Minnesota Statutes 1969, section 15.0412, Subdivision 4~~ 14.14, subdivision 1. The state board of pharmacy shall consider the recommendations of the advisory council on controlled substances, which may be made prior to or at the hearing.

Sec. 41. Minnesota Statutes 1986, section 174.255, subdivision 1, is amended to read:

Subdivision 1. **HANDICAPPED ACCESSIBILITY.** The commissioner shall require any paratransit project receiving assistance under section 174.24 ~~or 174.25~~ that includes the operation of two or more vehicles other than automobiles or taxis to provide at least one vehicle that is accessible to handicapped individuals and may require additional accessible vehicles if necessary to serve handicapped individuals expected to use the project. A vehicle is accessible if it is equipped to allow transportation of an individual confined to a wheelchair or using an orthopedic device.

Sec. 42. Minnesota Statutes 1986, section 174.255, subdivision 2, is amended to read:

Subd. 2. **ASSISTANCE IN OBTAINING INSURANCE.** In order to reduce the expense of liability insurance required for paratransit projects eligible for assistance under ~~sections~~ section 174.24 ~~and 174.25~~, the commissioner and the

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commissioner of commerce shall investigate the causes of high liability insurance costs and shall take the appropriate administrative action to assist paratransit projects to obtain liability insurance coverage from qualified insurance carriers at the lowest available cost. Appropriate administrative action includes: (a) taking bids from and negotiating and entering into contracts with qualified carriers to provide liability insurance for eligible paratransit projects that wish to be covered; and (b) providing technical and administrative assistance to eligible paratransit projects to assist them in securing low cost liability insurance.

Sec. 43. Minnesota Statutes 1986, section 174.29, subdivision 1, is amended to read:

Subdivision 1. **DEFINITION.** For the purpose of sections 174.29 ~~to 174.31~~ and 174.30 "special transportation service" means motor vehicle transportation provided on a regular basis by a public or private entity or person that is designed exclusively or primarily to serve individuals who are elderly, handicapped, or disabled and who are unable to use regular means of transportation but do not require life support transportation service, as defined in section 144.801, subdivision 4. Special transportation service includes but is not limited to service provided by specially equipped buses, vans, taxis, and volunteers driving private automobiles.

Sec. 44. Minnesota Statutes 1986, section 176.83, subdivision 7, is amended to read:

Subd. 7. **MISCELLANEOUS RULES.** Rules necessary for implementing and administering the provisions of sections 176.131, 176.132, ~~176.134, sections~~ 176.242 and 176.243; sections 176.251, 176.66 to 176.669, and rules regarding proper allocation of compensation under section 176.111. Under the rules adopted under section 176.111 a party may petition for a hearing before a compensation judge to determine the proper allocation. In this case the compensation judge may order a different allocation than prescribed by rule.

Sec. 45. Minnesota Statutes 1986, section 177.24, subdivision 2, is amended to read:

Subd. 2. **GRATUITIES NOT APPLIED.** No employer may directly or indirectly credit, apply, or utilize gratuities towards payment of minimum wages, except as provided under section ~~177.295~~ 177.28.

Sec. 46. Minnesota Statutes 1986, section 179A.12, subdivision 1, is amended to read:

Subdivision 1. **CERTIFICATION CONTINUED.** Any employee organization holding formal recognition by order of the director or by employer voluntary recognition on the effective date of Extra Session Laws 1971, chapter 33, under any law that is repealed by Extra Session Laws 1971, chapter 33, is certified as the exclusive representative until it is decertified or another representative is certified in its place.

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Any teacher organization as defined by Minnesota Statutes 1969, section 125.20, subdivision 3, which on the effective date of Extra Session Laws 1971, chapter 33, has a majority of its members on a teacher's council in a school district as provided in Minnesota Statutes 1969, section 125.22 is certified as the exclusive representative of all teachers of that school district until the organization is decertified or another organization is certified in its place.

Sec. 47. Minnesota Statutes 1986, section 182.651, subdivision 18, is amended to read:

Subd. 18. The following substances or mixtures are not hazardous substances if they are:

(a) products intended for personal consumption by employees in the workplace;

(b) consumer products packaged for distribution to, and used by, the general public, including any product used by an employer or the employer's employees in the same form, concentration, and manner as it is sold to consumers, and to the employer's knowledge, employee exposure is not significantly greater than the consumer exposure occurring during principal consumer use of the product;

(c) any article, including but not limited to, an item of equipment or hardware, which contains a hazardous substance, if the substance is present in a solid form which does not create a health hazard as a result of being handled by an employee;

(d) any hazardous substance that is bound and not released under normal conditions of work or in a reasonably foreseeable occurrence resulting from workplace operations;

(e) products sold or used in retail food sale establishments and all other retail trade establishments, exclusive of processing and repair work areas;

(f) "intoxicating liquor" as defined in section ~~340.07, subdivision 2~~ 340A.101, subdivision 14 or "nonintoxicating malt liquor" as defined in section ~~340.001, subdivision 2~~ 340A.101, subdivision 19;

(g) "food" as defined in the federal Food, Drug, and Cosmetic Act, United States Code, title 27, section 321, et seq.; or

(h) any waste material regulated pursuant to the federal Resource Conservation and Recovery Act, Public Law Number 94-580, but only with respect to any employer in a business which provides a service of collection, processing, or disposal of such waste.

The commissioner may, by inclusion in the standards adopted pursuant to section 182.655, determine whether any of the following may be excluded from the definitions of hazardous substance or harmful physical agent:

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(a) waste products labeled pursuant to the Resource Conservation and Recovery Act;

(b) any substance received by an employee in a sealed package and subsequently sold or transferred in that package, if the seal remains intact while the substance is in the employer's workplace; or

(c) any substance, mixture, or product if present in a physical state, volume, or concentration for which there is no valid and substantial evidence that a significant risk to human health may occur from exposure.

Sec. 48. Minnesota Statutes 1986, section 193.141, subdivision 2, is amended to read:

Subd. 2. CONSTRUCTION ON STATE MILITARY CAMPING GROUNDS. Whenever the adjutant general shall deem it necessary or expedient that an armory be constructed upon a state military camping ground, to be used principally by any unit or units of the national guard stationed at a municipality in the vicinity thereof, such armory may be constructed and the cost thereof paid in the manner hereinafter provided for the construction of armories in municipalities; ~~and the annual payments thereafter to be made by the state for the maintenance and equipment of such armory, as authorized by section 193.35, shall be payable to the Minnesota State Armory Building Commission without the necessity of like appropriations by such municipality or any other party, so long as any bonds issued for the construction of such armory shall be outstanding.~~

Sec. 49. Minnesota Statutes 1986, section 193.145, subdivision 2, is amended to read:

Subd. 2. TAX LEVY, LIMITATION. A county or municipality in which an armory has been constructed or is to be constructed hereunder may by resolution of its governing body irrevocably provide for levying and collecting annually for a specified period, not exceeding 40 years, a tax upon all taxable property therein of such amount as such governing body may determine, which, unless levied by a county, shall not exceed one-third of one mill.

The proceeds of such levy as collected shall be paid to such corporation for the purposes herein prescribed. Such county or municipality shall have power to make such tax levies and payments and to bind itself thereto by such resolution of its governing body. The provisions of such resolution may be made conditional upon the giving of an agreement by the adjutant general as authorized in subdivision 4. The obligations of such county or municipality to levy, collect, and pay over such taxes shall not be deemed or construed to constitute an indebtedness of such county or municipality within the meaning of any provision of law or of its charter limiting its total or net indebtedness, and such taxes may be levied and collected without regard to any statutory or charter provision limiting the amount or rate of taxes which such county or municipality is otherwise authorized to levy. ~~The payment of the proceeds of such taxes up~~

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to an amount equal to the sum of \$250 per year, or such other amount as may hereafter be prescribed by law, for each company or other unit of the national guard stationed in such county or municipality, shall be deemed sufficient appropriation and payment by such county or municipality to authorize the payments to be made by the state annually for armory maintenance and equipment under the provisions of section ~~193.35~~; such payments to be made to such corporation and applied as herein provided.

Sec. 50. Minnesota Statutes 1986, section 214.01, subdivision 3, is amended to read:

Subd. 3. "Non-health-related licensing board" means the board of teaching established pursuant to section 125.183, the board of barber examiners established pursuant to section 154.22, the board of assessors established pursuant to section 270.41, the board of architecture, engineering, land surveying and landscape architecture established pursuant to section 326.04, the board of accountancy established pursuant to section 326.17, the board of electricity established pursuant to section 326.241, the private detective and protective agent licensing board established pursuant to section 326.33, ~~the board of examiners in watch-making established pursuant to section 326.541~~; the board of boxing established pursuant to section 341.01, the board of abstracters established pursuant to section 386.63, and the peace officer standards and training board established pursuant to section 626.841.

Sec. 51. Minnesota Statutes 1986, section 219.691, is amended to read:

219.691 VIOLATION; FORFEITURE.

A company violating sections 219.681, 219.692, 219.741, ~~219.742~~, 219.743, 219.751, and 219.755 shall forfeit as a penalty to the state the sum of \$1,000 which may be recovered in a civil action.

Sec. 52. Minnesota Statutes 1986, section 219.692, is amended to read:

219.692 TREBLE DAMAGES.

A person injured by a company's violation of sections 219.681, 219.691, 219.741, ~~219.742~~, 219.743, 219.751, and 219.755 has a cause of action against that company for treble the amount of damages to the person or the person's property resulting from the violation.

Sec. 53. Minnesota Statutes 1986, section 219.743, is amended to read:

219.743 EXCEPTIONS.

Sections 219.681; and 219.741; ~~and 219.742~~ do not apply to:

(1) logging or ore roads constructed and used exclusively for logging or mining purposes;

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(2) tracks described in section 219.681 which are used exclusively for logging or mining purposes; or

(3) a railroad which is not a common carrier.

Sec. 54. Minnesota Statutes 1986, section 219.755, is amended to read:

219.755 SECTION 645.35 NOT TO APPLY.

Section 645.35 does not apply to sections 219.681, 219.691, 219.692, 219.741, ~~219.742~~, 219.743, and 219.751.

Sec. 55. Minnesota Statutes 1986, section 222.61, is amended to read:

222.61 EMERGENCY RULEMAKING AUTHORITY.

The commissioner may exercise emergency rulemaking authority as provided in sections 14.29 to 14.36, to implement the provisions of sections 222.55 to 222.62. The commissioner shall solicit information and opinions from outside the department as provided in Minnesota Statutes 1980, section 15.0412, subdivision 6, before adopting these rules. Notwithstanding the provisions of Minnesota Statutes 1980, section 15.0412, subdivision 5, rules adopted pursuant to this section shall be effective until permanent rules are adopted pursuant to chapter ~~15~~ 14 or until October 1, 1979, whichever occurs first.

Sec. 56. Minnesota Statutes 1986, section 241.31, subdivision 2, is amended to read:

Subd. 2. Community corrections programs established under this section may be administered by a nonprofit corporation, by the political subdivision establishing same, or by a community corrections board organized and composed in the same manner that a community mental health center board is composed and organized under ~~sections 245.66 to 245.67~~ section 245.66.

Sec. 57. Minnesota Statutes 1986, section 243.24, subdivision 2, is amended to read:

Subd. 2. **CHIEF EXECUTIVE OFFICER TO INCREASE FUND TO \$100.** If the fund standing to the credit of the prisoner on the prisoner's leaving the facility by discharge or on parole be less than \$100, the warden or chief executive officer is directed to pay out of the current expense fund of the facility sufficient funds to make the total of said earnings the sum of \$100; ~~except that when a prisoner is released under section 243.14, the commissioner of corrections may authorize a lesser amount.~~

Sec. 58. Minnesota Statutes 1986, section 246A.11, subdivision 1, is amended to read:

Subdivision 1. **TRANSFER.** Notwithstanding any other law to the contrary, Ramsey county and the city of St. Paul, or either of them, may lease any

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property, real or personal, acquired by either or both for the establishment, operation, or maintenance of St. Paul Ramsey Medical Center, created by Minnesota Statutes 1984, section 383A.41, or that has been turned over to the center for its use; however, the lease must only be to the corporation or one of its subsidiaries.

Sec. 59. Minnesota Statutes 1986, section 246A.12, subdivision 1, is amended to read:

Subdivision 1. **EMPLOYEE TRANSFER.** All employees of the St. Paul Ramsey Medical Center commission, Minnesota Statutes 1984, section 383A.41, shall be transferred to the hospital subsidiary corporation.

Sec. 60. Minnesota Statutes 1986, section 250.05, subdivision 2, is amended to read:

Subd. 2. The Gillette children's hospital shall be governed by a board of directors consisting of up to 19 members. Not more than nine of those shall be residents of Ramsey county. The commissioner of health and the commissioner of jobs and training shall each designate a senior employee of their respective departments to represent them as voting members of the board. The designee of the commissioner of jobs and training shall be the person having authority over the administration of federally recognized vocational rehabilitation programs. Notwithstanding the provisions of subdivision 2a, the term of office of a designee shall be coterminous with the term of office of the designating commissioner. Of the remaining members, at least four shall be ~~consumers as defined in section 145.833~~, and persons (a) whose past or present occupation has not involved the administration of health activities or the providing of health services within the 12 months before appointment, (b) who were not employed by a health care facility as a licensed professional within 12 months before appointment, and (c) who have not held a material financial interest in the rendering of health service within 12 months before appointment. One member shall be a member of the medical staff, to be elected by the medical staff of the hospital. Members other than the designees shall be elected by the other members. No member of the board may be an employee of or have any direct or immediate family financial interest in a business entity that provides goods or services to the hospital.

