

Sec. 3. TIMBER PERMIT; SUBSTITUTION OF NON-OLD GROWTH TIMBER.

Notwithstanding Minnesota Statutes, sections 90.031, subdivision 4; 90.101; 90.14; and 90.151, if any timber permit sold at public auction prior to December 31, 1990, included timber that would be a candidate for old growth status under the department of natural resources old growth guidelines dated December 28, 1990, the commissioner, with the consent of the permittee, is hereby authorized to cancel, in whole or in part, or modify such timber permit and substitute, for the timber which has been withdrawn from the timber permit, an equivalent volume of other non-old growth timber at appraised value from areas not designated for cutting on the original timber appraisal report or from other state lands. The commissioner shall adjust the amount of the advance payment and bond on a pro rata basis.

Sec. 4. EFFECTIVE DATE.

Sections 1 and 2 are effective the day following final enactment and apply to crimes committed on or after that date.

Section 3 is effective the day after final enactment.

Presented to the governor May 21, 1991

Signed by the governor May 24, 1991, 4:35 p.m.

CHAPTER 181—S.F.No. 1034

An act relating to civil actions; increasing penalties for retaliation by employers under the child abuse and vulnerable adults reporting acts; amending Minnesota Statutes 1990, sections 626.556, subdivision 4a; and 626.557, subdivision 17.

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

Section 1. Minnesota Statutes 1990, section 626.556, subdivision 4a, is amended to read:

Subd. 4a. **RETALIATION PROHIBITED.** (a) An employer of any person required to make reports under subdivision 3 shall not retaliate against the person for reporting in good faith abuse or neglect pursuant to this section, or against a child with respect to whom a report is made, because of the report.

(b) The employer of any person required to report under subdivision 3 who retaliates against the person because of a report of abuse or neglect is liable to that person for actual damages and, in addition, a penalty up to ~~\$1,000~~ \$10,000.

(c) There shall be a rebuttable presumption that any adverse action within

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

90 days of a report is retaliatory. For purposes of this paragraph, the term "adverse action" refers to action taken by an employer of a person required to report under subdivision 3 which is involved in a report against the person making the report or the child with respect to whom the report was made because of the report, and includes, but is not limited to:

- (1) discharge, suspension, termination, or transfer from the facility, institution, school, or agency;
- (2) discharge from or termination of employment;
- (3) demotion or reduction in remuneration for services; or
- (4) restriction or prohibition of access to the facility, institution, school, agency, or persons affiliated with it.

Sec. 2. Minnesota Statutes 1990, section 626.557, subdivision 17, is amended to read:

Subd. 17. **RETALIATION PROHIBITED.** (a) A facility or person shall not retaliate against any person who reports in good faith suspected abuse or neglect pursuant to this section, or against a vulnerable adult with respect to whom a report is made, because of the report.

(b) Any facility or person which retaliates against any person because of a report of suspected abuse or neglect is liable to that person for actual damages and, in addition, a penalty up to ~~\$1,000~~ \$10,000.

(c) There shall be a rebuttable presumption that any adverse action, as defined below, within 90 days of a report, is retaliatory. For purposes of this clause, the term "adverse action" refers to action taken by a facility or person involved in a report against the person making the report or the person with respect to whom the report was made because of the report, and includes, but is not limited to:

- (1) Discharge or transfer from the facility;
- (2) Discharge from or termination of employment;
- (3) Demotion or reduction in remuneration for services;
- (4) Restriction or prohibition of access to the facility or its residents; or
- (5) Any restriction of rights set forth in section 144.651.

Presented to the governor May 21, 1991

Signed by the governor May 24, 1991, 5:45 p.m.

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