

Presented to the governor May 23, 1991

Signed by the governor May 27, 1991, 10:32 p.m.

### CHAPTER 199—S.F.No. 1053

*An act relating to Minnesota Statutes; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 1990, sections 3C.04, subdivision 3; 14.47, subdivision 5; 15.39, subdivision 2; 15.45, subdivision 1; 16B.06, subdivision 2a; 16B.19, subdivision 2b; 16B.21, subdivision 1; 16B.405, subdivision 2; 18B.05, subdivision 1; 27.138, subdivision 4; 41A.066, subdivision 1; 60A.13, subdivision 3a; 60B.25; 62E.19, subdivision 1; 84B.09; 86B.415, subdivision 1; 89.37, subdivision 4; 97A.101, subdivision 2; 103A.405; 103B.211, subdivision 4; 103F.215, subdivision 1; 103G.545, subdivision 2; 115A.06, subdivision 4; 115B.25, subdivision 4; 115B.26, subdivisions 1 and 4; 115B.30, subdivision 1; 115B.31; 115B.32, subdivision 1; 115B.33, subdivision 1; 115B.34; 115B.36; 115C.08, subdivision 5; 115D.02; 116.733; 116J.68, subdivision 2; 121.88, subdivision 5; 124.195, subdivision 9; 124.225, subdivision 8; 124.245, subdivision 6; 124A.036, subdivision 5; 125.032, subdivision 2; 126.036; 126.071, subdivision 1; 127.19; 136.82, subdivision 1; 144.49, subdivision 8; 144.804, subdivision 1; 144.8097, subdivision 2; 144A.29, subdivisions 2 and 3; 147.01, subdivision 1; 148.03; 148.52; 148.90, subdivision 3; 150A.02, subdivision 1; 151.03; 152.022, subdivision 1; 152.023, subdivision 2; 153.02; 154.22; 156.01; 161.17, subdivision 2; 168.325, subdivision 3; 222.63, subdivision 4; 237.161, subdivision 1; 256.035, subdivision 8; 256B.059, subdivision 4; 268.38, subdivision 12; 270.42; 273.1392; 273.1398, subdivision 5a; 275.065, subdivision 1; 275.50, subdivision 5; 290A.04, subdivision 2h; 297A.25, subdivision 8; 298.17; 299A.24, subdivision 1; 299A.41, subdivision 1; 299F.361, subdivision 1; 299F.451, subdivision 1; 299F.72, subdivision 1; 317A.021, subdivision 7; 325E.045, subdivision 1; 326.04; 341.01; 354A.094, subdivision 7; 356.215, subdivision 4d; 356.216; 384.14; 386.63, subdivision 1; 400.03, subdivision 1; 423.806, subdivision 1; 446A.10, subdivision 2; 466.05, subdivision 1; 469.129, subdivision 1; 473.844, subdivision 1; 473.845, subdivision 1; 508.36; 529.16; 551.05, subdivision 1; 571.75, subdivision 2; 571.81, subdivision 2; 604.06; 609.531, subdivision 1; 609.892, subdivision 1; Laws 1990, chapter 562, article 8, section 38; chapter 602, article 2, section 10; and chapter 606, article 4, section 1, subdivisions 2 and 6; reenacting Minnesota Statutes 1988, section 169.126, subdivision 2, as amended; repealing Minnesota Statutes 1990, sections 103B.211, subdivision 5; 103I.005, subdivision 18; 117.31; 124.47; 171.015, subdivision 4; 299F.362, subdivision 8; 474A.081, subdivisions 1, 2, and 4; 593.40, subdivision 6; and 626A.21.*

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

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**ARTICLE 1**  
**REVISOR'S BILL**  
**STATUTORY CORRECTIONS**

Section 1. Minnesota Statutes 1990, section 3C.04, subdivision 3, is amended to read:

Subd. 3. **REPORT TO LEGISLATURE.** The revisor's office shall report to the legislature any statutory changes recommended or discussed or statutory deficiencies noted in any opinion of the supreme court or the court of appeals of Minnesota. The report must be made by November 15 of each even-numbered year. It must treat opinions filed during the two-year period immediately preceding September 30 of the year before the year in which the session is held. It must include any comment necessary to outline clearly the legislative problem reported.

Sec. 2. Minnesota Statutes 1990, section 14.47, subdivision 5, is amended to read:

Subd. 5. **POWERS OF REVISOR.** (a) In preparing a compilation or supplement, the revisor may:

- (1) renumber rules, paragraphs, clauses or other parts of a rule;
- (2) combine or divide rules, paragraphs, clauses or other parts of a rule;
- (3) rearrange the order of rules, paragraphs, clauses, or other parts of a rule;
- (4) move paragraphs, clauses, or other parts of a rule to another rule;
- (5) remove redundant language;
- (6) make minor punctuation and grammatical changes to facilitate the renumbering, combining, dividing, and rearranging of rules or parts of rules;
- (7) change reference numbers to agree with renumbered rules, paragraphs, clauses or other parts of a rule;
- (8) change reference numbers to agree with renumbered statutes or parts of statutes;
- (9) substitute the proper rule, paragraph, clause, or other part of a rule for the term "this rule," "the preceding rule" and the like;
- (10) substitute numbers for written words and written words for numbers;
- (11) substitute the term "rule" for the term "regulation" when "regulation" refers to a Minnesota rule;

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(12) substitute the date on which the rule becomes effective for the words "the effective date of this rule," and the like;

(13) change capitalization, punctuation, and forms of citation for the purpose of uniformity;

(14) convert citations of Laws of Minnesota to citations of Minnesota Statutes;

(15) correct manifest clerical or typographical errors;

(16) correct all misspelled words;

(17) correct manifest grammatical and punctuation errors;

(18) replace gender specific words with gender neutral words and, if necessary, recast sentences containing gender specific words; and

(19) make other editorial changes to ensure the accuracy and utility of the compilation or supplement.

(b) The revisor shall provide headnotes as catch words to rules and, if appropriate, to paragraphs, clauses, or other parts of a rule. The headnotes are not part of the rule even if included with the rule when adopted. The revisor shall change headnotes to clearly indicate the subject matter of the rules. "Headnote" means any text functioning as catch words to the substance of text and not itself communicating the substantive content of the rule.

Sec. 3. Minnesota Statutes 1990, section 15.39, subdivision 2, is amended to read:

Subd. 2. The commissioner is ~~hereby~~ authorized to requisition from the economic security administration fund any amount necessary to pay premiums for the insurance specified in subdivision 1 and money in the amount necessary ~~are hereby~~ is appropriated for that purpose.

Sec. 4. Minnesota Statutes 1990, section 16B.19, subdivision 2b, is amended to read:

Subd. 2b. **DESIGNATION OF TARGETED GROUPS.** (a) The commissioner of administration shall periodically designate businesses that are majority owned and operated by women, persons with a disability, or specific minorities as targeted group businesses within purchasing categories the commissioner determines. A group must be targeted within a purchasing category if the commissioner determines there is a statistical disparity between the percentage of purchasing from businesses owned by group members and the representation of ~~business~~ businesses owned by group members among all ~~business~~ businesses in the state in the purchasing category. The commissioner must review public agencies' purchasing from businesses owned by women, persons with a disability, and minorities at least once every two years. The commissioner must review the

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representation of businesses owned by these groups among all businesses in the state at least once every five years.

(b) In addition to designations under paragraph (a), an individual business may be included as a targeted group business if the commissioner determines that inclusion is necessary to remedy discrimination against the owner based on race, gender, or disability in attempting to operate a business that would provide goods or service to public agencies.

(c) The designations of purchasing categories and businesses under paragraphs (a) and (b) are not rules for purposes of chapter 14, and are not subject to rulemaking procedures of that chapter.

Sec. 5. Minnesota Statutes 1990, section 16B.21, subdivision 1, is amended to read:

Subdivision 1. **COMMISSIONER OF ADMINISTRATION.** The commissioner shall submit an annual report pursuant to section 3.195 to the governor and the legislature with a copy to the commissioner of trade and economic development indicating the progress being made toward the objectives and goals of sections 16B.19 to 16B.22, 137.31, 137.35, 161.321, and 473.142 during the preceding fiscal year. The commissioner shall also submit a quarterly report to the small business and targeted group procurement advisory council. These reports shall include the following information:

(1) the total dollar value and number of potential set-aside awards identified during this period and the percentage of total state procurement this figure reflects;

(2) the number of small businesses identified by and responding to the small business procurement program, the total dollar value and number of set-aside and other contracts actually awarded to small businesses, and the total number of small businesses that were awarded set-aside and other contracts;

(3) the total dollar value and number of contracts awarded to small targeted group businesses pursuant to each bidding process authorized by sections 16B.19, subdivision 2c, 137.31, 137.35, 161.321, and 473.142; the total number and value of these contracts awarded to each small targeted group business and to each type of small targeted group business in each purchasing category, and the percentages of the total procurement for each purchasing category the figures represent;

(4) the total dollar value and number of contracts awarded to small businesses in economically disadvantaged areas under the bidding process authorized in section 16B.19, subdivision 2d; the total number and value of these contracts awarded to each business, and to all ~~business~~ businesses within each economically disadvantaged area in each purchasing category, and the percentages of total procurement for each purchasing category the figures represent.

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The information required by clauses (1) and (2) must be presented on a statewide basis and also broken down by geographic regions within the state.

Sec. 6. Minnesota Statutes 1990, section 16B.405, subdivision 2, is amended to read:

Subd. 2. **SOFTWARE SALE FUND.** Proceeds of the sale or licensing of software products or services by the commissioner must be credited to the ~~computer services~~ intertechnologies revolving fund. If a state agency other than the department of administration has contributed to the development of software sold or licensed under this section, the commissioner may reimburse the agency by discounting computer services provided to that agency.

Sec. 7. Minnesota Statutes 1990, section 27.138, subdivision 4, is amended to read:

Subd. 4. **PRIORITY OF UNPAID SELLERS' INTERESTS IN TRUST ASSETS.** (a) The unpaid ~~seller's~~ seller's interest in trust assets is paramount to all other liens, security interests, and encumbrances in the trust assets. An unpaid seller who recovers trust assets recovers them free of any liens, security interests, or encumbrances.

(b) If the trust assets are inadequate to pay unpaid sellers the amount due, the unpaid sellers shall share proportionately in the trust assets.

Sec. 8. Minnesota Statutes 1990, section 41A.066, subdivision 1, is amended to read:

Subdivision 1. **AUTHORITY TO MAKE LOANS.** The Minnesota agricultural and economic development board may make, purchase, or participate in making or purchasing hazardous waste processing facility loans in any amount, and may enter into commitments therefor. A private person proposing to develop and operate a hazardous waste processing facility is eligible to apply for a loan under this subdivision. Applications must be made to the Minnesota agricultural and economic development board. ~~The Minnesota agricultural and economic development board shall forward the applications to the office of waste management for review pursuant to section 115A.162. If the office of waste management does not certify the application, the Minnesota agricultural and economic development board may not approve the application nor make the loan. If the office of waste management certifies the application, the Minnesota agricultural and economic development board shall approve the application and make the loan if money is available for it and if the Minnesota agricultural and economic development board finds that:~~

(1) development and operation of the facility as proposed by the applicant is economically feasible;

(2) there is a reasonable expectation that the principal and interest on the loan will be fully repaid; and

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(3) the facility is unlikely to be developed and operated without a loan from the Minnesota agricultural and economic development board.

The Minnesota agricultural and economic development board and the office of waste management shall establish coordinated procedures for loan application, certification, and approval.

The Minnesota agricultural and economic development board may use the Minnesota agricultural and economic development account to provide financial assistance to any person whose hazardous waste processing facility loan application has been certified by the office of waste management and approved by the Minnesota agricultural and economic development board, and for this purpose may exercise the powers granted in Minnesota Statutes 1986, section 116M.06, subdivision 2, with respect to any loans made or bonds issued under this subdivision regardless of whether the applicant is an eligible small business.

The Minnesota agricultural and economic development board may issue bonds and notes in the aggregate principal amount of \$10,000,000 for the purpose of making, purchasing, or participating in making or purchasing hazardous waste processing facility loans.

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

Sec. 9. Minnesota Statutes 1990, section 60A.13, subdivision 3a, is amended to read:

Subd. 3a. **ANNUAL AUDIT.** Every insurance company doing business in this state, including fraternal beneficiary associations, reciprocal exchanges, service plan corporations licensed pursuant to chapter ~~62G~~ 62C, and legal service plans licensed pursuant to chapter 62G, unless exempted by the commissioner pursuant to subdivision 4a or by subdivision 7 shall have an annual audit of the financial activities of the most recently completed fiscal year performed by an independent certified public accountant as prescribed by the commissioner, and shall file the report of this audit with the commissioner not more than six months following the close of the company's fiscal year. Any insurer required by this subdivision to file an annual audit which does not currently have its financial statement audited shall file its first audit with the commissioner not later than June 30, 1983. All other insurers shall file their annual audits beginning June 30, 1982.

Sec. 10. Minnesota Statutes 1990, section 60B.25, is amended to read:

**60B.25 POWERS OF LIQUIDATOR.**

The liquidator shall report to the court monthly, or at other intervals speci-

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fied by the court, on the progress of the liquidation in whatever detail the court orders. The liquidator shall coordinate activities with those of each guaranty association having an interest in the liquidation and shall submit a report detailing how coordination will be achieved to the court for its approval within 30 days following appointment, or within the time which the court, in its discretion, may establish. Subject to the court's control, the liquidator may:

(1) Appoint a special deputy to act under sections 60B.01 to 60B.61 and determine the deputy's compensation. The special deputy shall have all powers of the liquidator granted by this section. The special deputy shall serve at the pleasure of the liquidator.

(2) Appoint or engage employees and agents, actuaries, accountants, appraisers, consultants, and other personnel deemed necessary to assist in the liquidation without regard to chapter 14.

(3) Fix the compensation of persons under clause (2), subject to the control of the court.

(4) Defray all expenses of taking possession of, conserving, conducting, liquidating, disposing of, or otherwise dealing with the business and property of the insurer. If the property of the insurer does not contain sufficient cash or liquid assets to defray the costs incurred, the liquidator may advance the costs so incurred out of the appropriation made to the department of commerce. Any amounts so paid shall be deemed expense of administration and shall be repaid for the credit of the department of commerce out of the first available money of the insurer.

(5) Hold hearings, subpoena witnesses and compel their attendance, administer oaths, examine any person under oath and compel any person to subscribe to testimony after it has been correctly reduced to writing, and in connection therewith require the production of any books, papers, records, or other documents which the liquidator deems relevant to the inquiry.

(6) Collect all debts and money due and claims belonging to the insurer, wherever located, and for this purpose institute timely action in other jurisdictions, in order to forestall garnishment and attachment proceedings against such debts; do such other acts as are necessary or expedient to collect, conserve, or protect its assets or property, including sell, compound, compromise, or assign for purposes of collection, upon such terms and conditions as the liquidator deems best, any bad or doubtful debts; and pursue any creditor's remedies available to enforce claims.

(7) Conduct public and private sales of the property of the insurer in a manner prescribed by the court.

(8) Use assets of the estate to transfer coverage obligations to a solvent assuming insurer, if the transfer can be arranged without prejudice to applicable priorities under section 60B.44.

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(9) Acquire, hypothecate, encumber, lease, improve, sell, transfer, abandon, or otherwise dispose of or deal with any property of the insurer at its market value or upon such terms and conditions as are fair and reasonable, except that no transaction involving property the market value of which exceeds \$10,000 shall be concluded without express permission of the court. The liquidator may also execute, acknowledge, and deliver any deeds, assignments, releases, and other instruments necessary or proper to effectuate any sale of property or other transaction in connection with the liquidation. In cases where real property sold by the liquidator is located other than in the county where the liquidation is pending, the liquidator shall cause to be filed with the county recorder for the county in which the property is located a certified copy of the order of appointment.

(10) Borrow money on the security of the insurer's assets or without security and execute and deliver all documents necessary to that transaction for the purpose of facilitating the liquidation.

(11) Enter into such contracts as are necessary to carry out the order to liquidate, and affirm or disavow any contracts to which the insurer is a party.

(12) Continue to prosecute and institute in the name of the insurer or in the liquidator's own name any suits and other legal proceedings, in this state or elsewhere, and abandon the prosecution of claims the liquidator deems unprofitable to pursue further. If the insurer is dissolved under section 60B.23, the liquidator may apply to any court in this state or elsewhere for leave to be substituted for the insurer as plaintiff.

(13) Prosecute any action which may exist in behalf of the creditors, members, policyholders, or shareholders of the insurer against any officer of the insurer, or any other person.

(14) Remove any records and property of the insurer to the offices of the commissioner or to such other place as is convenient for the purposes of efficient and orderly execution of the liquidation.

(15) Deposit in one or more banks in this state such sums as are required for meeting current administration expenses and dividend distributions.

(16) Deposit with the state board of investment for investment pursuant to section 11A.24, all sums not currently needed, unless the court orders otherwise.

(17) File any necessary documents for record in the office of any county recorder or record office in this state or elsewhere where property of the insurer is located.

(18) Assert all defenses available to the insurer as against third persons, including statutes of limitations, statutes of frauds, and the defense of usury. A waiver of any defense by the insurer after a petition for liquidation has been filed shall not bind the liquidator.

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(19) Exercise and enforce all the rights, remedies, and powers of any creditor, shareholder, policyholder, or member, including any power to avoid any transfer or lien that may be given by law and that is not included within sections 60B.30 and 60B.32.

(20) Intervene in any proceeding wherever instituted that might lead to the appointment of a receiver or trustee, and act as the receiver or trustee whenever the appointment is offered.

(21) Enter into agreements with any receiver or commissioner of any other state relating to the rehabilitation, liquidation, conservation, or dissolution of an insurer doing business in both states.

(22) Exercise all powers now held or hereafter conferred upon receivers by the laws of this state not inconsistent with sections 60B.01 to 60B.61.

(23) The enumeration in this section of the powers and authority of the liquidator is not a limitation, nor does it exclude the right to do such other acts not herein specifically enumerated or otherwise provided for as are necessary or expedient for the accomplishment of or in aid of the purpose of liquidation.

(24) The power of the liquidator of a health maintenance organization includes the power to transfer coverage obligations to a solvent and voluntary health maintenance organization, insurer, or nonprofit health service plan, and to assign provider contracts of the insolvent health maintenance organization to an assuming health maintenance organization, insurer, or nonprofit health service plan permitted to enter into such agreements. The liquidator is not required to meet the notice requirements of section 62D.121. Transferees of coverage obligations or provider contracts shall have no liability to creditors or obligees of the health maintenance organization except those liabilities expressly assumed.

Sec. 11. Minnesota Statutes 1990, section 62E.19, subdivision 1, is amended to read:

Subdivision 1. **EMPLOYER LIABILITY.** An employer is liable to the association for the costs of any preexisting conditions of the employer's former employees or their dependents during the first six months of coverage under the state comprehensive health insurance plan under the following conditions:

(1) the employer has terminated or laid off employees and is required to meet the notice requirements under section 268.976, subdivision 3;

(2) the employer has failed to provide, arrange for, or make available continuation health insurance coverage required to be provided under federal or state law to employees or their dependents; and

(3) the employer's former employees or their dependents enroll in the state comprehensive health insurance plan with a waiver of the preexisting condition limitation under section 62E.14, subdivision 4a or 5; or

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(4) the employer has terminated or allowed the employer's plan of health insurance coverage to lapse within 90 days prior to the date of termination or layoff of an employee; and

(5) the employer's former employees or their dependents enroll in the state comprehensive health insurance plan with a waiver of the preexisting condition limitation under section 62E.14, subdivision 4a or 5.