Sec. 61. Minnesota Statutes 1986, section 256.12, subdivision 14, is amended to read:

Subd. 14. **DEPENDENT CHILD.** "Dependent child," as used in sections 256.72 to 256.87 and ~~256.872~~, means a child under the age of 18 years, or a child under the age of 19 years who is regularly attending as a full-time student, and is expected to complete before reaching age 19, a high school or a secondary level course of vocational or technical training designed to fit students for gainful employment, who is found to be deprived of parental support or care by reason of the death, continued absence from the home, physical or mental incapacity of a parent, or who is a child of an unemployed parent as that term is

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defined by the commissioner of human services, such definition to be consistent with and not to exceed minimum standards established by the Congress of the United States and the secretary of health and human services, and whose relatives, liable under the law for the child's support are not able to provide adequate care and support of the child, and who is living with father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece in a place of residence maintained by one or more of these relatives as a home.

The term "dependent child" also means a child who has been removed from the home of a relative after a judicial determination that continuance in the home would be contrary to the welfare and best interests of the child and whose care and placement in a foster home or a private licensed child care institution is, in accordance with the rules of the commissioner, the responsibility of the state or county agency under sections 256.72 to 256.87. This child is eligible for benefits only through the foster care and adoption assistance program contained in Title IV-E of the Social Security Act, United States Code, title 42, sections 670 to 676, and is not entitled to benefits under sections 256.72 to 256.87.

Sec. 62. Minnesota Statutes 1986, section 256.462, subdivision 2, is amended to read:

Subd. 2. **APPLICABILITY.** The provisions of Minnesota Statutes ~~1949~~ 1971, section 256.25, as to the allowance as claims in the probate court of amounts paid as old age assistance are made applicable to amounts paid as assistance under the provisions of Minnesota Statutes 1971, sections 256.451 to 256.475.

Sec. 63. Minnesota Statutes 1986, section 256B.03, subdivision 2, is amended to read:

Subd. 2. **LIMIT ON ANNUAL INCREASE TO LONG-TERM CARE PROVIDERS.** Notwithstanding the provisions of sections ~~256B.42~~ 256B.421 to 256B.48, Laws 1981, chapter 360, article II, section 2, or any other provision of chapter 360, and rules promulgated under those sections, rates paid to a skilled nursing facility or an intermediate care facility, including boarding care facilities and supervised living facilities, except state owned and operated facilities, for rate years beginning during the biennium ending June 30, 1983, shall not exceed by more than ten percent the final rate allowed to the facility for the preceding rate year. For purposes of this section, "final rate" means the rate established after any adjustment by the commissioner, including but not limited to adjustments resulting from cost report reviews, field audits, and computations of unimplemented cost changes. Regardless of any rate appeal, the rate established shall be the rate paid and shall remain in effect until final resolution of the appeal, subsequent desk or field audit adjustment, notwithstanding any provision of law or rule to the contrary.

~~Notwithstanding provisions of section 256B.45, subdivision 1,~~ The commissioner shall not increase the percentage for investment allowances.

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Sec. 64. Minnesota Statutes 1986, section 257.34, subdivision 1, is amended to read:

Subdivision 1. **ACKNOWLEDGMENT BY PARENTS.** The mother and father of a child born to a mother who was not married to the child's father when the child was conceived nor when the child was born may, in a writing signed by both of them before a notary public, declare and acknowledge under oath that they are the biological parents of the child. The declaration may provide that any such child born to the mother at any time before or up to ten months after the date of execution of the declaration is the biological child of the signatories. Execution of the declaration shall:

(a) have the same consequences as an acknowledgment by the signatories of parentage of the child for the purposes of sections 62A.041 and 62C.14, subdivision 5a;

(b) be conclusive evidence that the signatories are parents of the child for the purposes of sections 176.111 and ~~197.09 to 197.11~~ 197.752;

(c) have the same consequences as an acknowledgment by the father of paternity of the child for the purposes of sections 257.57 and 257.66;

(d) when timely filed with the division of vital statistics of the Minnesota department of health as provided in section 259.261, qualify as an affidavit stating the intention of the signatories to retain parental rights as provided in section 259.261 if it contains the information required by section 259.261 or rules promulgated thereunder;

(e) have the same consequences as a writing declaring paternity of the child for the purposes of section 524.2-109; and

(f) be conclusive evidence that the signatories are parents of the child for the purposes of chapter 573.

Sec. 65. Minnesota Statutes 1986, section 260.015, subdivision 3, is amended to read:

Subd. 3. "Child placing agency" means anyone licensed under ~~section 257.09+~~ sections 245.781 to 245.812 and 252.28, subdivision 2.

Sec. 66. Minnesota Statutes 1986, section 260.151, subdivision 1, is amended to read:

Subdivision 1. Upon request of the court the county welfare board or probation officer shall investigate the personal and family history and environment of any minor coming within the jurisdiction of the court under section 260.111 and shall report its findings to the court. The court may order any minor coming within its jurisdiction to be examined by a duly qualified physician, psychiatrist, or psychologist appointed by the court. With the consent of the commissioner of corrections and agreement of the county to pay the costs

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thereof, the court may, by order, place a minor coming within its jurisdiction in an institution maintained by the commissioner for the detention, diagnosis, custody and treatment of persons adjudicated to be delinquent, in order that the condition of the minor be given due consideration in the disposition of the case. Adoption investigations shall be conducted in accordance with the laws relating to adoptions. Any funds received under the provisions of this subdivision ~~or under the provisions of section 260.175, clause (d)~~ shall not cancel until the end of the fiscal year immediately following the fiscal year in which the funds were received. The funds are available for use by the commissioner of corrections during that period, and are hereby appropriated annually to the commissioner of corrections as reimbursement of the costs of providing these services to the juvenile courts.

Sec. 67. Minnesota Statutes 1986, section 268.072, subdivision 6, is amended to read:

Subd. 6. **REIMBURSEMENT OF COSTS.** Appropriate arrangements shall be made for reimbursement by the child support agency for the administrative costs incurred by the commissioner under this subdivision and sections ~~256.872 to 256.878~~ and 518.551 and 518.611 which are attributable to child support obligations being enforced by the public agency responsible for child support enforcement.

Sec. 68. Minnesota Statutes 1986, section 275.125, subdivision 6a, is amended to read:

Subd. 6a. **MINNEAPOLIS CIVIL SERVICE RETIREMENT LEVY.** (1) In addition to the excess levy authorized in subdivision 6, in 1976 any district within a city of the first class which was authorized in 1975 to make a retirement levy under Minnesota Statutes 1974, section 275.127 and chapter 422A may levy an amount per pupil unit which is equal to the amount levied in 1975 payable 1976, under Minnesota Statutes 1974, section 275.127 and chapter 422A, divided by the number of pupil units in the district in 1976-1977.

(2) In 1979 and each year thereafter, any district which qualified in 1976 for an extra levy under clause (1) shall be allowed to levy the same amount as levied for retirement in 1978 under this clause reduced each year by ten percent of the difference between the amount levied for retirement in 1971 under Minnesota Statutes 1971, sections 275.127 and 422.01 to 422.54 and the amount levied for retirement in 1975 under Minnesota Statutes 1974, section 275.127 and chapter 422A.

Sec. 69. Minnesota Statutes 1986, section 275.125, subdivision 8, is amended to read:

Subd. 8. **COMMUNITY EDUCATION LEVY.** (1) Each year, a district which has established a community education advisory council pursuant to section 121.88, may levy the amount raised by .8 mill times the most recent adjusted assessed valuation of the district, but no more than the greater of

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\$5.50 times the population of the district, or
\$7,340.

(2) In addition to the levy authorized in clause (1), each year a district may levy an additional amount for community education programs equal to the difference obtained by subtracting

(a) the sum in fiscal year 1984 of

(i) the district's estimated maximum permissible revenue for fiscal year 1985 from community education aid under section 124.271, subdivision 2b, clause (1), and

(ii) the community education levy authorized in clause (1) of this subdivision, from

(b) the sum in fiscal year 1983 of

(i) the district's maximum permissible revenue from community education aid under Minnesota Statutes 1984, section 124.271, subdivision 2, excluding any reductions from community education aid made pursuant to Laws 1981, Third Special Session chapter 2, article 2, section 2, clause (mm), and Laws 1982, Third Special Session chapter 1, article 3, section 6, and

(ii) the maximum community education levy authorized in this subdivision for the district for the levy made in 1981, payable in 1982, before any reduction in the levy pursuant to subdivision 9.

(3) A district having an approved adult basic and continuing education program, according to section 124.26, may levy an amount not to exceed the amount raised by .1 mill times the adjusted assessed valuation of the district for the preceding year.

(4) A district having an approved program and budget may levy for a handicapped adult program. The levy amount may not exceed the lesser of one-half of the amount of the approved budget for the program for the fiscal year beginning in the calendar year after the levy is certified or \$25,000 for one program. In the case of a program offered by a group of districts, the levy amount shall be divided among the districts according to the agreement submitted to the department. The proceeds of the levy shall be used only for a handicapped adult program or, if the program is subsequently not offered, for community education programs. For programs not offered, the department of education shall reduce the community education levy by the amount levied the previous year for handicapped adult programs.

(5) The levies authorized in this subdivision shall be used for community education, including nonvocational adult programs, recreation and leisure time activity programs, and programs authorized by sections 121.85 to ~~121.88~~ and ~~129B.06 to 129B.09~~, and 121.882. A school district may levy pursuant to this

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subdivision only after it has filed a certificate of compliance with the commissioner of education. The certificate of compliance shall certify that the governing boards of the county, municipality and township in which the school district or any part thereof is located have been sent 15 working days written notice of a meeting and that a meeting has been held to discuss methods of increasing mutual cooperation between such bodies and the school board. The failure of a governing board of a county, municipality or township to attend the meeting shall not affect the authority of the school district to levy pursuant to this subdivision.

(6) The population of the district for purposes of this subdivision is the population determined as provided in section 275.14 or as certified by the department of education from the most recent federal census.

Sec. 70. Minnesota Statutes 1986, section 278.06, is amended to read:

278.06 OTHER STATUTES TO APPLY.

Sections 279.18, 279.19, 279.21, 279.23, ~~279.24~~, and 279.25 shall apply in so far as they are applicable thereto, except as herein otherwise provided. References in those sections to "answers" shall be understood as referring to petitions, and references to the "delinquent list" or "list" as referring to the tax list filed with the county treasurer.

Sec. 71. Minnesota Statutes 1986, section 295.34, subdivision 1, is amended to read:

Subdivision 1. Except as provided in subdivision 2 every telephone company shall file a return with the commissioner of revenue on or before April 15 of each year, and submit payment therewith, of the following percentages of its gross earnings of the preceding calendar year derived from business within this state:

(a) for gross earnings from service to rural subscribers and from exchange business of all cities of the fourth class and statutory cities having a population of 10,000 or less

for calendar years beginning before December 31, 1986, 4 percent,

for calendar year 1987, 3 percent,

for calendar year 1988, 1.5 percent,

for calendar year 1989, 1 percent, and

for calendar years beginning after December 31, 1989, exempt; and

(b) for gross earnings derived from all other business

for calendar years beginning before December 31, 1986, 7 percent,

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for calendar year 1987, 5.5 percent,

for calendar year 1988, 3 percent,

for calendar year 1989, 2.5 percent, and

for calendar years beginning after December 31, 1989, exempt.

Beginning January 1, 1986, a tax shall not be imposed on the gross earnings of a telephone company from business originating or terminating outside of Minnesota.

The tax imposed is in lieu of all other taxes, except the taxes imposed by chapter 290, property taxes assessed beginning in 1987, payable in 1988, and sales and use taxes imposed as a result of ~~section 296.22, subdivision 13~~ Laws 1985, first special session chapter 14, article 2, section 9. All money paid by a company for connecting fees and switching charges to any other company shall be reported as earnings by the company to which they are paid, but shall not be deemed earnings of the collecting and paying company. For the purposes of this section, the population of any statutory city shall be considered as that stated in the latest federal census.

Sec. 72. Minnesota Statutes 1986, section 297.03, subdivision 3, is amended to read:

Subd. 3. ~~SECTION 6.22~~ 16A.56 ~~SUPERSEDED~~. The provisions of sections 297.01 to 297.13 prescribing the powers and duties of the commissioner with relation to stamps supersede all the provisions of ~~Minnesota Statutes 1945, section 6.22~~ 16A.56 in conflict therewith.

Sec. 73. Minnesota Statutes 1986, section 297A.06, is amended to read:

297A.06 PERMIT.

After compliance with sections 297A.04 ~~and 297A.05~~, and 297A.28, when security is required, the commissioner shall issue to each applicant a separate permit for each place of business within Minnesota. A permit shall be valid until revoked but shall not be assignable and shall be valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall at all times be conspicuously displayed at the place for which issued.

Sec. 74. Minnesota Statutes 1986, section 297A.25, subdivision 10, is amended to read:

Subd. 10. **PUBLICATIONS MATERIALS.** The gross receipts from the sale of and storage, use or other consumption in Minnesota of tangible personal property (except as provided in section 297A.14) which is used or consumed in producing any publication regularly issued at average intervals not exceeding three months, and any such publication are exempt. For purposes of this

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subdivision, "publication" as used herein shall include, without limiting the foregoing, a legal newspaper as defined by ~~Minnesota Statutes 1965~~, section 331.02, and any supplements or enclosures with or part of said newspaper; and the gross receipts of any advertising contained therein or therewith shall be exempt. For this purpose, advertising in any such publication shall be deemed to be a service and not tangible personal property, and persons or their agents who publish or sell such newspapers shall be deemed to be engaging in a service with respect to gross receipts realized from such newsgathering or publishing activities by them, including the sale of advertising. The term "publication" shall not include magazines and periodicals sold over the counter. Machinery, equipment, implements, tools, accessories, appliances, contrivances, furniture and fixtures used in such publication and fuel, electricity, gas or steam used for space heating or lighting, are not exempt.

Sec. 75. Minnesota Statutes 1986, section 308.341, is amended to read:

308.341 COOPERATIVE RURAL TELEPHONE COMPANIES, DISSOLUTION.

Any cooperative rural telephone company organized under Revised Statutes 1905, chapter 58, or the general laws of Minnesota 1905, chapters 276 and 313, may dissolve by voluntary proceedings as provided by ~~Minnesota Statutes, sections 301.47 and 301.48, or~~ 302A.721 to 302A.733, whenever a resolution therefor, is adopted by a majority of the voting power of all stockholders or shareholders at a meeting duly called for that purpose.

