

Subd. 3. DISCLOSURE. An employer who is a party to a collective bargaining agreement containing a clause regulating the rights and obligations of a new employer has the affirmative duty to disclose the existence of the agreement and clause to a new employer. The disclosure requirement is satisfied by including in any contract of sale, agreement to purchase, or any similar instrument of conveyance, a statement that the new employer is bound by that clause as provided for in the collective bargaining agreement. Failure of an employer to disclose the existence of a collective bargaining agreement containing that clause does not affect the enforceability of the collective bargaining agreement against a new employer.

Subd. 4. EXCEPTION. This section does not apply to a receiver or trustee in bankruptcy of any contracting employer who has gone into receivership or bankruptcy, or to any employer who acquires a business from a receiver or trustee in bankruptcy.

Sec. 4. [338.03] ENFORCEMENT; COURT JURISDICTION.

The rights and duties under section 3 may be enforced in a civil action in a district court of appropriate jurisdiction.

Sec. 5. EFFECTIVE DATE.

Sections 2 to 4 are effective the day following final enactment. Section 1 is effective August 1, 1990, and applies to any sale representative agreements entered into or renewed on or after that date.

Presented to the governor April 24, 1990

Signed by the governor April 26, 1990, 4:08 p.m.

CHAPTER 540—S.F.No. 443

An act relating to health; establishing standards for the use of nitrous oxide in the practice of podiatric medicine; amending Minnesota Statutes 1988, section 153.01, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 153.

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

Section 1. Minnesota Statutes 1988, section 153.01, subdivision 2, is amended to read:

Subd. 2. PODIATRIC MEDICINE. "Podiatric medicine" means the diagnosis or medical, mechanical, or surgical treatment of the ailments of the human hand, foot, ankle, and the soft tissue of the lower leg distal to the tibial tuberosity, including amputation of the toe, but not including amputation of the foot,

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hand, or fingers, or the use of anesthetics other than local anesthetics, except as provided in section 2. "Podiatric medicine" includes the prescribing or recommending of appliances, devices, or shoes for the correction or relief of foot ailments. "Podiatric medicine" includes the prescribing or administering of any drugs or medications necessary or helpful to the practice of podiatry as defined by this subdivision, provided, however, that licensed podiatrists shall be restricted in their prescribing or administering of any drugs or medications by the limitations imposed on the scope of practice of podiatric medicine as defined in this chapter.

Sec. 2. [153.26] USE OF NITROUS OXIDE.

A podiatrist may use an oxygen-nitrous oxide mixture for sedation or analgesia only under the following conditions:

(1) the patient is not rendered unconscious;

(2) the nitrous oxide concentration is 70 percent of the mixture or less;

(3) the oxygen-nitrous oxide mixture is administered only by nasal inhalator equipped with scavenging system;

(4) an individual other than the attending podiatrist monitors the equipment and the patient during the administration of oxygen-nitrous oxide sedation and is medically directed and supervised by the podiatrist;

(5) the podiatrist and the individual referred to in clause (4) have successfully completed, after December 31, 1986, a course in nitrous oxide sedation approved by a school of podiatric medicine;

(6) the podiatrist and the individual referred to in clause (4) have completed, after December 31, 1986, a course in cardiopulmonary resuscitation;

(7) oxygen-nitrous oxide is not used in conjunction with any other analgesic or sedative; and

(8) the machine used for administering the oxygen-nitrous oxide mixture includes:

(i) an automatic shut-off valve in the event the oxygen concentration is less than three liters per minute;

(ii) an immediately available oxygen flush capability utilizing a positive pressure mask for pure oxygen delivery;

(iii) an automatic control over maximum nitrous oxide concentration which prevents oxygen concentration from falling below 30 percent of the mixture when nitrous oxide flow is maximal; and

(iv) color-coded valves, tanks, and knobs, and pin index and diameter index safety systems.

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

Presented to the governor April 24, 1990

Signed by the governor April 26, 1990, 10:24 p.m.

CHAPTER 541—H.F.No. 2230

An act relating to public purchasing; establishing programs for purchasing from certain small targeted group businesses and businesses located in economically disadvantaged areas; requiring prompt payment to subcontractors; providing penalties; amending Minnesota Statutes 1988, sections 16B.07, by adding a subdivision; 16B.20, subdivisions 1 and 3; 161.321, subdivisions 1, 4, 5, and by adding a subdivision; Minnesota Statutes 1989 Supplement, sections 16B.19; 16B.20, subdivision 2; 16B.21; 16B.22; 16B.226; 116J.68; 136.27; 136.72; 137.31, subdivision 6; 161.321, subdivisions 2, 3, and 6; 161.3211; 241.27, subdivision 2; 471.345, subdivision 8; and 473.142; Laws 1989, chapter 352, section 25; proposing coding for new law in Minnesota Statutes, chapters 16A; 16B; and 137; repealing Minnesota Statutes 1989 Supplement, sections 16B.189; 137.31, subdivision 3a; and 645.445, subdivision 5.

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

Section 1. [16A.1245] PROMPT PAYMENT TO SUBCONTRACTORS.

Each state agency contract must require the prime contractor to pay any subcontractor within ten days of the prime contractor's receipt of payment from the state for undisputed services provided by the subcontractor. The contract must require the prime contractor to pay interest of 1-1/2 percent per month or any part of a month to the subcontractor on any undisputed amount not paid on time to the subcontractor. The minimum monthly interest penalty payment for an unpaid balance of \$100 or more is \$10. For an unpaid balance of less than \$100, the prime contractor shall pay the actual penalty due to the subcontractor. A subcontractor who prevails in a civil action to collect interest penalties from a prime contractor must be awarded its costs and disbursements, including attorney's fees, incurred in bringing the action.

Sec. 2. Minnesota Statutes 1988, section 16B.07, is amended by adding a subdivision to read:

Subd. 6. NONCOMPETITIVE BIDS. Agencies are encouraged to purchase from small targeted group businesses designated under section 16B.19 when making purchases that are not subject to competitive bidding procedures.

Sec. 3. Minnesota Statutes 1989 Supplement, section 16B.19, is amended to read:

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