The employer shall pay a special assessment to the association for the costs of the preexisting conditions. The special assessment may be assessed before the association makes the annual determination of each contributing member's liability as required under this chapter. The association may enforce the obligation to pay the special assessment by action, as a claim in an insolvency proceeding, or by any other method not prohibited by law.

If the association makes the special assessment permitted by this subdivision, the association may also make any assessment of contributing members otherwise permitted by law, without regard to the special assessment permitted by this subdivision. Contributing members must pay the assessment, subject to refund or adjustment; in the event of receipt by the association of any portion of the special assessment.

Sec. 12. Minnesota Statutes 1990, section 86B.415, subdivision 1, is amended to read:

Subdivision 1. **WATERCRAFT ~~LESS THAN 19 FEET OR LESS~~**. The fee for a watercraft license for watercraft ~~less than~~ 19 feet or less in length is \$12 except:

(1) for watercraft 19 feet in length or less that is offered for rent or lease, the fee is \$6;

(2) for a canoe, kayak, sailboat, sailboard, paddle boat, or rowing shell 19 feet in length or less, the fee is \$7;

(3) for a watercraft 19 feet in length or less used by a nonprofit corporation for teaching boat and water safety, the fee is as provided in subdivision 4; and

(4) for a watercraft owned by a dealer under a dealer's license, the fee is as provided in subdivision 5.

Sec. 13. Minnesota Statutes 1990, section 97A.101, subdivision 2, is amended to read:

Subd. 2. **MANAGEMENT DESIGNATION.** (a) The commissioner may designate, reserve, and manage public waters for wildlife after giving notice and holding a public hearing. The hearing must be held in the county where the major portion of the waters are ~~is~~ located. Notice of the hearing must be published in a legal newspaper within each county where the waters are located at least seven days before the hearing.

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(b) The commissioner may contract with riparian owners for water projects under section 103G.121, subdivision 3, and may acquire land, accept local funding, and construct, maintain, and operate structures to control water levels under section 103G.505 to manage designated waters.

Sec. 14. Minnesota Statutes 1990, section 103A.405, is amended to read:

**103A.405 DIRECTOR'S APPROVAL FOR FEDERAL WATER DATA AGREEMENTS.**

A contract or agreement may not be made by a department or agency of the state or a municipality, with the United States or an agency or department of the United States, for the collection of basic data pertaining to surface water or groundwater of the state without obtaining written approval of the director of the division of waters of the department of natural resources.

Sec. 15. Minnesota Statutes 1990, section 103B.211, subdivision 4, is amended to read:

Subd. 4. **APPROPRIATIONS FROM SMALL WATERCOURSES.** (a) This subdivision applies in Hennepin and Ramsey counties to the following public waters:

- (1) a public water basin or wetland wholly within the county that is less than 500 acres; or
- (2) a protected watercourse that has a drainage area of less than 50 square miles.

(b) An appropriation of water that is below the minimum established in section 103G.271, subdivision 4, for a nonessential use, as defined under section 103G.291, is prohibited unless a permit is obtained from the watershed district or watershed management organization having jurisdiction over the public water basin, wetland, or watercourse. The watershed district or watershed management organization may impose a fee to cover the cost of issuing the permit. This subdivision must be enforced by the home rule charter or statutory city where the appropriation occurs. Violation of this subdivision is a petty misdemeanor, except that a second violation within a year is a misdemeanor. Affected cities shall mail notice of this law to affected riparian and adjoining landowners.

Sec. 16. Minnesota Statutes 1990, section 103B.211, subdivision 5, is repealed.

Sec. 17. Minnesota Statutes 1990, section 103F.215, subdivision 1, is amended to read:

Subdivision 1. **COUNTY ORDINANCE FAILING TO MEET STANDARDS.** The commissioner shall adapt the model ordinance to a county if, after notice and hearing as provided in section ~~103G.305~~ 103G.311, the commissioner finds that a county has adopted a shoreland conservation ordinance that fails to meet the minimum standards established under section 103F.211.

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Sec. 18. Minnesota Statutes 1990, section 103G.545, subdivision 2, is amended to read:

Subd. 2. **LEGISLATIVE APPROVAL REQUIRED FOR CONTROL STRUCTURES AND WATER LEVELS.** Except as provided in this section, specific authority must be given by law after consideration by the legislature with regard to control structures or water levels within or bordering on the area of Cook, Lake, and St. Louis counties designated in the Act of Congress of July 10, 1930, United States Code, title 46 16, section ~~4020~~ 577, before:

(1) dams or additions to existing dams may be constructed in or across public waters;

(2) alteration of the natural water level or volume of flowage of public waters may be made; or

(3) an easement for flooding or overflowing or otherwise affecting state property adjacent to public waters may be granted.

Sec. 19. Minnesota Statutes 1990, section 115B.25, subdivision 4, is amended to read:

Subd. 4. **ELIGIBLE PERSON.** "Eligible person" means a person who is eligible to file a claim with the ~~fund~~ account under section 115B.29.

Sec. 20. Minnesota Statutes 1990, section 115B.26, subdivision 1, is amended to read:

Subdivision 1. **ESTABLISHMENT.** A harmful substance compensation account is in the environmental fund in the state treasury. Earnings, such as interest, dividends, and any other earnings arising from account assets, must be credited to the ~~fund~~ account.

Sec. 21. Minnesota Statutes 1990, section 115B.26, subdivision 4, is amended to read:

Subd. 4. **FUND ACCOUNT TRANSFER REQUEST.** At the end of each fiscal year, the board shall submit a request to the petroleum tank release compensation board for transfer to the harmful substance compensation account from the petroleum tank release cleanup ~~fund~~ account under section 115C.08, subdivision 5, of an amount equal to the compensation granted by the board for claims related to petroleum releases plus administrative costs related to determination of those claims.

Sec. 22. Minnesota Statutes 1990, section 115B.30, subdivision 1, is amended to read:

Subdivision 1. **ELIGIBLE PERSONAL INJURY.** (a) A personal injury which could reasonably have resulted from exposure to a harmful substance released from a facility where it was placed or came to be located is eligible for compensation from the account if:

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(1) it is a medically verified chronic or progressive disease, illness, or disability such as cancer, organic nervous system disorders, or physical deformities, including malfunctions in reproduction, in humans or their offspring, or death; or

(2) it is a medically verified acute disease or condition that typically manifests itself rapidly after a single exposure or limited exposures and the persons responsible for the release of the harmful substance are unknown or cannot with reasonable diligence be determined or located or a judgment would not be satisfied in whole or in part against the persons determined to be responsible for the release of the harmful substance.

(b) A personal injury is not compensable from the ~~fund~~ account if:

(1) the injury is compensable under the workers' compensation law, chapter 176;

(2) the injury arises out of the claimant's use of a consumer product;

(3) the injury arises out of an exposure that occurred or is occurring outside the geographical boundaries of the state;

(4) the injury results from the release of a harmful substance for which the claimant is a responsible person; or

(5) the injury is an acute disease or condition other than one described in paragraph (a).

Sec. 23. Minnesota Statutes 1990, section 115B.31, is amended to read:

#### 115B.31 OTHER ACTIONS.

Subdivision 1. **SUBSEQUENT ACTION OR CLAIM PROHIBITED IN CERTAIN CASES.** (a) A person who has settled a claim for an eligible injury or eligible property damage with a responsible person, either before or after bringing an action in court for that injury or damage, may not file a claim with the ~~fund~~ account for the same injury or damage. A person who has received a favorable judgment in a court action for an eligible injury or eligible property damage may not file a claim with the ~~fund~~ account for the same injury or damage, unless the judgment cannot be satisfied in whole or in part against the persons responsible for the release of the harmful substance. A person who has filed a claim with the board may not file another claim with the board for the same eligible injury or damage, unless the claim was inactivated by the board as provided in section 115B.32, subdivision 1.

(b) A person who has filed a claim with the board for an eligible injury or damage, and who has received and accepted an award from the board, is precluded from bringing an action in court for the same eligible injury or damage.

(c) A person who files a claim with the board for personal injury or property

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damage must include all known claims eligible for compensation in one proceeding before the board.

**Subd. 2. USE OF PROTECTED INFORMATION AND BOARD FINDINGS.** The findings and decision of the board are inadmissible in any court action. Protected information may not be used in any court action except to the extent that the information is otherwise available to a party or discovered under the applicable rules of civil or criminal procedure.

**Subd. 3. SUBROGATION BY STATE.** The state is subrogated to all the claimant's rights under statutory or common law to recover losses compensated from the ~~fund~~ account from other sources, including responsible persons as defined in section 115B.03. The state may bring a subrogation action in its own name or in the name of the claimant. The state may not bring a subrogation action against a person who was a party in a court action by the claimant for the same eligible injury or damage, unless the claimant dismissed the action prior to trial. Money recovered by the state under this subdivision must be deposited in the ~~fund~~ account. Nothing in sections 115B.25 to 115B.37 shall be construed to create a standard of recovery in a subrogation action.

**Subd. 4. SIMULTANEOUS CLAIM AND COURT ACTION PROHIBITED.** A claimant may not commence a court action to recover for any injury or damage for which the claimant seeks compensation from the ~~fund~~ account during the time that a claim is pending before the board. A person may not file a claim with the board for compensation for any injury or damage for which the claimant seeks to recover in a pending court action. The time for filing a claim under section 115B.30 or the statute of limitations for any civil action is suspended during the period of time that a claimant is precluded from filing a claim or commencing an action under this subdivision.

Sec. 24. Minnesota Statutes 1990, section 115B.32, subdivision 1, is amended to read:

Subdivision 1. **FORM.** A claim for compensation from the ~~fund~~ account must be filed with the board in the form required by the board. When a claim does not include all the information required by subdivision 2 and applicable board rules, the board staff shall notify the claimant of the absence of the required information within 14 days of the filing of the claim. All required information must be received by the board not later than 60 days after the claimant received notice of its absence or the claim will be inactivated and may not be resubmitted for at least one year following the date of inactivation. The board may decide not to inactivate a claim under this subdivision if it finds serious extenuating circumstances.

Sec. 25. Minnesota Statutes 1990, section 115B.33, subdivision 1, is amended to read:

Subdivision 1. **STANDARD FOR PERSONAL INJURY.** The board shall grant compensation to a claimant who shows that it is more likely than not that:

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(1) the claimant suffers a medically verified injury that is eligible for compensation from the ~~fund~~ account and that has resulted in a compensable loss;

(2) the claimant has been exposed to a harmful substance;

(3) the release of the harmful substance from a facility where the substance was placed or came to be located could reasonably have resulted in the claimant's exposure to the substance in the amount and duration experienced by the claimant; and

(4) the injury suffered by the claimant can be caused or significantly contributed to by exposure to the harmful substance in an amount and duration experienced by the claimant.

Sec. 26. Minnesota Statutes 1990, section 115B.34, is amended to read:

**115B.34 COMPENSABLE LOSSES.**

Subdivision 1. **PERSONAL INJURY LOSSES.** Losses compensable by the ~~fund~~ account for personal injury are limited to:

(a) medical expenses directly related to the claimant's injury;

(b) up to two-thirds of the claimant's lost wages not to exceed \$2,000 per month or \$24,000 per year;

(c) up to two-thirds of a self-employed claimant's lost income, not to exceed \$2,000 per month or \$24,000 per year;

(d) death benefits to dependents which the board shall define by rule subject to the following conditions:

(1) the rule adopted by the board must establish a schedule of benefits similar to that established by section 176.111 and must not provide for the payment of benefits to dependents other than those dependents defined in section 176.111;

(2) the total benefits paid to all dependents of a claimant must not exceed \$2,000 per month;

(3) benefits paid to a spouse and all dependents other than children must not continue for a period longer than ten years;

(4) payment of benefits is subject to the limitations of section 115B.36; and

(e) the value of household labor lost due to the claimant's injury or disease, which must be determined in accordance with a schedule established by the board by rule, not to exceed \$2,000 per month or \$24,000 per year.

Subd. 2. **PROPERTY DAMAGE LOSSES.** (a) Losses compensable by the ~~fund~~ account for property damage are limited to the following losses caused by damage to the principal residence of the claimant:

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(1) the reasonable cost of replacing or decontaminating the primary source of drinking water for the property not to exceed the amount actually expended by the claimant or assessed by a local taxing authority, if the department of health has confirmed that the remedy provides safe drinking water and advised that the water not be used for drinking or determined that the replacement or decontamination of the source of drinking water was necessary, up to a maximum of \$25,000;

(2) losses incurred as a result of a bona fide sale of the property at less than the appraised market value under circumstances that constitute a hardship to the owner, limited to 75 percent of the difference between the appraised market value and the selling price, but not to exceed \$25,000; and

(3) losses incurred as a result of the inability of an owner in hardship circumstances to sell the property due to the presence of harmful substances, limited to the increase in costs associated with the need to maintain two residences, but not to exceed \$25,000.

(b) In computation of the loss under paragraph (a), clause (3), the board shall offset the loss by the amount of any income received by the claimant from the rental of the property.

(c) For purposes of paragraph (a), the following definitions apply:

(1) "appraised market value" means an appraisal of the market value of the property disregarding any decrease in value caused by the presence of a harmful substance in or on the property; and

(2) "hardship" means an urgent need to sell the property based on a special circumstance of the owner including catastrophic medical expenses, inability of the owner to physically maintain the property due to a physical or mental condition, and change of employment of the owner or other member of the owner's household requiring the owner to move to a different location.

(d) Appraisals are subject to board approval. The board may adopt rules governing approval of appraisals, criteria for establishing a hardship, and other matters necessary to administer this subdivision.

Sec. 27. Minnesota Statutes 1990, section 115B.36, is amended to read:

#### 115B.36 AMOUNT AND FORM OF PAYMENT.

If the board decides to grant compensation, it shall determine the net uncompensated loss payable to the claimant by computing the total amount of compensable losses payable to the claimant and subtracting the total amount of any compensation received by the claimant for the same injury or damage from other sources including, but not limited to, all forms of insurance and social security and any emergency award made by the board. The board shall pay compensation in the amount of the net uncompensated loss, provided that no claimant may receive more than \$250,000. In the case of a death, the total amount paid to all persons on behalf of the claimant may not exceed \$250,000.

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Compensation from the ~~fund account~~ may be awarded in a lump sum or in installments at the discretion of the board.

Sec. 28. Minnesota Statutes 1990, section 115C.08, subdivision 5, is amended to read:

Subd. 5. **FUND ACCOUNT TRANSFER.** The board shall authorize the commissioner of finance to transfer to the harmful substance compensation ~~fund account~~ the amount requested by the harmful substance compensation board under section 115B.26, subdivision 4. Transfer of the amount must be made at the earliest practical date after authorization by the board. If the unencumbered balance in the ~~fund account~~ is less than \$2,000,000, the transfer must be made at the earliest practical date after the unencumbered balance in the ~~fund account~~ exceeds that amount.

Sec. 29. Minnesota Statutes 1990, section 115D.02, is amended to read:

**115D.02 POLICY.**

(a) To protect the public health, welfare, and the environment, the legislature declares that it is the policy of the state to encourage toxic pollution prevention. The preferred means of preventing toxic pollution are techniques and processes that are implemented at the source and that minimize the transfer of toxic pollutants from one environmental medium to another.

(b) The legislature intends that the programs developed under ~~Laws 1990, chapter 560, sections 115D.01 to 115D.12~~ shall encourage and lead to a greater awareness of the need for and benefits of toxic pollution prevention, and to a greater degree of cooperation and coordination among all elements of government, industry, and the public in encouraging and carrying out pollution prevention activities.

Sec. 30. Minnesota Statutes 1990, section 116.733, is amended to read:

**116.733 MEDICAL DEVICE EXEMPTION.**

Laws 1990, chapter 560, article 2, sections ~~1 to 5~~ and 2, and sections 116.70, 116.731, and 116.732, do not apply to processes using CFCs or halons on medical devices, in sterilization processes in health care facilities, or by a person or facility in manufacturing or selling of medical devices.

Sec. 31. Minnesota Statutes 1990, section 116J.68, subdivision 2, is amended to read:

Subd. 2. The bureau shall:

(a) provide information and assistance with respect to all aspects of business planning and business management related to the start-up, operation, or expansion of a small business in Minnesota;

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(b) refer persons interested in the start-up, operation, or expansion of a small business in Minnesota to assistance programs sponsored by federal agencies, state agencies, educational institutions, chambers of commerce, civic organizations, community development groups, private industry associations, and other organizations or to the business assistance referral system established by the Minnesota Project Outreach Corporation;

(c) plan, develop, and implement a master file of information on small business assistance programs of federal, state, and local governments, and other public and private organizations so as to provide comprehensive, timely information to the bureau's clients;

(d) employ staff with adequate and appropriate skills and education and training for the delivery of information and assistance;

(e) seek out and utilize, to the extent practicable, contributed expertise and services of federal, state, and local governments, educational institutions, and other public and private organizations;

(f) maintain a close and continued relationship with the director of the procurement program within the department of administration so as to facilitate the department's duties and responsibilities under sections 16B.19 to 16B.22 relating to the small targeted group business and economically disadvantaged business program of the state;

(g) develop an information system which will enable the commissioner and other state agencies to efficiently store, retrieve, analyze, and exchange data regarding small business development and growth in the state. All executive branch agencies of state government and the secretary of state shall to the extent practicable, assist the bureau in the development and implementation of the information system;

(h) establish and maintain a toll free telephone number so that all small business persons anywhere in the state can call the bureau office for assistance. An outreach program shall be established to make the existence of the bureau well known to its potential clientele throughout the state. If the small business person requires a referral to another provider the bureau may use the business assistance referral system established by the Minnesota Project Outreach Corporation;

(i) conduct research and provide data as required by the state legislature;

(j) develop and publish material on all aspects of the start-up, operation, or expansion of a small business in Minnesota;

(k) collect and disseminate information on state procurement opportunities, including information on the procurement process;

(l) develop a public awareness program through the use of newsletters, personal contacts, and electronic and print news media advertising about state

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assistance programs for small businesses, including those programs specifically for socially disadvantaged small business persons;

(m) publicize to small businesses section 14.115 which requires consideration of small business issues in state agency rulemaking;

(n) enter into agreements with the federal government and other public and private entities to serve as the statewide coordinator or host agency for the federal small business development center program under United States Code, title 15, section 648;

(o) establish an evaluation mechanism to determine if assistance providers have adequate expertise and resources to deliver quality services. Evaluation of assistance providers may be based on the ability of the provider to offer the advertised service, the training and experience of the provider, and the formal evaluation process used by the provider. The evaluation mechanism must be designed so that the business assistance referral system established by the Minnesota Project Outreach Corporation may use the results of the evaluation in providing clients with referrals to providers; and

(p) assist providers in the evaluation of their programs and the assessment of their service area needs. The bureau may establish model evaluation techniques and performance standards for providers to use.