Sec. 76. Minnesota Statutes 1986, section 317.03, is amended to read:

317.03 FOREIGN NONPROFIT CORPORATIONS, SECTIONS APPLICABLE.

(1) Except for this section and ~~sections~~ section 317.42 and 317.43 concerning merger or consolidation, this chapter does not apply to foreign corporations.

(2) Except as provided in clauses (3) and (4) a foreign corporation is subject to the provisions of the Minnesota foreign corporations act, Minnesota Statutes, chapter 303. Unless it complies with that chapter a foreign corporation shall not transact business in this state.

(3) Sections 303.07, 303.14, ~~303.15~~, 303.22, 303.02, subdivision 2, and 303.16, subdivision 2, clauses (6) and (7), do not apply to foreign corporations.

(4) A foreign corporation transacting business in this state on April 21, 1951, shall comply with this section within one year.

Sec. 77. Minnesota Statutes 1986, section 317.65, subdivision 6, is amended to read:

Subd. 6. **LEGAL GUARDIAN.** Unless a corporation formed to establish and maintain homes for orphaned, homeless, abandoned, neglected, or grossly ill-treated children is licensed as provided by ~~section 257.091~~ sections 245.781

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to 245.812 and 252.28, subdivision 2, by the commissioner of human services as a child caring agency, it may not become the legal guardian of a child.

Sec. 78. Minnesota Statutes 1986, section 319A.03, is amended to read:

319A.03 FORMATION OF CORPORATION.

One or more natural professional persons may form a corporation pursuant to ~~sections 301.01 to 301.67~~, chapter 302A, or 317 for the purposes hereinafter set forth.

Sec. 79. Minnesota Statutes 1986, section 319A.05, is amended to read:

319A.05 APPLICABILITY OF CORPORATION ACTS.

A corporation incorporating under sections 319A.01 to 319A.22 and ~~301.01 to 301.67~~, chapter 302A, or 317 shall proceed in the manner specified in ~~sections 301.01 to 301.67~~, chapter 302A, or 317. After incorporation a professional corporation shall enjoy the powers and privileges and shall be subject to the duties and liabilities of other corporations organized under ~~sections 301.01 to 301.67~~, chapter 302A, or ~~chapter~~ 317, except insofar as the same may be limited or enlarged by sections 319A.01 to 319A.22. If any provision of sections 319A.01 to 319A.22 conflicts with the provisions of ~~sections 301.01 to 301.67~~, chapter 302A, or 317, sections 319A.01 to 319A.22 take precedence.

Sec. 80. Minnesota Statutes 1986, section 319A.12, subdivision 1a, is amended to read:

Subd. 1a. A professional corporation may at any time by amendment to its articles of incorporation relinquish the powers and privileges conferred upon it by this chapter and elect to be governed thereafter solely by the provisions of ~~sections 301.01 to 301.67~~, chapter 302A, or 317. Notwithstanding any provision of this chapter, the representative of a deceased or incompetent shareholder of a professional corporation shall have authority to vote the deceased or incompetent shareholder's shares on the question of adopting such an amendment.

Sec. 81. Minnesota Statutes 1986, section 319A.12, subdivision 2, is amended to read:

Subd. 2. If within 90 days following the date of death of a shareholder or member of a professional corporation or the loss of a license to render professional service all of the shares or membership owned by the deceased or disqualified shareholder or member have not been transferred to and acquired by the corporation or persons qualified to own the shares or membership, the corporation shall thereafter be governed solely by the provisions of ~~sections 301.01 to 301.67~~, chapter 302A, or 317 and shall not enjoy any of the powers and privileges conferred by sections 319A.01 to 319A.22. When the corporation ceases to be authorized to render professional service, its corporate name must be changed to comply with the corporate name provision of ~~sections 301.01 to 301.67~~, chapter 302A, or 317, and any words, phrases or abbreviations con-

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tained therein to comply with the provisions of sections 319A.01 to 319A.22 shall be eliminated.

Sec. 82. Minnesota Statutes 1986, section 327.18, subdivision 3, is amended to read:

Subd. 3. **PROCEDURE FOR HEARING AND APPEAL.** The procedure for hearings or for appeals from the orders of the department or of the commissioner where provided in sections 327.14 to ~~327.29~~ 327.28 shall be in accordance with ~~Minnesota Statutes 1961, chapter 15 as amended sections 14.01 to 14.69.~~

Sec. 83. Minnesota Statutes 1986, section 355.311, subdivision 1, is amended to read:

Subdivision 1. **ELECTION OF SOCIAL SECURITY COVERAGE.** Any member of the basic program of the Minneapolis employees retirement fund established under the provisions of chapter 422A shall be entitled to elect social security coverage retroactive to July 1, 1978 in a second social security referendum. Any member who so elects shall become a member of the coordinated program of the public employees retirement association and sufficient assets shall be transferred by the board of trustees of the Minneapolis employees retirement fund to the coordinated program of the public employees retirement association pursuant to Minnesota Statutes 1980, section 353.023.

Sec. 84. Minnesota Statutes 1986, section 361.26, subdivision 2, is amended to read:

Subd. 2. (a) Upon request of a county, city or town, the commissioner may, on determining it to be in the public interest, establish rules relating to the use of watercraft on waters of this state which border upon or are within, in whole or in part, the territorial boundaries of the governmental unit.

(b) Such rules shall be established in the manner provided by ~~Minnesota Statutes 1969, sections 15.0411 to 15.0422~~ 14.02 to 14.62, but shall not be submitted to the attorney general nor filed with the secretary of state until first approved by resolutions of the county boards of a majority of the counties affected by the proposed rules.

(c) Such rules may restrict any or all of the following: (1) the type and size of watercraft and size of motor which may use the waters affected by the rule, (2) the areas of water which may be used by watercraft, (3) speed of watercraft, (4) times permitted for use of watercraft, or (5) minimum distance between watercraft. When establishing rules the commissioner shall consider the physical characteristics of the waters affected, their historical uses, shoreland uses and classification, and any other features unique to the waters affected by the rules.

(d) The commissioner shall inform the users of the waters of the rules affecting them at least two weeks before the effective date of the rules by dis-

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tributing copies of the rules and by posting of the public accesses of the waters. However, the failure of the commissioner to comply with this paragraph shall not affect the validity of the rules or any conviction for violation of the rules.

(e) The cost of publishing rules and of marking and posting waters pursuant to this subdivision shall be paid by the counties affected by the rules, as apportioned by the commissioner.

(f) Regulations or ordinances relating to the use of waters of this state enacted by a local governmental unit before January 1, 1972 shall continue in effect until repealed by the local governmental unit or superseded by a rule of the commissioner promulgated pursuant to this subdivision.

Sec. 85. Minnesota Statutes 1986, section 383B.035, subdivision 1, is amended to read:

Subdivision 1. Notwithstanding ~~the provisions of Minnesota Statutes 1969, section 203.43~~ 204B.32, which relates to election expenses, whenever the board of county commissioners of Hennepin county shall duly provide for a special election to be held within said Hennepin county, all of the expenses necessarily incurred by the several municipalities, home rule charter or statutory cities, and townships within the county of Hennepin concerning such special election, shall be paid by the county of Hennepin upon a resolution duly adopted by the board of county commissioners for Hennepin county providing for such payment of special election expenses.

Sec. 86. Minnesota Statutes 1986, section 383B.237, is amended to read:

383B.237 LIBRARY SYSTEM.

~~Notwithstanding the provisions of section 375.33,~~ The Hennepin county board of commissioners may establish and maintain a system of public libraries for the free use of the residents of the county. The board shall determine the locations of the libraries, and may levy taxes for library operations and maintenance on all taxable property within the county which was not taxed in 1980 by the city of Minneapolis for the support of any free public library. The county may acquire, lease, construct, alter or contract for the use of any real or personal property necessary for the establishment and operation of a free county library system. Acquisition of real property may be undertaken in accordance with chapter 117.

Sec. 87. Minnesota Statutes 1986, section 383C.76, is amended to read:

383C.76 SURPLUS COMMODITIES; PURCHASE BY COUNTY EMPLOYEES.

Notwithstanding ~~the provisions of Minnesota Statutes 1965, section 45.055~~ 15.054 or any other law to the contrary, in St. Louis county, county employees may purchase surplus commodities which are produced, grown or manufactured on or in St. Louis county institutions.

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Sec. 88. Minnesota Statutes 1986, section 386.71, is amended to read:

386.71 LICENSED ABSTRACTERS, ACCESS TO PUBLIC RECORDS.

~~Except as provided in Laws 1974, Chapter 435, Section 3.11 (e),~~ Licensed abstracters shall have access during ordinary office hours to the public records in the office of the county recorder in the county in which such abstracter is authorized to function, to make such memoranda, microfilm, photostats, photographs, or notations from the records thereof as may be necessary for the purpose of making or compiling abstracts, continuations thereof, or issuing certificates showing ownership of, or interest in, or liens upon any lands in the state, whether registered or not, and the compiling, posting, copying and keeping up their abstract books, indices, or other records necessary to carry on or perform the duties and functions of a licensed abstracter, provided that such access during ordinary office hours shall in no manner hinder or interfere with the public officer in the performance of official duties.

Sec. 89. Minnesota Statutes 1986, section 393.13, subdivision 1, is amended to read:

Subdivision 1. Upon providing services pursuant to section 252.27, 260.251, subdivision 1a, ~~261.27~~ or 393.07, subdivision 1 or 2 to any person having private health care coverage, the county agency shall be subrogated, to the extent of the cost of services provided, to any rights the person may have under the terms of any private health care coverage. The right of subrogation does not attach to benefits paid or provided under private health care coverage prior to the receipt of written notice of the exercise of subrogation rights by the carrier issuing the health care coverage.

Sec. 90. Minnesota Statutes 1986, section 412.381, is amended to read:

412.381 REPORTS.

The accounting officer of the commission shall make such monthly or annual statements of operation as the commission may require. A copy of each such report shall be filed in the office of the city clerk. An annual financial report shall be made and a copy filed with the clerk at the close of the calendar year and shall be included as part of the annual financial report or statement of the clerk in conformity with section ~~412.281~~ 471.697 or 471.698. The cost of publication of any other official statement required by law to be published shall be paid from public utility funds.

Sec. 91. Minnesota Statutes 1986, section 412.501, is amended to read:

412.501 PARK BOARD IN CERTAIN STATUTORY CITIES; CONTINUANCE OF EXISTING BOARD; OFFICERS; COMPENSATION.

The council of any city of more than 1,000 population may by ordinance establish a park board and it may by ordinance adopted by unanimous vote of all members of the council abolish any board thus established. Any park board

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now in existence in any city shall hereafter operate as a park board under this chapter until abolished as provided in this section. The park board shall consist of three, five, seven or nine members as determined by resolution or ordinance of the council, appointed by the mayor with the consent of the council. If the board consists of three members, one member of the original board shall serve for a term of one year, one for a term of two years, and one for a term of three years. If the board consists of five members, one member of the original board shall serve a term of one year, two for a term of two years and two for a term of three years. If the board consists of seven members, two members of the original board shall serve a term of one year, two for a term of two years and three for a term of three years. If the board consists of nine members, three members of the original board shall serve a term of one year, three for a term of two years and three for a term of three years. After the terms of the original board members expire, members shall be appointed for terms of three years. The number of members may be increased or decreased within the permitted three, five, seven or nine members by subsequent resolution or ordinance. The resolution or ordinance shall include a provision for maintaining staggered terms for board members, provided that if the number of members is reduced the reduction shall be effected in such a manner that all incumbent members are permitted to serve their full terms.

No action to change the size of the board shall be taken except upon a two-thirds vote of all the members of the city council, and no such action shall be taken until at least three years after establishment of the board or until at least three years after the last resolution or ordinance modifying the size of the board. Vacancies shall be filled for the remainder of the original terms. Each member shall serve until a successor is appointed and qualifies. Members shall serve without compensation unless the council authorizes compensation which may not exceed \$100 per year for each member. Any member may be removed by the mayor with the consent of the council for cause after a hearing. The board shall choose one of its members as chair and may select a secretary either from among its own members or otherwise and fix the secretary's compensation at not to exceed \$500 per year. The board may adopt and from time to time amend rules of procedure. It shall make quarterly reports of its activities to the council. The city attorney, if there is one, shall act as attorney for the board. An annual statement of its receipts and disbursements shall be filed with the clerk immediately after the close of the calendar year and shall be included as part of the annual financial report or statement of the clerk in conformity with section ~~412.281~~ 471.697 or 471.698.

Sec. 92. Minnesota Statutes 1986, section 447.42, subdivision 2, is amended to read:

Subd. 2. Community residential facilities established under this section may be administered by a nonprofit corporation, by the political subdivision establishing same or by a community mental ~~health-mental retardation~~ health center board organized under ~~sections~~ section 245.66 ~~and 245.67~~.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 93. Minnesota Statutes 1986, section 458A.03, subdivision 8, is amended to read:

Subd. 8. **LEGAL STATUS; GENERAL POWERS.** The transit area, with the commission as its governing body, shall be a public corporation and a political subdivision of the state. All the powers vested and obligations or duties imposed upon the commission and acts of the commission by sections 458A.01 to 458A.15 shall be deemed to be those of the transit area wherever necessary or appropriate, and shall be exercised, performed, and discharged in behalf of the area by the commission in its name as a public corporation and with like force and effect as if done in the name of the area, and for all such purposes, the commission shall have the same status and powers as the area. The chair and secretary of the commission shall have such powers as are delegated to them by the commission. The commission may sue and be sued and may enter into contracts which may be necessary or proper.

The commission may operate paratransit services, as defined in section 174.22, subdivision 6, ~~may apply for and receive financial assistance under the paratransit service demonstration grant program established by section 174.25,~~ and may exercise such other powers conferred upon it by sections 458A.01 to 458A.15, including the power to acquire property, as may be necessary and proper to operation of such services or the application for and receipt of such assistance.

