(b) A prosecutor shall make reasonable efforts to provide advance notice of any change in the schedule of the court proceedings to a victim who has been subpoenaed or requested to testify.

Sec. 13. **[611A.034] SEPARATE WAITING AREAS IN COURTHOUSE.**

The court shall provide a waiting area for victims during court proceedings which is separate from the waiting area used by the defendant, the defendant's relatives, and defense witnesses, if such a waiting area is available and its use is practical. If a separate waiting area for victims is not available or practical, the court shall provide other safeguards to minimize the victim's contact with the defendant, the defendant's relatives, and defense witnesses during court proceedings.

Approved March 25, 1986

CHAPTER 436—S.F.No. 1850

An act relating to state government; expanding when fiscal notes must be prepared; regulating fees for state agency services; providing conditions for certain hydropower developments; amending Minnesota Statutes 1984, section 105.482, subdivisions 8 and 9; and Minnesota Statutes 1985 Supplement, sections 3.981, subdivision 2; 16A.128; and 16A.1281.

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

Section 1. Minnesota Statutes 1985 Supplement, section 3.981, subdivision 2, is amended to read:

Subd. 2. **COSTS MANDATED BY THE STATE.** "Costs mandated by the state" means increased costs that a local agency or a school district is required to incur as a result of:

(a) a law enacted after June 30, 1985, which mandates a new program or an increased level of service of an existing program;

(b) an executive order issued after June 30, 1985, which mandates a new program;

(c) an executive order issued after June 30, 1985, which implements or interprets a state statute and, by this implementation or interpretation, increases program levels above the levels required before July 1, 1985;

(d) a statute enacted after June 30, 1985, or executive order issued after June 30, 1985, which implements or interprets a federal statute or regulation and, by this implementation or interpretation, increases program or service levels above the levels required by this federal statute or regulation;

(e) a statute enacted after June 30, 1985, or executive order issued after June 30, 1985, which implements or interprets a statute or amendment adopted or enacted pursuant to the approval of a statewide ballot measure by the voters and, by this implementation or interpretation, increases program or service levels above the levels required by the ballot measure;

(f) a statute enacted after June 30, 1985, or executive order issued after June 30, 1985, which removes an option previously available to local agencies and thus increases program or service levels or prohibits a specific activity and so forces local agencies to use a more costly alternative to provide a mandated program or service;

(g) a statute enacted after June 30, 1985, or executive order issued after June 30, 1985, which requires that an existing program or service be provided in a shorter time period and thus increases the cost of the program or service;

(h) a statute enacted after June 30, 1985, or executive order issued after June 30, 1985, which adds new requirements to an existing optional program or service and thus increases the cost of the program or service as the local agencies have no reasonable alternatives other than to continue the optional program;

(i) a statute enacted after June 30, 1985, or executive order issued after June 30, 1985, which creates new revenue losses stemming from new property or sales and use tax exemptions; ~~or~~

(j) a statute enacted after June 30, 1985, or executive order issued after June 30, 1985, which requires costs previously incurred at local option that have subsequently been mandated by the state; or

(k) a statute enacted or an executive order issued after the effective date of this section which requires payment of a new fee or increases the amount of an existing fee.

Sec. 2. Minnesota Statutes 1985 Supplement, section 16A.128, is amended to read:

16A.128 **FEE SETTING.**

Subdivision 1. **POLICY.** Agency fees and fee adjustments shall not exceed amounts established by statute. Where amounts are not established by statute, fees shall be established or adjusted as provided in this section.

The legislature, in setting or adjusting fees, or taking actions affecting the setting or adjusting of fees, should attempt to ensure that (1) agency fees and fee adjustments include only those service-related costs that provide a primary benefit to the individual fee payer and (2) service-related costs that benefit the general community are borne by the agency.

Subd. 1a. **APPROVAL.** Fees for accounts for which appropriations are made may not be established or adjusted without the approval of the commis-

sioner. If the fee or fee adjustment is required by law to be fixed by rule, the commissioner's approval must be in the statement of need and reasonableness. These fees must be reviewed each fiscal year. Unless the commissioner determines that the fee must be lower, fees must be set or fee adjustments must be made so the total fees nearly equal the sum of the appropriation for the accounts plus the agency's general support costs, statewide indirect costs, and attorney general costs attributable to the fee function.

Subd. 2. **NO RULEMAKING.** The kinds of fees that need not be fixed by rule unless specifically required by law are:

(1) fees based on actual direct costs of a service;

(2) one-time fees;

(3) fees that produce insignificant revenues;

(4) fees billed within or between state agencies;

(5) fees exempt from commissioner approval; or

(6) fees for admissions to or use of facilities operated by the iron range resources and rehabilitation board, if the fees are set according to prevailing market conditions to recover operating costs.

Subd. 2a. **PROCEDURE.** Other fees not fixed by law must be fixed by rule. ~~The procedure for noncontroversial rules in sections 14.21 to 14.28 may be used except that no public hearing need be held unless 20 percent of the persons who will be required to pay the fee submit to the agency during the 30-day period allowed for comment a written request for a public hearing on the proposed rule. The notice of intention to adopt the rules must state whether a hearing will be held if not required. This procedure may be used only when the total fees estimated for the biennium do not exceed the sum of direct appropriations, indirect costs, transfers in, and salary supplements for that purpose. A public hearing is required to fix fees spent under open appropriations of dedicated receipts~~ according to chapter 14. Before an agency submits notice to the state register of intent to adopt rules that establish or adjust fees, the agency must send a copy of the notice and the proposed rules to the chairs of the house appropriations committee and senate finance committee.