Sec. 32. Minnesota Statutes 1990, section 117.31, is repealed.

Sec. 33. Minnesota Statutes 1990, section 126.036, is amended to read:

**126.036 LAW ENFORCEMENT RECORDS.**

A law enforcement agency shall provide notice of any drug incident occurring within the agency's jurisdiction, in which the agency has probable cause to believe a student violated section ~~152.09, subdivision 1~~ 152.021, 152.022, 152.023, 152.024, 152.025, 152.027, 152.097, or 340A.503, subdivision 1, 2, or 3. The notice shall be in writing and shall be provided, within two weeks after an incident occurs, to the chemical abuse preassessment team in the school where the student is enrolled.

Sec. 34. Minnesota Statutes 1990, section 126.071, subdivision 1, is amended to read:

Subdivision 1. **AVAILABILITY.** A school district shall make available, to a blind pupil, instruction in Braille reading and writing as specified under subdivisions 2 and 3. A ~~blind pupil is a pupil who is blind as defined in section 290.06, subdivision 3, paragraph (4), clause (e) only if the pupil's central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or if the pupil's visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.~~ blind pupil is a pupil who is blind as defined in section 290.06, subdivision 3, paragraph (4), clause (e) only if the pupil's central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or if the pupil's visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

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Sec. 35. Minnesota Statutes 1990, section 136.82, subdivision 1, is amended to read:

Subdivision 1. **GENERALLY.** (a) The executive director of the teachers retirement fund shall redeem shares in the accounts of the Minnesota supplemental retirement investment fund standing in an employee's share account record under the following circumstances, but always in accordance with the laws and rules governing the Minnesota supplemental retirement investment fund:

(b) The executive director shall redeem shares under this subdivision when requested to do so in writing on forms provided by the executive director by a person having shares to the credit of the employee's share account record if the person is age 55 or older and is no longer employed by the state university board or state board for community colleges. In such case the person must receive the cash realized on the redemption of the shares. The person may direct the redemption of not more than 20 percent of the person's shares in the employee's share account record in any one year and may not direct more than one redemption in any one calendar month; provided, however, that the state university board or its designee, in the case of a person employed by the state university board, and the state board for community colleges or its designee, in the case of a person employed by the state board for community colleges, may, upon application, at their sole discretion, permit greater withdrawals in any one year.

(c) The executive director shall redeem shares under this subdivision when requested to do so in writing, on forms provided by the executive director, by a person having shares to the credit of the employee's share account record if the person has left employment by the state university board or state board for community colleges because of a total and permanent disability as defined in section 354.05, subdivision 14. If the executive director finds that the person is totally and permanently disabled and will as a result be unable to return to similar employment, the person must receive the cash realized on the redemption of the shares. The person may direct the redemption of not more than 20 percent of the shares in the employee's share account record in any one year and may not direct more than one redemption in any one calendar month; provided, however, that the state university board or its designee, in the case of a person employed by the state university board, and the state board for community colleges or its designee, in the case of a person employed by the state board for community colleges, may, upon application, at their sole discretion, permit greater withdrawals in any one year. If the person returns to good health, the person owes no restitution to the state or a fund established by its laws for a redemption under this paragraph.

(d) The executive director shall redeem shares under this subdivision in the event of the death of a person having shares to the credit of the employee's share account record and leaving a designated beneficiary, when requested to do so in writing, on forms provided by the executive director, by the designated beneficiary. The designated beneficiary must receive the cash realized on the redemp-

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tion of the shares. If the designated beneficiary is a surviving spouse, the surviving spouse may direct the redemption of not more than 20 percent of the shares in the deceased person's employee's share account record in any one year and may not direct more than one redemption in any one calendar month; provided, however, that the state university board or its designee, in the case of a person employed by the state university board, and the state board for community colleges or its designee, in the case of a person employed by the state board for community colleges, may, upon application, at their sole discretion, permit greater withdrawals in any one year. In that case the surviving spouse must receive the cash realized from the redemption of the shares. Upon the death of the surviving spouse any shares remaining in the employee's share account record must be redeemed by the executive director and the cash realized from the redemption must be distributed to the estate of the surviving spouse.

(e) In the event of the death of a person having shares to the credit of the employee's share account record and leaving no designated beneficiary, the surviving spouse must receive the cash realized on the redemption of the shares as provided in paragraph (d). If there is no surviving spouse, the executive director shall redeem all shares to the credit of the employee's share account record and pay the cash realized from the redemption to the estate of the deceased person.

(f) The executive director shall redeem shares under this subdivision when requested to do so in writing, on forms provided by the executive director, by a person having shares to the credit of the employee's share account record if the person is no longer employed by the state university board or state board for community colleges, but does not qualify under the provisions of paragraphs (b) to (e). In that case, the person is entitled upon application to receive one-half of the cash realized on the redemption of shares and one-half must be credited to the administrative expense reserve account of the supplemental retirement plan for payment of necessary and reasonable administrative expenses of the supplemental retirement plan as provided in section 354.65.

Sec. 36. Minnesota Statutes 1990, section 144.804, subdivision 1, is amended to read:

Subdivision 1. **DRIVERS AND ATTENDANTS.** No publicly or privately owned basic ambulance service shall be operated in the state unless its drivers and attendants possess a current emergency care course certificate authorized by rules adopted by the commissioner of health according to chapter 14. Until August 1, 1994, a licensee may substitute a person currently certified by the American Red Cross in advanced first aid and emergency care or a person who has successfully completed the United States Department of Transportation first responder curriculum, and who has also been trained to use basic life support equipment as required by rules adopted by the commissioner under section 144.804, subdivision ~~2~~ 3, for one of the persons on a basic ambulance, provided that person will function as the driver while transporting a patient. The commissioner may grant a variance to allow a licensed ambulance service to use attendants certified by the American Red Cross in advanced first aid and emergency

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care in order to ensure 24-hour emergency ambulance coverage. The commissioner shall study the roles and responsibilities of first responder units and report the findings by January 1, 1991. This study shall address at a minimum: (1) education and training; (2) appropriate equipment and its use; (3) medical direction and supervision; and (4) supervisory and regulatory requirements.

Sec. 37. Minnesota Statutes 1990, section 144.8097, subdivision 2, is amended to read:

Subd. 2. **MEMBERSHIP; TERMS; COMPENSATION.** (a) The council shall consist of 17 members. The members shall be appointed by the commissioner of health and shall consist of the following:

(1) a representative of each of the governing bodies of the eight regional emergency medical systems designated under section 144.8093;

(2) an emergency medical services physician;

(3) an emergency department nurse;

(4) an emergency medical technician (ambulance, intermediate, or paramedic);

(5) a representative of an emergency medical care training institution;

(6) a representative of a licensed ambulance service;

(7) a hospital administrator;

(8) a first responder;

(9) a member of a community health ~~services~~ agency board; and

(10) a representative of the public at large.

(b) As nearly as possible, one-third of the initial members' terms must expire each year during the first three years of the council. Successors of the initial members shall be appointed for three-year terms. A person chosen to fill a vacancy shall be appointed only for the unexpired term of the board member whom the newly appointed member succeeds.

(c) Members of the council shall be compensated for expenses.

(d) The removal of all members and the expiration of the council shall be as provided in section 15.059.

Sec. 38. Minnesota Statutes 1990, section 144A.29, subdivision 2, is amended to read:

Subd. 2. Any investigation, disciplinary hearing, court action or other proceeding affecting a nursing home or nursing home administrator heretofore initi-

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ated by the commissioner of health or board of examiners in accordance with chapter 144, shall be conducted and completed in accordance with that chapter as it existed prior to ~~the effective date of this section~~ January 1, 1977. Proceedings heretofore initiated by the commissioner of health or board of examiners leading to the establishment of a rule affecting nursing homes or nursing home administrators may be continued and the rule may be promulgated in accordance with heretofore existing law, notwithstanding any other provision of Laws 1976, chapter 173.

Sec. 39. Minnesota Statutes 1990, section 144A.29, subdivision 3, is amended to read:

Subd. 3. As soon as possible after ~~the effective date of this section~~ April 7, 1976, the commissioner of health shall by rule establish a schedule of fines in accordance with section 144A.10, subdivision 6.

Sec. 40. Minnesota Statutes 1990, section 147.01, subdivision 1, is amended to read:

Subdivision 1. **CREATION; TERMS.** The board of medical examiners consists of 16 residents of the state of Minnesota appointed by the governor. Ten board members must hold a degree of doctor of medicine and be licensed to practice medicine under this chapter. One board member must hold a degree of doctor of osteopathy and either be licensed to practice osteopathy under Minnesota Statutes 1961, sections 148.11 to 148.16; prior to May 1, 1963, or be licensed to practice medicine under this chapter. Five board members must be public members as defined by section 214.02. The governor is encouraged to make appointments to the board which reflect the geography of the state and a broad mix of expertise of the members. A member may be reappointed but shall not serve more than eight years consecutively. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements are as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other provisions relating to board operations are as provided in chapter 214 ~~and Laws 1976, chapter 222, sections 2 to 7.~~

Sec. 41. Minnesota Statutes 1990, section 148.03, is amended to read:

#### 148.03 APPOINTMENT.

The governor shall appoint a board of chiropractic examiners consisting of two public members as defined by section 214.02 and five resident chiropractors who shall have practiced chiropractic in this state for at least three years immediately prior to the time of appointment, all of whom shall be graduates of a course of chiropractic, but no more than two of whom shall be graduates of the same school or college of chiropractic. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to

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214.09. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214 ~~and Laws 1976, chapter 222, sections 2 to 7.~~ The board shall have the authority to prescribe rules relative to the examination of applicants for license to practice chiropractic and for the annual renewal of licenses. Vacancies caused by death or otherwise shall be filled by the governor within 60 days. No member of the board shall be financially interested in any chiropractic school or college or be in any way affiliated with the practice of other methods of healing as are now regulated by law in this state.

Sec. 42. Minnesota Statutes 1990, section 148.52, is amended to read:

**148.52 BOARD OF OPTOMETRY.**

The board of optometry shall consist of two public members as defined by section 214.02 and five qualified optometrists appointed by the governor. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09.

The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214 ~~and Laws 1976, chapter 222, sections 2 to 7.~~

Sec. 43. Minnesota Statutes 1990, section 148.90, subdivision 3, is amended to read:

Subd. 3. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214 ~~and Laws 1976, chapter 222, sections 2 to 7.~~

Sec. 44. Minnesota Statutes 1990, section 150A.02, subdivision 1, is amended to read:

Subdivision 1. There is hereby created a board of dentistry whose duty it shall be to carry out the purposes and enforce the provisions of sections 150A.01 to 150A.12. The board shall consist of two public members as defined by section 214.02, five qualified resident dentists, one qualified resident registered dental assistant, and one qualified resident dental hygienist appointed by the governor. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the review and processing of board complaints; the setting

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of board fees; and other provisions relating to board operations shall be as provided in chapter 214 and ~~Laws 1976, chapter 222, sections 2 to 7.~~ Each board member who is a dentist, registered dental assistant, or dental hygienist shall have been lawfully in active practice in this state for five years immediately preceding appointment; and no board member shall be eligible for appointment to more than two consecutive four year terms, and members serving on the board at the time of the enactment hereof shall be eligible to reappointment provided they shall not have served more than nine consecutive years at the expiration of the term to which they are to be appointed. At least 90 days prior to the expiration of the terms of dentists, registered dental assistants, or dental hygienists, the Minnesota dental association, Minnesota dental assistants association, or the Minnesota state dental hygiene association shall recommend to the governor for each term expiring not less than two dentists, two registered dental assistants, or two dental hygienists, respectively, who are qualified to serve on the board, and from the list so recommended the governor may appoint members to the board for the term of four years, the appointments to be made within 30 days after the expiration of the terms. Within 60 days after the occurrence of a dentist, registered dental assistant or dental hygienist vacancy, prior to the expiration of the term, in the board, the Minnesota dental association, the Minnesota dental assistants association, or the Minnesota state dental hygiene association shall recommend to the governor not less than two dentists, two registered dental assistants, or two dental hygienists, who are qualified to serve on the board and from the list so recommended the governor, within 30 days after receiving such list of dentists, may appoint one member to the board for the unexpired term occasioned by such vacancy. Any appointment to fill a vacancy shall be made within 90 days after the occurrence of such vacancy. The first four year term of the dental hygienist and of the registered dental assistant shall commence on the first Monday in January, 1977.

Sec. 45. Minnesota Statutes 1990, section 151.03, is amended to read:

#### 151.03 MEMBERSHIP.

Members of the board shall be appointed by the governor. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214 and ~~Laws 1976, chapter 222, sections 2 to 7.~~ Any pharmacist on the board who, during incumbency, ceases to be actively engaged in the practice of pharmacy in this state shall be automatically disqualified from membership.

Sec. 46. Minnesota Statutes 1990, section 153.02, is amended to read:

#### 153.02 BOARD OF PODIATRIC MEDICINE.

The governor shall appoint a board of podiatric medicine consisting of two public members as defined by section 214.02 and five resident podiatrists. The

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podiatrists must each hold a degree of doctor of podiatric medicine and be licensed to practice podiatric medicine under this chapter. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other provisions related to board operations shall be as provided in chapter 214 and ~~Laws 1976, chapter 222, sections 2 to 7.~~

The board shall elect from among its members a president and a secretary-treasurer. The board may adopt rules as necessary to carry out the purposes of this chapter. The members of the board may administer oaths and take testimony as to matters pertaining to the duties of the board. Four members of the board shall constitute a quorum for the transaction of business. The board shall have a common seal, which shall be kept by the executive director.

Sec. 47. Minnesota Statutes 1990, section 154.22, is amended to read:

**154.22 BOARD OF BARBER EXAMINERS CREATED; TERMS.**

A board of barber examiners is established to consist of four members appointed by the governor. Three of such members shall be practical barbers who have followed the occupation of a registered barber in this state for at least five years immediately prior to their appointment; shall be graduates from the 12th grade of a high school, or have an equivalent education; and shall have knowledge of the matters to be taught in approved schools of barbering, as set forth in section 154.07. The remaining member of the board shall be a public member as defined by section 214.02. One of the members shall be a member of, or recommended by, a union of journeymen barbers which shall have existed at least two years, and one shall be a member of, or recommended by, the master barbers association of Minnesota.

Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214 and ~~Laws 1976, chapter 222, sections 2 to 7.~~

Members appointed to fill vacancies caused by death, resignation, or removal shall serve during the unexpired term of their predecessors.

Sec. 48. Minnesota Statutes 1990, section 156.01, is amended to read:

**156.01 STATE BOARD OF VETERINARY MEDICINE.**

Subdivision 1. There is hereby created a state board of veterinary medicine which shall consist of two public members as defined by section 214.02 and five qualified veterinarians appointed by the governor. Each appointee shall be a res-

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ident of the state of Minnesota, and the veterinarian members of the board shall have practiced veterinary medicine in this state for at least five years prior to their appointment and shall be graduates of an accredited veterinary college. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214 and ~~Laws 1976, chapter 222, sections 2 to 7.~~

Sec. 49. Minnesota Statutes 1990, section 270.42, is amended to read:

**270.42 MEMBERSHIP.**

Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214 and ~~Laws 1976, chapter 222, sections 2 to 7.~~

Sec. 50. Minnesota Statutes 1990, section 326.04, is amended to read:

**326.04 BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE.**

To carry out the provisions of sections 326.02 to 326.15 there is hereby created a board of architecture, engineering, land surveying and landscape architecture (hereinafter called the board) consisting of 17 members, who shall be appointed by the governor. Three members shall be licensed architects, five members shall be licensed engineers, one member shall be a licensed landscape architect, two members shall be licensed land surveyors and six members shall be public members. Not more than one member of said board shall be from the same branch of the profession of engineering. The first landscape architect member shall be appointed as soon as possible and no later than 60 days after August 1, 1975 and shall serve for a term to end on January 1, 1977. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214 and ~~Laws 1976, chapter 222, sections 2 to 7.~~

Sec. 51. Minnesota Statutes 1990, section 341.01, is amended to read:

**341.01 CREATION.**

There is hereby created the board of boxing, to consist of seven members, citizens of this state, two of whom shall be public members as defined by section

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214.02. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214 ~~and Laws 1976, chapter 222, sections 2 to 7.~~

Sec. 52. Minnesota Statutes 1990, section 386.63, subdivision 1, is amended to read:

Subdivision 1. There is hereby created the board of abstracters whose duties it shall be to administer the provisions of sections 386.61 to 386.76. The board shall consist of seven members to be appointed by the governor. Four persons so appointed shall be residents of this state and actually engaged in the business of making abstracts of title to real estate for at least five years immediately preceding the time of their appointment, but no more than one such member shall be from a county containing a city of the first class. The fifth member of the board shall be an attorney at law admitted to practice in the state of Minnesota. The remaining members shall be public members as defined in section 214.02. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of fees; and other provisions relating to board operations shall be as provided in chapter 214 ~~and Laws 1976, chapter 222, sections 2 to 7.~~

Sec. 53. Minnesota Statutes 1990, section 152.022, subdivision 1, is amended to read:

Subdivision 1. **SALE CRIMES.** A person is guilty of controlled substance crime in the second degree if:

(1) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight ~~of~~ of three grams or more containing cocaine base;

(2) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten grams or more containing a narcotic drug;

(3) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten grams or more containing methamphetamine, amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 50 or more dosage units;

(4) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 25 kilograms or more containing marijuana or Tetrahydrocannabinols;

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(5) the person unlawfully sells any amount of a schedule I or II narcotic drug to a person under the age of 18, or conspires with or employs a person under the age of 18 to unlawfully sell the substance; or

(6) the person unlawfully sells any amount of a schedule I or II narcotic drug in a school zone or a park zone.

Sec. 54. Minnesota Statutes 1990, section 152.023, subdivision 2, is amended to read:

Subd. 2. **POSSESSION CRIMES.** A person is guilty of controlled substance crime in the third degree if:

(1) the person unlawfully possesses one or more mixtures of a total weight of three grams or more containing cocaine base;

(2) the person unlawfully possesses one or more mixtures of a total weight of ten grams or more containing a narcotic drug;

(3) the person unlawfully possesses one or more mixtures containing a narcotic drug with the intent to sell it;

(4) the person unlawfully possesses one or more mixtures containing a narcotic drug, it is packaged in dosage units, and equals 50 or more dosage units; ~~or~~

(5) the person unlawfully possesses any amount of a schedule I or II narcotic drug in a school zone or a park zone; or

(6) the person unlawfully possesses one or more mixtures of a total weight of ten kilograms or more containing marijuana or Tetrahydrocannabinols.