Except as otherwise provided, the commission may, within the transit area, acquire by purchase, lease, gift, or condemnation proceedings any real or personal property, franchises, easements, or other rights which may be necessary or proper and may acquire real property in such manner for use as terminal facilities, maintenance and garage facilities, ramps, parking areas and other facilities useful for or related to any public transit system. The commission shall have power to acquire by purchase, lease, or gift all or any part of the plant, equipment, shares of stock, property, real, personal, or mixed, rights in property, reserve funds, special funds, franchises, licenses, patents, permits and papers, documents and records belonging to any operator of a public transit system within the area, and to lease property and to transfer or convey by sale or otherwise any property or rights to others, or to exchange the same for other property or rights which are useful for its purposes, and may in connection therewith assume any or all liabilities of any operator of a public transit system. The commission, without limitation, may acquire or construct and equip terminal facilities, maintenance and garage facilities, ramps, transit lanes or rights of way, parking areas and other facilities useful for or related to any public transit system and may hold, use, improve, operate, maintain, lease, sell, or otherwise dispose of any of its property to others and may contract with any operator or other person for the use by any such operator or person of any such property or facilities under its control. The commission shall not acquire any existing public transit system or any part thereof by condemnation. In the determination of the fair value of the existing public transit system, there shall not be included any value attributable to expenditures for improvements by the transit commission.

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The commission may accept gifts, grants, or loans of money or other property from the United States, the state, or any person or entity for such purposes, may enter into any agreement required in connection therewith, may comply with any federal or state laws or regulations applicable thereto, and may hold, use, and dispose of such money or property in accordance with the terms of the gift, grant, loan, or agreement relating thereto. The commission may establish an executive committee, a finance committee, and such other committees of its members as it deems necessary or proper in furtherance of the provisions of sections 458A.01 to 458A.15, and may authorize them to exercise in the intervals between commission meetings any powers of the commission except those expressly required by law to be exercised by the commission.

Sec. 94. Minnesota Statutes 1986, section 458C.17, is amended to read:

458C.17 SECTIONS THAT APPLY IF FEDERAL LIMIT APPLIES.

Sections ~~474.16 to 474.23~~ 474A.01 to 474A.21 apply to obligations issued under sections 458C.01 to 458C.23 that are limited by a federal volume limitation act defined in section ~~474.16, subdivision 5~~ 474A.02, subdivision 9, or existing federal tax law as defined in section 474A.02, subdivision 8.

Sec. 95. Minnesota Statutes 1986, section 462.601, is amended to read:

462.601 MINNESOTA BUSINESS CORPORATION ACT APPLIES IN PART.

The provisions of ~~sections 301.01 to 301.61~~ and chapter 302A shall apply to redevelopment companies, except where those provisions are in conflict with the provisions of sections 462.415 to 462.705. In the event that any action with respect to which the holders of income debentures shall have the right to vote is proposed to be taken, then notice of any meeting at which such action is proposed to be taken shall be given to those holders in the same manner and to the same extent as if they were stockholders entitled to notice of and to vote at such meeting, and any certificate filed pursuant to law in the department of state with respect to any such action, whether taken with or without meeting, and any affidavit required by law to be annexed to that certificate, shall contain the same statements or recitals, and the certificate shall be subscribed and acknowledged, and the affidavit shall be made in the same manner as if those holders were stockholders holding shares of an additional class of stock entitled to vote on that action, or with respect to the proceedings provided for in the certificate.

Sec. 96. Minnesota Statutes 1986, section 462.605, is amended to read:

462.605 POWERS OF REDEVELOPMENT COMPANY.

Each redevelopment company shall have and may exercise such of the powers conferred by ~~sections 301.01 to 301.61~~ and chapter 302A or, in cities of the first class, the Minnesota uniform limited partnership act as shall be necessary in conducting the business of a redevelopment company and consistent with the provisions of sections 462.415 to 462.705.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 97. Minnesota Statutes 1986, section 462A.04, subdivision 8, is amended to read:

Subd. 8. The agency shall be under the administrative control of an executive director which office is established. The executive director shall be appointed by the governor under the provisions of section 15.06.

The executive director may appoint a deputy director. The executive director may further appoint such permanent and temporary employees as the executive director deems necessary subject to the approval of the commissioner of employee relations. All permanent employees of the agency, except the executive director, deputy director, and additional positions established pursuant to section 43A.08, subdivision 1a are in the classified civil service. Notwithstanding ~~section 16A.752 or~~ any other provision of law to the contrary, any approved complement established by law for the agency shall not be reduced as a result of vacancies in approved positions. No additional deputy commissioner positions may be created.

Sec. 98. Minnesota Statutes 1986, section 462A.05, subdivision 18, is amended to read:

Subd. 18. It may make loans to "nonprofit" sponsors as defined by the agency, with or without interest, and with such security for repayment, if any, as the agency determines reasonably necessary and practicable, solely from the housing development fund in accordance with the provisions of section 462A.21, subdivision 9, to encourage innovations in the development or rehabilitation of single and multifamily residential housing including the demonstration of new techniques for energy efficient construction. It may make loans to for-profit sponsors pursuant to this subdivision, provided that the agency shall make the loan with interest at a rate determined by the agency.

It shall promulgate rules, in accordance with ~~the provisions of sections 14.01 to 14.70~~ chapter 14, relating to the administration of the loans authorized by this subdivision. The rules may define types of projects eligible for loans, criteria for selecting between eligible loans, terms of the loans including interest rates and loan periods, and other characteristics that the agency deems necessary to administer the program.

Sec. 99. Minnesota Statutes 1986, section 471.467, subdivision 1, is amended to read:

Subdivision 1. On the date on which rules promulgated by the commissioner of administration regarding building requirements for handicapped persons shall become effective, said rules shall exclusively govern the provision of facilities. ~~However, until such date, the rules governing the provision of facilities for the handicapped to be applied to all buildings and facilities shall be those promulgated by the Minnesota state fire marshal entitled, "Rules Relating to Public Buildings: Providing Accessibility and Usability Features for Physically Handicapped Persons Pursuant to Minnesota Statutes, Section 73.57 et seq., as Amended, October 16, 1969, as Amended."~~

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 100. Minnesota Statutes 1986, section 471.74, subdivision 2, is amended to read:

Subd. 2. The governing body of any municipality issuing bonds under sections 471.71 to 471.83 shall, at the time of the issuance thereof, by resolution, provide for a levy of taxes for the payment thereof, such levy to be in accordance with the provisions of chapter 475. Levies for the payment of these bonds shall be within the limitations upon tax levies for the payment of funding bonds in the particular municipality issuing the bonds. Such levies shall be subject to the provisions of sections 275.11; and 275.125, 275.31, and 275.35; to the extent that these sections are applicable to the municipality issuing such bonds. In all cases the levies for these bonds shall be spread by the county auditor in full and the levy of the municipality for other purposes shall be reduced, if necessary, so that the total amount levied for the municipality does not exceed said limitations.

Sec. 101. Minnesota Statutes 1986, section 473.149, subdivision 4, is amended to read:

Subd. 4. **ADVISORY COMMITTEE.** The council shall establish an advisory committee to aid in the preparation of the policy plan, the performance of the council's responsibilities under subdivisions 2 to 2e, the review of county master plans and reports and applications for permits for waste facilities, under sections 473.151 and 473.801 to 473.823 and sections ~~473.827~~, 473.831 and 473.833, and other duties determined by the council. The committee shall consist of one-third citizen representatives, one-third representatives from metropolitan counties and municipalities, and one-third representatives from private waste management firms. From at least the date that the council adopts the inventory under subdivision 2b to the date that the council adopts a development schedule under subdivision 2e, for the purpose only of participating in the preparation of the legislative report required by subdivision 2c, the land disposal abatement plan required by subdivision 2d, and the development schedule required by subdivision 2e, additional members shall be included on the advisory committee sufficient to assure that at least one-third of the members of the committee are residents of cities or towns containing eligible solid waste disposal sites included in the council's disposal site inventory, and that counties containing three sites have at least two additional members and counties containing one or two sites have at least one additional member. A representative from the pollution control agency, one from the waste management board established under section 115A.04, and one from the Minnesota health department shall serve as ex officio members of the committee.

Sec. 102. Minnesota Statutes 1986, section 473.181, subdivision 3, is amended to read:

Subd. 3. **METROPOLITAN TRANSIT COMMISSION.** The council shall review acquisition of public transit systems and the issuance of revenue bonds by the metropolitan transit commission pursuant to ~~sections~~ section 473.405, subdivision 5; ~~and 473.438; subdivision 7.~~

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 103. Minnesota Statutes 1986, section 473.811, subdivision 6, is amended to read:

Subd. 6. **GRANTS AND LOANS TO COUNTIES.** Each metropolitan county may accept gifts, may apply for and accept grants or loans of money or other property from the United States, the state, the metropolitan council, any local government unit, or any person, to accomplish the purposes specified in sections 473.149, 473.151, 473.801 to 473.823, ~~473.827~~, 473.831, 473.833, and 473.834, may enter into any agreement required in connection therewith, and may hold, use, and dispose of the money or property in accordance with the terms of the gift, grant, loan or agreement relating thereto.

Sec. 104. Minnesota Statutes 1986, section 473.811, subdivision 7, is amended to read:

Subd. 7. **JOINT ACTION.** Any local governmental unit or metropolitan agency may act together with any county, city, or town within or without the metropolitan area, or with the pollution control agency or the waste management board under the provisions of section 471.59 or any other appropriate law providing for joint or cooperative action between government units, to accomplish any purpose specified in sections 473.149, 473.151, 473.801 to 473.823, ~~473.827~~, 473.831, 473.833, 473.834, 116.05 and 115A.06.

Any agreement regarding data processing services relating to the generation, management, identification, labeling, classification, storage, collection, treatment, transportation, processing or disposal of waste and entered into pursuant to section 471.59, or other law authorizing joint or cooperative action may provide that any party to the agreement may agree to defend, indemnify and hold harmless any other party to the agreement providing the services, including its employees, officers or volunteers, against any judgments, expenses, reasonable attorney's fees and amounts paid in settlement actually and reasonably incurred in connection with any third party claim or demand arising out of an alleged act or omission by a party to the agreement, its employees, officers or volunteers occurring in connection with any exchange, retention, storage or processing of data, information or records required by the agreement. Any liability incurred by a party to an agreement under this subdivision shall be subject to the limitations set forth in section 3.736 or 466.04.

Sec. 105. Minnesota Statutes 1986, section 473.811, subdivision 8, is amended to read:

Subd. 8. **COUNTY SALE OR LEASE.** Each metropolitan county may sell or lease any facilities or property or property rights previously used or acquired to accomplish the purposes specified by sections 473.149, 473.151, 473.801 to 473.823, ~~473.827~~, 473.831, 473.833, and 473.834. Such property may be sold in the manner provided by section 458.196, or may be sold in the manner and on the terms and conditions determined by the county board. Each metropolitan county may convey to or permit the use of any such property by a local government unit, with or without compensation, without submitting the matter to the

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voters of the county. No real property or property rights acquired pursuant to this section, may be disposed of in any manner unless and until the county shall have submitted to the agency and the metropolitan council for review and comment the terms on and the use for which the property will be disposed of. The agency and the council shall review and comment on the proposed disposition within 60 days after each has received the data relating thereto from the county.

Sec. 106. Minnesota Statutes 1986, section 473.811, subdivision 9, is amended to read:

Subd. 9. **SOLID AND HAZARDOUS WASTE FUND.** All moneys received by any metropolitan county from any source specified in sections 473.149, 473.151, 473.801 to 473.823, ~~473.827~~, 473.831, 473.833, and 473.834 shall be paid into the county treasury, placed in a special fund designated as the county solid and hazardous waste fund, and used only for the purposes authorized in those sections, as appropriated by the county board, subject to any lawful restrictions, conditions, or pledges applicable thereto.

Sec. 107. Minnesota Statutes 1986, section 473F.06, is amended to read:

473F.06 INCREASE IN ASSESSED VALUATION.

On or before September 1 of 1976 and each subsequent year, the auditor of each county in the area shall determine the amount, if any, by which the assessed valuation determined in the preceding year pursuant to section 473F.05, of commercial-industrial property subject to taxation within each municipality in the auditor's county exceeds the assessed valuation in 1971 of commercial-industrial property subject to taxation within that municipality. If a municipality is located in two or more counties within the area, the auditors of those counties shall certify the data required by ~~sections 473F.04 and section~~ 473F.05 to the county auditor who is responsible under other provisions of law for allocating the levies of that municipality between or among the affected counties. That county auditor shall determine the amount of the net excess, if any, for the municipality under this section, and certify that amount under section 473F.07. Notwithstanding any other provision of sections 473F.01 to 473F.13 to the contrary, in the case of a municipality which is designated on July 24, 1971, as a redevelopment area pursuant to section 401(a)(4) of the Public Works and Economic Development Act of 1965, Public Law Number 89-136, the increase in its assessed valuation of commercial-industrial property for purposes of this section shall be determined in each year subsequent to the termination of such designation by using as a base the assessed valuation of commercial-industrial property in that municipality in the year following that in which such designation is terminated, rather than the assessed valuation of such property in 1971. The increase in assessed valuation determined by this section shall be reduced by the amount of any decreases in the assessed valuation of commercial-industrial property resulting from any court decisions, court related stipulation agreements, or abatements for a prior year, and only in the amount of such

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decreases made during the 12 month period ending on June 30 of the current assessment year, where such decreases, if originally reflected in the determination of a prior year's valuation under section 473F.05, would have resulted in a smaller contribution from the municipality in that year. An adjustment for such decreases shall be made only if the municipality made a contribution in a prior year based on the higher valuation of the commercial-industrial property.

