

additional civil penalty not to exceed \$10,000 for each violation, if one or more of the factors in paragraph (b) are present.

(b) In determining whether to impose a civil penalty pursuant to paragraph (a), and the amount of the penalty, the court shall consider, in addition to other appropriate factors, the extent to which one or more of the following factors are present:

(1) whether the defendant knew or should have known that the defendant's conduct was directed to one or more senior citizens or handicapped persons;

(2) whether the defendant's conduct caused senior citizens or handicapped persons to suffer: loss or encumbrance of a primary residence, principal employment, or source of income; substantial loss of property set aside for retirement or for personal or family care and maintenance; substantial loss of payments received under a pension or retirement plan or a government benefits program; or assets essential to the health or welfare of the senior citizen or handicapped person;

(3) whether one or more senior citizens or handicapped persons are more vulnerable to the defendant's conduct than other members of the public because of age, poor health or infirmity, impaired understanding, restricted mobility, or disability, and actually suffered physical, emotional, or economic damage resulting from the defendant's conduct.

Subd. 3. RESTITUTION TO BE GIVEN PRIORITY. Restitution ordered pursuant to the statutes listed in subdivision 2 shall be given priority over imposition of civil penalties designated by the court under this section.

Subd. 4. PRIVATE REMEDIES. A person injured by a violation of this section may bring a civil action and recover damages, together with costs and disbursements, including costs of investigation and reasonable attorney's fees, and receive other equitable relief as determined by the court.

Presented to the governor May 26, 1989

Signed by the governor May 26, 1989, 5:44 p.m.

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## CHAPTER 295—H.F.No. 1454

*An act relating to Itasca county; authorizing a petition to annex unorganized territory to the town of Spang to be signed by residents of the town.*

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

Section 1. SPANG TOWNSHIP; ATTACHMENT PETITION.

New language is indicated by underline, deletions by ~~strikeout~~.

Notwithstanding Minnesota Statutes, section 379.02, the Itasca county board may accept a petition to attach a portion of unorganized territory to the town of Spang signed by not less than 20 of the legal voters who reside in the unorganized territory proposed to be attached and the town. The attachment proceedings must otherwise comply with Minnesota Statutes, chapter 379.

Sec. 2. **EFFECTIVE DATE.**

Pursuant to Minnesota Statutes, sections 645.02 and 645.023, subdivision 1, clause (a), this act takes effect without local approval on January 1, 1990.

Presented to the governor May 26, 1989

Signed by the governor May 26, 1989, 5:39 p.m.

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**CHAPTER 296—H.F.No. 996**

*An act relating to education; allowing a school board to compel attendance of enrolled pupils under the age of seven; making conforming changes; amending Minnesota Statutes 1988, sections 120.101, subdivision 5, and by adding a subdivision; and 127.20.*

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

Section 1. Minnesota Statutes 1988, section 120.101, subdivision 5, is amended to read:

Subd. 5. **AGES AND TERMS.** For the 1988-1989 school year and the school years thereafter, every child between seven and 16 years of age shall receive instruction for at least 170 days each year. For the 2000-2001 school year and later school years, every child between seven and 18 years of age shall receive instruction for at least 170 days each year. Every child under the age of seven who is enrolled in a half-day kindergarten, or a full-day kindergarten program on alternate days, or other kindergarten programs shall receive instruction at least equivalent to 170 half days. Except as provided in section 2, a parent may withdraw a child under the age of seven from enrollment at any time.

Sec. 2. Minnesota Statutes 1988, section 120.101, is amended by adding a subdivision to read:

Subd. 5a. **OPTIONAL BOARD POLICY.** A school board may require in a policy that once a pupil under the age of seven is enrolled in a public school, the pupil is subject to the compulsory attendance provisions of this chapter and to section 127.20. A dispute resolution process that involves a neutral third party facilitator for resolving disputes between parents and a school district must be included in a school board policy.

New language is indicated by underline, deletions by ~~strikeout~~.