Sec. 55. Minnesota Statutes 1990, section 161.17, subdivision 2, is amended to read:

Subd. 2. **INTERSTATE SYSTEM.** It is hereby declared that construction of the interstate system of highways will vitally affect the future development of the cities through which these routes pass and such municipalities should have an important role in the development of this highway system; that on the other hand the future planning and programming of construction projects over a period of years is necessary to take maximum advantage of federal aid and to build a unified and coordinated interstate system; that excessive delay in local approval of plans for construction of one segment may seriously impede completion of the entire system and adversely affect other municipalities along the interstate routes; that the mutual exchange of information and close cooperation between the department and local governing bodies should be encouraged by improved administrative processes for securing orderly review of plans and the resolution of differences over interstate routes and projects; and that the provisions of ~~subdivision 2~~ sections 161.171 to 161.177 for local approval of trunk highway plans must be modified for the interstate highway system in the light of these various considerations. Before proceeding with the preparation of the final

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plans for the construction, reconstruction, or improvement of any route on the interstate system lying within any city, the commissioner shall submit to its governing body preliminary plans covering the route location. The preliminary plans shall be submitted as part of a report containing such supporting data that the commissioner deems helpful to the governing body in appraising the plans submitted.

Any public hearing on location of an interstate route held in compliance with federal requirements shall be held at least one month after submission to the governing body of the report provided for in this subdivision. After the public hearing and on preparing final plans, the commissioner shall submit the final plans to the governing body for approval. If the governing body does not approve the final plans within three months after submitted, the commissioner may refer the plans to (1) the Twin Cities Metropolitan Area Planning Commission, if the project is within the area of its jurisdiction, or (2) the municipal advisory committee on state-aid rules established under section 162.09, subdivision 2, if the project is elsewhere in the state. If a member of the advisory committee is from the municipality concerned that member shall be excused. If the plans are so referred, the commission or committee shall give the commissioner and the governing body ample opportunity to present the case for or against approval of the plans so referred. Not later than three months after such hearings and independent study as it deems desirable, it shall approve or disapprove such plans, making such additional recommendations consistent with state and federal requirements as it deems appropriate, and it shall submit a written report containing its findings and recommendations to the commissioner and the governing body. The commissioner shall not proceed with the proposed construction, reconstruction, or improvement except in accordance with plans approved by the governing body or, if referred to the commission or committee, until after the commission or committee has made its report, and then only after the governing body has had an additional 90 days within which to consider the plans originally submitted or such modified plans as may be submitted to it by the commissioner following the report of the commission or committee. If within such 90-day period, the governing body does not approve the plans submitted to it, and if the commissioner then wishes to proceed with the project according to plans differing substantially from the plans recommended by the commission or committee in its report, the commissioner shall, before proceeding with the project, file a written report with the commission or committee and the governing body stating fully the reasons for doing so. Whenever plans are referred to the Twin Cities Metropolitan Area Planning Commission, the commission shall be reimbursed from the trunk highway fund for actual and necessary expenses incurred by the commission in staff work incident to consideration of plans and action thereon by the commission. Whenever plans are referred to the advisory committee on rules, members of the committee shall be paid their necessary expenses to the same extent and in the same manner as for its duties in considering the commissioner's rules.

Sec. 56. Minnesota Statutes 1990, section 168.325, subdivision 3, is repealed.

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Sec. 57. Minnesota Statutes 1988, section 169.126, subdivision 2, as amended by Laws 1990, chapter 602, article 2, section 4, is reenacted.

Sec. 58. Laws 1990, chapter 602, article 2, section 10, is amended to read:

Sec. 10. **REPEALER.**

Minnesota Statutes 1988, sections 169.124, subdivisions 2 and 3; and 169.126, subdivisions 2, 3, and 4b; and Minnesota Statutes 1989 Supplement, section 169.126, subdivision 4a, are repealed.

Sec. 59. Minnesota Statutes 1990, section 171.015, subdivision 4, is repealed.

Sec. 60. Minnesota Statutes 1990, section 237.161, subdivision 1, is amended to read:

Subdivision 1. **CRITERIA.** (a) The commission shall grant a petition for installation of extended area service only when each of the following criteria has been met:

(1) the petitioning exchange is contiguous to an exchange or local calling area to which extended area service is requested in the petition;

(2) polling by the commission shows that a majority of the customers responding to a poll in the petitioning exchange favor its installation, unless all parties and the commission agree that no polling is necessary; and

(3) at least 50 percent of the customers in the petitioning exchange make one or more calls per month to the exchange or local calling area to which extended area service is requested, as determined by a traffic study.

The rate to the polled exchange must be available to its customers before the commission determines what proportion of them favor the installation of extended area service.

(b) For the purpose of paragraph (a), clause (3), the commission shall include as a customer an FX telephone service subscriber in the petitioning exchange whose FX service is provided through the exchange or an exchange within the local calling area to which extended area service is sought. For the purposes of this subdivision, "FX" means tariffed telephone toll service provided by placing a telephone line from another telephone exchange area in the telephone customer's exchange area.

(c) When the local calling area to which extended service is sought is the metropolitan local calling area in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties and the petitioning exchange meets the criteria in paragraph (a), the telephone company serving the petitioning exchange shall make local measured service or another lower cost alternative to basic flat-rate service available to customers in the petitioning exchange.

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Sec. 61. Minnesota Statutes 1990, section 256B.059, subdivision 4, is amended to read:

Subd. 4. **INCREASED COMMUNITY SPOUSE ASSET ALLOWANCE; WHEN ALLOWED.** (a) If either the institutionalized spouse or community spouse establishes that the community spouse asset allowance under subdivision 3 (in relation to the amount of income generated by such an allowance) is not sufficient to raise the community spouse's income to the minimum monthly maintenance needs allowance in section 256B.058, subdivision 2, paragraph (c), there shall be substituted for the amount allowed to be transferred an amount sufficient, when combined with the monthly income otherwise available to the spouse, to provide the minimum monthly maintenance needs allowance. A substitution under this paragraph may be made only if the assets of the couple have been arranged so that the maximum amount of income-producing assets, at the maximum rate of return, are available to the community spouse under the community spouse asset allowance. The maximum rate of return is the average rate of return available from the financial institution holding the asset, or a rate determined by the commissioner to be reasonable according to community standards, if the asset is not held by a financial institution.

(b) The community spouse asset allowance under subdivision 3 can be increased by court order or hearing that complies with the requirements of United States Code, title 42, section ~~4924~~ 1396r-5.

Sec. 62. Minnesota Statutes 1990, section 273.1398, subdivision 5a, is amended to read:

Subd. 5a. **AID ADJUSTMENT FOR COUNTY HUMAN SERVICES AID.** (a) There shall be transferred to the human services aid account from the payment to a county under subdivision 2 an amount representing a county's human services aid increase as calculated in subdivision 5b, paragraphs (a) to (c). The amount calculated for each county shall be deducted equally from the July and December payments to the county under this section in 1991 and subsequent years. The amount of the payments under subdivision 2 shall not be less than zero as a result of this adjustment.

Sec. 63. Minnesota Statutes 1990, section 275.50, subdivision 5, is amended to read:

Subd. 5. Notwithstanding any other law to the contrary for taxes levied in 1990 payable in 1991 and subsequent years, "special levies" means those portions of ad valorem taxes levied by governmental subdivisions to:

(a) for taxes levied in 1990, payable in 1991 and subsequent years, pay the costs not reimbursed by the state or federal government, of payments made to or on behalf of recipients of aid under any public assistance program authorized by law, and the costs of purchase or delivery of social services. The aggregate amounts levied under this clause for the costs of purchase or delivery of social services and income maintenance programs, other than those identified in sec-

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tion 273.1398, subdivision 1, paragraph (i), are subject to a maximum increase over the amount levied for the previous year of 12 percent for counties within the metropolitan area as defined in section 473.121, subdivision 2, or counties outside the metropolitan area but containing a city of the first class, and 15 percent for other counties. For purposes of this clause, "income maintenance programs" include income maintenance programs in section 273.1398, subdivision 1, paragraph (i), to the extent the county provides benefits under those programs over the statutory mandated standards. Effective with taxes levied in 1990, the portion of this special levy for human service programs identified in section 273.1398, subdivision 1, paragraph (i), is eliminated;

(b) pay the costs of principal and interest on bonded indebtedness except on bonded indebtedness issued under section 471.981, subdivisions 4 to 4c, or to reimburse for the amount of liquor store revenues used to pay the principal and interest due in the year preceding the year for which the levy limit is calculated on municipal liquor store bonds;

(c) pay the costs of principal and interest on certificates of indebtedness, except tax anticipation or aid anticipation certificates of indebtedness, issued for any corporate purpose except current expenses or funding an insufficiency in receipts from taxes or other sources or funding extraordinary expenditures resulting from a public emergency; and to pay the cost for certificates of indebtedness issued pursuant to sections 298.28 and 298.282;

(d) fund the payments made to the Minnesota state armory building commission pursuant to section 193.145, subdivision 2, to retire the principal and interest on armory construction bonds;

(e) provide for the bonded indebtedness portion of payments made to another political subdivision of the state of Minnesota;

(f) pay the amounts required, in accordance with section 275.075, to correct for a county auditor's error of omission but only to the extent that when added to the preceding year's levy it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 in the preceding levy year;

(g) pay amounts required to correct for an error of omission in the levy certified to the appropriate county auditor or auditors by the governing body of a city or town with statutory city powers in a levy year, but only to the extent that when added to the preceding year's levy it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 in the preceding levy year;

(h) pay amounts required by law to be paid to pay the interest on and to reduce the unfunded accrued liability of public pension funds in accordance with the actuarial standards and guidelines specified in sections 356.215 and 356.216 reduced by 106 percent of the amount levied for that purpose in 1976, payable in 1977. For the purpose of this special levy, the estimated receipts

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expected from the state of Minnesota pursuant to sections 69.011 to 69.031 or any other state aid expressly intended for the support of public pension funds shall be considered as a deduction in determining the required levy for the normal costs of the public pension funds. No amount of these aids shall be considered as a deduction in determining the governmental subdivision's required levy for the reduction of the unfunded accrued liability of public pension funds;

(i) ~~to~~ compensate the state for the cost of a reassessment ordered by the commissioner of revenue pursuant to section 270.16;

(j) pay the debt service on tax increment financing revenue bonds to the extent that revenue to pay the bonds or to maintain reserves for the bonds is insufficient as a result of the provisions of Laws 1988, chapter 719, article 5;

(k) pay the cost of hospital care under section 261.21;

(l) pay the unreimbursed costs incurred in the previous year to satisfy judgments rendered against the governmental subdivision by a court of competent jurisdiction in any tort action, or to pay the costs of settlements out of court against the governmental subdivision in a tort action when substantiated by a stipulation for the dismissal of the action filed with the court of competent jurisdiction and signed by both the plaintiff and the legal representative of the governmental subdivision, provided that an appeal for the unreimbursed costs under this clause was approved by the commissioner of revenue under section 275.51, subdivision 3;

(m) pay the expenses reasonably and necessarily incurred in preparing for or repairing the effects of natural disaster including the occurrence or threat of widespread or severe damage, injury, or loss of life or property resulting from natural causes such as earthquake, fire, flood, wind storm, wave action, oil spill, water contamination, air contamination, or drought in accordance with standards formulated by the emergency services division of the state department of public safety, provided that an appeal for the expenses incurred under this clause were approved by the commissioner of revenue under section 275.51, subdivision 3;

(n) pay a portion of the losses in tax receipts to a city due to tax abatements or court actions in the year preceding the current levy year, provided that an appeal for the tax losses was approved by the commissioner of revenue under section 275.51, subdivision 3. This special levy is limited to the amount of the losses times the ratio of the nonspecial levies to total levies for taxes payable in the year the abatements were granted. County governments are not authorized to claim this special levy;

(o) pay the operating cost of regional library services authorized under section 134.34, subject to a maximum increase over the previous year of the greater of (1) 103 percent multiplied by one plus the percentage increase determined for the governmental subdivision under section 275.51, subdivision 3h, clause (b), or (2) six percent. If a governmental subdivision elected to include some or all of

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its levy for libraries within its adjusted levy limit base in the prior year, but elects to claim the levy as a special levy in the current levy year, the allowable increase is determined by applying the greater percentage determined under clause (1) or (2) to the total amount levied for libraries in the prior levy year. After levy year 1989, the increase must not be determined using a base amount other than the amount that could have been levied as a special levy in the prior year. This limit may be redistributed according to the provisions of section 134.342. In no event shall the special levy be less than the minimum levy required under sections 134.33 and 134.34, subdivisions 1 and 2;

(p) pay the amount of the county building fund levy permitted under section 373.40, subdivision 6;

(q) pay the county's share of the costs levied in 1989, 1990, and 1991 for the Minnesota cooperative soil survey under Minnesota Statutes 1988, section 40.07, subdivision 15;

(r) for taxes levied in 1989, payable in 1990 only, pay the cost incurred for the minimum share required by counties levying for the first time under section 134.34 as required under section 134.341. For taxes levied in 1990, and thereafter, counties levying under this provision must levy under clause (o), and their allowable increase must be determined with reference to the amount levied in 1989 under this paragraph;

(s) for taxes levied in 1989, payable in 1990 only, provide an amount equal to 50 percent of the estimated amount of the reduction in aids to a county under sections 273.1398, subdivision 2, paragraph (d), and 477A.012, subdivision 3, for aids payable in 1990;

(t) for taxes levied in 1990 only by a county in the eighth judicial district, provide an amount equal to the amount of the levy, if any, that is required under Laws 1989, chapter 335, article 3, section 54, subdivision 8, as amended by Laws 1990, chapter 604, article 9, section 14;

(u) for taxes levied in 1989, payable in 1990 only, pay the costs not reimbursed by the state or federal government:

(i) for the costs of purchase or delivery of social services. The aggregate amounts levied under this item are subject to a maximum increase over the amount levied in the previous year of 12 percent for counties within the metropolitan area as defined in section 473.121, subdivision 2, or counties outside the metropolitan area but containing a city of the first class, and 15 percent for other counties.

(ii) for payments made to or on behalf of recipients of aid under any public assistance program authorized by law. The aggregate amounts levied under this item are subject to a maximum increase over the amount levied in the previous year of 12 percent and must be used only for the public assistance programs.

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If the amount levied under this paragraph (u) in 1989 is less than the actual expenditures needed for these programs for 1990, the difference between the actual expenditures and the amount levied may be levied in 1990 as a special levy. If the amount levied in 1989 is greater than the actual expenditures needed for these programs for 1990, the difference between the amount levied and the actual expenditures shall be deducted from the 1990 levy limit, payable in 1991;

(v) pay an amount of up to 25 percent of the money sought for distribution and approved under section 115A.557, subdivision 3, paragraph (b), clause (3);

(w) pay the unreimbursed costs of per diem jail or correctional facilities services paid by the county in the previous 12-month period ending on July 1 of the current year provided that the county is operating under a department of corrections directive that limits the capacity of a county jail as authorized in section 641.01 or 641.262, or a correctional facility as defined in section 241.021, subdivision 1, paragraph (5);

(x) for taxes levied in 1990 and 1991, payable in 1991 and 1992 only, pay the operating or maintenance costs of a county jail as authorized in section 641.01 or 641.262, or of a correctional facility as defined in section 241.021, subdivision 1, paragraph (5), to the extent that the county can demonstrate to the commissioner of revenue that the amount has been included in the county budget as a direct result of a rule, minimum requirement, minimum standard, or directive of the department of corrections. If the county utilizes this special levy, any amount levied by the county in the previous levy year for the purposes specified under this clause and included in the county's previous year's levy limitation computed under section 275.51, shall be deducted from the levy limit base under section 275.51, subdivision 3f, when determining the county's current year levy limitation. The county shall provide the necessary information to the commissioner of revenue for making this determination;

(y) for taxes levied in 1990, payable in 1991 only, pay an amount equal to the unreimbursed county costs paid in 1989 and 1990 for the purpose of grasshopper control; and, for taxes levied in 1991 payable in 1992 only, pay an amount equal to the unreimbursed county costs paid in 1991 for the purpose of grasshopper control;

(z) for a county, provide an amount needed to fund comprehensive local water implementation activities under sections 103B.3361 to 103B.3369 as provided in this clause.

A county may levy an amount not to exceed the water implementation local tax rate times the adjusted net tax capacity of the county for the preceding year. The water implementation local tax rate shall be set by August 1 each year by the commissioner of revenue for taxes payable in the following year. As used in this paragraph, the "adjusted net tax capacity of the county" means the net tax capacity of the county as equalized by the commissioner of revenue based upon the results of an assessment/sales ratio study. That rate shall be the rate, rounded up to the nearest one-thousandth of a percent, that, when applied to the

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adjusted net tax capacity for all counties, raises the amount specified in this clause. The water implementation local tax rate for taxes levied in 1990 shall be the rate that raises \$1,500,000 and the rate for taxes levied in 1991 shall be the rate that raises \$1,500,000. A county must levy a tax at the rate established under this clause to qualify for a grant from the board of water and soil resources under section 103B.3369, subdivision 5;

(aa) pay the unreimbursed county costs for court-ordered family-based services and court-ordered out-of-home placement for children to the extent that the county can demonstrate to the commissioner of revenue that the estimated amount included in the county's budget for the following levy year is for the purposes specified under this clause. For purposes of this special levy, costs for "family-based services" and "out-of-home placement" means costs resulting from court-ordered targeted family services designed to avoid out-of-home placement and from court-ordered out-of-home placement under the provisions of sections 260.172 and 260.191, which are unreimbursed by the state or federal government, insurance proceeds, or parental or child obligations. Any amount levied under this clause must only be used by the county for the purposes specified in this clause.

If the county uses this special levy and the county levied an amount in the previous levy year, for the purposes specified under this clause, under another special levy or under the levy limitation in section 275.51, the following adjustments must be made:

(i) The amount levied in the previous levy year for the purposes specified under this clause under the levy limitation in section 275.51 must be deducted from the levy limit base under section 275.51, subdivision 3f, when determining the current year levy limitation.

(ii) The amount levied in the previous levy year, for the purposes specified under clause (a) or (u) must be deducted from the previous year's amount used to calculate the maximum amount allowable under clause (a) in the current levy year; and

(bb) pay the amounts allowed as special levies under Laws 1989, First Special Session chapter 1, article 5, section 50, and subdivisions 5a and 5b.

Sec. 64. Minnesota Statutes 1990, section 297A.25, subdivision 8, is amended to read:

Subd. 8. **CLOTHING.** The gross receipts from the sale of clothing and wearing apparel are exempt, except the following:

(1) all articles commonly or commercially known as jewelry, whether real or imitation; pearls, precious and semiprecious stones, and imitations thereof; articles made of, or ornamented, mounted or fitted with precious metals or imitations thereof; watches; clocks; cases and movements for watches and clocks; gold, gold-plated, silver, or sterling flatware or hollowware and silver-plated hollowware; opera glasses; lorgnettes; marine glasses; field glasses and binoculars;

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(2) articles made of fur on the hide or pelt, and articles of which such fur is the component material or chief value, but only if such value is more than three times the value of the next most valuable component material;

(3) perfume, essences, extracts, toilet waters, cosmetics, petroleum jellies, hair oils, pomades, hair dressings, hair restoratives, hair dyes, aromatic cachous and toilet powders. The tax imposed by this chapter shall not apply to lotion, oil, powder, or other ~~article~~ articles intended to be used or applied only in the case of babies;

(4) trunks, valises, traveling bags, suitcases, satchels, overnight bags, hat boxes for use by travelers, beach bags, bathing suit bags, brief cases made of leather or imitation leather, salespeople's sample and display cases, purses, handbags, pocketbooks, wallets, billfolds, card, pass, and key cases and toilet cases.

