

funded by the issuance of general obligation bonds as provided for in Minnesota Statutes, section 41B.19. The \$5,000,000 authorized in this subdivision is part of the \$50,000,000 bond authorization provided for in section 41B.19, subdivision 1. The bonds must be issued and sold in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and the Minnesota Constitution, article XI. Bond maturity should be matched to the terms of the loans made under this program. The legislature determines that the bonds are being issued to develop the state's agricultural resources by extending credit on real estate security.

Sec. 13. **APPROPRIATION.**

\$50,000 is appropriated from the general fund for agricultural information centers to be divided equally between the centers in Wadena and Detroit Lakes.

Sec. 14. **REPEALER.**

1992 S.F. No. 2728, if enacted, is repealed.

Sec. 15. **EFFECTIVE DATE.**

Section 3 is effective July 1, 1992. Sections 5 to 9, 12 and 13 are effective the day following final enactment. Section 4 is effective August 1, 1992, except that the rulemaking authority granted to the commissioner of agriculture is effective the day following final enactment.

Presented to the governor April 17, 1992

Signed by the governor April 29, 1992, 8:41 a.m.

**CHAPTER 603—S.F.No. 2795**

*An act relating to legislative enactments; providing for the correction of miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors of a noncontroversial nature; amending Minnesota Statutes 1990, sections 18B.26, subdivision 3, as amended; 124.155, subdivision 1, as amended; 148B.21, subdivision 7, as added; 169.965, subdivision 8, as added; 256.936, subdivision 2a, as added; 256B.431, subdivision 17, as added; 275.125, subdivision 6k, as added; and 477A.015; Minnesota Statutes 1991 Supplement, sections 16A.711, subdivision 5, as added; 124A.03, subdivision 2b, as added; 256.969, subdivisions 20, as amended, and 21, as amended; 275.065, subdivision 6, as amended; 275.125, subdivision 6j, as amended; and 302A.402, subdivision 3; Laws 1992, chapter 382, section 8; 1992 House File 1701, by adding sections; House File 1849, article 10, section 28; House File 2121, article 1, section 20; article 5, section 37; article 6, section 39; article 8, sections 32 and 33; House File 2147, section 3, subdivision 9; House File 2694, article 4, section 59, subdivision 3; article 5, section 2, subdivision 2; and section 12; article 7, sections 132 and 137; House File 2800, article 1, section 6, subdivision 5; sections 9 and 10; House File 2940, article 1, section 3; article 3, section 10; and article 8, by adding a section.*

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

Section 1. Minnesota Statutes 1991 Supplement, section 302A.402, subdivision 3, is amended to read:

**Subd. 3. BY ACTION OF BOARD ALONE; FILING OF ARTICLES OF AMENDMENT.** (a) Subject to the restrictions provided in subdivision 2 or any restrictions in the articles, a share dividend, division, or combination may be effected by action of the board alone, without the approval of shareholders under sections 302A.135 and 302A.137. In effecting a division or combination under this subdivision, the board may amend the articles to increase or decrease the par value of shares, increase or decrease the number of authorized shares, and make any other change necessary or appropriate to assure that the rights or preferences of the holders of outstanding shares of any class or series will not be adversely affected by the division or combination.

(b) If a division or combination that includes an amendment of the articles is effected under this subdivision, then articles of amendment must be prepared that contain the information required by section 302A.139 and a statement that the amendment will not adversely affect the rights or preferences of the holders of outstanding shares of any class or series and will not result in the percentage of authorized shares that remains unissued after the division or combination exceeding the percentage of authorized shares that were ~~issued~~ unissued before the division or combination.

Sec. 2. **CORRECTION 73; DAKOTA COUNTY.** 1992 H.F. 1701, if enacted, is amended by adding a section to read:

**Sec. 23. DAKOTA COUNTY; TRANSPORTATION PLANNING.**

Subdivision 1. The Dakota county regional railroad authority may transfer any available money of the authority generated by local property tax levies and state grants, including money in capital accounts, to Dakota county to be expended to meet other transportation purposes. The commissioner of transportation shall amend any contract with Dakota county providing funds for light rail transit purposes under Laws 1989, chapter 269, section 2, subdivision 3, to allow the county to use the funds for purposes consistent with this section.

Subd. 2. This section takes effect the day following final enactment.

Sec. 3. Minnesota Statutes 1990, section 169.965, subdivision 8, as added by 1992 H.F. No. 2694, article 1, section 21, is amended to read:

**Subd. 8. ALLOCATION OF FINES.** The fines collected in Hennepin, St. Louis, and Stevens counties shall be paid into the treasury of the University of Minnesota, except that the portion of the fines necessary to cover all costs and disbursements incurred in processing and prosecuting the violations in the court shall be ~~transferred to~~ retained by the court administrator in Hennepin and St. Louis counties and by the city of Morris in Stevens county.

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Sec. 4. **CORRECTION 71; RAILROADS.** 1992 H.F. No. 1701, if enacted, is amended by adding a section to read:

Sec. 22. **EFFECTIVE DATE.**

This act takes effect the day after final enactment.

Sec. 5. **CORRECTION 51.** Minnesota Statutes 1990, section 148B.21, subdivision 7, as added by Laws 1992, chapter 460, section 14, is amended to read:

Subd. 7. **ESTABLISHMENT OF CANDIDACY STATUS.** (a) The board may issue a practice permit to an applicant in the following situations, provided the applicant meets all other requirements for licensure:

(1) the applicant has applied to take the first examination for licensure given by the board following either graduation or anticipated graduation from an accredited program of social work; or

(2) the applicant is licensed or certified to practice social work in Minnesota or another jurisdiction, meets the requirements in section 148B.24, ~~has or~~ is intending to establish a residence practice in Minnesota before being able to take the next examination for licensure given by the board, and has applied to take the same examination.

(b) The practice permit is valid until the board takes final action on the application, which shall occur within 60 days of the board's receipt of the applicant's examination results. The board, at its discretion, may extend the practice permit if the applicant fails to pass or take the examination. If the board determines that an extension of the practice permit is not warranted, the applicant must cease practicing social work immediately.