Sec. 3. Minnesota Statutes 1985 Supplement, section 16A.1281, is amended to read:

16A.1281 **REPORT ON LOW OR HIGH FEES.**

Each biennium the commissioner shall review fees collected by agencies. The commissioner shall report on the fees to the commissioner of revenue and to the appropriation and finance committees not later than the date the governor submits the biennial budget to the legislature. The report must analyze the fees that the commissioner believes will be too low or too high in the next biennium

for the service provided. The analysis must take into account the cost of collecting the fee and state the revenue generated by the fees of each agency.

Sec. 4. Minnesota Statutes 1984, section 105.482, subdivision 8, is amended to read:

Subd. 8. **HYDROPOWER GENERATION POLICY; LEASING OF DAMS AND DAM SITES.** Consistent with laws relating to dam construction, reconstruction, repair, and maintenance, the legislature finds that the public health, safety, and welfare of the state is also promoted by the use of state waters to produce hydroelectric or hydromechanical power. Further, the legislature finds that the leasing of existing dams and potential dam sites primarily for such power generation is a valid public purpose. A local governmental unit, or the commissioner of natural resources with the approval of the state executive council, may provide pursuant to a lease or development agreement for the development and operation of dams, dam sites, and hydroelectric or hydromechanical power generation plants owned by the respective government by an individual, a corporation, an organization, or other legal entity upon ~~such~~ terms and conditions ~~as the local governmental unit or the commissioner may negotiate for a period not to exceed 99 years~~ as contained in subdivision 9. For installations of 15,000 kilowatts or less at a dam site and reservoir that is not being used on January 1, 1984 in connection with the production of hydroelectric or hydromechanical power, the lease or development agreement negotiated by the local governmental unit and the developer shall constitute full payment by the lessee and may be in lieu of all real or personal property taxes that might otherwise be due to a local governmental unit. If the dam, dam site, or power generation plant is located in or contiguous to a city or town, other than the lessor governmental unit, the lease or agreement shall not be effective unless it is approved by the governing body of the city or town. For purposes of this subdivision, city means a statutory or home rule charter city.

Sec. 5. Minnesota Statutes 1984, section 105.482, subdivision 9, is amended to read:

Subd. 9. **CONTENTS OF DEVELOPMENT AGREEMENT.** An agreement for the development or redevelopment of a hydropower site may contain, but need not be limited to, the following provisions:

(a) Length of the development agreement, subject to negotiations between the parties but not more than 99 years, and conditions for extension, modification, or termination;

(b) Provisions for a performance bond on the developer, or, certification that the equipment and its installation have a design life at least as long as the lease;

(c) Provisions to assure adequate maintenance and safety in the impoundment structures, if any, and to assure access to recreational sites, if any;

An agreement shall contain provisions to assure the maximum financial return to the local governmental unit or the commissioner of natural resources.

Sec. 6. **EFFECTIVE DATE.**

Section 1 is effective the day following final enactment and applies to all fees established or adjusted after that date. Section 2, subdivision 1, and section 3 are effective the day following final enactment. Section 2, subdivisions 1a, 2, and 2a are effective July 1, 1987, and apply to all fees established or adjusted after that date.

Approved March 25, 1986

CHAPTER 437—S.F.No. 1912

An act relating to intoxicating liquor; authorizing various municipalities to issue on-sale licenses; amending Laws 1973, chapter 663, section 1, as amended by Laws 1974, chapter 335, section 1; repealing Laws 1978, chapter 677.

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

Section 1. **VADNAIS HEIGHTS ON-SALE LICENSES.**

Notwithstanding Minnesota Statutes, section 340A.413, subdivision 1 or 3, or any other law, the city of Vadnais Heights may issue not more than five on-sale intoxicating liquor licenses in addition to the number now permitted by law.

Sec. 2. Laws 1973, chapter 663, section 1, as amended by Laws 1974, chapter 335, section 1, is amended to read:

Section 1. **ST. LOUIS COUNTY; SEASONAL TERM ON-SALE LIQUOR LICENSES.** In addition to the number of licenses permitted ~~pursuant to Minnesota Statutes, Section 340.11, Subdivision 10~~ by law, the county board of St. Louis county may issue ~~not more than ten~~ seasonal on-sale licenses for the sale of intoxicating liquor. The fee for such licenses, which shall be valid for a specified period of not to exceed six months, shall be fixed by the county board. Not more than one license shall be issued for any one premises during any consecutive 12 month period. All other provisions of Minnesota Statutes, ~~Section 340.11, Subdivision 10 governing the issuance of licenses and of~~ chapter ~~340~~ 340A governing the issuance of licenses and the sale of intoxicating liquor shall apply to a license issued pursuant to this act.

Sec. 3. **LITTLE FALLS ON-SALE LICENSES.**

Notwithstanding Minnesota Statutes, section 340A.413, subdivision 1 or 3, or any other law, the city of Little Falls may issue one on-sale intoxicating liquor license in addition to the number now permitted by law.