Sec. 65. Minnesota Statutes 1990, section 298.17, is amended to read:

#### 298.17 OCCUPATION TAXES TO BE APPORTIONED.

All occupation taxes paid by persons, copartnerships, companies, joint stock companies, corporations, and associations, however or for whatever purpose organized, engaged in the business of mining or producing iron ore or other ores, when collected shall be apportioned and distributed in accordance with the Constitution of the state of Minnesota, article 10, section 3, in the manner following: 90 percent shall be deposited in the state treasury and credited to the general fund of which four-ninths shall be used for the support of elementary and secondary schools; and ten percent of the proceeds of the tax imposed by this section shall be deposited in the state treasury and credited to the general fund for the general support of the university. Of the moneys apportioned to the general fund by this section there is annually appropriated and credited to the iron range resources and rehabilitation board account in the special revenue fund an amount equal to that which would have been generated by a one cent tax imposed by section 298.24 on each taxable ton produced in the preceding calendar year, to be expended for the purposes of section 298.22. The money appropriated pursuant to this section shall be used (1) to provide environmental development grants to local governments located within any county in region 3 as defined in governor's executive order number ~~68~~ 60, issued on June 12, 1970, which does not contain a municipality qualifying pursuant to section 273.134 or (2) to provide economic development loans or grants to businesses located within any such county, provided that the county board or an advisory group appointed by the county board to provide recommendations on economic development shall make recommendations to the iron range resources and rehabilitation board regarding the loans. Payment to the iron range resources and rehabilitation board account shall be made by May 15 annually.

Sec. 66. Minnesota Statutes 1990, section 299A.41, subdivision 1, is amended to read:

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

Subdivision 1. **SCOPE.** The definitions used in this section apply ~~in this chapter~~ to sections 299A.41 to 299A.46.

Sec. 67. Minnesota Statutes 1990, section 299F.362, subdivision 8, is repealed.

Sec. 68. Minnesota Statutes 1990, section 299F.451, subdivision 1, is amended to read:

Subdivision 1. Except where the context requires otherwise, the terms defined in subdivisions 2 ~~to 5~~ and 3 have the meanings given them.

Sec. 69. Minnesota Statutes 1990, section 299F.72, subdivision 1, is amended to read:

Subdivision 1. For the purposes of ~~Laws 1971, chapter 845~~ sections 299F.71 to 299F.83; 609.48, subdivision 4; 609.52, subdivision 3; 609.561; 609.562; 609.563; and 609.713, the terms defined in this section have the meanings given them.

Sec. 70. Minnesota Statutes 1990, section 317A.021, subdivision 7, is amended to read:

**Subd. 7. NONELECTING NONPROFIT CORPORATIONS SUBJECT TO THIS CHAPTER AS OF JANUARY 1, 1991.** (a) A corporation in existence on January 1, 1991, that is within the scope of this chapter and incorporated under another statute of this state, other than a corporation incorporated under chapter 300, 309, or 315 that has not later become governed by Minnesota Statutes 1988, chapter 317, is governed by this chapter as of January 1, 1991, as though the corporation had been incorporated under this chapter. The provisions of the articles and bylaws of the corporation that may be included in the articles or bylaws under this chapter remain in effect. The provisions of the articles and bylaws of the corporation that are inconsistent with this chapter are not effective as of January 1, 1991. Provisions required by this chapter to be contained in the articles that do not appear in the articles are read into them as a matter of law.

(b) On and after January 1, 1991, a corporation that elected to reject Laws 1951, chapter ~~500~~ 550, sections 1 to 25, that does not elect to be governed by this entire chapter is governed by sections 317A.131 to 317A.151; 317A.461; and 317A.601 to 317A.791.

Sec. 71. Minnesota Statutes 1990, section 325E.045, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** The definitions in this subdivision apply to this section.

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(a) "Degradable" means capable of being decomposed by natural biological processes, including exposure to ultraviolet rays of the sun, within five years after the date of disposal.

(b) "Person" means an individual, partnership, corporation, sole proprietorship, association, or other for-profit or nonprofit organization, including the state and its political subdivisions.

(c) ~~"Polyethylene disposal bag" means a bag made of polyethylene that is used or intended to be used for disposal of mixed municipal solid waste as defined in section 115A.03.~~

(d) "Polyethylene beverage ring" means a device made of polyethylene that is used or intended to be used to hold beverage bottles or other beverage containers together.

(e) ~~"Public agency" means the state, an office, agency, or institution of the state, a county, a statutory or home rule charter city, a town, a school district, or another special taxing district.~~

Sec. 72. Minnesota Statutes 1990, section 354A.094, subdivision 7, is amended to read:

Subd. 7. Only teachers who are in the bargaining unit as defined in section 179A.03, subdivision 7, during the year preceding the period of part time employment pursuant to this section shall qualify for full membership in, accrual of service credit from, and employee contributions to a teachers retirement fund association for part time teaching service pursuant to subdivision 4. Notwithstanding the provisions of section 179A.03, subdivision ~~4~~ 14, clauses (e) and (f), teachers who are employed on a part time basis for purposes of this section and who would therefore be disqualified from the bargaining unit by one or both of those provisions, shall continue to be in the bargaining unit during the period of part time employment pursuant to this section for purposes of compensation, fringe benefits and the grievance procedure.

Sec. 73. Minnesota Statutes 1990, section 384.14, is amended to read:

#### 384.14 DESTRUCTION OF RECORDS.

The auditors of the several counties are authorized, with the consent and approval of their county boards and judge of the district court, to destroy the following vouchers, files, records, and papers of their offices at the time and under the conditions herein specified:

- (1) Claims and vouchers paid by the county more than ten years prior to such destruction;
- (2) Receipts for taxes paid more than ten years prior thereto;
- (3) Treasurers' checks paid more than ten years prior thereto;

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



(4) Receipts for mortgage registration taxes paid more than ten years prior thereto;

(5) Miscellaneous receipts, delinquent tax statements and miscellaneous papers and correspondence bearing dates more than ten years prior thereto;

(6) With written approval of the treasurer county warrants paid more than ten years prior thereto.

The auditor, instead of personally destroying any miscellaneous papers and correspondence, or any other documents, instruments, or papers which may be of historical value, shall forward ~~the same~~ those items to the ~~Minnesota state archives commission, St. Paul, Minnesota, and such commission is authorized to permanently preserve any matter found therein deemed by it to be of historical value and to destroy all other documents, papers, and matters so received by it~~ for disposition in accordance with section 138.17.

Sec. 74. Minnesota Statutes 1990, section 466.05, subdivision 1, is amended to read:

Subdivision 1. **NOTICE REQUIRED.** Except as provided in ~~subdivisions subdivision 2 and 3,~~ every person, whether plaintiff, defendant or third party plaintiff or defendant, who claims damages from any municipality or municipal employee acting within the scope of employment for or on account of any loss or injury within the scope of section 466.02 shall cause to be presented to the governing body of the municipality within 180 days after the alleged loss or injury is discovered a notice stating the time, place and circumstances thereof, the names of the municipal employees known to be involved, and the amount of compensation or other relief demanded. Actual notice of sufficient facts to reasonably put the governing body of the municipality or its insurer on notice of a possible claim shall be construed to comply with the notice requirements of this section. Failure to state the amount of compensation or other relief demanded does not invalidate the notice; but in such case, the claimant shall furnish full information regarding the nature and extent of the injuries and damages within 15 days after demand by the municipality. The time for giving such notice does not include the time, during which the person injured is incapacitated by the injury from giving the notice.

Sec. 75. Minnesota Statutes 1990, section 400.03, subdivision 1, is amended to read:

Subdivision 1. ~~For the purposes of sections 400.01 to 400.17 the terms defined in this section have the meaning given them.~~ The terms defined in chapter 116 and section 115A.03, also apply to the terms used in sections 400.01 to 400.17.

Sec. 76. Minnesota Statutes 1990, section 473.844, subdivision 1, is amended to read:

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

Subdivision 1. **ESTABLISHMENT; PURPOSES.** The metropolitan landfill abatement account is in the environmental fund in order to reduce to the greatest extent feasible and prudent the need for and practice of land disposal of mixed municipal solid waste in the metropolitan area. The account consists of revenue deposited in the account under section 473.843, subdivision 2, clause ~~(a)~~ (1), and interest earned on investment of money in the account. All repayments to loans made under this section must be credited to the account. The money in the account may be spent only for purposes of metropolitan landfill abatement as provided in subdivision 1a and only upon appropriation by the legislature.

Sec. 77. Minnesota Statutes 1990, section 473.845, subdivision 1, is amended to read:

Subdivision 1. **ESTABLISHMENT.** The metropolitan landfill contingency action trust fund is an expendable trust fund in the state treasury. The fund consists of revenue deposited in the fund under section 473.843, subdivision 2, clause ~~(b)~~ (2); amounts recovered under subdivision 7; and interest earned on investment of money in the fund.

Sec. 78. Minnesota Statutes 1990, section 474A.081, subdivisions 1, 2, and 4, are repealed.

Sec. 79. Minnesota Statutes 1990, section 508.36, is amended to read:

**508.36 CERTIFICATES AND COPIES AS EVIDENCE.**

The original certificate of title in the ~~registrar~~ register of titles, any copy of it duly certified by the registrar, or by a deputy, and authenticated by the registrar's seal, and likewise the owner's duplicate certificate of title shall be received in evidence in all the courts of this state and be conclusive evidence of all matters and things contained in it. In case of variance between the owner's duplicate certificate and the original certificate of title, the original certificate shall prevail. Deeds, mortgages, leases, or other conveyances of real estate, and all instruments in any manner affecting the title to registered land, together with any notations, endorsements, or memorials upon the same made by the registrar of titles, as required by law, heretofore or hereafter filed with the registrar, shall be received in evidence in all the courts of this state, without further or other proof, and be prima facie evidence of the contents of it. Duly authenticated copies of these instruments, or any of them, may likewise be received in evidence in any court in this state with like force and effect as the original instruments.

Sec. 80. Minnesota Statutes 1990, section 529.16, is amended to read:

**529.16 DISTRIBUTION ON TERMINATION.**

(a) Upon termination of a custodial trust, the custodial trustee shall transfer the unexpended custodial trust property:

(1) to the beneficiary, if not incapacitated or deceased;

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

(2) to the holder of the beneficiary's power of attorney;

(3) to the conservator or other recipient designated by the court for an incapacitated beneficiary; or

(4) upon the beneficiary's death, in the following order:

(i) to the survivor of multiple beneficiaries if survivorship is provided for pursuant to section ~~529.06~~ 529.05;

(ii) as designated in the instrument creating the custodial trust; or

(iii) to the estate of the deceased beneficiary.

(b) If, when the custodial trust would otherwise terminate, the distributee is incapacitated, the custodial trust continues for the use and benefit of the distributee as beneficiary until the incapacity is removed or the custodial trust is otherwise terminated.

(c) Death of a beneficiary does not terminate the power of the custodial trustee to discharge obligations of the custodial trustee or beneficiary incurred before the termination of the custodial trust.

Sec. 81. Minnesota Statutes 1990, section 551.05, subdivision 1, is amended to read:

Subdivision 1. **EXEMPTION NOTICE.** If the writ of execution is being used by the attorney to levy funds of a judgment debtor who is a natural person and if the funds to be levied are held on deposit at any financial institution, the attorney for the judgment creditor shall serve with the writ of execution two copies of an exemption notice. The notice must be substantially in the form set forth below. Failure of the attorney for the judgment creditor to send the exemption notice renders the execution levy void, and the financial institution shall take no action. However, if this subdivision is being used to execute on funds that have previously been garnished in compliance with section 571.71, the attorney for judgment creditor is not required to serve an additional exemption notice. In that event, the execution levy shall only be effective as to the funds that were subject to the prior garnishment. Upon receipt of the writ of execution and exemption notices, the financial institution shall retain as much of the amount due under section 550.04 as the financial institution has on deposit owing to the judgment debtor, but not more than 100 percent of the amount remaining due on the judgment, or \$5,000, whichever is less.

The notice informing a judgment debtor that an execution levy has been used to attach funds of the judgment debtor to satisfy a claim must be substantially in the following form:

STATE OF MINNESOTA	DISTRICT COURT
County of .....	.....JUDICIAL DISTRICT
.....(Judgment Creditor)	
.....(Judgment Debtor)	
TO: Judgment Debtor	EXEMPTION NOTICE

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

An order for attachment, garnishment summons, or levy of execution (strike inapplicable language) has been served on ..... (bank or other financial institution where you have an account).

Your account balance is \$.....

The amount being held is \$.....

However, all or a portion of the funds in your account will normally be exempt from creditors' claims if they are in one of the following categories:

(1) relief based on need. This includes: Aid to Families with Dependent Children (AFDC), AFDC-Emergency Assistance (AFDC-EA), Medical Assistance (MA), General Assistance (GA), General Assistance Medical Care (GAMC), Emergency General Assistance (EGA), Work Readiness, Minnesota Supplemental Aid (MSA), MSA Emergency Assistance (MSA-EA), Supplemental Security Income (SSI), and Energy Assistance;

(2) Social Security benefits (Old Age, Survivors, or Disability Insurance);

(3) unemployment compensation, workers' compensation, or veterans' benefits;

(4) an accident, disability, or retirement pension or annuity;

(5) life insurance proceeds;

(6) the earnings of your minor child; or

(7) money from a claim for damage or destruction of exempt ~~or~~ property (such as household goods, farm tools, business equipment, a mobile home, or a car).

The following funds are also exempt:

(8) all earnings of a person in category (1);

(9) all earnings of a person who has received relief based on need, or who has been an inmate of a correctional institution, within the last six months;

(10) 75 percent of every judgment debtor's after tax earnings; or

(11) all of a judgment debtor's after tax earnings below 40 times the federal minimum wage.

#### TIME LIMIT ON EXEMPTIONS AFTER DEPOSIT IN BANK:

Categories (10) and (11): 20 days

Categories (8) and (9): 60 days

All others: no time limit, as long as funds are traceable to the exempt

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

source. (In tracing funds, the first-in, first-out method is used. This means money deposited first is spent first.) The money being sought by the judgment creditor is being held in your account to give you a chance to claim an exemption.

**TO CLAIM AN EXEMPTION:**

Fill out, sign, and mail or deliver one copy of the attached exemption claim form to the institution which sent you this notice and mail or deliver one copy to the judgment creditor's attorney. The address for the judgment creditor's attorney is set forth below. Both copies must be mailed or delivered on the same day.

If they do not get the exemption claim back from you within 14 days of the date they mailed or gave it to you, they will be free to turn the money over to the attorney for the judgment creditor. If you are going to claim an exemption, do so as soon as possible, because your money may be held until it is decided.

**IF YOU CLAIM AN EXEMPTION:**

- (1) nonexempt money can be turned over to the judgment creditor or sheriff;
- (2) the financial institution will keep holding the money claimed to be exempt; and
- (3) seven days after receiving your exemption claim, the financial institution will release the money to you unless before then it receives an objection to your exemption claim.

**IF THE JUDGMENT CREDITOR OBJECTS TO YOUR EXEMPTION CLAIM:**

the institution will hold the money until a court decides if your exemption claim is valid, **BUT ONLY IF** the institution gets a copy of your court motion papers asserting the exemption **WITHIN TEN DAYS** after the objection is mailed or given to you. You may wish to consult an attorney at once if the judgment creditor objects to your exemption claim.

**MOTION TO DETERMINE EXEMPTION:**

At any time after your funds have been held, you may ask for a court decision on the validity of your exemption claim by filing a request for hearing which may be obtained at the office of the clerk of the above court.

**PENALTIES:**

If you claim an exemption in bad faith, or if the judgment creditor wrongly objects to an exemption in bad faith, the court may order the person who acted in bad faith to pay costs, actual damages, attorney fees, and an additional amount of up to \$100.

.....  
 .....  
 .....  
 .....  
 Name and address of (Attorney  
 for) Judgment Creditor

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

EXEMPTION:

(a) Amount of exemption claim.

// I claim ALL the funds being held are exempt.

// I claim SOME of the funds being held are exempt.

The exempt amount is \$.....

(b) Basis for exemption.

Of the 11 categories listed above, I am in category number ..... (If more than one category applies, you may fill in as many as apply.) The source of the exempt funds is the following:

.....  
.....  
.....

(If the source is a type of relief based on need, list the case number and county:

case number: .....

county: .....

I hereby authorize any agency that has distributed relief to me or any correctional institution in which I was an inmate to disclose to the above named judgment creditor's attorney only whether or not I am or have been a recipient of relief based on need or an inmate of a correctional institute within the last six months.

I have mailed or delivered a copy of the exemption notice to the judgment creditor's attorney.

.....  
DEBTOR

DATED: .....

.....  
.....  
.....

DEBTOR ADDRESS

Sec. 82. Minnesota Statutes 1990, section 571.75, subdivision 2, is amended to read:

Subd. 2. **CONTENTS OF DISCLOSURE.** The disclosure must state:

(a) If an earnings garnishment disclosure, the amount of disposable earnings earned by the debtor within the debtor's pay periods as specified in section 571.921.

(b) If a nonearnings garnishment disclosure, a description of any personal property or any instrument or papers relating to this property belonging to the

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

judgment debtor or in which the debtor is interested or other indebtedness of the garnishee to the debtor.

(c) If the garnishee asserts any setoff, defense, claim, or lien on disposable earnings, other indebtedness, money, or property, the garnishee shall disclose the amount and the facts concerning the same.

(d) Whether the debtor asserts any exemption, or any other objection, known to the garnishee against the right of the creditor to garnish the disposable earnings, other indebtedness, money, or property disclosed.

(e) If other persons assert claims to any disposable earnings, other indebtedness, money, or property disclosed, the garnishee shall disclose the names and addresses of these claimants and, so far as known by the garnishee, the nature of their claims.

(f) The garnishment disclosure forms and earnings disclosure worksheet must be the same or substantially similar to the following forms. If the garnishment affects earnings of the debtor, the creditor shall use the earnings garnishment disclosure form. If the garnishment affects any indebtedness, money, or property of the debtor, other than earnings, the creditor shall use the nonearnings garnishment disclosure form. Nothing contained in this paragraph limits the simultaneous use of the earnings and nonearnings garnishment disclosure forms.

EARNINGS DISCLOSURE FORM AND WORKSHEET

STATE OF MINNESOTA  
COUNTY OF .....  
.....(Creditor)  
.....(Debtor)  
.....(Garnishee)

DISTRICT COURT  
..... JUDICIAL DISTRICT  
  
GARNISHMENT  
EARNINGS DISCLOSURE

DEFINITIONS

“EARNINGS”: For the purpose of garnishment, “earnings” means compensation paid or payable to an employee for personal services or compensation paid or payable to the producer for the sale of agricultural products; milk or milk products; or fruit or other horticultural products produced when the producer is operating a family farm, a family farm corporation, or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement.

“DISPOSABLE EARNINGS”: Means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld. (Amounts required by law to be withheld do not include items such as health insurance, charitable contributions, or other voluntary wage deductions.)