(c) An applicant who obtains a practice permit, and who has applied for a level of licensure which requires supervision upon licensure, may practice social work only under the supervision of a licensed social worker who is eligible to provide supervision under section 148B.18, subdivision 12. The applicant's supervisor must provide evidence to the board, before the applicant is approved by the board for licensure, that the applicant has practiced social work under supervision. This supervision will not apply toward the supervision requirement required after licensure.

Sec. 6. **CORRECTION 52; EDUCATION AIDS.** 1992 H.F. No. 2121, article 8, section 33, if enacted, is amended to read:

Sec. 33. **STATE BOARD GRADUATION RULE.**

The state board of education shall report to the education committees of the legislature a progress report about the proposed high school graduation rule by February 1, 1993, and a final report about the proposed rule by January 1, 1994. Notwithstanding Minnesota Statutes, section 121.11, subdivision 12, the state board of education may continue its proceedings to adopt a graduation rule but

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must not take final action under Minnesota Statutes, sections 14.131 to 14.20 to adopt the rule before July 1, 1994. The 180-day time limit in Minnesota Statutes, section 14.19, does not apply to the rule.

Sec. 7. **CORRECTION 52; EDUCATION AIDS.** Minnesota Statutes 1990, section 275.125, subdivision 6k, as added by 1992 H.F. No. 2121, article 7, section 12, is amended to read:

Subd. 6k. **HEALTH INSURANCE LEVY.** (a) A school district may levy the amount necessary to make employer contributions for insurance for retired employees under this subdivision. Notwithstanding section 121.904, 50 percent of the amount levied shall be recognized as revenue for the fiscal year in which the levy is certified. This levy shall not be considered in computing the aid reduction under section 124.155.

(b) The school board of a joint vocational technical district formed under sections 136C.60 to 136C.69 and the school board of a school district may provide employer-paid hospital, medical, and dental benefits to a person who:

(1) is eligible for employer-paid insurance under collective bargaining agreements or personnel plans in effect on the day before the effective date of this section;

(2) has at least 25 years of service credit in the public pension plan of which the person is a member on the day before retirement or, in the case of a teacher, has a total of at least 25 years of service credit in the teachers retirement association, a first-class city teacher retirement fund, or any combination of these;

(3) upon retirement is immediately eligible for a retirement annuity;

(4) is at least 55 and not yet 65 years of age; and

(5) retires on or after May 15, 1992, and before July 21, 1992.

A school board paying insurance under this subdivision may not exclude any eligible employees.

(c) An employee who is eligible both for the health insurance benefit under this subdivision and for an early retirement incentive under a collective bargaining agreement or personnel plan established by the employer must select either the early retirement incentive provided under the collective bargaining agreement personnel plan or the incentive provided under this subdivision, but may not receive both. For purposes of this subdivision, a person retires when the person terminates active employment and applies for retirement benefits. The retired employee is eligible for single and dependent coverages and employer payments to which the person was entitled immediately before retirement, subject to any changes in coverage and employer and employee payments through collective bargaining or personnel plans, for employees in positions equivalent to the position from which the employee retired. The retired employee is not eligible for employer-paid life insurance. Eligibility ceases when the retired

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employee attains the age of 65, or when the employee chooses not to receive the retirement benefits for which the employee has applied, or when the employee is eligible for employer-paid health insurance from a new employer. Coverages must be coordinated with relevant health insurance benefits provided through the federally sponsored Medicare program.

(d) An employee who retires under this subdivision using the rule of 90 must not be included in the calculations required by section 356.85.

(e) Unilateral implementation of this section by a public employer is not an unfair labor practice for purposes of chapter 179A. The authority provided in this subdivision for an employer to pay health insurance costs for certain retired employees is not subject to the limits in section 179A.20, subdivision 2a.

(f) If a school district levies according to this subdivision, it may not also levy according to article 6, section 9 13, for eligible employees.

Sec. 8. **CORRECTION 52; EDUCATION AIDS.** 1992 H.F. No. 2121, article 1, section 20, is amended to read:

**Sec. 20. LOW FUND BALANCE LEVY.**

(a) For 1992 taxes payable in 1993, a district meeting the qualifications in paragraph (b) may levy an amount not to exceed \$40 times the number of actual pupil units in the district in fiscal year 1993.

(b) a district qualifies for a levy under this section if:

(1) its net unappropriated operating fund balance on June 30, 1991, divided by its actual pupil units for fiscal year 1993 is less than \$85;

(2) its adjusted net tax capacity used to compute fiscal year 1993 general education revenue divided by its fiscal year 1993 actual pupil units is less than \$2,100; and

(3) it does not have referendum levy authority under Minnesota Statutes, section 124A.03.

Notwithstanding Minnesota Statutes, section 121.904, or H.F. No. 2121, article 12, section 25, or any other law to the contrary, the entire amount of this levy shall be recognized in the fiscal year in which the levy is certified.

Sec. 9. **CORRECTION 52; EDUCATION AIDS.** 1992 H.F. No. 2121, article 5, section 37, is amended to read:

**Sec. 37. EFFECTIVE DATE.**

Sections 7, 8, 9, 10, 11, 16, 25, 30, 31, 32, 33, and 36 are effective the day following final enactment.

Section 3 is effective the day following final enactment and applies to 1991-1992 and later school years.

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Section 1 is effective July 1, 1992, and applies to school facilities projects submitted to the commissioner on or after July 1, 1992.

Section 4 is effective July 1, 1993.

Sec. 10. **CORRECTION 52; EDUCATION AIDS.** 1992 H.F. No. 2121, article 6, section 39, is amended to read:

Sec. 39. **REPEALER.**

Subdivision 1. **JUNE 1991.** Minnesota Statutes 1990, section 136D.76, subdivision 3; Minnesota Statutes 1991 Supplement, sections 124.2727, subdivisions 1, 2, 3, 4, and 5; and 136D.90, subdivision 2, are repealed as of June 1, 1991.

