

Section 17 is effective the day following final enactment except that dewatering wells may be constructed and operate down to 45 feet without permits or permit fees required by Minnesota Statutes, chapter 103I, until June 30, 1992.

Presented to the governor April 28, 1990

Signed by the governor May 3, 1990, 5:45 p.m.

### CHAPTER 598—S.F.No. 2317

*An act relating to utilities; providing for the assessment of expenses for adjudicating service area disputes to municipal electric utilities; providing for civil penalties for violations of chapter 237; reestablishing the position of program administrator of the telecommunications access for communication-impaired persons board; extending the electric utility service area task force until 1992; requiring a study; appropriating money; amending Minnesota Statutes 1988, sections 216B.62, subdivision 5; 237.51, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 237.*

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

Section 1. Minnesota Statutes 1988, section 216B.62, subdivision 5, is amended to read:

Subd. 5. The commission and department shall be authorized to charge cooperative electric associations and municipal electric utilities their proportionate share of the expenses incurred in the adjudication of service area disputes and all of the costs incurred in the adjudication of complaints over service standards ~~and~~ practices, and rates. Cooperative electric associations electing to become subject to rate regulation by the commission pursuant to section ~~216B.02~~ 216B.026, subdivision 4, shall also be subject to this section.

#### Sec. 2. [237.461] ENFORCEMENT.

Subdivision 1. ACTIONS. This chapter and rules and orders of the commission adopted under this chapter may be enforced by any one or combination of: criminal prosecution, action to recover civil penalties, injunction, action to compel performance, and other appropriate action.

Subd. 2. CIVIL PENALTY. A person who knowingly and intentionally violates a provision of this chapter or rule or order of the commission adopted under this chapter shall forfeit and pay to the state a penalty, in an amount to be determined by the court, of at least \$100 and not more than \$1,000 for each day of each violation. The civil penalties provided for in this section may be recovered by a civil action brought by the attorney general in the name of the state. Amounts recovered under this section must be paid into the state treasury.

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

Sec. 3. Minnesota Statutes 1988, section 237.51, subdivision 5, is amended to read:

Subd. 5. **DUTIES.** In addition to any duties specified elsewhere in sections 237.51 to 237.56, the board shall:

(1) define economic hardship, special needs, and household criteria so as to determine the priority of eligible applicants for initial distribution of devices and to determine circumstances necessitating provision of more than one communication device per household;

(2) establish a method to verify eligibility requirements;

(3) establish specifications for communication devices to be purchased under section 237.53, subdivision 3;

(4) enter contracts for the establishment and operation of the message relay service pursuant to section 237.54;

(5) inform the public and specifically the community of communication-impaired persons of the program;

(6) prepare the reports required by section 237.55;

(7) administer the fund created in section 237.52;

(8) ~~retain the services~~ reestablish and fill the position of a program administrator in the unclassified service;

(9) adopt rules, including emergency rules, under chapter 14 to implement the provisions of sections 237.50 to 237.56; and

(10) study the potential economic impact of the program on local communication device retailers and dispensers. Notwithstanding any provision of chapter 16B, the board shall develop guidelines for the purchase of some communication devices from local retailers and dispensers if the study determines that otherwise they will be economically harmed by implementation of sections 237.50 to 237.56.

#### Sec. 4. **TASK FORCE.**

The task force established by Laws 1989, chapter 309, is continued until January 31, 1992. The speaker of the house of representatives and the subcommittee on committees of the senate committee on rules and administration shall each appoint five members of their respective houses to the task force. At least one member from each house of the legislature must be a member of the minority caucus. The task force shall consider the results of the study required by section 5 and report its recommendations to the legislature by February 1, 1992.

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

Sec. 5. STUDY.

The department of public service may employ the services of a consultant to study issues raised in the report required by Laws 1989, chapter 309, section 1. The study must focus on the effect of utility capacity on rates, and must attempt to identify procedures and processes to review and coordinate capacity planning by regulated and unregulated utilities so that adequate attention is given not only to ways to meet future demand, but also to forecast and find efficient use for surplus capacity. The public utilities commission shall cooperate with the department on the study. The department may assess the costs of the study to the affected utilities in proportion to their gross operating revenues, but not more than \$200,000 less any amount assessed under Laws 1989, chapter 309, section 1, subdivision 6. The department shall use the proceeds of any assessment under this section to cover its own costs and those incurred by the commission, including the cost of employing a consultant and staff time.

Sec. 6. APPROPRIATION.

Assessments collected under section 5 are appropriated to the department of public service to cover the costs associated with the study required by section 5. The money is available until March 1, 1992. Any money from assessments unexpended on that date remains in the general fund.

Presented to the governor April 28, 1990

Signed by the governor May 3, 1990, 5:47 p.m.

CHAPTER 599—S.F.No. 1813

*An act relating to human services; delaying restrictions on discharges of residents from regional treatment centers to larger community intermediate care facilities; requiring the commissioner to develop a plan; amending the Medicare certification requirement for nursing homes; amending Minnesota Statutes 1989 Supplement, sections 256B.092, subdivision 7; and 256B.48, subdivision 6.*

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

Section 1. Minnesota Statutes 1989 Supplement, section 256B.092, subdivision 7, is amended to read:

Subd. 7. **SCREENING TEAMS ESTABLISHED.** (a) Each county agency shall establish a screening team which, under the direction of the county case manager, shall make an evaluation of need for home and community-based services of persons who are entitled to the level of care provided by an intermediate care facility for persons with mental retardation or related conditions or

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