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

"PAYDAY": For the purpose of garnishment, "payday(s)" means the date(s) upon which the employer pays earnings to the debtor in the ordinary course of business. If the debtor has no regular payday, payday(s) means the fifteenth and the last day of each month.

**THE GARNISHEE MUST ANSWER THE FOLLOWING QUESTIONS:**

1. Do you now owe, or within 70 days from the date the garnishment summons was served on you, will you or do you expect to owe money to the debtor for earnings?

Yes ..... No .....

2. Does the debtor earn more than \$..... per week? (This amount is the federal minimum wage per week.)

Yes ..... No .....

**INSTRUCTIONS FOR COMPLETING THE EARNINGS DISCLOSURE**

A. If your answer to either question 1 or 2 is "No," then you must sign the affirmation on Page 2 and return this disclosure to the creditor's attorney (or the creditor if not represented by an attorney) within 20 days after it was served on you, and you do not need to answer the remaining questions.

B. If your answers to both questions 1 and 2 are "Yes," you must complete this form and the Earnings Disclosure Worksheet as follows:

For each payday that falls within 70 days from the date the garnishment summons was served on you, YOU MUST calculate the amount of earnings to be retained by completing Steps 3 through 11, and enter the amounts on the Earnings Disclosure Worksheet. UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS DISCLOSURE WERE MADE.

Each payday, you must retain the amount of earnings listed in Column I on the Earnings Disclosure Worksheet.

You must return this Earnings Disclosure Form and the Earnings Disclosure Worksheet to the creditor's attorney (or the creditor if not represented by an attorney) and deliver a copy to the debtor within ten days after the last payday that falls within the 70-day period.

If the claim is wholly satisfied or if the debtor's employment ends before the expiration of the 70-day period, your disclosure should be made within ten days after the last payday for which earnings were attached.

For Steps 3 through 11, "Columns" refers to columns on the Earnings Disclosure Worksheet.

3. COLUMN A. Enter the date of debtor's  
payday.

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



4. COLUMN B. Enter debtor's gross earnings for each payday.
5. COLUMN C. Enter debtor's disposable earnings for each payday.
6. COLUMN D. Enter 25 percent of disposable earnings. (Multiply Column C by .25.)
7. COLUMN E. Enter here 40 times the hourly federal minimum wage (\$....) times the number of work weeks included in each payday. (Note: If a pay period includes days in excess of whole work weeks, the additional days should be counted as a fraction of a work week equal to the number of work days in excess of a whole work week divided by the number of work days in a normal work week.)
8. COLUMN F. Subtract the amount in Column E from the amount in Column C, and enter here.
9. COLUMN G. Enter here the lesser of the amount in Column D and the amount in Column F.
10. COLUMN H. Enter here any amount claimed by you as a setoff, defense, lien, or claim, or any amount claimed by any other person as an exemption or adverse interest which would reduce the amount of earnings owing to the debtor. (Note: Any indebtedness to you incurred by the debtor within the ten days before the receipt of the first garnishment on a debt may not be set off against amounts otherwise subject to the garnishment. Any assignment of earnings made by the debtor to any party within ten days before the receipt of the first garnishment on a debt is void.)

You must also describe your claim(s) and the claims of others, if known, in the space provided below the worksheet and state the name(s) and address(es) of these persons.

- Enter zero in Column H if there are no claims by you or others which would reduce the amount of earnings owing to the debtor.
11. COLUMN I. Subtract the amount in Column H from the amount in Column G and enter here. This is the amount of earnings that you must retain for the payday for which the calculations were made.

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

AFFIRMATION

I, ..... (person signing Affirmation), am the garnishee or I am authorized by the garnishee to complete this earnings disclosure, and have done so truthfully and to the best of my knowledge.

Dated: .....

Signature .....

Title .....

Telephone Number .....

EARNINGS DISCLOSURE WORKSHEET

.....

Debtor's Name

A Payday Date	B Gross Earnings	C Disposable Earnings
1. ....	.....	.....
2. ....	.....	.....
3. ....	.....	.....
4. ....	.....	.....
5. ....	.....	.....
6. ....	.....	.....
7. ....	.....	.....
8. ....	.....	.....
9. ....	.....	.....
10. ....	.....	.....

D 25% of Column C	E 40 X Min.Column C Wage	F minus Column E
1. ....	.....	.....
2. ....	.....	.....
3. ....	.....	.....
4. ....	.....	.....
5. ....	.....	.....
6. ....	.....	.....
7. ....	.....	.....
8. ....	.....	.....
9. ....	.....	.....
10. ....	.....	.....

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

G Lesser of Column D and Column F	H Setoff, Lien, Adverse Interest, or Other Claims	I Column G minus Column H
1. ....	.....	.....
2. ....	.....	.....
3. ....	.....	.....
4. ....	.....	.....
5. ....	.....	.....
6. ....	.....	.....
7. ....	.....	.....
8. ....	.....	.....
9. ....	.....	.....
10. ....	.....	.....
TOTAL OF COLUMN I \$		.....

\*If you entered any amount in Column H for any payday(s), you must describe below either your claims, or the claims of others. For amounts claimed by others you must both state the names and addresses of these persons, and the nature of their claim, if known.

.....  
 .....  
 .....

**AFFIRMATION**

I, ..... (person signing Affirmation), am the third party or I am authorized by the third party to complete this earnings disclosure worksheet, and have done so truthfully and to the best of my knowledge.

Dated: .....

Signature .....

Title .....

Telephone Number (...).....

**EARNINGS DISCLOSURE FORM AND WORKSHEET  
 FOR CHILD SUPPORT DEBTOR**

STATE OF MINNESOTA  
 COUNTY OF .....  
 .....(Creditor)  
 .....(Debtor)  
 .....(Garnishee)

DISTRICT COURT  
 ..... JUDICIAL DISTRICT  
  
 GARNISHMENT  
 EARNINGS DISCLOSURE

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

## DEFINITIONS

“EARNINGS”: For the purpose of execution, “earnings” means compensation paid or payable to an employee for personal services or compensation paid or payable to the producer for the sale of agricultural products; milk or milk products; or fruit or other horticultural products produced when the producer is operating a family farm, a family farm corporation, or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement, workers’ compensation, or unemployment compensation.

“DISPOSABLE EARNINGS”: Means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld. (Amounts required by law to be withheld do not include items such as health insurance, charitable contributions, or other voluntary wage deductions.)

“PAYDAY”: For the purpose of execution, “payday(s)” means the date(s) upon which the employer pays earnings to the debtor in the ordinary course of business. If the judgment debtor has no regular payday, payday(s) means the 15th and the last day of each month.

## THE GARNISHEE MUST ANSWER THE FOLLOWING QUESTION:

(1) Do you now owe, or within 70 days from the date the execution levy was served on you, will you or may you owe money to the debtor for earnings?

.....  
Yes

.....  
No

## INSTRUCTIONS FOR COMPLETING THE EARNINGS DISCLOSURE

A. If your answer to question 1 is “No,” then you must sign the affirmation below and return this disclosure to the creditor’s attorney (or the creditor if not represented by an attorney) within 20 days after it was served on you, and you do not need to answer the remaining questions.

B. If your answer to question 1 is “Yes,” you must complete this form and the Earnings Disclosure Worksheet as follows:

For each payday that falls within 70 days from the date the garnishment summons was served on you, YOU MUST calculate the amount of earnings to be retained by completing steps 2 through 8 on page 2, and enter the amounts on the Earnings Disclosure Worksheet. UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS DISCLOSURE WERE MADE.

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

Each payday, you must retain the amount of earnings listed in column G on the Earnings Disclosure Worksheet.

You must pay the attached earnings and return this earnings disclosure form and the Earnings Disclosure Worksheet to the creditor's attorney (or the creditor if not represented by an attorney) and deliver a copy to the debtor within ten days after the last payday that falls within the 70-day period. If the claim is wholly satisfied or if the debtor's employment ends before the expiration of the 70-day period, your disclosure should be made within ten days after the last payday for which earnings were attached.

For steps 2 through 8, "columns" refers to columns on the Earnings Disclosure Worksheet.

(2) COLUMN A. Enter the date of debtor's payday.

(3) COLUMN B. Enter debtor's gross earnings for each payday.

(4) COLUMN C. Enter debtor's disposable earnings for each payday.

(5) COLUMN D. Enter either 50, 55, 60, or 65 percent of disposable earnings, based on which of the following descriptions fits the child support judgment debtor:

(a) 50 percent of the judgment debtor's disposable income, if the judgment debtor is supporting a spouse or dependent child;

(b) 55 percent of the judgment debtor's disposable income, if the judgment debtor is supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks to be calculated to the beginning of the work week in which the execution levy is received);

(c) 60 percent of the judgment debtor's disposable income, if the judgment debtor is not supporting a spouse or dependent child; or

(d) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks to be calculated to the beginning of the work week in which the execution levy is received). (Multiply column C by .50, .55, .60, or .65, as appropriate.)

(6) COLUMN E. Subtract the amount in column D from the amount in column C, and enter here.

(7) COLUMN F. Enter here any amount claimed by you as a setoff, defense, lien, or claim, or any amount claimed by any other person as an exemption or adverse interest that would reduce the amount of earnings owing to the debtor. (Note: Any assignment of earnings made by the debtor to any party within ten days before the receipt of the first garnishment on a debt is void. Any indebted-

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

ness to you incurred by the debtor within the ten days before the receipt of the first garnishment on a debt may not be set off against amounts otherwise subject to the garnishment.)

You must also describe your claim(s) and the claims of others, if known, in the space provided below the worksheet and state the name(s) and address(es) of these persons.

Enter zero in column F if there are no claims by you or others that would reduce the amount of earnings owing to the judgment debtor.

(8) COLUMN G. Subtract the amount in column F from the amount in column E and enter here. This is the amount of earnings that you must remit for the payday for which the calculations were made.

AFFIRMATION

I, ..... (person signing Affirmation), am the garnishee or I am authorized by the garnishee to complete this earnings disclosure, and have done so truthfully and to the best of my knowledge.

Dated: ..... Signature ..... Title ..... Telephone Number .....

EARNINGS DISCLOSURE WORKSHEET

Table with 3 columns: A Payday Date, B Gross Earnings, C Debtor's Name Disposable Earnings, D Either 50, 55, 60, or 65% of Column C, E Column C minus Column D, F Setoff, Lien, Adverse Interest, or Other Claims. Rows 1-10.

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

G  
Column E  
minus  
Column F

- 1. ....
- 2. ....
- 3. ....
- 4. ....
- 5. ....
- 6. ....
- 7. ....
- 8. ....
- 9. ....
- 10. ....

TOTAL OF COLUMN G \$ .....

\*If you entered any amount in column F for any payday(s), you must describe below either your claims, or the claims of others. For amounts claimed by others, you must both state the names and addresses of such persons, and the nature of their claim, if known.

.....  
.....  
.....

AFFIRMATION

I, ..... (person signing Affirmation), am the third party or I am authorized by the third party to complete this earnings disclosure worksheet, and have done so truthfully and to the best of my knowledge.

.....  
 Dated: ..... Signature  
 Title ..... (...)  
 Phone Number .....

NONEARNINGS DISCLOSURE FORM

STATE OF MINNESOTA  
COUNTY OF .....  
.....(Creditor)

DISTRICT COURT  
..... JUDICIAL DISTRICT

against  
.....(Debtor)  
and  
.....(Garnishee)

NONEARNINGS DISCLOSURE

On the ... day of ....., 19.., the time of service of garnishment summons herein, there was due and owing the debtor from the garnishee the following:

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

(1) Money. Enter on the line below any amounts due and owing the debtor, except earnings, from the garnishee.

.....

(2) Property. Describe on the line below any personal property, instruments, or papers belonging to the debtor and in the possession of the garnishee.

.....

(3) Setoff. Enter on the line below the amount of any setoff, defense, lien, or claim which the garnishee claims against the amount set forth on lines (1) and (2) above. State the facts by which the setoff, defense, lien, or claim is claimed. (Any indebtedness to a garnishee incurred by the debtor within the ten days before the receipt of the first garnishment on a debt may not be set off against amounts otherwise subject to the garnishment.)

.....

(4) Exemption. Enter on the line below any amounts or property claimed by the debtor to be exempt from execution.

.....

(5) Adverse Interest. Enter on the line below any amounts claimed by other persons by reason of ownership or interest in the debtor's property.

.....

(6) Enter on the line below the total of lines (3), (4), and (5); ~~and (6)~~.

.....

(7) Enter on the line below the difference obtained (never less than zero) when line (6) is subtracted from the sum of lines (1) and (2).

.....

(8) Enter on the line below 110 percent of the amount of the creditor's claim which remains unpaid.

.....

(9) Enter on the line below the lesser of line (7) and line (8) ~~and line (9)~~. Retain this amount only if it is \$10 or more.

.....

AFFIRMATION

I, ..... (person signing Affirmation), am the garnishee or I am

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



authorized by the garnishee to complete this nonearnings garnishment disclosure, and have done so truthfully and to the best of my knowledge.

Dated: .....

Signature

Title

Telephone Number

Sec. 83. Minnesota Statutes 1990, section 571.81, subdivision 2, is amended to read:

Subd. 2. **PRIORITIES OF CREDITORS.** Except as provided in this subdivision or in section 518.611, subdivision 6, a perfected lien by garnishment is subordinate to a preexisting voluntary or involuntary transfer, setoff, security interest, lien, or other encumbrance that is perfected, but a lien perfected by garnishment is superior to such interests subsequently perfected. Priorities of creditors relating to multiple wage garnishments are set forth in section 571.923. An assignment of earnings made by the debtor to any party within ten days before the receipt of the first garnishment on a debt is void. Any indebtedness to ~~you~~ the garnishee incurred by the debtor within the ten days before the receipt of the first garnishment on a debt may not be set off against amounts otherwise subject to the garnishment.

Sec. 84. Minnesota Statutes 1990, section 593.40, subdivision 6, is repealed.

Sec. 85. Minnesota Statutes 1990, section 609.531, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** For the purpose of sections 609.531 to 609.5317, the following terms have the meanings given them.

(a) "Conveyance device" means a device used for transportation and includes, but is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment attached to it. The term "conveyance device" does not include property which is, in fact, itself stolen or taken in violation of the law.

(b) "Weapon used" means a weapon used in the furtherance of a crime and defined as a dangerous weapon under section 609.02, subdivision 6.

(c) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

(d) "Contraband" means property which is illegal to possess under Minnesota law.

(e) "Appropriate agency" means the bureau of criminal apprehension, the Minnesota state patrol, a county sheriff's department, the suburban Hennepin regional park district park rangers, or a city or airport police department.

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

(f) "Designated offense" includes:

(1) for weapons used: any violation of this chapter;

(2) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy to violate, section 609.185; 609.19; 609.195; 609.21; 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j); 609.345, subdivision 1, clauses (a) to (e), and (h) to (j); 609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.525; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.631; 609.671, subdivisions 3, 4, and 5; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; ~~237.73~~ 609.893; 617.246; or a gross misdemeanor or felony violation of section 609.891.

(g) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

Sec. 86. Minnesota Statutes 1990, section 609.892, subdivision 1, is amended to read:

Subdivision 1. **APPLICABILITY.** The definitions in this section apply to ~~Laws 1990~~; sections ~~+~~ 237.73, 609.892, and ~~6 to 8~~ 609.893.

Sec. 87. Minnesota Statutes 1990, section 626A.21, is repealed.

Sec. 88. Laws 1990, chapter 562, article 8, section 38, is amended to read:

Sec. 38. **TELEPHONE COMPANIES TO SUBMIT RATES.**

Notwithstanding Minnesota Statutes, section 237.07, each telephone company, as defined in Minnesota Statutes, section 237.01, subdivision 2, that is subject to section ~~33~~ 237.065 shall make the service required by section ~~33~~ 237.065 available no later than January 1, 1991, and shall develop proposed rates for the services and submit them to the public utilities commission within 30 days of receipt by the company of a request for service.

Sec. 89. Laws 1990, chapter 606, article 4, section 1, subdivision 2, is amended to read:

Subd. 2. **REFERRAL.** The prosecuting attorney may refer a worthless check case to the diversion program. Except as provided in subdivision ~~5~~ 4, this section does not limit the power of the prosecuting attorney to prosecute worthless check complaints.

Sec. 90. Laws 1990, chapter 606, article 4, section 1, subdivision 6, is amended to read:

Subd. 6. **COERCION EXCEPTION.** Sending a notice under subdivision ~~4~~ 3 or entering an agreement under subdivision ~~5~~ 4 does not constitute coercion under Minnesota Statutes, section 609.27, subdivision 1, clause (5).

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

Sec. 91. Minnesota Statutes 1990, section 356.216, is amended to read:

**356.216 CONTENTS OF ACTUARIAL VALUATIONS FOR LOCAL POLICE AND FIRE FUNDS.**

(a) The provisions of section 356.215 governing the contents of actuarial valuations shall apply to any local police or fire pension fund or relief association required to make an actuarial report under this section except as follows:

(1) in calculating normal cost and other requirements, if required to be expressed as a level percentage of covered payroll, the salaries used in computing covered payroll shall be the maximum rate of salary from which retirement and survivorship credits and amounts of benefits are determined and from which any member contributions are calculated and deducted;

(2) in lieu of the amortization date specified in section 356.215, subdivision 4g, the appropriate amortization target date specified in section 69.77, subdivision 2b, or 69.773, subdivision 4, clause ~~(b)~~ (c), shall be used in calculating any required amortization contribution;

(3) in addition to the tabulation of active members and annuitants provided for in section 356.215, subdivision 4i, the member contributions for active members for the calendar year and the prospective annual retirement annuities under the benefit plan for active members shall be reported;

(4) actuarial valuations required pursuant to section 69.773, subdivision 2, shall be made at least every four years and actuarial valuations required pursuant to section 69.77 shall be made annually; and

(5) the actuarial balance sheet showing accrued assets valued at market value if the actuarial valuation is required to be prepared at least every four years or valued as current assets under section 356.215, subdivision 1, clause (6), or paragraph (b), whichever applies, if the actuarial valuation is required to be prepared annually, actuarial accrued liabilities, and the unfunded actuarial accrued liability shall include the following required reserves:

(a) For active members

1. Retirement benefits
2. Disability benefits
3. Refund liability due to death or withdrawal
4. Survivors' benefits

(b) For deferred annuitants' benefits

(c) For former members without vested rights

(d) For annuitants

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

1. Retirement annuities
2. Disability annuities
3. Surviving spouses' annuities
4. Surviving children's annuities

In addition to those required reserves, separate items shall be shown for additional benefits, if any, which may not be appropriately included in the reserves listed above.

(6) actuarial valuations shall be due by the first day of the seventh month after the end of the fiscal year which the actuarial valuation covers.

(b) For a relief association in a city of the first class with a population of more than 300,000, the following provisions additionally apply:

(1) in calculating the actuarial balance sheet, unfunded actuarial accrued liability, and amortization contribution of the relief association, "current assets" means the value of all assets at cost, including realized capital gains and losses, plus or minus, whichever applies, the average value of total unrealized capital gains or losses for the most recent three-year period ending with the end of the plan year immediately preceding the actuarial valuation report transmission date; and

(2) in calculating the applicable portions of the actuarial valuation, an annual preretirement interest assumption of six percent, an annual postretirement interest assumption of six percent, and an annual salary increase assumption of four percent must be used.