Subd. 2. **JULY 1, 1992.** Minnesota Statutes 1990, ~~section~~ sections 122.23, subdivisions 16a and 16b, 136D.74, subdivision 3; Laws 1991, chapter 265, article 6, section 64; Laws 1991, chapter 265, article 6, sections 4, 20, 22 to 26, 28, 30 to 33, and 41 to 45, are repealed.

Subd. 3. **EXPIRATION.** Minnesota Statutes 1990, chapter 136D, as amended, sections 121.935, 122.91 to 122.95, 123.351, ~~123.358~~ 123.58, and 124.575, and Minnesota Statutes 1991, sections 124.2721 and 124.2727 expire as of July 1, 1995.

Sec. 11. **CORRECTION 52; EDUCATION AIDS.** Minnesota Statutes 1991 Supplement, section 275.125, subdivision 6j, as amended by 1992 H.F. No. 2121, article 7, section 11, is amended to read:

Subd. 6j. **LEVY FOR CRIME RELATED COSTS.** For taxes levied in 1991 and subsequent years, payable in 1992 and subsequent years, each school district may make a levy on all taxable property located within the school district for the purposes specified in this subdivision. The maximum amount which may be levied for all costs under this subdivision shall be equal to \$1 multiplied by the population of the school district. For purposes of this subdivision, "population" of the school district means the same as contained in section 275.14. The proceeds of the levy must be used for reimbursing the cities and counties who contract with the school district for the following purposes: (1) to pay the costs incurred for the salaries, benefits, and transportation costs of peace officers and sheriffs for liaison services in the district's middle and secondary schools and (2) to pay the costs for a drug abuse prevention program as defined in Minnesota Statutes 1991 Supplement, section 609.101, subdivision 3, paragraph (f) in the elementary schools. The school district must initially attempt to contract for these services with the police department of each city or the sheriff's department of the county within the school district containing the school receiving the services. If a local police department or a county sheriff's department does not wish to provide the necessary services, the district may contract for these services with any other police or sheriff's department located entirely or partially within the school district's boundaries. The levy authorized under this

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subdivision is not included in determining the school district's levy limitations and must be disregarded in computing any overall levy limitations under sections 275.50 to 275.56 of the participating cities or counties.

Sec. 12. **CORRECTION 52; EDUCATION AIDS.** 1992 H.F. No. 2121, article 8, section 32, is amended to read:

**Sec. 32. LEGISLATIVE COMMITMENT TO A RESULTS-ORIENTED GRADUATION RULE.**

The legislature is committed to establishing a rigorous, results-oriented graduation rule for Minnesota's public school students. To that end, the state board of education shall use its rulemaking authority granted under Minnesota Statutes, section 121.11, subdivision 12, to adopt a statewide, results-oriented graduation rule according to the timeline in section ~~34~~ 33. The board shall not prescribe in rule or otherwise the delivery system, form of instruction, or a single statewide form of assessment that local sites must use to meet the requirements contained in the rule.

Sec. 13. **CORRECTION 52; EDUCATION AIDS.** Minnesota Statutes 1991 Supplement, section 124A.03, subdivision 2b, as added by 1992 H.F. No. 2121, article 1, section 14, is amended to read:

Subd. 2b. **REFERENDUM DATE.** In addition to the referenda allowed in subdivision 2, clause ~~(e)~~ (a), the commissioner may authorize a referendum for a different day.

(a) The commissioner may grant authority to a district to hold a referendum on a different day if the district is in statutory operating debt and has an approved plan or has received an extension from the department to file a plan to eliminate the statutory operating debt.

(b) The commissioner must approve, deny, or modify each district's request for a referendum levy on a different day within 60 days of receiving the request from a district.

Sec. 14. **CORRECTION 52; EDUCATION AIDS.** Minnesota Statutes 1990, section 124.155, subdivision 1, as amended by 1992 H.F. No. 2121, article 1, section 6, is amended to read:

Subdivision 1. **AMOUNT OF ADJUSTMENT.** Each year state aids and credits enumerated in subdivision 2 payable to any school district, education district, or secondary vocational cooperative for that fiscal year shall be adjusted, in the order listed, by an amount equal to (1) the amount the district, education district, or secondary vocational cooperative recognized as revenue for the prior fiscal year pursuant to section 121.904, subdivision 4a, clause (b), plus revenue recognized according to section 121.904, subdivision 4e, minus (2) the amount the district recognizes as revenue for the current fiscal year pursuant to section 121.904, subdivision 4a, clause (b), plus revenue recognized according

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to section 121.904, subdivision 4e. For the purposes of making the aid adjustment under this subdivision, the amount the district recognizes as revenue for either the prior fiscal year or the current fiscal year pursuant to section 121.904, subdivision 4a, clause (b), plus revenue recognized according to section 121.904, subdivision 4e, shall not include any amount levied pursuant to sections 124A.03, subdivision 2, and 275.125, subdivisions 5 5i, 6e, 6i, 6k, and 24; article 6, sections 29 and 36; article 12, section 25; and section 20 of this article. Payment from the permanent school fund shall not be adjusted pursuant to this section. The school district shall be notified of the amount of the adjustment made to each payment pursuant to this section.

Sec. 15. **CORRECTION 53; LOCAL AIDS.** Minnesota Statutes 1990, section 477A.015, is amended to read:

**477A.015 PAYMENT DATES.**

The commissioner of revenue shall make the payments of local government aid to affected taxing authorities in two installments on July 20 and December ~~15~~ 26 annually.

The commissioner may pay all or part of the payment due on December ~~15~~ 26 at any time after August 15 upon the request of a city that requests such payment as being necessary for meeting its cash flow needs.

Sec. 16. **CORRECTION 54; AMUSEMENT RIDES.** Laws 1992, chapter 382, section 8, is amended to read:

**Sec. 8. EFFECTIVE DATE.**

Sections 1 to 7 are effective August 1, ~~1991~~ 1992.

