

(j) To avoid duplication and preserve evidence, the ombudsman shall inform relevant licensing or regulatory officials before undertaking a review of an action of the facility or program.

(k) Sections 245.91 to 245.97 are in addition to other provisions of law under which any other remedy or right is provided.

Presented to the governor April 2, 1990

Signed by the governor April 5, 1990, 3:45 p.m.

### CHAPTER 399—H.F.No. 2637

*An act relating to insurance; clarifying the law prohibiting insurers from maintaining subrogation actions against insureds; amending Minnesota Statutes 1989 Supplement, section 60A.41.*

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

Section 1. Minnesota Statutes 1989 Supplement, section 60A.41, is amended to read:

#### 60A.41 SUBROGATION AGAINST INSURED'S PROHIBITED.

(a) An insurance company providing insurance coverage or a ~~company providing reinsurance its reinsurer~~ for that ~~insurance company for the~~ underlying insurance coverage may not proceed against its insured in a subrogation action where the loss was caused by the nonintentional acts of the insured.

(b) An insurance company providing insurance coverage or a ~~company providing reinsurance its reinsurer~~ for the ~~that~~ underlying insurance coverage may not subrogate itself to the rights of its insured to proceed against another person if that other person is insured for the same loss being subrogated, by the same company ~~to recover a~~. This provision applies only if the loss was caused by the nonintentional acts of ~~that insured the person against whom subrogation is sought~~.

(c) This provision does not apply to or affect claims of a surety against its principal.

(d) Nothing in this section prevents an insurer from allocating the loss internally to the at-fault insured for purposes of underwriting, agency, and claims information.

Presented to the governor April 2, 1990

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

Signed by the governor April 5, 1990, 3:49 p.m.

CHAPTER 400—H.F.No. 2386

*An act relating to solid waste management; granting authority to St. Louis county; providing an exemption from the bond requirement for a contract for the construction of a solid waste facility in Kanabec county under certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 383C.*

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

Section 1. [383C.807] SOLID WASTE MANAGEMENT.

Subdivision 1. Notwithstanding section 471.345 or other law, St. Louis county may contract for the acquisition, construction, improvement, maintenance, or operation of solid waste facilities or property or property rights for solid waste facilities by any means available and in any manner determined by the St. Louis county board, with or without advertisement for bids; provided, however, that any request for proposal or other contract negotiated under this subdivision shall require competitive negotiation with more than one vendor or contractor.

Subd. 2. Towns and home rule charter or statutory cities within service areas determined under section 400.08, subdivision 2, may contract with St. Louis county to provide solid waste management, maintenance, or operation services at solid waste facilities. Towns and cities within a service area may form a joint board to provide the solid waste services to the county by contract.

Subd. 3. For the purposes of solid waste management including, but not limited to, the acquisition, construction, improvement, maintenance, or operation of solid waste facilities or property or property rights for solid waste facilities, the St. Louis county board acts for its unorganized territories. An act of the county board in providing solid waste management services to unorganized townships is as valid as a similar act of a town board or meeting.

Sec. 2. EXEMPTION FROM BOND REQUIREMENT.

Notwithstanding Minnesota Statutes, section 574.26, or other law to the contrary, a bond is not required for a contract for the construction of a solid waste composting facility prior to July 1, 1991, in Kanabec county provided that no payment of any portion of the contract price is required before completion of the project.

Sec. 3. EFFECTIVE DATE.

Section 1 takes effect the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the St. Louis county board. Section 2 is effective the day after final enactment.

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