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## ARTICLE 2

### OBSOLETE REFERENCES

#### Section 1. REVISOR'S INSTRUCTION.

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>10A.241</u>	<u>10A.32</u>	<u>10A.324</u>
<u>10A.31,</u>	<u>10A.32,</u>	<u>10A.322</u>
<u>subd. 6</u>	<u>subd. 3</u>	
<u>12.21, subd. 3</u>	<u>14.70</u>	<u>14.69</u>
<u>16B.19,</u>	<u>16B.189</u>	<u>16B.19</u>
<u>subd. 1a</u>		
<u>16B.227</u>	<u>16B.189</u>	<u>16B.19</u>
<u>18.0223</u>	<u>18.0226</u>	<u>18.0229</u>

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<u>43A.23,</u>	<u>16B.189</u>	<u>16B.19</u>
<u>subd. 1</u>		
<u>103A.305</u>	<u>84.57</u>	<u>103I.681,</u>
	<u>subd. 1</u>	
<u>103A.305</u>	<u>103G.27</u>	<u>103G.271</u>
<u>103F.121</u>	<u>103E.155</u>	<u>103F.155</u>
<u>115A.165</u>	<u>115A.162</u>	<u>115A.159</u>
<u>115A.21,</u>	<u>115A.04</u>	<u>115A.055</u>
<u>subd. 2</u>		
<u>115A.25,</u>	<u>116B.37</u>	<u>16B.37</u>
<u>subd. 1a</u>		
<u>115A.71,</u>	<u>115A.57</u>	<u>115A.58</u>
<u>subd. 3</u>		
<u>115B.28,</u>	<u>144.67</u>	<u>144.671</u>
<u>subd. 4</u>		
<u>116.07,</u>	<u>115A.04</u>	<u>115A.055</u>
<u>subd. 4b</u>		
<u>116.101</u>	<u>115A.04</u>	<u>115A.055</u>
<u>116J.692</u>	<u>317.09</u>	<u>317A.115</u>
<u>124.491</u>	<u>124.496</u>	<u>124.495</u>
<u>145.925,</u>	<u>145.911 to</u>	<u>145A.01 to</u>
<u>subd. 1a</u>	<u>145.922</u>	<u>145A.14</u>
<u>147.111</u>	<u>147.33</u>	<u>147.22</u>
<u>147.121,</u>	<u>147.33</u>	<u>147.22</u>
<u>subd. 2</u>		
<u>147.141</u>	<u>147.33</u>	<u>147.22</u>
<u>147.151</u>	<u>147.33</u>	<u>147.22</u>
<u>148.75</u>	<u>147.10</u>	<u>147.081</u>
<u>148.76,</u>	<u>147.10</u>	<u>147.081</u>
<u>subd. 2</u>		
<u>152.10</u>	<u>152.09</u>	<u>152.021</u>
<u>168.042, subd. 9</u>	<u>14.70</u>	<u>14.69</u>
<u>192.501,</u>	<u>136A.09</u>	<u>136A.095</u>
<u>subd. 2</u>		
<u>216B.2421,</u>	<u>84.57</u>	<u>103I.681</u>
<u>subd. 2</u>		
<u>240A.03,</u>	<u>458.196</u>	<u>469.065</u>
<u>subd. 6</u>		
<u>245.487,</u>	<u>Minnesota</u>	<u>245.4881 and</u>
<u>subd. 5</u>	<u>Statutes 1988,</u>	<u>245.4884</u>
	<u>section 245.471</u>	
<u>245.69, subd. 2</u>	<u>14.70</u>	<u>14.69</u>
<u>246.23</u>	<u>256D.18</u>	<u>256G.02,</u>
		<u>subd. 4</u>
<u>252.261</u>	<u>252.26</u>	<u>252.25</u>
<u>256B.056,</u>	<u>256B.17</u>	<u>256B.0595</u>
<u>subd. 3a</u>		

New language is indicated by underline, deletions by strikeout.

<u>256B.06,</u> <u>subd. 4</u> <u>256B.0625,</u> <u>subd. 23</u>	<u>256B.17</u>  <u>245.471,</u> <u>subd. 3</u>	<u>256B.055 to</u> <u>256B.062</u> <u>245.462,</u> <u>subd. 8 and</u> <u>245.4871,</u> <u>subd. 10</u> <u>256B.0575,</u> <u>256B.058,</u> <u>256B.059,</u> <u>256B.0595, and</u> <u>256B.14,</u> <u>subd. 2</u> <u>245A.02,</u> <u>subd. 14</u> <u>256H.20 to</u> <u>256H.22</u> <u>257.3579</u>
<u>256B.48,</u> <u>subd. 8</u>	<u>256B.14,</u> <u>subd. 2 and</u> <u>256B.17</u>	<u>257.3579</u>
<u>256G.02,</u> <u>subd. 6</u> <u>256H.20,</u> <u>subd. 1</u> <u>257.072,</u> <u>subd. 4</u> <u>257.351,</u> <u>subds. 1 and 7</u> <u>257.3573,</u> <u>subd. 2</u> <u>260.015, subd. 23</u>	<u>245.782,</u> <u>subd. 6</u> <u>245.84</u>  <u>257.357</u>  <u>257.357</u>  <u>145.911 to</u> <u>145.922</u> <u>152.09, subd. 1,</u> <u>clause (2)</u> <u>260.103</u> <u>268.24</u> <u>268.24</u> <u>268.24</u> <u>268.686</u> <u>290.29</u>  <u>290.50,</u> <u>subd. 6</u> <u>290.19,</u> <u>subd. 1,</u> <u>clauses (2)(a)(2)</u> <u>and (2)(a)(3)</u> <u>290.37</u>  <u>290.41,</u> <u>subd. 1</u> <u>290.50</u>  <u>290.46</u> <u>and 290.50</u> <u>290.39,</u> <u>subd. 5</u>	<u>145A.01 to</u> <u>145A.14</u> <u>152.027,</u> <u>subd. 4</u> <u>260.101</u> <u>268.231</u> <u>268.231</u> <u>268.231</u> <u>268.682</u> <u>289A.31,</u> <u>subd. 3</u> <u>289A.50,</u> <u>subd. 5</u> <u>290.191, subds.</u> <u>9, 10, and 12</u>  <u>289A.08,</u> <u>subd. 3</u> <u>289A.12,</u> <u>subd. 3</u> <u>289A.50</u>  <u>289A.40</u>  <u>289A.08,</u> <u>subd. 7</u>
<u>260.105</u> <u>268.04, subd. 12</u> <u>268.22</u> <u>268.23</u> <u>268.672, subd. 1</u> <u>270B.03,</u> <u>subd. 1</u> <u>270B.14,</u> <u>subd. 5</u> <u>290.069,</u> <u>subd. 4b</u>	<u>290.0922,</u> <u>subd. 1</u> <u>290.0922,</u> <u>subd. 1</u> <u>290.095,</u> <u>subd. 7</u> <u>290.095,</u> <u>subd. 9</u> <u>290.92,</u> <u>subd. 4b</u>	

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

<u>290.92,</u> <u>subd. 4c</u>	<u>290.39,</u> <u>subd. 5</u>	<u>289A.08,</u> <u>subd. 7</u>
<u>290.92,</u> <u>subd. 23</u>	<u>571.41</u>	<u>571.72</u>
<u>290.92,</u> <u>subd. 23</u>	<u>571.495</u>	<u>571.75</u>
<u>290.92,</u> <u>subd. 23</u>	<u>571.55 (first</u> <u>paragraph)</u>	<u>571.922</u>
<u>290.92,</u> <u>subd. 23</u>	<u>571.55 (second</u> <u>paragraph)</u>	<u>571.921</u>
<u>290.92,</u> <u>subd. 23</u>	<u>571.61,</u> <u>subd. 2</u>	<u>571.927,</u> <u>subd. 2</u>
<u>290A.03,</u> <u>subd. 8</u>	<u>256D.41</u>	<u>256D.54</u>
<u>297C.06,</u> <u>subd. 5</u>	<u>290.56,</u> <u>subd. 2</u>	<u>289A.38,</u> <u>subd. 7</u>
<u>299A.38,</u> <u>subd. 6</u>	<u>176B.04</u>	<u>299A.44</u>
<u>299F.77</u>	<u>253A.02</u>	<u>253B.02</u>
<u>299L.03,</u> <u>subd. 1</u>	<u>349.214</u>	<u>349.166</u>
<u>319A.02,</u> <u>subd. 2</u>	<u>147.29</u>	<u>147.22</u>
<u>349.12,</u> <u>subd. 11</u>	<u>349.214</u>	<u>349.166</u>
<u>349.166,</u> <u>subd. 1</u>	<u>349.14</u>	<u>349.13 and</u> <u>349.16, subd. 1</u>
<u>349.212,</u> <u>subd. 2</u>	<u>349.21</u>	<u>349.191</u>
<u>349.212,</u> <u>subd. 4</u>	<u>349.214,</u> <u>subd. 2,</u> <u>paragraph (b)</u>	<u>349.166,</u> <u>subd. 2,</u> <u>paragraph (a)</u>
<u>349.213</u>	<u>349.214</u>	<u>349.166</u>
<u>349.22,</u> <u>subd. 2</u>	<u>349.214</u>	<u>349.219</u>
<u>424.16</u>	<u>424.12</u>	<u>69.77,</u> <u>subd. 2a</u>
<u>458D.03,</u> <u>subd. 6</u>	<u>351.03 and</u> <u>351.04</u>	<u>351.14 to</u> <u>351.23</u>
<u>458D.04,</u> <u>subd. 5</u>	<u>179.50 to</u> <u>179.571</u>	<u>179A.01 to</u> <u>179A.25</u>
<u>458D.18,</u> <u>subd. 9</u>	<u>117.01 to</u> <u>117.202</u>	<u>117.011 to</u> <u>117.56</u>
<u>458D.18,</u> <u>subd. 11</u>	<u>458.196</u>	<u>469.065</u>
<u>462.352,</u> <u>subd. 10</u>	<u>472B.03 to</u> <u>472B.07</u>	<u>469.135 to</u> <u>469.141</u>
<u>462C.02,</u> <u>subd. 9</u>	<u>462.521</u>	<u>469.028</u>

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<u>462C.02,</u>	<u>458C.14</u>	<u>469.101</u>
<u>subd. 9</u>		
<u>473.149,</u>	<u>115A.04</u>	<u>115A.055</u>
<u>subd. 4</u>		
<u>473.38,</u>	<u>473.163,</u>	<u>473.163,</u>
<u>subd. 1</u>	<u>subds. 1 to 4</u>	<u>subds. 1 to 2a</u>
<u>514.950</u>	<u>17.713</u>	<u>18C.005</u>
<u>550.37,</u>	<u>571.55</u>	<u>571.922</u>
<u>subd. 13</u>		
<u>609.0331</u>	<u>152.15, subd. 2,</u>	<u>152.027,</u>
	<u>clause (5)</u>	<u>subd. 4</u>
<u>609.0332, subd. 2</u>	<u>152.15, subd. 2,</u>	<u>152.027,</u>
	<u>clause (5)</u>	<u>subd. 4</u>
<u>609.75,</u>	<u>349.214</u>	<u>349.166</u>
<u>subd. 3</u>		
<u>626A.01, subds. 1</u>	<u>sections 626A.01</u>	<u>this chapter</u>
<u>and 7</u>	<u>to 626A.23</u>	
<u>626A.02, subds.</u>	<u>sections 626A.01</u>	<u>this chapter</u>
<u>1, 2, and 5</u>	<u>to 626A.23</u>	
<u>626A.03, subd. 1</u>	<u>sections 626A.01</u>	<u>this chapter</u>
	<u>to 626A.23</u>	
<u>626A.05, subd. 1</u>	<u>sections 626A.01</u>	<u>this chapter</u>
	<u>to 626A.23</u>	
<u>626A.06, subds.</u>	<u>sections 626A.01</u>	<u>this chapter</u>
<u>3, 4, 6, and 9</u>	<u>to 626A.23</u>	
<u>626A.08, subds.</u>	<u>sections 626A.01</u>	<u>this chapter</u>
<u>1 and 2</u>	<u>to 626A.23</u>	
<u>626A.09, subds. 1,</u>	<u>sections 626A.01</u>	<u>this chapter</u>
<u>2, 3, 4, and 5</u>	<u>to 626A.23</u>	
<u>626A.13, subds. 1</u>	<u>sections 626A.01</u>	<u>this chapter</u>
<u>and 3</u>	<u>to 626A.23</u>	
<u>626A.15</u>	<u>sections 626A.01</u>	<u>this chapter</u>
	<u>to 626A.23</u>	
<u>626A.18</u>	<u>sections 626A.01</u>	<u>this chapter</u>
	<u>to 626A.23</u>	
<u>626A.19, subd. 1</u>	<u>sections 626A.01</u>	<u>this chapter</u>
	<u>to 626A.23</u>	
<u>626A.25</u>	<u>sections 626A.01</u>	<u>this chapter</u>
	<u>to 626A.23</u>	

Sec. 2. Minnesota Statutes 1990, section 15.45, subdivision 1, is amended to read:

Subdivision 1. For the purposes of sections 15.45 ~~to 15.47~~ and 15.46, the terms defined in this section have the meanings given them.

Sec. 3. Minnesota Statutes 1990, section 16B.06, subdivision 2a, is amended to read:

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



Subd. 2a. **EXCEPTION.** The requirements of subdivision 2 do not apply to state contracts distributing state or federal funds pursuant to the federal Economic Dislocation and Worker Adjustment Assistance Act, United States Code, title 29, section 1651 et seq., or ~~sections 268.973 and 268.974~~. For these contracts, the commissioner of jobs and training is authorized to directly enter into state contracts with approval of the governor's job training council and encumber available funds to ensure a rapid response to the needs of dislocated workers. The commissioner shall adopt internal procedures to administer and monitor funds distributed under these contracts.

Sec. 4. Minnesota Statutes 1990, section 18B.05, subdivision 1, is amended to read:

Subdivision 1. **ESTABLISHMENT.** A pesticide regulatory account is established in the state treasury. Fees and penalties ~~except penalties collected under section 18B.23, subdivision 4,~~ collected under this chapter must be deposited in the state treasury and credited to the pesticide regulatory account.

Sec. 5. Minnesota Statutes 1990, section 84B.09, is amended to read:

**84B.09 LIMITATION ON APPROPRIATIONS.**

It is the intent of the legislature that the appropriations made by section 84B.07, as payments to counties in lieu of taxes, and by Minnesota Statutes 1986, section 84B.08, as proceeds from the sale of Voyageurs National Park bonds, shall not exceed \$6,000,000 and shall constitute the total expenditure of the state or any state agency for the purposes of sections 84B.01 to 84B.10, notwithstanding any other provisions of law or any appropriation made by law.

Sec. 6. Minnesota Statutes 1990, section 89.37, subdivision 4, is amended to read:

Subd. 4. **PROCEEDS OF SALE.** All moneys received in payment for tree planting stock supplied under this section shall be deposited in the state treasury and credited to the state forest nursery account pursuant to section ~~89.04~~ 89.035 and are available to the commissioner of natural resources for the purposes of sections 89.35 to 89.37.

Sec. 7. Minnesota Statutes 1990, section 115A.06, subdivision 4, is amended to read:

Subd. 4. **ACQUISITION OF SITES FOR HAZARDOUS WASTE FACILITIES.** The office may direct the commissioner of administration to acquire by purchase, lease, condemnation, gift, or grant, any permanent or temporary right, title, and interest in and to real property, including positive and negative easements and water, air, and development rights, for sites and buffer areas surrounding sites for hazardous waste facilities approved by the office pursuant to sections 115A.18 to 115A.30 and 115A.32 to 115A.39. The office may also direct the commissioner of administration to acquire by purchase, lease,

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gift, or grant, development rights for sites and buffer areas surrounding sites for all or part of the period that the development limitations imposed by section 115A.21, subdivision 3, are in effect. Money for the acquisition of any real property and interest in real property pursuant to this subdivision shall come from the issuance of state waste management bonds in accordance with sections ~~115A.57 to 115A.58~~ and 115A.59. The property shall be leased in accordance with terms determined by the office to the owner and operator of the hazardous waste facility located thereon at a rate sufficient to pay debt service on the bonds which provided funds used to acquire the property and to evaluate the eligibility of the property for inclusion in the inventory under section 115A.09 or candidacy under sections 115A.18 to 115A.30. Any local government unit and the commissioners of transportation, natural resources, and administration may convey or allow the use of any property for such sites and areas, subject to the rights of the holders of any bonds issued with respect thereto, with or without compensation and without an election or approval by any other government agency. Land owned by the state may be exchanged for land not owned by the state for the purpose of providing a site and buffer area for a commercial hazardous waste facility, in accordance with the provisions of section 94.341 to 94.347 and other law. The commissioner of administration may hold the property for the purposes for which it was acquired, and may lease, rent, or dispose of the property so far as not needed for such purposes, upon the terms and in the manner the commissioner deems advisable. The right to acquire lands and property rights by condemnation shall be exercised in accordance with chapter 117. The commissioner of administration may take possession of any property for which condemnation proceedings have been commenced at any time after the issuance of a court order appointing commissioners for its condemnation. Where the property is acquired through eminent domain proceedings, the land owner's compensation shall be the fair market value of the property. Where the property is acquired by means other than through eminent domain proceedings, as by direct purchase or gift, the land owner's compensation shall be determined by the agreement of the parties involved. An award of compensation in a condemnation proceeding shall not be increased or decreased by reason of any increase or decrease in the value of the property caused by its designation in the inventory of preferred areas under section 115A.09 or as a candidate site under sections 115A.18 to 115A.30 or its selection as a site or buffer area.

Sec. 8. Minnesota Statutes 1990, section 121.88, subdivision 5, is amended to read:

Subd. 5. **SUMMER PROGRAMS.** Notwithstanding any law to the contrary, during the summer a school district may offer community education programs to elementary and secondary pupils. The district may use community education revenue received pursuant to ~~sections 124.271 and 275.125, subdivision 8~~ section 124.2713 and charge fees for the cost of the programs.

Sec. 9. Minnesota Statutes 1990, section 124.195, subdivision 9, is amended to read:

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Subd. 9. **PAYMENT PERCENTAGE FOR CERTAIN AIDS.** One hundred percent of the aid for the current fiscal year must be paid for the following aids: management information center subsidies, according to section 121.935; reimbursement for transportation to post-secondary institutions, according to section 123.3514, subdivision 8; aid for the program for adults with disabilities, according to section ~~124.271~~ 124.2715, subdivision 7 2; school lunch aid, according to section 124.646; tribal contract school aid, according to section 124.85; hearing impaired support services aid, according to section 121.201; Indian post-secondary preparation grants according to section 124.481; and integration grants according to Laws 1989, chapter 329, article 8, section 14, subdivision 3.