Sec. 17. **CORRECTION 55; APPROPRIATIONS.** 1992 H.F. No. 2694, article 5, section 2, subdivision 2, if enacted, is amended to read:

Subd. 2. Human Services Administration	(2,150,000)	(3,939,000)
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Up to \$500,000 may be transferred within the department as the commissioner considers necessary, with the advance approval of the commissioner of finance.

For fiscal year 1993, \$75,000 is appropriated to the commissioner for a cooperative project with Alexandria technical college regarding MAXIS data. If the commissioner and the college jointly develop a feasible project, the commissioner may transfer the \$75,000

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to the college and may transfer summary data from the MAXIS data system to the college for the purpose of developing graphic representation of the data for legislative and executive branch use, as requested, utilizing geographic information systems. For purposes of this section, summary data has the meaning given it in Minnesota Statutes, section 13.02, subdivision 19.

Sec. 18. **CORRECTION 55; APPROPRIATIONS.** 1992 H.F. No. 2694, article 5, section 12, is amended to read:

Sec. 12. **EFFECTIVE DATE.**

Section 11 is effective July 1, 1992. The remaining sections in this article is are effective the day following final enactment.

Sec. 19. **CORRECTION 55; APPROPRIATIONS.** Minnesota Statutes 1990, section 256B.431, subdivision 17, as added by 1992 H.F. No. 2694, article 7, section 99, is amended to read:

Subd. 17. **SPECIAL PROVISIONS FOR MORATORIUM EXCEPTIONS.** (a) Notwithstanding Minnesota Rules, part 9549.0060, subpart 3, for rate periods beginning on October 1, 1992, and for rate years beginning after June 30, 1993, a nursing facility that has completed a renovation, replacement, or upgrading project approved under the moratorium exception process in section 144A.073 shall be reimbursed for costs directly identified to that project as provided in subdivision 16 and this subdivision.

(b) Notwithstanding Minnesota Rules, part 9549.0060, subpart 5, item A, subitems (1) and (3), and subpart 7, item D, allowable interest expense on debt shall include:

(1) interest expense on debt related to the cost of purchasing or replacing depreciable equipment, excluding vehicles, not to exceed six percent of the total historical cost of the project; and

(2) interest expense on debt related to financing or refinancing costs, including costs related to points, loan origination fees, financing charges, legal fees, and title searches; and issuance costs including bond discounts, bond counsel, underwriter's counsel, corporate counsel, printing, and financial forecasts. Allowable debt related to items in this clause shall not exceed seven percent of the total historical cost of the project. To the extent these costs are financed, the straight-line amortization of the costs in this clause is not an allowable cost; and

(3) interest on debt incurred for the establishment of a debt reserve fund, net of the interest earned on the debt reserve fund.

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(c) Debt incurred for costs under paragraph (b) is not subject to Minnesota Rules, part 9549.0060, subpart 5, item A, subitem (5) or (6).

(d) The incremental increase in a nursing facility's rental rate, determined under Minnesota Rules, parts 9549.0010 to 9549.0080, and this section, resulting from the acquisition of allowable capital assets, and allowable debt and interest expense under this subdivision shall be added to its property-related payment rate and shall be effective on the first day of the month following the month in which the moratorium project was completed.

(e) Notwithstanding subdivision 3f, paragraph (a), for rate periods beginning on October 1, 1992, and for rate years beginning after June 30, 1993, the replacement-costs-new per bed limit to be used in Minnesota Rules, part 9549.0060, subpart 4, item B, for a nursing facility that has completed a renovation, replacement, or upgrading project that has been approved under the moratorium exception process in section 144A.073, or that has completed an addition to or replacement of buildings, attached fixtures, or land improvements for which the total historical cost exceeds the lesser of \$150,000 or ten percent of the most recent appraised value, must be \$47,500 per licensed bed in multiple-bed rooms and \$71,250 per licensed bed in a single-bed room. These amounts must be adjusted annually as specified in subdivision 3f, paragraph (a), beginning January 1, 1993.

(f) A nursing facility that completes a project identified in this subdivision and, as of April 17, 1992, has not been mailed a rate notice with a special appraisal for a completed project, or completes a project after April 17, 1992, but before September 1, 1992, may elect either to request a special reappraisal with the corresponding adjustment to the property-related payment rate under the laws in effect on June 30, 1992, or to submit their capital asset and debt information after that date and obtain the property-related payment rate adjustment under this section, but not both.

Sec. 20. **CORRECTION 55; APPROPRIATIONS.** 1992 H.F. No. 2694, article 7, section 132, is amended to read:

Sec. 132. **HEALTH MAINTENANCE ORGANIZATION REIMBURSEMENT.**

Effective October 1, 1992, the commissioner shall adjust rates paid to a health maintenance organization under contract with the commissioner to reflect rate increases provided in Minnesota Statutes, section 256.969, subdivisions 1, 9, ~~and 20~~, and 21, and sections 130 and 131. The adjustment to reflect increases under section 256.969, subdivision 9, must be made on a nondiscounted basis.

Sec. 21. **CORRECTION 55; APPROPRIATIONS.** 1992 H.F. No. 2694, article 7, section 137, is amended to read:

Sec. 137. **EFFECTIVE DATES.**

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Section 39 is effective January 1, 1993.

Section 60 is effective the day following final enactment.

Sections 9, 15, 16, 18 to 21, 25, 27, 46, 82, 123, and 124 are effective October 1, 1992.

Section 42 is effective July 1, 1992, and applies to transfers or payments made on or after that date.

Section 130 is not effective in the event that the health right program is not enacted into law prior to October 1, 1992. In the event the health right program is not enacted into law prior to October 1, 1992, the percentage increase in reimbursement rates scheduled to be effective October 1, 1992, and provided for in section 131 shall not be effective, and the commissioner shall implement, effective October 1, 1992, the rate increases provided in Minnesota Statutes, section 256B.74, subdivision 2 and 5.

\*That portion of section 28 which amends Minnesota Statutes, section 256.9695, subdivision 3, paragraph (c), is effective for admissions occurring on or after October 1, 1992.

The provisions of section 44 relating to prior authorization of drugs are effective for all drugs added to the list of drugs requiring prior authorization on or after July 1, 1992.