Sec. 108. Minnesota Statutes 1986, section 473F.07, subdivision 1, is amended to read:

Subdivision 1. Each county auditor shall certify the determinations pursuant to sections ~~473F.04~~, 473F.05; and 473F.06 to the administrative auditor on or before November 20 of each year. The administrative auditor shall determine the sum of the amounts certified pursuant to section 473F.06, and divide that sum by 2-1/2. The resulting amount shall be known as the "areawide tax base for(year)."

Sec. 109. Minnesota Statutes 1986, section 473F.09, is amended to read:

473F.09 ADJUSTMENTS IN DATES.

If, by reason of the enactment of any other law, the date by which the commissioner of revenue is required to certify to the county auditors the records of proceedings affecting the assessed valuation of property is advanced to a date earlier than November 15, the dates specified in sections ~~473F.04 to~~ 473F.07 and 473F.10 may be modified in the years to which such other law applies in the manner and to the extent prescribed by the administrative auditor.

Sec. 110. Minnesota Statutes 1986, section 609.687, subdivision 4, is amended to read:

Subd. 4. **CHARGING DISCRETION.** Criminal proceedings may be instituted under this section, notwithstanding the provisions of sections 24.141, ~~24.28~~, 29.24, 31.02, ~~31.405~~, 31.601, 34.01, 151.34, ~~340.142~~ 340A.508, subdivision 2, or other law proscribing adulteration of substances intended for use by persons.

Sec. 111. Minnesota Statutes 1986, section 611.14, is amended to read:

611.14 RIGHT TO REPRESENTATION BY PUBLIC DEFENDER.

The following persons who are financially unable to obtain counsel, shall be entitled to be represented by a public defender:

(a) a person charged with a felony or gross misdemeanor, including a person charged pursuant to sections 629.01 to 629.29;

(b) a person appealing from a conviction of a felony or gross misdemeanor, or a person convicted of a felony or gross misdemeanor who is pursuing a postconviction proceeding, after the time for appeal from the judgment has expired;

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(c) a person who is entitled to be represented by counsel pursuant to the provisions of section 609.14, subdivision 2; ~~or section 609.16;~~

(d) a minor who is entitled to be represented by counsel pursuant to the provisions of section 260.155, subdivision 2, if the judge of the juvenile court concerned has requested and received the approval of a majority of the district court judges of the judicial district to utilize the services of the public defender in such cases, and approval of the compensation on a monthly, hourly or per diem basis to be paid for such services pursuant to section 260.251, subdivision 2, clause (e); or

(e) a person, entitled by law to be represented by counsel, charged with an offense within the trial jurisdiction of a municipal, county, or probate court, if the trial judge or a majority of the trial judges of the court concerned have requested and received approval of a majority of the district court judges of the judicial district to utilize the services of the public defender in such cases and approval of the compensation on a monthly, hourly or per diem basis to be paid for such services by the county or municipality within the court's jurisdiction.

Sec. 112. Minnesota Statutes 1986, section 626A.05, subdivision 2, is amended to read:

Subd. 2. **OFFENSES FOR WHICH INTERCEPTION OF WIRE OR ORAL COMMUNICATION MAY BE AUTHORIZED.** A warrant authorizing interception of wire or oral communications by investigative or law enforcement officers may only be issued when the interception may provide evidence of the commission of gambling or any criminal felony offense involving murder, manslaughter, ~~aggravated assault~~ in the first or second degree, aggravated robbery, kidnapping, ~~aggravated rape~~ criminal sexual conduct in the first, second, third, or fourth degree, prostitution, bribery, perjury, escape from custody, theft, receiving stolen property, embezzlement, burglary in the first, second, or third degree, forgery, aggravated forgery, and offenses relating to controlled substances, or an attempt or conspiracy to commit any of these offenses, as punishable under sections 609.185, 609.19, 609.195, 609.20, ~~609.225~~ 609.221, 609.222, 609.245, 609.25, ~~609.291~~ 609.342, 609.343, 609.344, 609.345, 609.321 to 609.324, 609.42, 609.48, 609.485, subdivision 4, clause (1), 609.52, 609.53, 609.54, ~~609.58~~ 609.582, 609.625, 609.63, 609.76, 609.825, and chapter 152.

Sec. 113. **REPEALER.**

Minnesota Statutes 1986, sections 193.145, subdivision 3; and 325D.69, subdivision 1, are repealed.

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ARTICLE 3

MISCELLANEOUS CORRECTIONS

Section 1. CORRECTION.

Subdivision 1. **OMITTED TEXT.** Minnesota Statutes 1986, section 32.394, subdivision 8, as amended by 1987 H.F. No. 303, article 11, section 11, is amended to read:

Subd. 8. **EXPLORATORY PRELIMINARY INSPECTIONS GRADE A INSPECTION FEES.** Any A processor or marketing organization of milk, milk products, sheep milk, or goat milk who wishes to learn about and acquaint producers with market Grade A requirements may make a request to the commissioner for exploratory inspections and meetings for this purpose. Upon receipt of such request, the commissioner at a convenient time shall cause such exploratory inspections to be made and such meetings to be held as are necessary to acquaint said processor and producers with such requirements. If, after such exploratory inspections are made and such meetings are held and when in the processor's opinion the processor's field service has brought producers into compliance with said requirements, said processor wishes further inspection service, the processor shall so milk or use the Grade A label must apply on a form furnished by for Grade A inspection service from the commissioner, stating the number of farms to be inspected. Such applications shall be accompanied by a fee payable to the state treasurer in an amount of not less than \$50 and not more than \$300, which fee is to be charged for preliminary inspection prior to continuous inspection, and assessments over \$50 are to be determined by charging \$1 for each farm over 50, but shall not exceed \$300 if more than 300 farms are inspected; provided that, if the plant and farms are accepted for continuous inspection, this charge shall be made only once. If the preliminary inspection discloses that the processor is eligible for use of the Grade A label on products and before the processor so labels said products, the processor shall apply for continuous inspection on a form furnished by the commissioner and shall hold a Grade A permit. Such application shall be accompanied by a fee of not less than \$100 nor more than \$500 per plant and of not less than \$15 nor more than \$50 per farm, said fee to be paid annually. A pasteurization plant requesting Grade A inspection service must hold a Grade A permit and pay an annual inspection fee of no more than \$500. For Grade A farm inspection service, the fee must be no more than \$66 per farm, paid annually by the processor or by the marketing organization on behalf of its patrons. For a farm requiring a reinspection in addition to the required biannual inspections, an additional fee of no more than \$33 per reinspection must be paid by the processor or by the marketing organization on behalf of its patrons. If the commissioner deems it necessary to more nearly meet the cost of the service, the commissioner may annually adjust the assessments within the limits set herein in this subdivision. No fee increase may be implemented until after the commissioner has held three or more public hearings.

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Subd. 2. **OMITTED TEXT.** Minnesota Statutes 1986, section 32.394, subdivision 8b, as amended by 1987 H.F. No. 303, article 11, section 12, is amended to read:

Subd. 8b. **MANUFACTURING GRADE FARM CERTIFICATION.** A processor or marketing organization of milk, milk products, sheep milk, or goat milk, other than Grade A, who wishes to obtain market other than Grade A milk must apply for a manufacturing grade farm certification, shall make a request to inspection from the commissioner for a farm certification inspection. A processor who requests and receives a farm certification inspection shall pay a fee to the commissioner for the certification of the milk supply. A manufacturing plant that pasteurizes milk or milk byproducts must pay an annual fee based on the number of pasteurization units. This fee must not exceed \$140 per unit. The fee for farm certification inspection must not be more than \$33 per farm to be paid annually by the processor or by the marketing organization on behalf of its patrons. For a farm requiring more than the one annual inspection required for certification, an additional fee of no more than \$33 must be paid by the processor or by the marketing organization on behalf of its patrons. The fee shall must be set by the commissioner in an amount necessary to meet the cost of the service for farm certification, which fee shall but must not exceed 50 percent of the fees charged for Grade A permits the limits in this subdivision. No fee increase may be implemented until after the commissioner has held three or more public hearings.

Subd. 3. EFFECTIVE DATE.

Subdivisions 1 and 2 are effective the day after final enactment.

Sec. 2. Minnesota Statutes 1986, section 161.1419, subdivision 4, is amended to read:

Subd. 4. ~~Members of the commission shall serve without Compensation but shall be allowed and paid their actual traveling and other expenses necessarily incurred in the performance of their duties of legislative members of the commission is as provided in section 3.101. Compensation of the remaining members is as provided in section 15.0575.~~ The commission may purchase supplies, employ part-time or full-time employees, and do all things reasonably necessary and convenient in carrying out the purposes of this section. ~~Reimbursement for expenses incurred shall be made pursuant to the rules governing state employees.~~

Sec. 3. Minnesota Statutes 1986, section 176.442, as amended by 1987 H.F. No. 913, section 94, is amended to read:

176.442 APPEALS FROM DECISIONS OF COMMISSIONER.

Except for a commissioner's decision which may be heard de novo in another proceeding including but not limited to a decision from an administrative conference under section 176.102, 176.103, ~~36, 73~~ 25, 66, or a summary

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decision under section 176.305, any decision or determination of the commissioner affecting a right, privilege, benefit, or duty which is imposed or conferred under this chapter is subject to review by the workers' compensation court of appeals. A person aggrieved by the determination may appeal to the workers' compensation court of appeals by filing a notice of appeal with the commissioner in the same manner and within the same time as if the appeal were from an order or decision of a compensation judge to the workers' compensation court of appeals.

Sec. 4. Minnesota Statutes 1986, section 176.83, subdivision 7, as amended by 1987 S.F. No. 913, is amended to read:

Subd. 7. **MISCELLANEOUS RULES.** Rules necessary for implementing and administering the provisions of sections 176.131, 176.132, 176.134, sections ~~§2~~ 65 and ~~§3~~ 66; sections 176.251, 176.66 to 176.669, and rules regarding proper allocation of compensation under section 176.111. Under the rules adopted under section 176.111 a party may petition for a hearing before a compensation judge to determine the proper allocation. In this case the compensation judge may order a different allocation than prescribed by rule.

Sec. 5. Minnesota Statutes 1986, section 256D.05, subdivision 1, as amended by 1987 H.F. No. 243, section 31, is amended to read:

Subdivision 1. **ELIGIBILITY.** (a) Each person or family whose income and resources are less than the standard of assistance established by the commissioner shall be eligible for and entitled to general assistance if the person or family is:

(1) a person who is suffering from a permanent or temporary illness, injury, or incapacity which is medically certified and which prevents the person from obtaining or retaining employment;

(2) a person whose presence in the home on a substantially continuous basis is required because of the certified illness, injury, incapacity, or the age of another member of the household;

(3) a person who has been placed in a licensed or certified facility for purposes of physical or mental health or rehabilitation, or in an approved chemical dependency domiciliary facility, if the placement is based on illness or incapacity and is pursuant to a plan developed or approved by the local agency through its director or designated representative;

(4) a person who resides in a shelter facility described in subdivision 3;

(5) a person who is or may be eligible for displaced homemaker services, programs, or assistance under section 268.96, but only if that person is enrolled as a full-time student;

(6) a person who is unable to secure suitable employment due to inability to communicate in the English language, provided that the person is not an illegal

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alien, and who, if assigned to a language skills program by the local agency, is participating in that program;

(7) a person not described in clause (1) or (3) who is diagnosed by a licensed physician or licensed consulting psychologist as mentally retarded or mentally ill, and that condition prevents the person from obtaining or retaining employment;

(8) a person who has an application pending for the social security disability program or the program of supplemental security income for the aged, blind, and disabled, or who has been terminated from either program and has an appeal from that termination pending;

(9) a person who is unable to obtain or retain employment because advanced age significantly affects the person's ability to seek or engage in substantial work;

(10) a person completing a secondary education program;

(11) a family with one or more minor children; provided that, if all the children are six years of age or older, all the adult members of the family register for and cooperate in the work readiness program under section 256D.051; and provided further that, if one or more of the children are under the age of six and if the family contains more than one adult member, all the adult members except one adult member register for and cooperate in the work readiness program under section 256D.051. The adult members required to register for and cooperate with the work readiness program are not eligible for financial assistance under section 256D.051, except as provided in section 256D.051, subdivision 6, and shall be included in the general assistance grant. If an adult member fails to cooperate with requirements of section 256D.051, the local agency shall not take that member's needs into account in making the grant determination. The time limits of section 256D.051, subdivisions 4 and 5, do not apply to people eligible under this clause;

(12) a person who has substantial barriers to employment, including but not limited to factors relating to work or training history, as determined by the local agency in accordance with permanent or emergency rules adopted by the commissioner after consultation with the commissioner of jobs and training;

(13) a person who is certified by the commissioner of jobs and training before August 1, 1985, as lacking work skills or training or as being unable to obtain work skills or training necessary to secure employment, as defined in a permanent or emergency rule adopted by the commissioner of jobs and training in consultation with the commissioner;

(14) a person who is determined by the local agency, in accordance with emergency and permanent rules adopted by the commissioner, to be ~~functionally illiterate or~~ learning disabled;

(15) a person who is determined by the local agency, in accordance with

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emergency and permanent rules adopted by the commissioner, to be functionally illiterate, provided that the person complies with literacy training requirements set by the local agency under section 32. A person who is terminated for failure to comply with literacy training requirements may not reapply for assistance under this clause for 60 days. The local agency must provide an oral explanation to the person of the person's responsibilities under this clause, the penalties for failure to comply, the agency's duties under section 256D.0505, subdivision 2, and the person's right to appeal (1) at the time an application is approved based on this clause, and (2) at the time the person is referred to literacy training; or

(16) a child under the age of 18 who is not living with a parent, stepparent, or legal custodian, but only if: the child is legally emancipated or living with an adult with the consent of an agency acting as a legal custodian; the child is at least 16 years of age and the general assistance grant is approved by the director of the local agency or a designated representative as a component of a social services case plan for the child; or the child is living with an adult with the consent of the child's legal custodian and the local agency.