Sec. 10. Minnesota Statutes 1990, section 124.225, subdivision 8l, is amended to read:

Subd. 8l. **ALTERNATIVE ATTENDANCE PROGRAMS.** A district that enrolls nonresident pupils in programs under sections 120.062, 120.075, 120.0751, 120.0752, ~~123.3515~~, 124C.45 to 124C.48, and 126.22, shall provide authorized transportation to the pupil within the attendance area for the school that the pupil attends. The state shall pay transportation aid attributable to the pupil to the nonresident district according to this section. The resident district need not provide or pay for transportation between the pupil's residence and the district's border.

Sec. 11. Minnesota Statutes 1990, section 124.245, subdivision 6, is amended to read:

Subd. 6. **ALTERNATIVE ATTENDANCE PROGRAMS.** The capital expenditure facilities aid under section 124.243 and the capital expenditure equipment aid under section 124.244 for districts must be adjusted for each pupil, excluding a handicapped pupil as defined in section 120.03, attending a nonresident district under sections 120.062, 120.075, 120.0751, 120.0752, ~~123.3515~~, 124C.45 to 124C.48, and 126.22. The adjustments must be made according to this subdivision.

(a) Aid paid to a district of the pupil's residence must be reduced by an amount equal to the revenue amount per actual pupil unit of the resident district times the number of pupil units of pupils enrolled in nonresident districts.

(b) Aid paid to a district serving nonresidents must be increased by an amount equal to the revenue amount per actual pupil unit of the nonresident district times the number of pupil units of nonresident pupils enrolled in the district.

(c) If the amount of the reduction to be made from the aid of a district is greater than the amount of aid otherwise due the district, the excess reduction must be made from other state aids due the district.

Sec. 12. Minnesota Statutes 1990, section 124A.036, subdivision 5, is amended to read:

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Subd. 5. **ALTERNATIVE ATTENDANCE PROGRAMS.** The general education aid for districts must be adjusted for each pupil, excluding a handicapped pupil as defined in section 120.03 or a nonhandicapped pupil as defined by section 120.181, attending a nonresident district under sections 120.062, 120.075, 120.0751, 120.0752, ~~123.3515~~, 124C.45 to 124C.48, and 126.22. The adjustments must be made according to this subdivision.

(a) General education aid paid to a resident district must be reduced by an amount equal to the general education revenue exclusive of compensatory revenue attributable to the pupil in the resident district.

(b) General education aid paid to a district serving a pupil in programs listed in this subdivision shall be increased by an amount equal to the general education revenue exclusive of compensatory revenue attributable to the pupil in the nonresident district.

(c) If the amount of the reduction to be made from the general education aid of the resident district is greater than the amount of general education aid otherwise due the district, the excess reduction must be made from other state aids due the district.

(d) The district of residence shall pay tuition to a district providing special instruction and services to a handicapped pupil, as defined in section 120.03, who is enrolled in a program listed in this subdivision. The tuition shall be equal to (1) the actual cost of providing special instruction and services to the pupil, including a proportionate amount for debt service and for capital expenditure facilities and equipment, and debt service but not including any amount for transportation, minus (2) the amount of special education aid, attributable to that pupil, that is received by the district providing special instruction and services.

(e) An area learning center operated by an educational cooperative service unit, intermediate district, education district, or a joint powers cooperative may elect through the action of the constituent boards to charge tuition for nonhandicapped pupils rather than to calculate general education aid adjustments under paragraph (a), (b), or (c). The tuition must be equal to the average general education revenue per pupil unit attributable to the student, or the average per pupil cost of operating the area learning center, whichever is less.

Sec. 13. Minnesota Statutes 1990, section 125.032, subdivision 2, is amended to read:

Subd. 2. **EXCEPTIONS.** A person who teaches in a community education program which qualifies for aid pursuant to section 124.26 shall continue to meet licensure requirements as a teacher. A person who teaches in an early childhood and family education program which is offered through a community education program and which qualifies for per capita community education aid pursuant to section ~~124.271~~ 124.2713 or early childhood and family education aid pursuant to section 124.2711 shall continue to meet licensure requirements

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as a teacher. A person who teaches in a community education course which is offered for credit for graduation to persons under 18 years of age shall continue to meet licensure requirements as a teacher. A person who teaches a driver training course which is offered through a community education program to persons under 18 years of age shall be licensed by the board of teaching. A license which is required for an instructor in a community education program pursuant to this subdivision shall not be construed to bring an individual within the definition of a teacher for purposes of section 125.12, subdivision 1, or section 125.17, subdivision 1, clause (a).

Sec. 14. Minnesota Statutes 1990, section 127.19, is amended to read:

**127.19 OFFICERS, TEACHERS; NEGLECT OF DUTY; PENALTY.**

Any school officer, truant officer, public or nonpublic school teacher, principal, district superintendent, or person providing instruction other than a parent refusing, willfully failing, or neglecting to perform any duty imposed by sections 120.101 to ~~120.103~~ and ~~120.104~~ to ~~120.16~~ 120.14 is guilty of a misdemeanor; and, upon conviction, shall be punished for each offense by a fine of not more than \$10 or by imprisonment for not more than ten days. All fines, when collected, shall be paid into the county treasury for the benefit of the school district in which the offense is committed.

Sec. 15. Minnesota Statutes 1990, section 144.49, subdivision 8, is amended to read:

Subd. 8. **FALSE STATEMENTS IN REPORTS.** Any person lawfully engaged in the practice of healing who willfully makes any false statement in any report required to be made pursuant to ~~sections 144.424 to~~ section 144.45 is guilty of a misdemeanor.

Sec. 16. Minnesota Statutes 1990, section 222.63, subdivision 4, is amended to read:

Subd. 4. **DISPOSITION PERMITTED.** The commissioner may lease any rail line or right-of-way held in the state rail bank or enter into an agreement with any person for the operation of any rail line or right-of-way for any of the purposes set forth in subdivision 2 in accordance with a fee schedule to be developed by the commissioner ~~in consultation with the advisory task force established in section 222.65.~~ The commissioner may ~~after consultation~~ convey any rail line or right-of-way, for consideration or for no consideration and upon other terms as the commissioner may determine to be in the public interest, to any other state agency or to a governmental subdivision of the state having power by law to utilize it for any of the purposes set forth in subdivision 2.

Sec. 17. Minnesota Statutes 1990, section 256.035, subdivision 8, is amended to read:

Subd. 8. **CHILD CARE.** The commissioner shall ensure that each Minne-

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sota family investment plan caregiver who is a parent in transitional status and who needs assistance with child care costs to independently pursue self-sufficiency or comply with the terms of a contract with the county agency receives a child care subsidy through child care money earmarked for the Minnesota family investment plan. The subsidy must cover all actual child care costs for eligible hours up to the maximum rate allowed under ~~sections~~ section 256H.15 and 256H.16. A caregiver who is a parent who leaves the program as a result of increased earnings from employment and who needs child care assistance to remain employed is entitled to extended child care assistance as provided under United States Code, title 42, section 602(g)(1)(A)(ii).

Sec. 18. Minnesota Statutes 1990, section 268.38, subdivision 12, is amended to read:

Subd. 12. **LICENSING REQUIREMENTS NOT APPLICABLE.** The requirements of sections 245A.01 to 245A.16 do not apply to transitional housing and support services funded under this section unless the commissioner of human services determines that the program is primarily a residential ~~facility~~ program within the meaning of section ~~245.782~~ 245A.02, subdivision 6 14.

Sec. 19. Minnesota Statutes 1990, section 273.1392, is amended to read:

273.1392 **PAYMENT; SCHOOL DISTRICTS; COUNTIES.**

(1) **AIDS TO SCHOOL DISTRICTS.** The amounts of conservation tax credits under section 273.119; disaster or emergency reimbursement under section 273.123; attached machinery aid under section 273.138; homestead credit under section 273.13; ~~agricultural credit under section 273.132~~; aids and credits under section 273.1398; enterprise zone property credit payments under section 469.171; and metropolitan agricultural preserve reduction under section 473H.10, shall be certified to the department of education by the department of revenue. The amounts so certified shall be paid according to section 124.195, subdivisions 6 and 10.

(2) **AIDS TO COUNTIES.** The amounts of human services aid increase determined under section 273.1398, subdivision 5b, shall be deposited in a human services aid account hereby created as an account within the state's general fund. The amount within the account shall annually be transferred to the department of human services by the department of revenue. The amounts so transferred shall be paid according to section 256.025.

Sec. 20. Minnesota Statutes 1990, section 275.065, subdivision 1, is amended to read:

Subdivision 1. **PROPOSED LEVY.** Notwithstanding any law or charter to the contrary, on or before September 1, each taxing authority, other than a school district, shall adopt a proposed budget and each taxing authority shall certify to the county auditor the proposed or, in the case of a town, the final property tax levy for taxes payable in the following year. If the board of estimate

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and taxation or any similar board that establishes maximum tax levies for taxing jurisdictions within a first class city certifies the maximum property tax levies for funds under its jurisdiction by charter to the county auditor by September 1, the city shall be deemed to have certified its levies for those taxing jurisdictions. For purposes of this section, "taxing authority" includes all home rule and statutory cities, towns, counties, school districts, and special taxing districts. The commissioner of revenue shall determine what constitutes a special taxing district for purposes of this section. Intermediate school districts that levy a tax under chapter 136D, joint powers boards established under sections 124.491 to ~~124.496~~ 124.495, and common school districts No. 323, Franconia, and No. 815, Prinsburg, are special taxing districts for purposes of this section.

Sec. 21. Minnesota Statutes 1990, section 290A.04, subdivision 2h, is amended to read:

Subd. 2h. (a) If the gross property taxes payable on a homestead increase more than ten percent over the net property taxes payable in the prior year on the same property that is owned by the same owner in both years, and the amount of that increase is \$40 or more for taxes payable in 1990 and 1991, \$60 or more for taxes payable in 1992, \$80 or more for taxes payable in 1993, and \$100 or more for taxes payable in 1994, a claimant who is a homeowner shall be allowed an additional refund equal to the sum of (1) 75 percent of the first \$250 of the amount of the increase over ten percent for taxes payable in 1990 and 1991, 75 percent of the first \$275 of the amount of the increase over ten percent for taxes payable in 1992, 75 percent of the first \$300 of the amount of the increase over ten percent for taxes payable in 1993, and 75 percent of the first \$325 of the amount of the increase over ten percent for taxes payable in 1994, and (2) 90 percent of the amount of the increase over ten percent plus \$250 for taxes payable in 1990 and 1991, 90 percent of the amount of the increase over ten percent plus \$275 for taxes payable in 1992, 90 percent of the amount of the increase over ten percent plus \$300 for taxes payable in 1993, and 90 percent of the amount of the increase over ten percent plus \$325 for taxes payable in 1994. This subdivision shall not apply to any increase in the gross property taxes payable attributable to improvements made to the homestead after the assessment date for the prior year's taxes.

(b) For purposes of this subdivision, the following terms have the meanings given:

(1) "Net property taxes payable" means property taxes payable after reductions made under sections 273.13, subdivisions 22 and 23; ~~273.132~~; 273.135; 273.1391; and 273.42, subdivision 2, and any other state paid property tax credits and after the deduction of tax refund amounts for which the claimant qualifies pursuant to subdivision 2 and this subdivision.

(2) "Gross property taxes" means net property taxes payable determined without regard to the refund allowed under this subdivision.

(c) In addition to the other proofs required by this chapter, each claimant

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under this subdivision shall file with the property tax refund return a copy of the property tax statement for taxes payable in the preceding year or other documents required by the commissioner.

On or before December 1, 1990, and December 1 of each of the following three years, the commissioner shall estimate the cost of making the payments provided by this subdivision for taxes payable in the following year. Notwithstanding the open appropriation provision of section 290A.23, if the estimated total refund claims exceed the following amounts for the taxes payable year designated, the commissioner shall increase the dollar amount of tax increase which must occur before a taxpayer qualifies for a refund so that the estimated total refund claims do not exceed the appropriation limit.

Taxes payable in:	Appropriation limit
1991	\$13,000,000
1992	\$6,500,000
1993	\$6,000,000
1994	\$5,500,000

The determinations of the revised thresholds by the commissioner are not rules subject to chapter 14.

Sec. 22. Minnesota Statutes 1990, section 299A.24, subdivision 1, is amended to read:

Subdivision 1. **ESTABLISHMENT OF COUNCIL.** A child abuse prevention council may be established in any county or group of counties that was eligible to receive funds under Minnesota Statutes 1986, section 145.917 as of January 1, 1986. A council organized in such a county or group of counties shall be authorized by the commissioner to review programs seeking trust fund money on finding that the council meets the criteria in this subdivision:

(a) The council has submitted a plan for the prevention of child abuse that includes a survey of programs and services, assesses the need for additional programs or services, and demonstrates that standards and procedures have been established to ensure that funds will be distributed and used according to Laws 1986, chapter 423.

(b) A single-county council shall consist of:

(1) members of a multidisciplinary child protection team which must be established under section 626.558; and

(2) if necessary, enough additional members appointed by the county with knowledge in the area of child abuse so that a majority of the council is composed of members who do not represent public agencies.

(c) A multicounty council shall be selected by the combined membership of those multidisciplinary teams which have been established in the counties under section 626.558 and shall consist of:

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(1) one representative each from local human services agencies, county attorney offices, county sheriff offices, and health and education agencies, chosen from among the membership of all the teams;

(2) one representative from any other public agency group represented among the combined teams; and

(3) enough additional members from the public who have knowledge in the area of child abuse so that a majority of the council is composed of members who do not represent public agencies.

(d) In any multicounty group eligible to establish a council under this subdivision, at least 50 percent of the counties must have established a multidisciplinary team under section 626.558 before a council may be established.

Sec. 23. Minnesota Statutes 1990, section 299F.361, subdivision 1, is amended to read:

Subdivision 1. There shall be provided and installed in each apartment of a multiple unit residence building containing four or more apartments, at least one fire extinguisher complying with the standards prescribed by ~~section 299F.36~~ the state fire code and with a rating of not less than 1A-10BC, as defined by the National Fire Protection Pamphlet No. 10, or there shall be provided and installed within 50 feet of each apartment entrance at least one fire extinguisher complying with the standards prescribed by ~~section 299F.36~~ the state fire code and with a rating of not less than 2A-10BC as defined by the National Fire Protection Pamphlet No. 10.

Sec. 24. Minnesota Statutes 1990, section 356.215, subdivision 4d, is amended to read:

Subd. 4d. **INTEREST AND SALARY ASSUMPTIONS.** For funds governed by chapters 3A, 352, 352B, 352C, 353, 353C, 354 ~~other than the variable annuity fund governed by section 354.62~~, and 490, the actuarial valuation shall use a preretirement interest assumption of 8.5 percent, a postretirement interest assumption of five percent, and an assumption that in each future year the salary on which a retirement or other benefit is based is 1.065 multiplied by the salary for the preceding year. For funds governed by chapter 354A, the actuarial valuation shall use preretirement and postretirement assumptions of 8.5 percent and an assumption that in each future year the salary on which a retirement or other benefit is based is 1.065 multiplied by the salary for the preceding year, but the actuarial valuation shall reflect the payment of postretirement adjustments to retirees shall be based on the methods specified in the bylaws of the fund as approved by the legislature. For all other funds, the actuarial valuation shall use a preretirement interest assumption of five percent, a postretirement interest assumption of five percent, and an assumption that in each future year the salary on which a retirement or other benefit is based is 1.035 multiplied by the salary for the preceding year.

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For funds governed by chapters 3A, 352C, and 490, the actuarial valuation shall use a preretirement interest assumption of 8.5 percent, a postretirement interest assumption of five percent, and an assumption that in each future year in which the salary amount payable is not determinable from section 3.099, 15A.081, subdivision 6, or 15A.083, subdivision 1, whichever is applicable, or from applicable compensation council recommendations under section 15A.082, the salary on which a retirement or other benefit is based is 1.065 multiplied by the known or computed salary for the preceding year, whichever is applicable.

Sec. 25. Minnesota Statutes 1990, section 423.806, subdivision 1, is amended to read:

Subdivision 1. These funds are derived from the following sources:

- (a) Gifts made for that purpose;
- (b) Rewards received by members;
- (c) Moneys which comes into the possession of members which remains unclaimed for six months;
- (d) Proceeds from sales of property which comes into the possession of members and which remains unclaimed for three months, which property shall be sold by the chief of police;
- (e) Contributions made by members through payroll deduction, the amount of which shall be specified in the bylaws of the relief association;
- (f) All moneys derived from ~~taxations~~ taxation, as provided by section ~~423.807~~ 69.77;
- (g) Moneys in the special fund of the relief association maintained by the association and all interest thereon or gains therefrom;
- (h) Any other income allowed by law.

Sec. 26. Minnesota Statutes 1990, section 446A.10, subdivision 2, is amended to read:

Subd. 2. **OTHER RESPONSIBILITIES.** (a) The responsibilities for the health care equipment loan program under Minnesota Statutes 1986, section 116M.07, subdivisions 7a, 7b, and 7c; the public school energy conservation loan program under section 216C.37; and the district heating and qualified energy improvement loan program under section 216C.36, are transferred from the Minnesota energy and economic development authority to the Minnesota public facilities authority. The commissioner of public service shall continue to administer the municipal energy grant and loan programs under section 216C.36 and the school energy loan program under section 216C.37 until the commissioner of trade and economic development has adopted rules to implement the financial administration of the programs as provided under sections 216C.36, subdivisions 2, 3b, 3c, 8, 8a, and 11, and 216C.37, subdivisions 1 and 8.

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(b) Except as otherwise provided in this paragraph, section 15.039 applies to the transfer of responsibilities. The transfer includes 8-1/2 positions from the financial management division of the department of trade and economic development to the community development division of the department of trade and economic development. The commissioner of trade and economic development and the commissioner of public service shall determine which classified and unclassified positions associated with the responsibilities of the grant and loan programs under section 216C.36 and the school energy loan program under section 216C.37 are transferred to the commissioner of public service and which positions are transferred to the commissioner of trade and economic development in order to carry out the purposes of Laws 1987, chapter 386, article 3.

Sec. 27. Minnesota Statutes 1990, section 469.129, subdivision 1, is amended to read:

Subdivision 1. **GENERAL OBLIGATION BONDS.** The governing body may authorize, issue, and sell general obligation bonds to finance the acquisition and betterment of real and personal property needed to carry out the development program within the development district together with all relocation costs incidental thereto. The bonds shall mature within 30 years from the date of issue and shall be issued in accordance with sections 475.51, 475.53, 475.54, 475.55, 475.56, 475.60, 475.61, 475.62, 475.63, 475.65, 475.66, 475.69, and 475.70; and 475.74. All tax increments received by the city pursuant to Minnesota Statutes 1978, section 472A.08, shall be pledged for the payment of these bonds and used to reduce or cancel the taxes otherwise required to be extended for that purpose. The bonds shall not be included when computing the city's net debt. Bonds shall not be issued under this paragraph subsequent to August 1, 1979.

Sec. 28. Minnesota Statutes 1990, 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 ~~176B.01, subdivision 2~~ public safety officer, as defined in section 299A.41, subdivision 4, a recovery in any action at law or authorized by statute.

Sec. 29. **REPEALER.**

Minnesota Statutes 1990, sections 103I.005, subdivision 18; and 124.47, are repealed.

Presented to the governor May 23, 1991

Signed by the governor May 27, 1991, 10:35 p.m.

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