Sec. 22. **CORRECTION 56; PESTICIDE FEES.** Minnesota Statutes 1990, section 18B.26, subdivision 3, as amended by 1992 H.F. No. 2694, article 2, section 15, if enacted, is amended to read:

Subd. 3. **APPLICATION FEE.** (a) A registrant shall pay an annual application fee for each pesticide to be registered, and this fee is set at one-tenth of one percent for calendar year 1990, at one-fifth of one percent for calendar year 1991, and at two-fifths of one percent for calendar year 1992 and thereafter of annual gross sales within the state and annual gross sales of pesticides used in the state, with a minimum nonrefundable fee of \$250 plus an additional one-tenth of one percent for each pesticide for which the United States Environmental Protection Agency, Office of Water, has published a Health Advisory Summary by December 1 of the previous year. The registrant shall determine when and which pesticides are sold or used in this state. The registrant shall secure sufficient sales information of pesticides distributed into this state from distributors and dealers, regardless of distributor location, to make a determination. Sales of pesticides in this state and sales of pesticides for use in this state by out-of-state distributors are not exempt and must be included in the registrant's annual report, as required under paragraph (c), and fees shall be paid by the registrant based upon those reported sales. Sales of pesticides in the state for use outside of the state are exempt from the application fee in this paragraph if the registrant properly documents the sale location and distributors. A registrant paying more than the minimum fee shall pay the balance due by March 1 based

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on the gross sales of the pesticide by the registrant for the preceding calendar year. The fee for disinfectants and sanitizers shall be the minimum. The minimum fee is due by December 31 preceding the year for which the application for registration is made. Of the amount collected after calendar year 1990, ~~at least \$500,000~~ \$600,000 per fiscal year must be credited to the waste pesticide account under section 18B.065, subdivision 5, ~~and \$100,000 per fiscal year~~ and the additional amount collected for pesticides with Health Advisory Summaries shall be credited to the agricultural project utilization account under section 116O.13 to be used for pesticide use reduction grants by the agricultural utilization research institute.

(b) An additional fee of \$100 must be paid by the applicant for each pesticide to be registered if the application is a renewal application that is submitted after December 31.

(c) A registrant must annually report to the commissioner the amount and type of each registered pesticide sold, offered for sale, or otherwise distributed in the state. The report shall be filed by March 1 for the previous year's registration. The commissioner shall specify the form of the report and require additional information deemed necessary to determine the amount and type of pesticides annually distributed in the state. The information required shall include the brand name, amount, and formulation of each pesticide sold, offered for sale, or otherwise distributed in the state, but the information collected, if made public, shall be reported in a manner which does not identify a specific brand name in the report.

Sec. 23. **CORRECTION 58; SALES TAX ADMINISTRATION.** 1992 H.F. No. 2940, article 8, is amended by adding a section to read:

Sec. 40. **APPROPRIATION.**

\$110,000 is appropriated from the general fund to the commissioner of revenue for the purpose of administering the city of Ely local sales tax authorized in section 31. This appropriation is contingent upon the passage of a referendum by the city of Ely authorizing the additional tax.

\$110,000 is appropriated from the general fund to the commissioner of revenue for the purpose of administering the city of Thief River Falls local sales tax authorized in section 32. This appropriation is contingent upon the passage of a referendum by the city of Thief River Falls authorizing the additional tax.

Sec. 24. **CORRECTION 59; COUNTY LEVY HEARING.** Minnesota Statutes 1991 Supplement, section 275.065, subdivision 6, as amended by 1992 H.F. No. 2940, article 3, section 7, if enacted, is amended to read:

Subd. 6. **PUBLIC HEARING; ADOPTION OF BUDGET AND LEVY.** Between November 29 and December 20, the governing bodies of the city and county shall each hold a public hearing to adopt its final budget and property tax levy for taxes payable in the following year, and the governing body of the

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school district shall hold a public hearing to review its current budget and adopt its property tax levy for taxes payable in the following year.

At the hearing, the taxing authority, other than a school district, may amend the proposed budget and property tax levy and must adopt a final budget and property tax levy, and the school district may amend the proposed property tax levy and must adopt a final property tax levy.

The property tax levy certified under section 275.07 by a city, county, or school district must not exceed the proposed levy determined under subdivision 1, except by an amount up to the sum of the following amounts:

(1) the amount of a school district levy whose voters approved a referendum to increase taxes under section 124.82, subdivision 3, 124A.03, subdivision 2, or 124B.03, subdivision 2, after the proposed levy was certified;

(2) the amount of a city or county levy approved by the voters under section 275.58 after the proposed levy was certified;

(3) the amount of a levy to pay principal and interest on bonds issued or approved by the voters under section 475.58 after the proposed levy was certified;

(4) the amount of a levy to pay costs due to a natural disaster occurring after the proposed levy was certified, if that amount is approved by the commissioner of revenue under subdivision 6a;

(5) the amount of a levy to pay tort judgments against a taxing authority that become final after the proposed levy was certified, if the amount is approved by the commissioner of revenue under subdivision 6a;

(6) the amount of an increase in levy limits certified to the taxing authority by the commissioner of revenue or the commissioner of education after the proposed levy was certified; and

(7) if not included in the certified levy, any additional amount levied pursuant to section 275.51, subdivision 7, paragraph (b).

At the hearing the percentage increase in property taxes proposed by the taxing authority, if any, and the specific purposes for which property tax revenues are being increased must be discussed. During the discussion, the governing body shall hear comments regarding a proposed increase and explain the reasons for the proposed increase. The public shall be allowed to speak and to ask questions prior to adoption of any measures by the governing body. The governing body, other than the governing body of a school district, shall adopt its final property tax levy prior to adopting its final budget.

If the hearing is not completed on its scheduled date, the taxing authority must announce, prior to adjournment of the hearing, the date, time, and place for the continuation of the hearing. The continued hearing must be held at least five business days but no more than 14 business days after the original hearing.