(b) The following persons or families with income and resources that are less than the standard of assistance established by the commissioner are eligible for and entitled to a maximum of six months of general assistance during any consecutive 12-month period, after registering with and completing six months in a work readiness program under section 256D.051:

(1) a person who has borderline mental retardation; and

(2) a person who exhibits perceptible symptoms of mental illness as certified by a qualified professional but who is not eligible for general assistance under paragraph (a), because the mental illness interferes with the medical certification process; provided that the person cooperates with social services, treatment, or other plans developed by the local agency to address the illness.

In order to retain eligibility under this paragraph, a recipient must continue to cooperate with work and training requirements as determined by the local agency.

Sec. 6. HUMAN SERVICES.

Minnesota Statutes 1986, section 256D.37, subdivision 1, as amended by 1987 H.F. No. 243, section 108, is amended to read:

Sec. 108. Minnesota Statutes 1986, section 256D.37, subdivision 1, is amended to read:

Subdivision 1. (a) For all individuals who apply to the appropriate local agency for supplemental aid, the local agency shall determine whether the individual meets the eligibility criteria prescribed in subdivision 2. For each individual who meets the relevant eligibility criteria prescribed in subdivision 2, the

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local agency shall certify to the commissioner the amount of supplemental aid to which the individual is entitled in accordance with all of the standards in effect December 31, 1973, for the appropriate categorical aid program.

(b) When a recipient is an adult with mental illness in a facility licensed under Minnesota Rules, parts 9520.0500 to 9520.0690, a resident of a state hospital or a dwelling with a negotiated rate, the recipient is not eligible for a shelter standard, a basic needs standard, or for special needs payments. The state standard of assistance for those recipients is the clothing and personal needs allowance for medical assistance recipients under section 256B.35. Minnesota supplemental aid may be paid to negotiated rate facilities at the rates in effect on March 1, 1985, for services provided under the supplemental aid program to residents of the facility, up to the maximum negotiated rate specified in this section. The rate for room and board for a licensed facility must not exceed \$800. ~~Minnesota supplemental aid may not be used to pay a negotiated rate for adults with mental illness in a facility~~ The maximum negotiated rate does not apply to a facility that, on August 1, 1984, was licensed by the commissioner of health only as a boarding care home, certified by the commissioner of health as an intermediate care facility, and licensed by the commissioner of human services under Minnesota Rules, parts 9520.0500 to 9520.0690 or a facility that, on August 1, 1984, was licensed by the commissioner of human services under Minnesota Rules, parts 9525.0520 to 9525.0660, but funded as a supplemental aid negotiated rate facility under this chapter. The following facilities are exempt from the limit on negotiated rates and must be reimbursed for documented actual costs, until an alternative reimbursement system covering services excluding room and board maintenance services is developed by the commissioner:

(1) a facility that only provides services to persons with mental retardation; and

(2) a facility not certified to participate in the medical assistance program that is licensed as a boarding care facility as of March 1, 1985, and does not receive supplemental program funding under Minnesota Rules, parts 9535.2000 to 9535.3000 or parts 9553.0010 to 9553.0080. Beginning July 1, 1987, the facilities under clause (1) are subject to applicable supplemental aid limits, and must meet all applicable licensing and reimbursement requirements for programs for persons with mental retardation. The negotiated rates may be paid for persons who are placed by the local agency or who elect to reside in a room and board facility or a licensed facility for the purpose of receiving physical, mental health, or rehabilitative care, provided the local agency agrees that this care is needed by the person. When Minnesota supplemental aid is used to pay a negotiated rate, the rate payable to the facility must not exceed the rate paid by an individual not receiving Minnesota supplemental aid. To receive payment for a negotiated rate, the dwelling must comply with applicable laws and rules establishing standards necessary for health, safety, and licensure. The negotiated rate must be adjusted by the annual percentage change in the consumer price index (CPI-U U.S. city average), as published by the Bureau of Labor Statistics

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between the previous two Septembers, new series index (1967-100) or 2.5 percent, whichever is less. In computing the amount of supplemental aid under this section, the local agency shall deduct from the gross amount of the individual's determined needs all income, subject to the criteria for income disregards in effect December 31, 1973, for the appropriate categorical aid program, except that the earned income disregard for disabled persons who are not residents of long-term care facilities must be the same as the earned income disregard available to disabled persons in the supplemental security income program and all actual work expenses must be deducted when determining the amount of income for the individual. From the first of the month in which an effective application is filed, the state and the county shall share responsibility for the payment of the supplemental aid to which the individual is entitled under this section as provided in section 256D.36.

Sec. 7. EFFECTIVE DATE.

The amendments to Minnesota Statutes 1986, section 256D.03, subdivision 4, clause (a), by 1987 H.F. No. 243, article 2, section 105, take effect July 1, 1988.

Sec. 8. EFFECTIVE DATE.

1987 H.F. 243, article 2, section 165, is amended to read:

Sec. 165. EFFECTIVE DATE.

Sections 9 to 12, 61, 62, 81, 88, 90 to 94, are effective the day following final enactment. Sections 30, 31, and ~~42~~ 43, are effective July 1, 1988.

Sec. 9. CORRECTION.

Minnesota Statutes 1986, section 270.075, subdivision 1, as amended by H.F. No. 529, article 14, section 10, is amended to read:

Subdivision 1. The commissioner shall determine the rate of tax to be levied and collected against the assessed valuation as determined pursuant to section 270.074, subdivision 2, to generate revenues of ~~\$7,600,000~~ \$7,500,000 from taxes levied in assessment year 1987 and payable in 1988 and revenues of ~~\$8,400,000~~ \$7,900,000 from taxes levied in 1988 and payable in 1989. Thereafter the legislature shall annually establish the amount of revenue to be generated from a tax on airflight property.

Sec. 10. Minnesota Statutes 1986, section 273.11, subdivision 8, as amended by 1987 H.F. No. 529, article 5, section 1, is amended to read:

Subd. 8. **LIMITED EQUITY COOPERATIVE APARTMENTS.** For the purposes of this subdivision, the terms defined in this subdivision have the meanings given them.

A "limited equity cooperative" is a corporation organized under chapter

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308, which has as its primary purpose the provision of housing and related services to its members; whose income must not exceed 90 percent of the median St. Paul-Minneapolis metropolitan area income as determined by the United States Department of Housing and Urban Development at the time they purchase their membership; and which meets one of the following criteria with respect to the income of its members: (1) a minimum of 75 percent of members must have incomes at or less than 90 percent of area median income, (2) a minimum of 40 percent of members must have incomes at or less than 60 percent of area median income, or (3) a minimum of 20 percent of members must have incomes at or less than 50 percent of area median income. For purposes of this clause, "member income" shall mean the income of a member existing at the time the member acquires cooperative membership, and median income shall mean the St. Paul-Minneapolis metropolitan area median income as determined by the United States Department of Housing and Urban Development. It must also meet the following requirements:

(a) The articles of incorporation set the sale price of occupancy entitling cooperative shares or memberships at no more than a transfer value determined as provided in the articles. That value may not exceed the sum of the following:

(1) the consideration paid for the membership or shares by the first occupant of the unit, as shown in the records of the corporation;

(2) the fair market value, as shown in the records of the corporation, of any improvements to the real property that were installed at the sole expense of the member with the prior approval of the board of directors;

(3) accumulated interest, or an inflation allowance not to exceed the greater of a ten percent annual noncompounded increase on the consideration paid for the membership or share by the first occupant of the unit, or the amount that would have been paid on that consideration if interest had been paid on it at the rate of the percentage increase in the revised consumer price index for all urban consumers for the Minneapolis-St. Paul metropolitan area prepared by the United States Department of Labor, provided that the amount determined pursuant to this clause may not exceed \$500 for each year or fraction of a year the membership or share was owned; plus

(4) real property capital contributions shown in the records of the corporation to have been paid by the transferor member and previous holders of the same membership, or of separate memberships that had entitled occupancy to the unit of the member involved. These contributions include contributions to a corporate reserve account the use of which is restricted to real property improvements or acquisitions, contributions to the corporation which are used for real property improvements or acquisitions, and the amount of principal amortized by the corporation on its indebtedness due to the financing of real property acquisition or improvement or the averaging of principal paid by the corporation over the term of its real property-related indebtedness.

(b) The articles of incorporation require that the board of directors limit the

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purchase price of stock or membership interests for new member-occupants or resident shareholders to an amount which does not exceed the transfer value for the membership or stock as defined in clause (a).

(c) The articles of incorporation require that the total distribution out of capital to a member shall not exceed that transfer value.

(d) The articles of incorporation require that upon liquidation of the corporation any assets remaining after retirement of corporate debts and distribution to members will be conveyed to a charitable organization described in section 501(c)(3) of the Internal Revenue Code of 1986, as amended through December 31, 1986, or a public agency.

A "limited equity cooperative apartment" is a dwelling unit owned by a limited equity cooperative.

"Occupancy entitling cooperative share or membership" is the ownership interest in a cooperative organization which entitles the holder to an exclusive right to occupy a dwelling unit owned or leased by the cooperative.

For purposes of taxation, the assessor shall value a unit owned by a limited equity cooperative at the lesser of its market value or the value determined by capitalizing the net operating income of a comparable apartment operated on a rental basis at the capitalization rate used in valuing comparable buildings that are not limited equity cooperatives. If a cooperative fails to operate in accordance with the provisions of clauses (a) to (d), the property shall be subject to additional property taxes in the amount of the difference between the taxes determined in accordance with this subdivision for the last ten years that the property had been assessed pursuant to this subdivision and the amount that would have been paid if the provisions of this subdivision had not applied to it. The additional taxes, plus interest at the rate specified in section 549.09, shall be extended against the property on the tax list for the current year.

Sec. 11. **CORRECTION.** Subdivision 1. **CARRYOVER.** Minnesota Statutes 1986, section 290.06, subdivision 21, as added by H. F. No. 529, article 1, section 34, is amended to read:

Subd. 21. **ALTERNATIVE MINIMUM TAX.** (a) A corporation is allowed a credit for alternative minimum tax previously paid for any taxable year in which the corporation has no tax liability under section 290.092, and has an alternative minimum tax credit carryover from a previous year. The credit shall be equal to the lesser of (1) the excess of the tax under section 290.06 for the taxable year over the amount computed under section 290.092, subdivision 1, clause (a), for the taxable year, or (2) the alternative minimum tax credit carryover to the taxable year.

(b) The tax imposed under section 290.092 for any taxable year is a credit for alternative minimum tax previously paid which is a carryover to each of the ~~15~~ five taxable years succeeding the taxable year. The entire amount of the

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alternative minimum tax credit must be carried to the earliest of the taxable years to which such amount may be carried. The portion of the alternative minimum tax credit which is carried to each of the other taxable years to which the credit may be carried is the excess, if any, of the credit over the amount allowable under paragraph (a) for each of the taxable years to which the credit may be carried. In each taxable year in which a credit is allowable under paragraph (a), the credit for alternative minimum tax previously paid must be used beginning with the earliest taxable year from which the credit may be carried.

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective for taxable year beginning after December 31, 1986.

Sec. 12. **INCORRECT DATES.**

Minnesota Statutes 1986, section 295.34, subdivision 1, as amended by 1987 H.F. No. 529, article 11, section 3, is amended to read:

Subdivision 1. Except as provided in subdivision 2 every telephone company shall file a return with the commissioner of revenue on or before April 15 of each year, and submit payment therewith, of the following percentages of its gross earnings, including long distance access charges, of the preceding calendar year derived from business within this state:

(a) for gross earnings from service to rural subscribers and from exchange business of all cities of the fourth class and statutory cities having a population of 10,000 or less

for calendar years beginning before December 31, 1988, 4 percent,

for calendar year 1989, 3 percent, provided that the estimated tax payments made on March 15 and June 15, 1989, pursuant to section 295.365, must be made as if the tax were imposed at a rate of four percent,

for calendar year 1990, 1.5 percent,

for calendar year 1991, 1 percent, and

for calendar years beginning after December 31, ~~1992~~ 1991, exempt; and

(b) for gross earnings derived from all other business

for calendar years beginning before December 31, 1988, 7 percent,

for calendar year 1989, 5.5 percent, provided that the estimated tax payments made on March 15 and June 15, 1989, pursuant to section 295.365, must be made as if the tax were imposed at a rate of seven percent,

for calendar year 1990, 3 percent,

for calendar year 1991, 2.5 percent, and

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for calendar years beginning after December 31, ~~1992~~ 1991, exempt.

A tax shall not be imposed on the gross earnings of a telephone company from business originating or terminating outside of Minnesota, except that the gross earnings tax is imposed on all long distance access charges allocated to interstate service received in payment from a telephone company before December 31, 1989.

The tax imposed is in lieu of all other taxes, except the taxes imposed by chapter 290, property taxes assessed beginning in 1989, payable in 1990, and sales and use taxes imposed as a result of chapter 297A. All money paid by a company for connecting fees and switching charges to any other company shall be reported as earnings by the company to which they are paid. For the purposes of this section, the population of any statutory city shall be considered as that stated in the latest federal census.

Sec. 13. Subdivision 1. **CORRECTION.** Minnesota Statutes 1986, section 302A.727, subdivision 1, as amended by Laws 1987, chapter 104, section 40, is amended to read:

Subdivision 1. **WHEN PERMITTED; HOW GIVEN.** When a notice of intent to dissolve has been filed with the secretary of state, the corporation may give notice of the filing to each creditor of and claimant against the corporation known or unknown, present or future, and contingent ~~creditor and~~ or non-contingent. If notice to creditors and claimants is given, it must be given by publishing the notice once each week for four successive weeks in a legal newspaper in the county or counties where the registered office and the principal executive office of the corporation are located and by giving written notice to known creditors and claimants pursuant to section 302A.011, subdivision 17.

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective on the same date as Laws 1987, chapter 104, section 40.

Sec. 14. **REPEAL OF OBSOLETE TRANSITION.**

Minnesota Statutes 1986, section 326.2421, subdivision 7, is repealed.

Sec. 15. **EFFECTIVE DATE.**

Laws 1987, chapter 58, takes effect July 1, 1987.

