

may impose other conditions the court considers appropriate, including, but not limited to:

(1) imposing a probation period during which the person may not have ownership, custody, or control of a pet or companion animal;

(2) requiring periodic visits of the person by an animal control officer or agent appointed pursuant to section 343.01, subdivision 1;

(3) requiring performance by the person of community service in a humane facility; and

(4) requiring the person to receive behavioral counseling.

Sec. 2. EFFECTIVE DATE.

This act is effective the day following final enactment.

Presented to the governor March 30, 1990

Signed by the governor April 3, 1990, 8:38 p.m.

CHAPTER 388—S.F.No. 1692

An act relating to public safety; conforming definition of "family or group family day care home" for purposes of fire code enforcement; providing for civil penalty for violation of the Federal Emergency Planning and Community Right To Know Act; abolishing nominal reimbursements for local fire chiefs; abolishing certain regulation of fire extinguishers now regulated under state fire code; abolishing regulation regarding "no smoking" signs which are regulated by state fire code; abolishing regulations relating to fire alarm deactivation requests and notices; abolishing state licensing of, and certain regulation regarding, dry cleaning and dyeing establishments, which are also regulated by state fire code; abolishing certain state licensing and inspection regulations for theaters and halls, which are regulated by the state fire code; amending Minnesota Statutes 1988, section 299F.011, subdivision 4a; Minnesota Statutes 1989 Supplement, section 299K.10, subdivision 6; repealing Minnesota Statutes 1988, sections 299F.34; 299F.36; 299F.38; 299F.453; 299F.454; 299H.211; 299H.22 to 299H.28; and 299I.01 to 299I.24.

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

Section 1. Minnesota Statutes 1988, section 299F.011, subdivision 4a, is amended to read:

Subd. 4a. **FAMILY OR GROUP FAMILY DAY CARE HOME REGULATION.** Notwithstanding any contrary provision of this section, the fire marshal shall not adopt or enforce a rule:

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

(1) establishing staff ratios, age distribution requirements, and limitations on the number of children in care;

(2) regulating the means of egress from family or group family day care homes in addition to the egress rules that apply to the home as a single family dwelling; or

(3) confining family or group family day care home activities to the floor of exit discharge.

For purposes of this subdivision, "family or group family day care home" means a single family dwelling unit in which the day care provider: ~~(1) resides as a member of the household; and~~ (2) provides the services referred to in section 245A.02, subdivision § 10, to one or more persons.

Nothing in this subdivision prohibits the department of human services from adopting or enforcing rules regulating day care, including the subjects in subdivision 4a, clauses (1) and (3). The department may not, however, adopt or enforce a rule stricter than subdivision 4a, clause (2).

The department of human services may by rule adopt procedures for requesting the state fire marshal or a local fire marshal to conduct an inspection of day care homes to ensure compliance with state or local fire codes.

Sec. 2. Minnesota Statutes 1989 Supplement, section 299K.10, subdivision 6, is amended to read:

Subd. 6. **CIVIL PENALTIES.** (a) A violation of the federal act is a violation of state law.

(b) An owner or operator of a facility is liable to the state for civil penalties in the same manner and amount as the owner or operator is liable to the United States under section 11045, subpart (a) ~~and~~, subpart (b), paragraphs (1), (2), and (3), and subpart (c), paragraphs (1) and (2), of the federal act.

(c) The commission may enforce the penalties in state district court in the same manner as the administrator of the United States Environmental Protection Agency may enforce the civil penalties in federal district court under the federal act.

(d) For purposes of this subdivision, each day of continued violation constitutes a separate violation.

Sec. 3. **REPEALER.**

Minnesota Statutes 1988, sections 299F.34, 299F.36, 299F.38, 299F.453, 299F.454, 299H.211, 299H.22, 299H.23, 299H.24, 299H.25, 299H.26, 299H.27, 299H.28, 299I.01, 299I.011, 299I.02, 299I.03, 299I.04, 299I.05, 299I.06, 299I.07, 299I.08, 299I.10, 299I.20, 299I.21, 299I.22, 299I.23, and 299I.24 are repealed.

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

Sec. 4. EFFECTIVE DATE.

Section 2 is effective the day following final enactment for violations committed on and after that date.

Presented to the governor March 30, 1990

Signed by the governor April 3, 1990, 8:39 p.m.

CHAPTER 389—H.F.No. 2156

An act relating to counties; regulating performance bonds; amending Minnesota Statutes 1988, section 375.21, subdivision 1.

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

Section 1. Minnesota Statutes 1988, section 375.21, subdivision 1, is amended to read:

Subdivision 1. When required by the dollar limitations of section 471.345, a contract for work or labor, or to purchase furniture, fixtures, or other property, or to construct or repair roads, bridges, or buildings shall be made by a county board only after advertising for bids or proposals in a qualified legal newspaper of the county. For the purchase of property or for work and labor, two weeks published notice that proposals will be received, stating the time and place, shall be given. For the construction or repair of roads, bridges, or buildings, three weeks published notice shall be given. The notice shall state the time and place of awarding the contract and contain a brief description of the work. Every contract shall be awarded to the lowest responsible bidder and duly executed in writing. The person to whom ~~it~~ a contract is awarded for work or labor or for the construction or repair of roads, bridges, or buildings shall give a sufficient bond to the board for its faithful performance. If no satisfactory bid is received, the board may readvertise.

An advertised standard requirement price contract for supplies or services established by competitive bids may contain an escalation clause and may provide for a negotiated price increase or decrease. The escalation or negotiated change shall be based upon a demonstrable industrywide or regional increase or decrease in the vendor's costs.

Every contract made without compliance with this section is void.

In case of an emergency arising from the destruction or impassability of roads or bridges by floods, rain or snow, or other casualty, or from the breaking or damaging of any property in the county, if the public health, safety, or welfare would suffer by delay, contracts for purchase or repairs may be made without

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