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The hearing must be held after 5:00 p.m. if scheduled on a day other than Saturday. No hearing may be held on a Sunday. The governing body of a county shall hold its hearing on the ~~first~~ second Tuesday in December each year. The county auditor shall provide for the coordination of hearing dates for all cities and school districts within the county.

By August 15, each school board shall certify to the county auditors of the counties in which the school district is located the dates on which it elects to hold its hearings and any continuations. If a school board does not certify the dates by August 15, the auditor will assign the hearing date. The dates elected or assigned must not conflict with the county hearing dates. By August 20, the county auditor shall notify the clerks of the cities within the county of the dates on which school districts have elected to hold their hearings. At the time a city certifies its proposed levy under subdivision 1 it shall certify the dates on which it elects to hold its hearings and any continuations. The city must not select dates that conflict with the county hearing dates or with those elected by or assigned to the school districts in which the city is located.

Sec. 25. **CORRECTION 60; LOCAL GOVERNMENT TRUST FUND.** 1992 H.F. No. 2940, article 1, section 3, if enacted, is amended to read:

**Sec. 3. [16A.712] LOCAL GOVERNMENT TRUST; APPROPRIATIONS IN FISCAL YEAR 1993 AND SUBSEQUENT YEARS.**

(a) The amounts necessary to make the following payments in fiscal year 1993 and subsequent years are appropriated from the local government trust fund to the commissioner of revenue unless otherwise specified:

(1) attached machinery aid to counties under section 273.138;

(2) in fiscal year 1993 only, supplemental homestead credit under section 273.1391: ~~The school district's supplemental homestead credit shall be appropriated to the commissioner of education;~~

(3) \$560,000 in fiscal year 1993 and \$300,000 annually in fiscal years 1994 and 1995 for tax administration;

(4) \$105,000 annually to the commissioner of finance in fiscal years 1993, 1994, and 1995 to administer the trust fund;

(5) \$25,000 annually to the advisory commission on intergovernmental relations in fiscal years 1993, 1994, and 1995 to pay nonlegislative members' per diem expenses and such other expenses as the commission deems appropriate;

(6) \$350,000 in fiscal year 1993 and \$1,200,000 annually in fiscal years 1994 and 1995 to the intergovernmental information systems advisory council to develop a local government financial reporting system, with the participation and ongoing oversight of the legislative commission on planning and fiscal policy; and

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(7) in fiscal year 1993 only, the transition credit under section 273.1398, subdivision 5, and the disparity reduction credit under section 273.1398, subdivision 4, for school districts. The school districts' transition credit and disparity reduction credit shall be appropriated to the commissioner of education.

(b) In addition, the legislature shall appropriate the rest of the trust fund receipts for fiscal year 1993 and subsequent years to finance intergovernmental aid formulas or programs prescribed by law.

**Sec. 26. CORRECTION 61; LOCAL GOVERNMENT TRUST FUND.** Minnesota Statutes 1991 Supplement, section 16A.711, subdivision 5, as added by 1992 H.F. No. 2940, article 1, section 2, if enacted, is amended to read:

**Subd. 5. ADJUSTMENTS FOR LOCAL GOVERNMENT TRUST FUND REVENUES.** For the second fiscal year of each biennium, the commissioner of revenue shall make adjustments in aid amounts so that the anticipated total obligations of the local government trust fund are equal to anticipated total revenues.

In the event that anticipated total obligations of the trust fund exceed anticipated total revenues, each jurisdiction's aid will be reduced as provided under section 477A.0132. For fiscal year 1993 only, if reductions are necessary in an amount greater than \$6,700,000, the additional reduction for the shortfall beyond \$6,700,000 will be applied only to aids under section 477A.013.

In the event that anticipated total obligations of the trust fund are less than anticipated total revenues, aid amounts for the following programs will be proportionately increased to bring anticipated total expenditures into conformance with anticipated total revenues:

- (1) local government aid and equalization aid under section 477A.013;
- (2) community social services aid under section 256E.06; and
- (3) county criminal justice aid under section 477A.0121.

~~If the commissioner estimates further aid adjustments are necessary after aid amounts have already been certified, but before all aid amounts have been paid, all remaining aid payments will be increased or decreased proportionately.~~

**Sec. 27. CORRECTION 62; PROPOSED PROPERTY TAX NOTICE.** 1992 H.F. No. 2940, article 3, section 10, if enacted, is amended to read:

**Sec. 10. EFFECTIVE DATE.**

Sections 2 to 9 are effective for taxes levied in 1992, payable in 1993, and thereafter except that section 4, paragraph (g), is effective for taxes levied in 1993, payable in 1994, and thereafter. Section 1 is effective for aids paid in 1993 and thereafter.

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Sec. 28. **CORRECTION 63; HEALTH RIGHT.** 1992 H.F. No. 2800, article 1, section 6, subdivision 5, if enacted, is amended to read:

Subd. 5. **CONFLICTS OF INTEREST.** No member may participate or vote in ~~commission board~~ proceedings involving an individual provider, purchaser, or patient, or a specific activity or transaction, if the member has a direct financial interest in the outcome of the ~~commission's board's~~ proceedings other than as an individual consumer of health care services.

Sec. 29. **CORRECTION 63; HEALTH RIGHT.** 1992 H.F. No. 2800, article 1, section 9, if enacted, is amended to read:

Sec. 9. **[62J.19] SUBMISSION OF REGIONAL PLAN TO COMMISSIONER.**

Each regional coordinating ~~organization board~~ shall submit its plan to the commissioner on or before June 30, 1993. In the event that any major provider, provider group or other entity within the region chooses to not participate in the regional planning process, the commissioner may require the participation of that entity in the planning process or adopt other rules or criteria for that entity. In the event that a region fails to submit a plan to the commissioner that satisfactorily promotes the objectives in section 62J.09, subdivisions 1 and 2, or where competing plans and regional coordination ~~organizations boards~~ exist, the commissioner has the authority to establish a public regional coordinating ~~organization board~~ for purposes of establishing a regional plan which will achieve the objectives. The public regional coordinating ~~organization board~~ shall be appointed by the commissioner and under the commissioner's direction.