Sec. 16. **CORRECTION.** Subdivision 1. **APPROPRIATION TOTALS CORRECTION.** 1987 S.F. No. 1516, section 1, is amended to read:

Section 1. **TRANSPORTATION AND OTHER AGENCIES; APPROPRIATIONS.**

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or another named fund, to the agencies and for the purposes specified in this act, to be available for the fiscal years indicated for

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

each purpose. The figures "1987," "1988," and "1989," where used in this act, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1987, June 30, 1988, or June 30, 1989, respectively.

SUMMARY BY FUND

	1987	1988	1989	TOTAL
General	\$1,089,200	\$89,791,000 <u>\$89,787,200</u>	\$89,138,200	\$180,018,400 <u>180,014,600</u>
Special Revenue		4,310,400	4,660,400	8,970,800
Airports		10,910,800	11,707,000	22,617,800
M.S.A.S.		58,750,000	59,250,000	118,000,000
C.S.A.H.		183,550,000	184,915,000	368,465,000
Tr. Hwy.		648,724,900	646,769,000	1,295,493,900
Hwy. User		9,690,500	9,770,700	19,461,200
Transit Assistance		7,100,000	7,425,000	14,525,000
Motor Vehicle Transfer		868,800	868,800	1,737,600
Transfers to Other				
Direct		(1,600,400)	(1,638,800)	(3,239,200)
TOTAL		\$1,089,200	\$1,012,096,000	\$2,026,050,500 <u>\$2,026,046,700</u>
		<u>\$1,012,865,300</u>		
		<u>\$1,012,092,200</u>		

APPROPRIATIONS
Available for the Year
Ending June 30
1988 1989

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective July 1, 1987.

Sec. 17. **CORRECTION.** Subdivision 1. **APPROPRIATION TOTALS.**
1987 S.F. No. 1516, section 10, subdivision 1, is amended to read:

Subdivision 1. Total		
Appropriation	9,833,600 <u>9,829,800</u>	9,571,000

Approved Complement - 239

General - 236

Special Revenue - 3

	Summary by Fund	
General	\$ 9,572,400 <u>9,568,600</u>	\$ 9,309,700
For 1987 - \$189,200		
Special Revenue	\$ 261,200	\$ 261,300

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective July 1, 1987.

Sec. 18. 1987 S.F. No. 1, article 1, section 10, subdivision 6, is amended to read:

Subd. 6. **REVOLVING FUND ADMINISTRATION.** (a) The board shall establish a minimum interest rate for loans to ensure that necessary management costs are covered.

(b) Loan repayment amounts equal to one-half of the principal and interest must be deposited in the rural rehabilitation revolving fund for challenge grants to the region from which the money was originally designated. The remaining amount of the loan repayment may be deposited in the regional revolving loan fund for further distribution by the regional organization, consistent with the loan criteria specified in subdivisions 4 and 5.

(c) The first \$1,000,000 of revolving loans for each region must be matched by nonstate sources. The matching requirement does not apply to loans made under subdivision 6, clause (b).

~~(d) The first \$1,000,000 of revolving loans for each region must be matched by nonstate sources. The matching requirement does not apply to loans made under subdivision 6, clause (b).~~

(e) Administrative expenses of each organization may be paid out of the interest earned on loans.

Sec. 19. 1987 S.F. No. 1, article 1, section 14, is amended to read:

Sec. 14. **APPROPRIATION.**

\$600,000 is appropriated from the economic development fund to the commissioner of energy and economic development to administer programs under the rural development board. \$300,000 is for fiscal year 1988 and \$300,000 is for fiscal year 1989.

\$200,000 is ~~transferred~~ appropriated from the economic development fund to the commissioner of energy and economic development to provide grants to the regional organizations selected under section 10, subdivision 3, for technical assistance to businesses in each region. Technical assistance includes providing information to businesses regarding federal, state, and local government economic development programs.

\$1,000,000 is ~~transferred~~ appropriated from the general fund ~~for transfer~~ to the rural rehabilitation revolving fund, to be used for the challenge grant program.

Sec. 20. 1987 S.F. No. 1, article 2, section 11, is amended to read:

Sec. 11. **[1160.11] RESEARCH GRANTS TO EDUCATION UNITS.**

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

~~Subdivision 1. GRANTS GENERALLY.~~ The board may make matching grants to public and private post-secondary education institutions or units within those institutions, including the natural resource research institute, for applied research and development. Grants are to be made for projects which will likely result in assisting economic and employment development in greater Minnesota. The corporation board shall not give final approval to a research grant until it has received an evaluation and recommendation from the research advisory board established in section 10.

Sec. 21. 1987 S.F. No. 1, article 2, section 18, is amended to read:

Sec. 18. NATURAL RESOURCES RESEARCH INSTITUTE.

The Greater Minnesota Corporation board and the University of Minnesota board of regents may examine the feasibility of entering into a formal agreement for joint administration or transfer of the natural resources research institute from the University to the corporation. The corporation ~~and board of regents~~ shall report to the governor and ~~legislative~~ legislature by January 15, 1988. The report must include recommendations for the structure for administrating the institution, the potential use of university staff and facilities, funding sources and whether the institute should be transferred to the Greater Minnesota Corporation. The corporation may not establish a regional institute whose research focus is comparable to the present research undertaken at the natural resources research institute.

Sec. 22. 1987 S.F. No. 1, article 6, section 9, is amended to read:

Sec. 9. HAZARDOUS BUILDING PENALTY.

A city may assess a penalty equal to one percent of the assessed value of a building located in a targeted neighborhood defined in section 4 that the city determined to be hazardous as defined in section 463.15, subdivision 3. The city shall send a written notice to the address to which the property tax statement is sent at least 90 days before it may assess the penalty. If the owner of the building has not paid the penalty and fixed the property within ~~30~~ 90 days after receiving notice of the penalty, the penalty is considered delinquent and is increased by 25 percent each 60 days the penalty is not paid and the property remains hazardous. For the purposes of this section, a penalty that is delinquent is considered a delinquent property tax and subject to Minnesota Statutes, chapters 279, 280, and 281, in the same manner as delinquent property taxes.

Sec. 23. 1987 S.F. No. 1, article 9, section 15, subdivision 2, is amended to read:

Sec. 15. Minnesota Statutes 1986, section 41A.05, subdivision 2, is amended to read:

Subd. 2. **ISSUANCE OF BONDS.** (a) The board by resolution may exercise the powers of a rural development authority under sections 362A.01 to

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

362A.05 and the powers of a municipality under chapter 474 for the purposes of financing a project one or more projects, including the issuance of bonds and the application of the bond proceeds and investment income pursuant to a lease, loan, loan guaranty, loan participation, or other agreement. The bonds must be issued, sold, and secured on the terms and conditions and in the manner determined by resolution of the board. Section 16A.80 does not apply to the bonds. Notwithstanding subdivision 1, a reserve established for the bonds provided by the borrower, including out of bond proceeds, may be deposited and held in a separate account in the Minnesota agricultural and economic development fund and applied to the last installments of principal or interest on the bonds, subject to the reserves being withdrawn for any purpose permitted by subdivision 1. The board may by resolution or indenture pledge any or all amounts in the fund, including any reserves and investment income on amounts in the fund, to secure the payment of principal and interest on any or all series of bonds, upon the terms and conditions as provided in the resolution or indenture. To the extent the board deems necessary or desirable to prevent interest on bonds from becoming subject to federal income taxation, (1) the amounts in the fund shall be invested in obligations or securities with restricted yields and (2) the investment income on the amounts are released from the pledge securing the bonds or loan guaranty and appropriately applied to prevent taxation.

(b) Bonds issued pursuant to this chapter are not general obligations of the state or the board. The full faith and credit and taxing powers of the state and the board are not and may not be pledged for the payment of the bonds. No person may compel the levy of a tax for the payment or compel the appropriation of money of the state or the board for the payment of the bonds, except as specifically provided in this chapter.

(c) For purposes of sections 474A.01 to 474A.21, the board is a local issuer and may apply for allocations of authority to issue private activity obligations and may enter into an agreement for the issuance of obligations by another issuer.

Sec. 24. 1987 S.F. No. 1, article 9, section 18, subdivision 2, is amended to read:

Subd. 2. **POWERS CONTINUED.** To carry out the purposes specified in sections 9 and ~~49~~ 20, the board may exercise the powers granted to the Minnesota energy and economic development authority under Minnesota Statutes 1986, sections 116M.06, 116M.07, and 116M.08, notwithstanding the repeal of those sections.

Sec. 25. 1987 S.F. No. 1, article 9, section 22, is amended to read:

Sec. 22. **APPROPRIATION.**

\$400,000 is ~~transferred~~ appropriated from the economic development fund for transfer to the Minnesota agricultural and economic development fund. \$200,000 is for fiscal year 1988 and \$200,000 is for fiscal year 1989.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 26. 1987 S.F. No. 1, article 9, section 23, is amended to read:

Sec. 23. **EFFECTIVE DATE.**

Sections ~~18 and~~ 19 and 20 are effective the day following final enactment.

Sec. 27. 1987 S.F. No. 1, article 10, section 8, is amended to read:

Sec. 8. Laws 1983, chapter 334, section 7, is amended to read:

Sec. 7. **REPEALER.**

Sections 116L.01; 116L.02; 116L.03, subdivisions 1, 2, 3, 4, 5, and 7; 116L.04; and 116L.05; ~~1, 2, 3, 4, 5, and 7~~ are repealed June 30, 1989.

Sec. 28. 1987 S.F. No. 1, article 10, section 9, is amended to read:

Sec. 9. **SUPPLEMENTAL EDUCATION GRANT PROGRAM FUNDING.**

\$500,000 is appropriated from the general fund to the higher education coordinating board for the dislocated rural worker grant program established in section ~~3 6~~, to be available until June 30, 1989.

\$1,000,000 is appropriated from the general fund to the higher education coordinating board for the Minnesota job skills partnership program. \$500,00 is for fiscal year 1988 and \$500,000 is for fiscal year 1989.

Sec. 29. **[116J.968] ECONOMIC DEVELOPMENT FUND.**

Notwithstanding the repeal of section 116M.06, subdivision 4, the economic development fund is continued.

Sec. 30. **BALANCE TRANSFERRED.**

The unobligated balance of the energy fund created in Minnesota Statutes, section 116M.105, must be canceled, transferred, and credited to the economic development fund.

Sec. 31. 1987 S.F. No. 170, section 4, subdivision 1, is amended to read:

Subdivision 1. **PRELIMINARY COUNTY FINDINGS AND DECLARATION.** There is created in each county in this state other than ~~Hennepin and Ramsey~~ and other than those counties in which a county housing authority has been created by special act, a public body, corporate and politic, to be known as the housing and redevelopment authority of that county, hereinafter referred to as "county authority." No county authority shall transact any business or exercise any powers until the governing body of the county, by resolution, finds that there is need for a county authority to function in the county. The governing body shall consider the need for a county authority to function (1) on the governing body's own motion or (2) upon the filing of a petition signed by 25

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

qualified voters of the county asserting that there is need for a county authority to function in the county and requesting that the governing body so declare. The governing body shall adopt a resolution declaring that there is need for a county authority to function in the county if it makes the findings required in section 3, subdivision 1.

Sec. 32. CORRECTION.

Subdivision 1. 1987 H.F. No. 42, section 4, subdivision 2, is amended to read:

Subd. 2. **TRANSITIONAL LABORATORY REQUIREMENTS.** Before rules are adopted and licenses issued under subdivision 1, an employer may use the services of a nonlicensed testing laboratory that agrees in writing with the commissioner to comply with the following requirements:

(1) The director of the laboratory must be a full-time employee of the laboratory and must possess a doctoral or master's degree in biological or medical science and have at least three years experience in an analytical toxicology laboratory.

(2) The laboratory must be participating in and continuing to demonstrate satisfactory performance in the drug proficiency testing program of the college of American pathology or American association for clinical chemists.

(3) The drug and alcohol testing must be limited to analysis of a sample of blood or urine from the employer or job applicant subject to testing.

(4) ~~The methods of analysis for drug and alcohol testing are limited to any enzyme multiplied immuneassay method for initial screening tests and any chromatography mass spectrometry method for confirmatory tests and confirmatory retests.~~

(4) The methods of analysis for drug and alcohol testing are limited to any combination of methods using immuno-chemical technology or chromatography for initial screening tests, confirmed by gas chromatography/mass spectrometry; except that, where gas chromatography/mass spectrometry is not the scientifically accepted method of choice, the test must be confirmed by a method using some form of chromatography. Testing for alcohol may include a breath test as an initial screening test, provided that the results are confirmed by blood analysis.

(5) The laboratory must have in writing and use laboratory chain-of-custody procedures that ensure reliable and properly handled and identified testing results.

(6) All initial screening test, confirmatory test, and confirmatory retest results must be reviewed and certified as accurate by a qualified scientist.

(7) A test report must indicate the drugs, alcohol, or their metabolites tested for and whether the test produced negative or positive test results.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(8) The laboratory must provide the commissioner with information requested by the commissioner regarding the laboratory's current operations and activities relating to drug and alcohol testing.

(9) The laboratory must agree to comply with the requirements for laboratories set forth in sections 1 to 5 and to be subject to the remedies set forth in section 7.

Subd. 2. EFFECTIVE DATE. Subdivision 1 is effective September 1, 1987.

Sec. 33. 1987 H.F. No. 753, article 1, section 16, is amended by adding a subdivision to read:

Subd. 11. EXAMINATION FEES. A school board may use the reserved revenue to pay \$30 of the examination fees for the international baccalaureate program and for the college board advanced placement program for public school pupils in the 11th and 12th grades.

Sec. 34. 1987 H.F. No. 753, article 6, section 20, is amended by adding a subdivision to read:

Subd. 4. IMMEDIATE. Minnesota Statutes 1986, section 62E.081, is repealed the day following final enactment of this act.

Sec. 35. 1987 H.F. No. 753, article 6, is amended by adding a section to read:

Sec. 23. LOCAL APPROVAL AND EFFECTIVE DATE.