Sec. 30. **CORRECTION 63; HEALTH RIGHT.** 1992 H.F. No. 2800, article 1, section 10, if enacted, is amended to read:

Sec. 10. **[62J.21] REPORTING TO THE LEGISLATURE.**

The commissioner shall report to the legislature by January 1, 1993 regarding the process being made within each region with respect to the establishment of a regional coordinating ~~organization board~~ and the development of a regional plan. In the event that the commissioner determines that any region is not making reasonable progress or a good-faith commitment towards establishing a regional coordinating ~~organization board~~ and regional plan, the commissioner may establish a public regional board for this purpose. The commissioner's report should also include the issues, if any, raised during the planning process to date and request any appropriate legislative action that would facilitate the planning process.

Sec. 31. **CORRECTION 63; HEALTH RIGHT.** Minnesota Statutes 1990, section 256.936, subdivision 2a, as added by 1992 H.F. No. 2800, article 4, section 4, if enacted, is amended to read:

Subd. 2a. **COVERED HEALTH SERVICES. (a) COVERED SERVICES.**

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"Covered health services" means the health services reimbursed under chapter 256B, with the exception of inpatient hospital services, special education services, private duty nursing services, orthodontic services, medical transportation services, personal care assistant and case management services, hospice care services, nursing home or intermediate care facilities services, inpatient mental health services, outpatient mental health services in excess of \$1,000 per adult enrollee and \$2,500 per child enrollee per 12-month eligibility period, and chemical dependency services. Outpatient mental health services covered under the health right plan are limited to diagnostic assessments, psychological testing, explanation of findings, and individual, family, and group psychotherapy. Medication management by a physician is not subject to the \$1,000 and \$2,500 limitations on outpatient mental health services. Covered health services shall be expanded as provided in this subdivision.

(b) **ALCOHOL AND DRUG DEPENDENCY.** Beginning October 1, 1992, covered health services shall include up to ten hours per year of individual outpatient treatment of alcohol or drug dependency by a qualified health professional or outpatient program. Two hours of group treatment count as one hour of individual treatment.

Persons who may need chemical dependency services under the provisions of this chapter shall be assessed by a local agency as defined under section 254B.01, and under the assessment provisions of section 254A.03, subdivision 3. Persons who are recipients of medical benefits under the provisions of this chapter and who are financially eligible for consolidated chemical dependency treatment fund services provided under the provisions of chapter 254B shall receive chemical dependency treatment services under the provisions of chapter 254B only if:

(1) they have exhausted the chemical dependency benefits offered under this chapter; or

(2) an assessment indicates that they need a level of care not provided under the provisions of this chapter.

(c) **INPATIENT HOSPITAL SERVICES.** Beginning July 1, 1993, covered health services shall include inpatient hospital services, subject to those limitations necessary to coordinate the provision of these services with eligibility under the medical assistance spenddown. The inpatient hospital benefit for adult enrollees not eligible for medical assistance is subject to an annual benefit limit of \$10,000. The commissioner shall provide enrollees with at least 60 days' notice of coverage for inpatient hospital services and any premium increase associated with the inclusion of this benefit.

(d) **EMERGENCY MEDICAL TRANSPORTATION SERVICES.** Beginning July 1, 1993, covered health services shall include emergency medical transportation services.

(e) **FEDERAL WAIVERS AND APPROVALS.** The commissioner shall

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coordinate the provision of hospital inpatient services under the health right plan with enrollee eligibility under the medical assistance spend-down, and shall apply to the secretary of health and human services for any necessary federal waivers or approvals.

(f) **COPAYMENTS AND COINSURANCE.** The health right benefit plan shall include the following copayments and coinsurance requirements:

(1) ten percent for inpatient hospital services for adult enrollees not eligible for medical assistance, subject to an annual out-of-pocket maximum of \$2,000 per individual and \$3,000 per family;

(2) 50 percent for adult dental services, except for preventive services;

(3) \$3 per prescription for adult enrollees; and

(4) \$25 for eyeglasses for adult enrollees.

Enrollees who would be eligible for medical assistance with a spenddown ~~must pay~~ shall be financially responsible for the coinsurance amount up to the spenddown limit or the coinsurance amount, whichever is less, in order to become eligible for the medical assistance program.

Sec. 32. **CORRECTION 64; CRIME BILL.** 1992 H.F. No. 1849, article 10, section 28, if enacted, is amended to read:

Sec. 28. **CHILD ABUSE PREVENTION GRANT.**

The commissioner of ~~human services~~ public safety shall award a grant to a nonprofit, statewide child abuse prevention organization whose primary focus is parent self-help and support. Grant money may be used for one or more of the following activities:

(1) to provide technical assistance and consultation to individuals, organizations, or communities to establish local or regional parent self-help and support organizations for abusive or potentially abusive parents;

(2) to provide coordination and networking among existing parent self-help child abuse prevention organizations;

(3) to recruit, train, and provide leadership for volunteers working in child abuse prevention programs;

(4) to expand and develop child abuse programs throughout the state; or

(5) for statewide educational and public information efforts to increase awareness of the problems and solutions of child abuse.

Sec. 33. **CORRECTION 66; LOCAL GOVERNMENT PURCHASES.** Laws 1992, chapter 380, takes effect the day after final enactment.

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**Sec. 34. CORRECTION 67; MEDICAL ASSISTANCE PAYMENTS.** Minnesota Statutes 1991 Supplement, section 256.969, subdivision 20, as amended by 1992 H.F. No. 2694, article 7, section 26, if enacted, is amended to read:

**Subd. 20. INCREASES IN MEDICAL ASSISTANCE INPATIENT PAYMENTS; CONDITIONS.** (a) Medical assistance inpatient payments shall increase 20 percent for inpatient hospital originally paid admissions, excluding Medicare crossovers, that occurred between July 1, 1988, and December 31, 1990, if: (i) the hospital had 100 or fewer Minnesota medical assistance annualized paid admissions, excluding Medicare crossovers, that were paid by March 1, 1988, for the period January 1, 1987, to June 30, 1987; (ii) the hospital had 100 or fewer licensed beds on March 1, 1988; (iii) the hospital is located in Minnesota; and (iv) the hospital is not located in a city of the first class as defined in section 410.01. For this paragraph, medical assistance does not include general assistance medical care.

(b) Medical assistance inpatient payments shall increase 15 percent for inpatient hospital originally paid admissions, excluding Medicare crossovers, that occurred between July 1, 1988, and December 31, 1990, if: (i) the hospital had more than 100 but fewer than 250 Minnesota medical assistance annualized paid admissions, excluding Medicare crossovers, that were paid by March 1, 1988, for the period January 1, 1987, to June 30, 1987; (ii) the hospital had 100 or fewer licensed beds on March 1, 1988; (iii) the hospital is located in Minnesota; and (iv) the hospital is not located in a city of the first class as defined in section 410.01. For this paragraph, medical assistance does not include general assistance medical care.

(c) Medical assistance inpatient payment rates shall increase 20 percent for inpatient hospital originally paid admissions, excluding Medicare crossovers, that occur on or after October 1, 1992, if: (i) the hospital had 100 or fewer Minnesota medical assistance annualized paid admissions, excluding Medicare crossovers, that were paid by March 1, 1988, for the period January 1, 1987, to June 30, 1987; (ii) the hospital had 100 or fewer licensed beds on March 1, 1988; (iii) the hospital is located in Minnesota; and (iv) the hospital is not located in a city of the first class as defined in section 410.01. For a hospital that qualifies for an adjustment under this paragraph and under subdivision 9, the hospital must be paid the adjustment under subdivision 9 plus any amount by which the adjustment under this paragraph exceeds the adjustment under subdivision 9. For this paragraph, medical assistance does not include general assistance medical care.

(d) Medical assistance inpatient ~~payments~~ payment rates shall increase 15 percent for inpatient hospital originally paid admissions, excluding Medicare crossovers, that occur after September 30, 1992, if: (i) the hospital had more than 100 but fewer than 250 Minnesota medical assistance annualized paid admissions, excluding Medicare crossovers, that were paid by March 1, 1988, for the period January 1, 1987, to June 30, 1987; (ii) the hospital had 100 or

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fewer licensed beds on March 1, 1988; (iii) the hospital is located in Minnesota; and (iv) the hospital is not located in a city of the first class as defined in section 410.01. For a hospital that qualifies for an adjustment under this paragraph and under subdivision 9, the hospital must be paid the adjustment under subdivision 9 plus any amount by which the adjustment under this paragraph exceeds the adjustment under subdivision 9. For this paragraph, medical assistance does not include general assistance medical care.

Sec. 35. **CORRECTION 67; MEDICAL ASSISTANCE RATES.** Minnesota Statutes 1991 Supplement, section 256.969, subdivision 21, as amended by 1992 H.F. No. 2694, article 7, section 27, if enacted, is amended to read:

Subd. 21. **MENTAL HEALTH OR CHEMICAL DEPENDENCY ADMISSIONS; RATES.** ~~Mental health and chemical dependency inpatient hospital services for a hold or commitment ordered by the court~~ Admissions under the general assistance medical care program occurring on or after July 1, 1990, and admissions under medical assistance, excluding general assistance medical care, occurring on or after July 1, 1990, and on or before September 30, 1992, that are classified to a diagnostic category of mental health or chemical dependency shall have rates established according to the methods of subdivision 14, except the per day rate shall be multiplied by a factor of 2, provided that the total of the per day rates shall not exceed the per admission rate. This methodology shall also apply when a hold or commitment is ordered by the court for the days that inpatient hospital services are medically necessary. Stays which are medically necessary for inpatient hospital services and covered by medical assistance shall not be billable to any other governmental entity. Medical necessity shall be determined under criteria established to meet the requirements of section 256B.04, subdivision 15, or 256D.03, subdivision 7, paragraph (b).

Sec. 36. **CORRECTION 68; APPROPRIATION.** 1992 H.F. No. 2694, article 4, section 59, subdivision 3, if enacted, is amended to read:

Subd. 3. **CONDITIONS; COVERAGE.** An employee who is eligible both for the health insurance benefit under this section and for an early retirement incentive under a collective bargaining agreement or personnel plan established by the employer must select either the early retirement incentive in the collective bargaining agreement, or personnel plan, or the incentive provided under this section, but may not receive both. For purposes of this section, a person retires when the person terminates active employment and applies for retirement benefits. The retired employee is eligible for single and dependent coverages and employer payments to which the person was entitled immediately before retirement, subject to any changes in coverage and employer and employee payments through collective bargaining or personnel plans, for employees in positions equivalent to the position from which the employee retired. The retired employee is not eligible for employer-paid life insurance. Eligibility ceases when the retired employee attains the age of 65, or when the employee chooses not to receive the retirement benefits for which the employee has applied, or when the employee is eligible for employer-paid health insurance

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from a new employer. Coverages must be coordinated with relevant health insurance benefits provided through the federally sponsored Medicare program. Nothing in this section obligates, limits, or otherwise affects the right of the University of Minnesota to provide employer-paid hospital, medical, dental benefits, and life insurance to any person.

Sec. 37. **CORRECTION 70; MERCURY.** 1992 H.F. No. 2147, section 3, subdivision 9, if enacted, is amended to read:

Subd. 9. **ENFORCEMENT; GENERATORS OF HOUSEHOLD HAZARDOUS WASTE.** (a) A violation of subdivision 2 or 4, paragraph (a), by a generator of household hazardous waste, as defined in section 115A.96, or a violation of subdivision 8 by a person selling at retail, is not subject to enforcement under section 115.071, subdivision 3.

(b) An administrative penalty imposed under section 116.072 for a violation of subdivision 2 or 4, paragraph (a), by a generator of household hazardous waste, as defined in section 115A.96, or for a violation of subdivision 8 by a person selling at retail, may not exceed \$700.

Presented to the governor April 17, 1992

Signed by the governor April 29, 1992, 11:09 a.m.

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