Section 14 is effective the day after the clerk of the school board of special school district No. 1 complies with Minnesota Statutes, section 645.021, subdivision 3.

Sec. 36. 1987 H.F. No. 753, article 10, section 3, is amended to read:

Sec. 3. FARIBAULT RESIDENTIAL ACADEMIES AND RESOURCE CENTER

Total Appropriations		<u>\$2,206,200</u>	<u>\$2,649,500</u>
		<u>\$6,390,400</u>	<u>\$6,372,400</u>
Approved Complement	1988	1989	
State	185.5	185.5	
Federal	8.0	7.0	
Total	193.5	192.5	

The state board of education, with the approval of the commissioner of finance, may transfer complement among funds if necessary. The state board must report material changes to the senate and house of representatives education committees.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Three complement and \$125,000 each year are for operation of a resource center for hearing-impaired, visually-impaired and multiply handicapped students.

\$107,600 in 1988 and up to \$107,600 in 1989 is for repairs, replacements, and betterment.

\$53,300 in 1988 and up to \$53,300 in 1989 is for repair and purchase of equipment.

Any unexpended balance remaining from the appropriation in this section in 1988 shall not cancel but is available in 1989.

Sec. 37. 1987 H.F. No. 753, article 10, section 2, subdivision 2, is amended to read:

Subd. 2. Educational Services

1988	1989
\$ 7,360,500	\$ 7,313,000

\$20,700 each year is from the trunk highway fund.

\$60,000 each year is from the public health fund.

The commissioner of education shall provide for direct local technical assistance to districts in meeting the curriculum requirements specified in the planning, evaluating, and reporting process. In addition to existing curriculum services, the commissioner shall enter into performance contract agreements for general curriculum specialist services with educational cooperative service units or other regional educational service agencies. If more than one agency submits a proposal to provide services to school districts within an educational cooperative service unit region, the department shall encourage the agencies to develop a joint proposal. The commissioner shall

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

evaluate the performance agreements annually. This assistance shall be provided in conjunction with the educational effectiveness delivery system. \$400,000 in each year is for this purpose.

\$157,500 in fiscal year 1988 and \$67,800 in fiscal year 1989 is for services to school districts related to acquired immune deficiency syndrome.

\$50,000 in fiscal year 1988 and \$75,000 in fiscal year 1989 is for administration of state planning, evaluation and reporting.

\$75,000 each year is for technical assistance for local staff development plans and administration costs for implementing mentorship programs.

Beginning in fiscal year 1989, responsibility for the education research information service established by the council on quality education is transferred to the interagency resource and information center.

The governor's council on youth is discontinued.

\$198,300 each year is for the secondary vocational student organization center.

Two professional and one clerical complement are transferred from the special education section to the Faribault residential academies and resource center for the purpose of establishing a resource center for hearing-impaired, visually-impaired and multiply handicapped students. \$125,000 is available each year for this purpose.

One professional complement is added in each year in the curriculum services section ~~for research information service~~ and development of learner outcomes.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

The complement of the secondary vocational section is reduced by two each year.

Two complement are transferred from federal to special purpose for the alcohol impaired driver program. \$100,000 each year is available from the alcohol impaired driver account for these complement.

One-half complement each year is for state agency library automation.

One complement is added to the community education section each year for additional responsibilities related to youth.

The responsibility for the education research information service established by the council on quality education is transferred to the interagency resource and information center.

Sec. 38. **CORRECTION.** Subdivision 1. **LCC BUSINESS STUDY AND GOVERNMENT COMPETITION STUDY.** 1987 S.F. No. 1516, section 10, subdivision 7, is repealed.

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective July 1, 1987.

Sec. 39. **CORRECTION. INADVERTENTLY OMITTED RIDER.** Subdivision 1. **HISTORICAL SOCIETY HISTORIC SITE STUDY.** 1987 S.F. No. 1516, section 21, is amended by adding a subdivision to read:

Subd. 6a. **Historic Site Study**

The Minnesota historical society shall conduct an interim study, in cooperation with county historical organizations of their choice and the department of finance, to determine changes and revisions required in the Historic Sites Act of 1965. The study shall identify those historic sites that merit preservation and interpretation and include a plan for financing their development and operations. The study shall include recommendations by the society on which sites should charge admission fees and the

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

amount of the proposed fee, by site. The historical society shall report the results of this study to the chairs of the senate finance committee and house of representatives appropriations committee, and the governor by July 1, 1988.

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective July 1, 1987.

Sec. 40. SCHOOL DISTRICT 564.

If independent school district No. 564, Thief River Falls, establishes a joint vocational technical district pursuant to section 136C.60 prior to August 1, 1987, the state shall pay 100 percent of the cost of the construction project authorized by the 1987 legislature. The state board of vocational technical education may utilize any unencumbered balance remaining in the appropriation made by Laws 1981, chapter 362, section 2, subdivision 1, to pay the additional amount needed to reach 100 percent.

Sec. 41. REPEAL OF OBSOLETE TRANSITION.

Minnesota Statutes 1986, section 326.2421, subdivision 7, is repealed.

Sec. 42. CROSS REFERENCE; BOARD OF WATER AND SOIL RESOURCES.

1987 S. F. No. 1516, section 34, is amended to read:

Sec. 34. INSTRUCTION TO REVISOR.

The revisor of statutes shall change the words "state soil and water conservation board," "water resources board," "water policy board" or other language intended to refer to those boards, wherever they appear in Minnesota Statutes to "board of water and soil resources" or other appropriate language to refer to the board of water and soil resources created in section ~~405~~ 103.

Sec. 43. CROSS REFERENCE; EFFECTIVE DATE.

1987 S. F. No. 1516, section 133, subdivision 1, is amended to read:

Subdivision 1. Section ~~408~~ 106 is effective the day following final enactment.

Sec. 44. 1987 H.F. No. 919, section 8, subdivision 2, is amended to read:

Subd. 2. Outdoor Recreation	+7,000,000
	<u>18,000,000</u>
(a) Local Recreation Grants	2,500,000.

This appropriation is to acquire and bet-

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

ter recreation open space projects upon application by local units of government and Indian tribes and bands recognized by the federal government. Projects that receive federal grants must be given priority. A grant under this paragraph is not contingent upon the receipt of federal grants. A project may receive grant assistance of up to 50 percent of the total capital cost of the project or, if federal money is used, 50 percent of the local share. A project must not receive grant assistance of more than \$400,000. A local unit of government must not receive more than one grant during each fiscal biennium.

\$500,000 the first year and \$500,000 the second year shall be granted for projects outside the metropolitan area defined in Minnesota Statutes, section 473.121.

(b) Metropolitan Open Space

15,500,000

\$9,500,000 is for payment by the commissioner of energy and economic development to the metropolitan council established under Minnesota Statutes, section 473.123. The commissioner shall transfer the amount to the metropolitan council upon receipt of a certified copy of a council resolution requesting payment. The appropriation must be used to pay the cost of acquisition and betterment by the metropolitan council and local government units of regional recreational open space lands in accordance with the council's policy plan as provided in Minnesota Statutes, sections 473.315 and 473.341, including relocation costs and tax equivalents required to be paid by Minnesota Statutes, sections 473.315 and 473.341.

\$6,000,000 is for the acquisition and betterment of land on Lake Minnetonka for a regional park. No more than \$400,000 may be used for staff and independent

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

professional services necessary to acquire and better open space and for the performance of the duties of the metropolitan council under this paragraph.

The acquisition and betterment may include land between Lake Minnetonka and Stone Lake, to assist in connecting the Lake Minnetonka regional park with Carver park reserve. Of the \$6,000,000, the sum of \$250,000 may be used to develop parking and a pedestrian underpass to support a public access site in the city of Mound.

~~During the biennium, that part of Minnesota Statutes, section 398.09, paragraph (b), that requires local approval prior to acquiring real estate by purchase or condemnation shall not apply to this acquisition.~~

Sec. 45. INTEREST EARNINGS.

The provisions of Laws 1985, First Special Session chapter 15, section 5, subdivision 2, paragraph (b), relating to interest earnings shall continue regardless of any dollar amount limitation.

Sec. 46. 1987 H.F. No. 919, section 18, subdivision 11, is amended to read:

Subd. 11. Vermilion Community

College Student Housing

1,500,000

The state board for community colleges may acquire a site and construct, own, operate, furnish, and maintain one or more dormitories or other student residence facilities at Ely for the use and benefit of Vermilion Community College. Selection of a designer for the project is not subject to Minnesota Statutes, section 16B.33, subdivision 4. The higher education facilities authority may issue revenue bonds for the facilities under Minnesota Statutes, sections 136A.25 to 136A.42, and the state board

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

for community colleges may borrow the proceeds of the revenue bonds to finance the acquisition, construction, and equipping of the student housing facilities. The board may enter into agreements and pledge revenues of the facilities as may be necessary to provide security for the bonds and may mortgage the financed facilities to the higher education facilities authority or to a trustee for the bondholders if considered necessary by the board or the authority for the successful marketing of the bonds. The state board for community colleges shall establish, maintain, revise when necessary, and collect rates and charges for the use of the student housing facilities. The rates and charges must be sufficient, as estimated by the board, to pay all expenses of operation and maintenance of the facilities, to pay principal of, and interest on, revenue bonds or other obligations when due and to pay customary fees and charges of the higher education facilities authority and to establish and maintain the reserve funds that the board considers necessary for repair, replacement, and maintenance of the facilities. Funds and accounts established in furtherance of these purposes are not subject to Minnesota Statutes, section 136.67, subdivision 2, and are not subject to the budgetary control of the commissioner of finance. The board shall never be obligated to use other revenues of the board or funds of the state to pay the costs of construction, operation, maintenance, and repair of the facilities or to pay principal of and interest on obligations issued for these purposes. Notwithstanding any other law or rule or the city charter, the city of Ely may, without complying with the procedures set forth in Minnesota Statutes, chapter 475, guarantee all or any part of the loan repayment obligation of the board to the authority, by pledging its full faith

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

and credit and taxing power. The guarantee is not subject to any limitation on net debt of the city, and taxes required to make any payment under the guarantee may be levied without limit as to rate or amount.

Sec. 47. Minnesota Statutes 1986, section 62E.02, subdivision 23, as amended by 1987 H.F. No. 529, article 2, section 17, is amended to read:

Subd. 23. "Contributing member" means those companies operating pursuant to chapter 62A and offering, selling, issuing, or renewing policies or contracts of accident and health insurance or health maintenance organizations and nonprofit health service plan corporations incorporated under chapter 62C or fraternal benefit society operating under chapter ~~64~~ 64B. For the purposes of determining liability of contributing members pursuant to section 62E.11 payments received from or on behalf of Minnesota residents for coverage by a health maintenance organization shall be considered to be accident and health insurance premiums.

Sec. 48. Minnesota Statutes 1986, section 297D.07, as amended by 1987 H.F. No. 529, article 17, section 36, is amended to read:

297D.07 MEASUREMENT.

For the purpose of calculating the tax under section 297D.08, a ~~gram quantity~~ of marijuana or other controlled substance is measured by the weight of the substance in the dealer's possession. ~~The weight of the marijuana or controlled substance includes all material, compound, mixture, or preparation that is added to the marijuana or controlled substance.~~

Sec. 49. 1987 H.F. No. 919, section 14, subdivision 8, is amended to read:

Subd. 8. Local Road Bridge

Replacement and Rehabilitation	8,800,000
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This appropriation is from the transportation fund.

\$8,800,000 is from the state transportation fund to construct and reconstruct key bridges on the state transportation system and must be allocated by the commissioner of transportation in the form of grants to political subdivisions for construction and reconstruction of key bridges on highways, streets, and roads under their jurisdictions. Of that amount, \$3,800,000 is to be used to match the

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

local share of several federal demonstration projects.

Sec. 50. EFFECTIVE DATE.

Unless provided otherwise, the sections of this article that amend other 1987 enactments take effect on the same dates as the enactments that they amend.

Approved June 2, 1987

CHAPTER 385—H.F.No. 1542

An act relating to unemployment compensation; making various technical and house-keeping changes; defining "wages"; regulating benefits and contributions; providing for the administration of the unemployment compensation law; providing penalties; amending Minnesota Statutes 1986, sections 268.04, subdivisions 9, 12, 24, 25, 26, 29, and by adding subdivisions; 268.06, subdivisions 2, 3a, 5, 6, 8, 19, 20, 22, and 24; 268.07, subdivision 3; 268.08, subdivisions 3, 3a, and by adding a subdivision; 268.09, subdivisions 1 and 3; 268.12, subdivision 8; 268.121; 268.15, subdivision 3; 268.16, subdivision 2, and by adding subdivisions; 268.161, subdivisions 1, 8, 9, and by adding a subdivision; 268.18, subdivisions 1, 2, 3, 4, 5, and by adding a subdivision; 268.65, subdivision 5; 270A.09, by adding a subdivision; and 508.25; proposing coding for new law in Minnesota Statutes, chapter 268; and repealing Minnesota Statutes 1986, section 268.24.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1986, section 268.04, subdivision 9, is amended to read:

Subd. 9. "Employing unit" means any individual or type of organization, including any partnership, association, trust, estate, joint-stock company, insurance company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor of any of the foregoing, or the legal representative of a deceased person, which has or subsequent to January 1, 1936, had in its employ one or more individuals performing services for it. All individuals performing services within this state for any employing unit which maintains two or more separate establishments within this state shall be deemed to be employed by a single employing unit ~~for all the purposes of sections 268.03 to 268.24.~~ Each individual employed to perform or assist in performing the work of any agent or individual employed by an employing unit shall be deemed to be employed by such employing unit ~~for all the purposes of sections 268.03 to 268.24~~ whether such individual was hired or paid directly by such employing unit or by such agent or individual, provided the employing unit had actual or constructive knowledge of such work. ~~For the purposes of sections 268.03 to 268.24~~ Any private or nonprofit organization or government agency providing

Changes or additions are indicated by underline, deletions by ~~strikeout~~.